

**RUGBY CITY COUNCIL
REGULAR MEETING
MONDAY, MAY 4, 2020– 7:30PM
VIRTUALLY BY GOTOMEETING**

Council Members present: Albrecht, Kraft, Bednarz, LaRocque, Berg, Longie and Melgaard. Also present were Mayor Steinke, City Attorney Hartl and City Auditor Stewart. Absent was Rheault.

Steinke called the meeting to order at 7:00 pm.

Council members recited the Pledge of Allegiance.

Roll call was taken by Steinke.

There were no amendments, additions or deletions to the agenda.

There was a motion by Albrecht to approve the minutes of the March 23, 2020, special council meeting. Second by Kraft, all voting yes, motion carried.

There was a motion by Albrecht to approve the minutes of the April 6, 2020, regular council meeting. Second by Berg, all voting yes, motion carried.

There was a motion by Kraft to approve the minutes of the April 14, 2020, special council meeting. Second by LaRocque, all voting yes, motion carried.

Grand total of all bills paid after 04/06/2020 meeting: \$154,550.81

20470 B & M Laundry	\$84.11
20471 City of Bottineau	\$36.25
20472 CNA Surety	\$50.00
20473 Convention & Visitors Bureau	\$22,602.65
20474 David Bednarz	\$149.50
20475 Envision	\$1,172.80
20476 Hawkins Inc.	\$866.95
20477 ND Dept. of Health/Chemistry	\$18.54
20478 Otter Tail Power Company	\$10,493.61
20479 Pierce County Tribune	\$1,417.83
20480 Preston Laskowski	\$500.00
20481 Rugby Job Authority	\$19,095.98
20482 Team Lab	\$1,361.00
20483 Valli Information Systems	\$632.50
20484 Verizon Wireless	\$80.02
20485 Wex Bank	\$389.62
ACH Payroll Checks	\$49,768.94
ACH Social Security	\$8,192.34
ACH Medicare Taxes	\$1,915.96
ACH Payroll Taxes	\$6,244.18
20486 AFLAC	\$938.88
20487 ND State Disbursement	\$463.00

20488	Dayton Denning	\$3,404.04
ACH	NDPERS	\$385.00
ACH	NDPERS	\$8,203.51
ACH	Sanford Health / NDPERS	\$16,083.60

Grand Total All Bills Submitted for 05/04/2020: \$63,196.66

20489	Acme Tools	\$22.99
20491	ALEX Air Apparatus Inc.	\$584.00
20492	Aqua Pure Inc.	\$3,750.00
20493	ATCO International	\$186.62
20494	Brad's Towing & Auto Repair	\$157.99
20495	Circle Sanitation	\$18,465.75
20496	D & S Motors	\$267.30
20497	Dakota Fire Extinguisher	\$327.36
20498	Daryl's Refrigeration LLC	\$413.00
20499	Dave's Carpentry Service	\$3,300.00
20500	Ethanol Products	\$1,374.77
20501	First District Health Unit	\$75.00
20502	G & P Commercial Sales Inc.	\$851.72
20503	Harper Oil Co	\$2,234.00
20504	Heart of America Medical Center	\$124.92
20505	Integrated Process Solutions	\$3,094.38
20506	Johnson's Plumbing	\$162.78
20507	Killoran Trucking & Brokerage Inc.	\$6,046.75
20508	Lathem Time	\$666.00
20509	ND One Call Concepts	\$21.60
20510	ND Peace Officers Assoc	\$40.00
20511	Northern States Supply Inc.	\$126.82
20512	Petty Cash	\$29.05
20513	Pierce County Auditor	\$3,412.50
20514	Pierce County Tribune	\$779.04
20515	Power Plan	\$3,000.00
20516	Praetorian Digital	\$470.00
20517	Robert R. Spallinger	\$853.37
20518	Rugby Amateur Hockey Assoc.	\$2,700.00
20519	Rugby Broadcasters	\$24.00
20520	Rugby Hardware Hank	\$511.89
20521	Rugby Lumber	\$2,260.60
20522	Rugby Sanitation	\$21.67
20523	Rugby Service Center	\$474.05
20524	Rugby Veterinary Services	\$185.77
20525	Rugby Welding & Machine	\$56.57
20526	Schock's Safe & Lock Inc.	\$17.00
20527	Secretary of State	\$36.00
20528	Souris Basin Planning Council	\$300.00
20529	Staples	\$236.77

