

REGULAR RUGBY CITY COUNCIL MEETING MINUTES
MONDAY, DECMEBER 7, 2020– 7:30PM
COUNCIL CHAMBERS AND BY GOTOMEETING

Council Members present: Albrecht, Kraft, Bednarz, Berg, LaRocque, and Trottier. Council Members present by GOTOMEETING: Lunde, Longie and Attorney Hartl. Also present were Mayor Steinke and City Auditor Stewart.

Steinke called the meeting to order at 7:30 pm.

Council members recited the Pledge of Allegiance.

Roll call was taken by Steinke.

There was a motion by Kraft to approve the agenda as presented. Second by Albrecht, motion carried.

The council considered the November 2, 2020 meeting minutes. There was a motion by Albrecht to approve the minutes of the November 2, 2020, regular council meeting. Second by Longie, all voting yes, motion carried.

Bills Paid Since Last Meeting of 11/2/2020	\$145,350.67	
11/12/2020 Wire Transfer - to Sioux Falls Truck and Trailer		\$10,015.00
20974 Absolute Exhibits	\$377.50	
20973 B & M Laundry	\$158.06	
20975 Butler Machinery	\$4.18	
20976 Chamber of Commerce	\$550.00	
20977 Convention & Visitors Bureau	\$190.27	
20978 Convention & Visitors Bureau	\$3,161.34	
20979 Dale Klein	\$278.19	
20980 David Bednarz	\$77.05	
20981 Envision	\$673.34	
20982 First District Health Unit	\$75.00	
20983 H. E. Everson Co	\$181.86	
20984 Hawkins Inc.	\$895.48	
20985 HESEB Unlimited	\$37.50	
20986 Home of Economy	\$171.92	
20987 John Deere Financial	\$310.32	
E-CK JP Morgan Chase Bank	\$1,129.88	
20988 Leever's	\$41.01	
20989 Medico	\$129.25	
20990 NAPA	\$467.17	
20991 ND Chiefs of Police Association	\$300.00	
20992 ND Department of Health	\$18.54	
20993 ND League of Cities	\$560.00	
20994 NDTA	\$778.74	
20995 Northern Plains Electric Coop	\$3,387.05	
20996 Otter Tail Power Company	\$8,926.96	

20997	Pierce County Tribune	\$1,489.08
20998	Rugby Broadcasters	\$81.00
20999	Rugby Job Authority	\$21,767.45
21000	Schock's Safe & Lock	\$204.00
21001	Share Corporation	\$122.61
21002	Staples Credit Plan	\$119.29
21003	Troy Munyer	\$100.00
21004	Valli Information Systems	\$649.25
21005	Verizon Wireless	\$80.02
E-CK	Wex Bank	\$242.99
ACH	11/25/2020 Automatic Withdrawal - ND Public Finance Authority / 2015 Water Revenue Bond Payment	\$5,491.67
ACH	Payroll Checks	\$45,170.60
	Social Security	\$7,332.02
	Medicare Taxes	\$1,714.76
	Payroll Taxes	\$5,304.45
21006	AFLAC	\$971.77
ACH	NDPERS	\$410.00
ACH	NDPERS	\$7,627.78
ACH	Sanford Health / NDPERS	\$13,576.32

Grand Total All Bills Submitted for 12/7/2020: \$134,709.60

21007	Acme Tools	\$859.98
21008	Advanced Engineering	\$14,753.50
21009	Alert Magazine	\$205.00
21010	Andrew Hallof	\$100.00
21011	Aqua-Pure, Inc.	\$850.16
21012	B & J Excavating	\$7,578.00
21013	B & M Laundry	\$40.50
21014	Bill Bustin Properties	\$250.12
21015	Black Mountain Software	\$13,535.00
21016	Brad Radomski	\$700.00
21017	Brad's Auto Service & Towing	\$256.00
21018	Candy Munyer	\$100.00
21019	Circle Sanitation	\$29,385.00
21020	Colonial Research Chem Corp	\$1,410.14
21021	Core & Main LP	\$5,506.85
21022	Durward Holman	\$20.98
21023	Ethanol Products	\$1,906.13
21024	Flow Control Automation Inc.	\$22,939.00
21025	Hawkins Inc.	\$3,337.58
21026	Home of Economy	\$20.78
21027	J. P. Cooke Company	\$83.55
21028	Jeff Berdahl	\$295.61
21029	John Deere Financial	\$939.98
21030	Johnson's Plumbing Inc.	\$1,018.84

