

**RUGBY CITY COUNCIL
REGULAR MEETING
MONDAY, JULY 6, 2020– 7:30PM
COUNCIL CHAMBERS OR BY GOTOMEETING**

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

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 Albrecht to approve the agenda as presented. Second by Lunde, all voting yes, motion carried.

There was a motion by Albrecht to approve the minutes of the June 1, 2020, regular council meeting. Second by Bednarz, all voting yes, motion carried.

There was a motion by LaRocque to approve the minutes of the June 23, 2020, special council meeting. Second by Berg, all voting yes, motion carried.

Steinke swore Sara Radomski in as Park Board Member.

Grand total of all bills paid after 06/01/2020 meeting: \$136,392.74

20581	Convention & Visitors Bureau	\$2,083.16
20582	Andrew Hallof	\$40.00
20583	B & M Laundry	\$61.38
20584	Bonnie Berginski	\$149.50
20585	Convention & Visitors Bureau	\$663.32
20586	Curtis or MaryAnn Wahl	\$90.00
20587	Envision	\$1,579.77
20588	First District Health Unit	\$30.00
20589	H. E. Everson Inc.	\$135.39
20590	Hawkins	\$3,747.88
20591	Heart of America Library	\$6,967.98
20592	iDesign	\$412.50
20593	John Deere Financial	\$68.49
20594	Johnson's Plumbing	\$299.66
e-ck	JP Morgan Chase Bank/P-Card	\$1,662.41
20595	Kelly Malaterre	\$180.00
20596	LaserZip	\$44.00
20597	Leevers Foods	\$18.13
20598	MARC	\$213.90
20599	MEDICO	\$258.50
20600	Melody Cox	\$35.00
20601	NAPA	\$837.63

20602	ND Dept of Health / Chemistry	\$18.54
20603	ND Dept of Environmental Quality	\$45.00
20604	ND One Call Concepts	\$46.80
20605	ND Sewage Pump & Lift Station	\$1,735.00
20606	ND Telephone Company	\$738.70
20607	Northern Plains Electric Coop	\$3,176.37
20608	Otter Tail Power Company	\$10,859.77
20609	Pete Salwey	\$5,495.00
20610	Pierce County Tribune	\$1,315.59
20611	Rugby Farmers Union Elevator	\$31.20
20612	Rugby Hardware Hank	\$443.86
20613	Rugby Job Authority	\$15,264.40
20614	Rugby Park District	\$1,066.00
20615	Sanitation Products Inc.	\$1,024.99
20616	Staples	\$104.94
20617	Valli Information Systems	\$632.44
20618	Verizon Wireless	\$80.02
20619	Wells Fargo Bank	\$750.00
e-ck	Wex Bank	\$379.95
20622	P.O.S.T. Board	\$45.00
ACH	Payroll Checks	\$86,516.44
	Social Security	\$13,381.88
	Medicare Taxes	\$3,129.64
	Payroll Taxes	\$8,648.78
20620	AFLAC	\$938.88
ACH	NDPERS	\$385.00
ACH	NDPERS	\$7,520.26
ACH	Sanford Health / NDPERS	\$13,576.32
20621	State Tax Commissioner	\$2,295.54
Grand Total All Bills Submitted for 07/06/2020: \$		118,780.66
20623	Acme Tools	\$467.76
20624	Advanced Engineering	\$1,148.75
20625	Alex Air Apparatus	\$234.00
20626	Anna Johnson	\$70.00
20627	B & J Excavating	\$5,800.00
20628	Bonnie Berginski	\$232.03
20629	Brad's Auto Service & Towing	\$84.00
20630	Brady Martz & Associates	\$10,000.00
20631	BSN Sports	\$4,391.70
20632	Circle Sanitation	\$36,135.50
20633	D & S Motors	\$103.43
20634	Dave Bednarz	\$74.75
20635	Envision	\$1,204.80
20636	Erik Foster	\$100.00
20637	Ethanol Products	\$1,555.84