20530 Team Lab	\$5,135.00
20531 Verizon Wireless	\$399.63

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

The financials were reviewed by the council. Stewart gave an update of the funds through April 2020. There was a motion by Melgaard to approve the financials as presented. Second by Bednarz, roll call vote, Albrecht-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried.

The council considered the April 2020 Municipal Judges Report. There was a motion by Kraft to approve the April 2020 Municipal Judges Report. Second by Berg, all voting yes, motion carried.

The council reviewed the JDA minutes and financials. Liz Heisey, JDA Executive Director, explained that she has spent a lot of time getting the word out to local and small business regarding the programs available due to COVID-19. There was a motion by Albrecht to approve the JDA minutes and financials as presented. Second by Kraft, roll call vote, Albrecht-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried.

The Convention and Visitors Bureau February 2020 minutes were reviewed by the council. Steinke briefly reviewed the minutes with the council. Kraft added that an offer to a potential new Executive Director has been made and the individual is expected to begin June 1. There was a motion by Bednarz to accept the CVB February 2020 minutes. Second by Kraft, all voting yes, motion carried.

The council considered the Police Week Proclamation – May 10-16, 2020. There was a motion by Albrecht to approve the Police Week Proclamation. Second by LaRocque, all voting yes, motion carried.

The council considered the Emergency Medical Services Week Proclamation – May 17-23, 2020. There was a motion by LaRocque to approve the Emergency Medical Services Week Proclamation. Second by Kraft, all voting yes, motion carried.

The council reviewed and considered Task Order #2 from Advanced Engineering. Kraft explained that the Finance Committee had reviewed this to allow the city to contact AE2S for services when necessary. This allows the Public Works Departments to complete some of the necessary things that would not have to be held up waiting for a committee or council to meet on. Bednarz questioned if there was a dollar amount on the Task Order, but there was not. The Task Order references an exhibit that was not attached, however the exhibit listed a number of services and the price per hour that would be billable. Steinke explained that this arose when Greg Boucher, Water Plant Supervisor, had to contact AE2S regarding some water lines coming into town. This would allow the supervisors flexibility to get answers to questions that they

need. There was a motion by Albrecht to accept Task Order #2 from AE2S. Second by Bednarz, roll call vote, Albrecht-yes, Kraft-yes, Bednarz-yes, Berg-yes, Longie-yes, LaRocque-yes, Melgaard-yes, motion carried.

The second reading of Ordinance 424 was held. Ordinance 424 is amending Chapter 2.36 Planning Commission of the city ordinances. There was a motion by Albrecht to approve the second reading of Ordinance 424. Second by Kraft, all voting yes, motion carried.

The council considered the North Dakota Floodplain Permit, regarding the Hwy 3 underpass drainage project that will occur near the Wentz Canal. Kraft explained that there was no reason to deny the permit. Steinke concurred that the work on the Hwy 3 storm drains is necessary. There was a motion by Albrecht to accept the North Dakota Floodplain Permit. Second by Berg, all voting yes, motion carried.

The Utility Billing Policy for Private Mobile Home Courts was reviewed by the council. Berg questioned if this allowed the mobile home court owner to remove water meters as people moved in and out of the mobile home courts, instead of the city employees doing so. Kraft agreed that this is the case. There was a motion by Berg to approve the Utility Billing Policy for Private Mobile Home Courts. Second by LaRocque, all voting yes, motion carried.