21031	MARC	\$1,354.76
21032	MBF Drain Tile Systems LLC	\$10,000.00
21033	MEDICO	\$129.25
21034	NAPA	\$336.74
21035	ND DOT	\$3,997.04
21036	ND One Call Concepts	\$10.80
21037	NDTC	\$771.48
21038	Northern Plains Electric Coop	\$3,024.21
21039	Northern States Supply Inc.	\$34.08
21040	Otter Tail Power Co	\$214.47
21041	Petty Cash	\$31.38
21042	Pierce County Auditor	\$3,412.50
21043	POST Board	\$90.00
21044	Productivity Plus	\$37.00
21045	Rebecca Jordan	\$170.00
21046	Robert Spallinger	\$754.39
21047	Rugby Broadcasters Inc.	\$24.00
21048	Rugby Farmers Union Elevator	\$26.00
21049	Rugby Greenhouse	\$44.50
21050	Rugby Hardware Hank	\$1,008.25
21051	Rugby Lumber	\$249.00
21052	Rugby Service Center	\$603.07
21053	Rugby Veterinary Service	\$129.40
21054	Rugby Welding & Machine	\$148.36
21055	Schaan Oil	\$129.90
21056	Staples	\$364.86
21057	Travis or Brenda Halvorson	\$252.12
21058	Verizon Wireless	\$429.34
21059	Water Smith, Inc.	\$840.00

The bills were reviewed by the council. Bills were individually reviewed by Berg and LaRocque. There was a motion by Berg to approve payment of the bills as presented. Second by LaRocque, roll call vote, Albrecht-yes, Lunde-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Longie,-yes, and Trottier-yes, motion carried.

The council considered the purchase of two used dump trucks for the Street Department in the amount of \$131,000. The funds for this are set aside and in the budget. There was a motion by Albrecht to accept the two truck purchases for a total amount of \$131,000 from Sioux Falls Truck and Trailer, Inc. Second by Bednarz, roll call vote, Albrecht-yes, Lunde-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Longie-yes, and Trottier-yes, motion carried.

The financials and budget amendments were reviewed by the council. Stewart presented the cash report, expenditure report and revenue report to the Council. There was a motion by Albrecht to accept the financials and budget amendments as presented. Second by Lunde, roll call vote, Albrecht-yes, Lunde-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Longie-yes, and Trottier-yes, motion carried.

Jim Olson, AE2S, explained that the USDA contract has been sent to the State Engineer. Olson will have more on that next month. The city is still waiting on a response to the SEARCH grant that the city has been applied for. He explained that the 2 ½ Ave plan is being drafted and is 30% complete. He has spoken to Wyatt Hanson, Devils Lake DOT, regarding the permits to cross Hwy 3 by McGuires. He gave an update on the USDA application. He also commented on the ND Clean Water SRF application. This is for sewer and storm sewer projects. He will be submitting that application this week.

Olson addressed dividing the city into four quadrants for utility line replacement of sewer, water and storm water lines. He presented a map of these quadrants to the council. Olson suggested that the beginning phase of this, to determine which quadrant is in the worst condition, would be to televise the lines. He would prefer to begin with quadrant one on the map. He believes this is some of the oldest infrastructure in the city. There was a motion by Bednarz to allow Jim Olson, AE2S, to obtain estimates from televising companies, for zone one on the utility line map. Second by Berg, roll call vote, Albrecht-yes, Lunde-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Longie-yes, and Trottier-yes, motion carried.

Olson briefly discussed that he and Greg Boucher, Water Plant Supervisor, are still looking for a few of the valves along the raw water line.

Olson distributed a document for acceptability of work for contractors. He will bring this to the committee to discuss further. This would apply to areas that are developed by private individuals not the city.

Olson touched on the Prairie Dog Funds that are anticipated to be received by mid-January 2021. Rugby would potentially receive \$500,000, for infrastructure.

Olson reviewed standard operating procedures when executing an acceptability of work document.

Bednarz explained to the council that the Public Works Committee had discussed designating a City Engineer. Bednarz gave a brief history of the work that Jim Olson has done and the questions he has answered for not only Bednarz but other city officials. There was a motion by Bednarz that the city designates AE2S as the City Engineer. Kraft questioned if at some point the city becomes unhappy with their selected engineering firm, what obligations the city has to retain them. Olson explained that if what the city is doing is out of their scope of work or the firm's expertise they would step back and allow the city to go with another engineering firm, if that was the council's wish. Olson explained that as the city engineer, AE2S would speak on the city's behalf in necessary situations and with the council's approval. Having an appointed engineering firm will give city officials a go to point for questions and answers about infrastructure, operations, etc. AE2S will offer solutions and service to the City of Rugby. Seconded by LaRocque. Kraft questioned, should AE2S be appointed the engineer of record for the city would there be any contract that the city would be tied to. Olson explained that other than an Oath of Office, there is no other contract binding the city. He also explained that it makes AE2S proud, to tell their clients, that they are the engineer of record for the City of

Rugby. Kraft questioned how the discussion of appointing AE2S as the city engineer came up. Bednarz explained that he and LaRocque had issues with the drain tile project and Olson had been there through it all to help them. Bednarz also explained how much help Olson had been prior to that situation. Kraft questioned if the city puts out a project request for proposal and wishes to reach out to other firms, how would that impact the appointed city engineer. Olson explained that the city council has every right to do that, however he and his firm would question where they made a mistake that the city would be looking for a different firm to complete a project. However, it is the council's decision to move forward with a different engineering firm.

Berg questioned if Interstate Engineering, in the past, had been the engineer of record for the city. Steinke explained that they had not; the city had just been using them for projects. Steinke called for a vote, all voting yes, motion carried.

Steinke swore in Jim Olson, AE2S, as the City Engineer. Olson thanked the Council.

The council considered the Convention and Visitors Bureau November 5, 2020 and December 3, 2020 minutes and financials. There was a motion by Albrecht to approve the Convention and Visitors Bureau November 5, 2020 and December 3, 2020 minutes and financials. Second by Kraft, all voting yes, motion carried.

Recreation Committee- Kraft questioned the ball diamonds fence and if there was a gate on the fence? He also questioned if there was poles that had been bent or just 50' of fence that needs to be repaired. Austin Harles, MBF Drain Tile, whom attend the meeting by phone, confirmed that there were a couple of poles. Bednarz explained he had taken photographs and sent them to Dakota Fence to get an estimate for this evening in the amount of \$4,500. Trottier questioned what part of the fence the contractor is taking responsibility for? Harles explained that the first damage that occurred was at the fence near Diamond 2. The trencher pulled the fence and bent the pole. He contacted Mr. Bednarz after this occurred. Harles then explained that on the northwest side of Diamond 1 they bumped into the fence when back dragging. Kraft questioned if Harles had attempted to repair any of the fences? Harles acknowledged he had not. He then indicated he could repair the fence.

Harles explained that he was attempting to stay within the estimated amount for the work he was completing and wished to trade the overages of the extra drain tile with the use of the city Bobcat. Harles explained that the tile overages were 3,841 feet for the laterals and he installed the drain tile at a cost of \$2.86-\$2.88 per foot. Harles wanted to trade the use of the Bobcat straight up for the additional tile. Steinke questioned what amount of the project Harles believes he has completed. He explained that 100% of the tile is installed. Diamond 2 has three hours of work left. The northwest field he added 50 yards of top soil. Diamond 3 and the practice field need to be dragged. He explained the two north fields will be ready for seed tomorrow. He anticipated Diamond 3 would be ready for seed on Wednesday. He would return in the spring to add additional seed and mulch. He explained that the city would be responsible to follow a strict watering schedule in the spring which he will describe in an email yet to come.