Recreation Committee: Chairman Berg explained that they will make a decision on the future season at the May committee meeting. If there is not a baseball season, they are looking to install drain tile at the ball diamonds this year.

Finance Committee: Chairman Longie explained that they had reviewed the 2019 All Seasons Water Users true-up. They reviewed the 2021 department budget requests. The committee had discussed and recommended a 2% COLA and the \$.35 longevity pay increases for 2021. They also reviewed the recommendation from the Recreation Committee to allow a \$.50 per year increase for seasonal employees who return 5 years and beyond. The current seasonal pay scale caps the wage beginning the fifth year. Berg explained that Recreation had asked for the cap to be removed so that employees, whom continue to return each year, would be eligible for a pay increase.

Ordinance Committee: Chairman Kraft explained that they had worked on Ordinance 424. Stewart explained that they had discussed hiring a Law Student Intern to review the Muni-Code Ordinance revisions. They had discussed the differences in Commercial 2 and Light Industrial Zoning. They also looked at editing the conditional use permit and putting a term of a 1 year renewal on it.

Public Works Committee: Chairman Bednarz explained that Troy Munyer, Street and Sewer Supervisor, had contacted B & J Excavating and Schneider Custom Hauling for bids to address the condition of the Eastside Plaza entry. When Chalmers Addition was constructed, the city obtained an easement over this property to dig in a line. The landowners are now claiming that the city has not maintained the driveway appropriately. Public Works will discuss what to do once they receive the bids. Bednarz explained that one of the grass hauling trailers had been piled 10 feet high with tree branches. The grass clipping trailers are for grass and leaves only.

Boucher has been replacing fire hydrants and the alleys have been getting bladed and graveled where necessary. Bednarz informed the council that the Street and Sewer Department will be working on patching Highway 3.

Buildings Committee: Chairman Berg explained that they have a bid ad out for the Armory Caretaker position.

LaRocque questioned Attorney Hartl as to what had been decided regarding Judge Hurly's sewer line that is shared with his south neighbor. Hartl explained that city hall had record of a demolition permit for a house (where the current Barbra Austin property is) as well as a building permit for a new double garage. This was for Mr. Leier, whom owned the properties at that time. Leier sold to Cameron. Mr. Cameron converted the double garage into a home, and did not obtain a building permit from the city. Therefore, Hartl concluded that the city had no knowledge, nor notice, that the property in question shared a sewer system. Hartl explained that Judge Hurly expected that when Mr. Cameron sold the south garage/home, the city would have had to approve the transaction since the sewer system was shared. However, because the city was unaware of the shared sewer system, the transaction coming before the city was not the case. Hartl believes that Judge Hurly will be working out something with his neighbor to the south whom owns the garage/house.

The council considered a request from Rugby Public Schools to be allowed to possibly hold graduation ceremonies at the city ball diamond property either May 22, 23 or 24. There was a motion by Kraft to allow RPS to utilize the city ball diamonds for graduation. Second by Albrecht, all voting yes, motion carried.

Steinke explained that the Executive Session is in regards to the Zachmeier v. City of Rugby, et al, Case No. 35-2019-CV-00083 by NDCC § 44-04-19.1 authority.

There was a motion by Albrecht that the City Council consults with its attorney in executive session under N.D.C.C. §44-04-19.1 to receive and discuss advice regarding the Zachmeier v. City of Rugby, et al, Case No: 35-2019-CV-83. Second by Berg, roll call vote, Albrecht-yes, Kraft-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried.

City Council went to Executive Session at 8:30pm.

There being no further business to transact or come before the Council at this time, there was a motion by Berg to adjourn the Executive Session as well as the Council Meeting. Second by LaRocque, all voting yes, motion carried. Meeting adjourned at 10:02p.m.

ATTEST: _____
Jennifer Stewart, City Auditor

APPROVED: _____
Susan Steinke, Mayor

DATE APPROVED: _____