Bednarz clarified that Harles will no longer be able to use the city Bobcat. He wanted to remind Harles that he will need to bring his own equipment when he returns to work at the diamonds. Harles acknowledged that he no longer needs the city Bobcat.

Steinke shed light that this project was done off an estimate, with no expectations or specifications from both parties and now Harles is expecting the city to adhere to a strict watering schedule? She explained that the city does not have a sprinkler system at the recreation grounds. Harles eluded that Berg and Troy Munyer, Street and Sewer Supervisor, had indicated they had a water truck they could use to water the grounds. Harles also pointed out that there was a fire hydrant on the grounds and that could be utilized for watering. Steinke questioned how the city would stick to a “strict watering schedule” from that. Harles explained that the seed would need to maintain a dampness to grow. Harles recommended watering the seed twice a day for 30 minutes to maintain the dampness. He will complete dormant seeding this winter so that in the spring he will know what spots haven’t began to grow and can reseed. He explained that Berg had told him they would be bringing in lime which would help level things off. LaRocque questioned how much settling Harles expected. Harles indicated that he does not expect a lot of settling; sporadic at most. LaRocque stated that in the spring there should not be much settling, but come August there would be settling. Harles disagreed with this.

Bednarz questioned Harles as to the start of the project in September. Harles explained that he had given the estimate September 5 and it was a couple weeks before the city accepted his estimate. He had to order the tile and line up the equipment which took a couple of weeks. His trencher wasn’t rented till October 5 and the materials were not delivered timely. Berg added that the city accepted the estimate on September 16, 2020.

Bednarz expressed his concern that the sod was cut and then left to die. Harles claims that the sod would have come back if there had not been a blizzard the first week they began trenching. Steinke asked for clarification on the date of the blizzard? He said it was the first couple of weeks in October. Harles explained he is willing to do the extra landscaping and seeding to get the fields in shape at no extra cost to the city. LaRocque asked if that was when we received the 1 ½ of snow? Steinke commented that the most snow that Rugby had received is 1 ½ and no blizzard.

Lunde questioned Berg as to his overall satisfaction of this project? Berg explained that the tile is in the ground and Harles is working on the landscaping. Lunde questioned if the project was now up to his expectations? Berg believes that Harles will get the job done. Steinke asked Berg if he was satisfied paying Harles \$10,000 now that the committee had previously recommended. Berg indicated he was unsure why the \$10,000 hasn’t already been paid out to Harles.

Albrecht questioned Harles when he stated he is “eating the cost of restoration because he couldn’t do it like he said he would” but the email to the city he stated “in exchange for the restoration services if we would lend him the use of the Bobcat and a truck...”. Harles explained that this was prior to the overages of the drain tile with sock instead of the un-socked tile, as well as the cities decision to put rock in the ground.

Lunde questioned if the damages to the fence and the Bobcat were all in Harles consideration. Lunde asked if the damage to the fence had been done by Harles or his company. Harles explained that two sections of the fence he had damaged. Steinke questioned Jamie Wald, Recreation Manager, as to what damages were caused by Harles. Wald indicated there were four new spots of damage.

Steinke reminded the council that they still must deal with the request of the committee to pay Harles \$10,000. Thus far \$2,500 has been paid to Harles and \$7,300 to Goltz Farms. Kraft feels that Harles deserves the opportunity to repair the fence. Trottier questioned who will determine if things are satisfactory or the quality of work that Harles is performing. Harles indicated they are on the last 5% of the job. Steinke wants to ensure that in the spring the fields are not wavy.

Berg asked if AE2S could look at the field and determine if the project is satisfactory. Olson could do that, however he did not see the tile being installed to know how the work was completed. Olson would like to meet with Harles and Bednarz to walk the grounds and see what has been done. Olson pointed out that he did see tile in the trenches that was up and down and not level. Olson did speak to Harles weeks back and had told him that he should have started with 1,500 lineal feet and had the council approve that before he tore up all of the sod on the diamonds. Olson believes that Harles could have approached a lot of this project better and there is no way to know how the tile will function in the spring. Olson explained that the estimate from MBF Drain Tile was open-ended. This left Harles the latitude and the city to do what they want or add what they wish, because there is no contract. Olson requested a receipt for the additional 3,841 feet of tile be emailed to the City Auditor. Harles indicated he would do that.

Kraft questioned if the council is still considering paying Harles \$10,000 and that he does have additional money owed as well. He suggested that they pay him \$10,000 now and address the balance in January and retain a portion. There was a motion by Kraft to pay MBF Drain Tile \$10,000 now and review the remaining balance in January. Trottier agreed Harles needs to be paid something. He also believes the city has a responsibility to ensure that this does not occur again. He demanded a check and balances system moving forward with specific agreements and details for projects. Trottier believes that moving forward, with the help of Olson, the city must develop policy to do better in the future. He feels that project updates and coordination meetings are essential. He also questioned what the city policy is on use of city equipment. He questioned who is responsible for the surprises in the spring, the city? Second by Trottier, roll call vote, all voting yes, motion carried.

Finance Committee: The committee reviewed the 2021 Rugby Broadcasters Advertising Schedule. There was a motion by Trottier to approve the 2021 Rugby Broadcasters Advertising schedule. Second by Lunde, roll call vote, all voting yes, motion carried.

Kraft explained he had spoken to Jamie Wald, Recreation Manager, and questioned if the Recreation Committee had discussed paying her something other than hourly. Bednarz explained they had and they had decided to pay her salary for 2021, which Finance will discuss in January. Wald told the committee last spring that she wished to be salary due to the difficulty to track the minutes she is working. At that time the committee had decided to pay her hourly.

Wald expressed the amount of time she has put forth for the Babe Ruth Tournament this year as well as for the program. She does not want to beg for a salary but believes she should be compensated. Kraft explained the importance of having someone like Wald who puts in the time and goes above and beyond to do the job. Trottier questioned what position Jamie Wald has with the city and her duties. Wald explained her duties to the council.

Bednarz suggested that \$1,000 per month be paid to Wald for 5 months of work. Trottier would like clarification, from an auditor standpoint, to ensure that paying Wald a salary is run by the City Attorney and auditing firm. Chief Rose questioned what other positions in the city are salary. The JDA Executive Director is the only salaried employee. Wald is willing to sit down with the Recreation Committee and arrive at a fair salary. Wald is willing to volunteer some of her time.

Albrecht expressed the difficulty she believes it would be to record hours for Wald. She feels that the committee should sit down with Wald and arrive at a wage. It was determined that Wald will sit down with the Recreation Committee next week to arrive at a wage.

Public Works: Chairman Bednarz explained they are busy cleaning up leaves and are looking to install an overhead door on the north end of the city shop.

Public Safety Committee: Trottier explained he spoke to Dr. McNeff about the parking situation around the school during drop off. McNeff did not feel there was any problem with the situation.

Munyer informed the council that they will be removing the street light in front of White Drug tomorrow as it was hit and is damaged.

Building: Chairman Berg explained that the Armory is currently being used by the school for practices. Berg questioned if the Armory could be open in the mornings for a time to allow older citizens to walk. LaRocque explained he had received a call from an elderly person who utilizes the Armory in the winter to walk. He has reviewed the schools contract for the Armory and does not see an exclusive use for the school. He recommended the Armory be open from 7am to 11am daily. There was a motion by LaRocque to allow the Armory to be opened for walking, daily from 7:00am-11:00am. Second by Kraft, majority voting yes, motion carried.

The easements from Brosz Engineering were discussed by the committee. This is for easements for the Hwy 3 Project to be completed in 2021. Steinke explained that the comparable sales are in line. Zach Gaaskjolen and Ann Taylor, both from Brosz Engineering, attended the meeting by GOTOMEETING. He explained all but one of the easements were temporary and would go away after construction. The permanent easement is on the west side of Hwy 3, across from McGuires, and Gaaskjolen stated that McGuires could still be allowed to park cars there once the project is complete. Per the motion made at a previous council meeting, Steinke will sign those documents and have them returned to Brosz Engineering.

The council reviewed correspondence and a bid from Mark Ostrem regarding a re-bid of the agricultural parcel from last month that resulted in a tie bid. Both bidders were given the opportunity to re-bid the property. Mr. Ostrem was the only bid received. In his correspondence he addresses that the 10.3 acre parcel cannot be accessed without crossing his property to the

north. He suggested that in the future the bid be for both the 10.3 acre parcel and the 4.9 acre parcel. He also resubmitted a bid for the 10.3 acres at \$41 per acre. Attorney Hartl explained that while this parcel has been bid out separately this time, he would advise the council in the future to combine the parcels for the purpose of bidding them out. There was a motion by Albrecht to accept Mark Ostrem's bid on parcel 2694020 of 10.3 acres of \$41 per acre. Second by Kraft, roll call vote, all voting yes, motion carried.

Steinke opened the one bid for the land rental of parcels 1931002-64 acres, 1956001- 73 acres, and 1995001- 20 acres. The bid was received from Joe Bohl in the amounts per parcel 1931002-64 acres, \$1530, 1956001-73 acres, \$1750 and 1995001-20 acres, \$210. There was a motion by Berg to accept the bids from Joe Bohl for the three parcels. Second by Trottier, roll call vote, all voting yes, motion carried.

Mayor Steinke opened the fuel bids received.

1. Harper Oil submitted a bid for gas, diesel, and fuel oil for \$.10 discount per gallon on all products from 1/1/21-12/31/21.
2. Hi-Way MVP- ARCO Store submitted a bid for \$.12 off per gallon for gas and diesel for city vehicles for 2021, contingent on using Super Pumper MVP Wex Card.
3. Envision submitted a bid for gas and diesel from the pumps at \$.03 discount from pump price; diesel and gas delivered from the bulk truck at \$.10 discount from daily price and propane at \$.15 discount from daily price.

There was a motion by Kraft to accept all bids received. Second by Berg, roll call vote, all voting yes, motion carried.

The council considered Resolution 2020-5 Pierce County Emergency Operation Plan. This had been tabled at the November meeting. There was a motion by Albrecht to accept Resolution 2020-5 Pierce County Emergency Operation Plan. Second by Bednarz, all voting yes, motion carried.

The council considered the 2021 applications for Alcoholic Beverage Licenses. Attorney Hartl reviewed all of the applications and did not have any discrepancies. There was a motion by Albrecht to accept the 2021 applications for Alcoholic Beverage Licenses. Second by Kraft, all voting yes, motion carried.

The council considered the 2021 city calendar. There was a motion by Kraft to approve the 2021 city calendar as presented. Second by Albrecht, all voting yes, motion carried.

The council considered two abatement applications. The first one was for Kenneth and Kathleen Houim for Whites 2nd Addition, Lots 24-25-26-27-28 Blk 12, for a correction on the assessment. The second was for Travis and Brenda Halvorson for Lot 10 Blk 2 Southview Estates for a clerical error. There was a motion by Albrecht to approve both applications for abatement. Second by Berg, all voting yes, motion carried.

Steinke reviewed the special meetings and reminders.

Kraft questioned if the sewer line repair that will occur with the 2 ½ Ave project will happen before the DOT completes a mill and overlay of Hwy 3. Olson explained that they do not plan to open cut that repair, so it should not bother the roadway.

City offices will be closed December 25, 2020 for the Holiday. City Hall will be closed December 24, 2020 as the employees are taking vacation that day.

Olson extended an invitation for the council and employees to have a lunch catered to City Hall on Thursday, December 10.

There being no further business to transact or come before the Council at this time, there was a motion by Albrecht to adjourn the Council Meeting. Second by LaRocque, all voting yes, motion carried. Meeting adjourned at 9:56p.m.

Susan Steinke, Mayor

ATTEST: _____
Jennifer Stewart, City Auditor

Date Approved