20638	First District Health Unit	\$75.00
20639	G & P Commercial Sales	\$652.40
20640	H. E. Everson	\$270.86
20641	Harper Oil Co	\$1,252.50
20642	Hunter Hager	\$70.00
20643	Idesign	\$55.00
20644	Integrated Process Solutions	\$4,120.08
20645	Ironhide Equipment Inc.	\$3,000.00
20646	JEMCO/MaxAir Sales & Svc	\$707.87
20647	Jeremy Johnston	\$150.00
20648	John Deere Financial	\$29.78
20649	Johnson's Plumbing	\$609.39
20650	JS Wholesale & Vending	\$1,838.90
20651	Killoran Trucking & Brokerage Inc.	\$6,094.25
20652	Leevers Foods	\$560.24
20653	Logan Harner	\$50.00
20654	MEDICO	\$270.25
20655	ND One Call	\$34.80
20656	NDTC	\$925.40
20657	Northern Improvement Co	\$733.86
20658	Northern Plains Electric Coop	\$4,405.49
20659	Petty Cash	\$44.85
20660	Pierce County Auditor	\$3,412.50
20661	Pierce County Tribune	\$1,695.23
20662	Precision Autobody	\$58.90
20663	Recreation Supply Company	\$197.87
20664	Robert Spallinger	\$1,403.73
20665	Rugby Broadcasters	\$328.00
20666	Rugby Farmers Union Elevator	\$68.00
20667	Rugby Hardware Hank	\$3,473.51
20668	Rugby Lumber	\$77.15
20669	Rugby Service Center	\$1,259.96
20670	Rugby Veterinary Service	\$378.60
20671	Staples Credit Plan	\$93.72
20672	State Water Commission	\$6,706.65
20673	Team Laboratory Chemical	\$1,786.50
20674	TECTA America Dakotas	\$1,100.00
20675	Towner Parts & Equipment	\$8,633.20
20676	Travis Risovi	\$150.00
20677	Verizon Wireless	\$403.66

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

The financials 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 approve the financials as presented. Second by LaRocque, roll call vote, Albrecht-yes, Lunce-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Trottier-yes, motion carried.

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

Jim Olson, AE2S, addressed the Council regarding 2 ½ Ave & 6th St SE to 9th St SE Utility Condition Assessment-Task Order 3. The cost of this assessment is \$16,005. Bednarz explained that the road east of McGuires has a caved in man hole and near Mid-Town Apartments and Pine Wood Apartments the curb is caved in and the street is uneven then over to 2 ½ Ave where we have had water line breaks. Olson also recommended televising the sewer and storm water lines. This would be done by a separate company. Munyer has been in contact with North Dakota Rural Water to televise the lines. The Finance Committee and Public Works Committee both support this task order.

There was a motion by Bednarz to approve Task Order 3 with AE2S. Second by Lunde, roll call vote, Albrecht- yes, Lunde-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Trottier-yes, motion carried.

Olson explained the Task Order 1 Amendment 2. This task order is for mapping updates. The original task order did not include the Zoning Boundaries. This amendment in the amount of \$2,666 would allow for the zoning changes to be added. There was a motion by Albrecht to approve the Task Order 1 Amendment 2 with AE2S. Second by Lunde, roll call vote, Albrecht-yes, Lunde-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Trottier-yes, motion carried.

Liz Heisey, JDA Executive Director, gave the board an update on new and existing business in the last month as well as programs that are available due to COVID-19. Heisey explained the importance of gathering the assets that the city has available to help recruit new business.

There was a motion by Albrecht to approve the JDA minutes and financials as presented. Second by Trottier, roll call vote, Albrecht-yes, Kraft-yes, Bednarz,-yes, LaRocque-yes, Melgaard-yes, motion carried.

The Convention and Visitors Bureau minutes and financials were reviewed by the council. Laurie Odden, Convention and Visitors Bureau Executive Director, gave the council a brief update on the last month of their activities. There was a motion by Albrecht to approve the CVB Minutes and Financials as presented. Second by Bednarz, roll call vote, Albrecht-yes, Lunde-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Trottier-yes, motion carried.

Recreation Committee: Chairman Berg explained that the programs are in full swing and nothing new to report.

Finance Committee: Albrecht explained they had worked on the 2021 budget and met with Jim Olson from AE2S.

Ordinance Committee: Albrecht explained they discussed the parade permit, vehicles for hire, Muni-Code they are working on finding applicants to review the proposed revisions.

Public Works Committee: Chairman Bednarz explained they have been working on the 2 ½ Ave project. The employees have been busy painting and repairing streets along with mowing. He explained the walking path is being resealed by the Park Board.

Steinke explained that she has had a request from an individual from Lake Metigoshe to purchase pea rock from the city. The pea rock is a remnant of the street project, from years back, that was swept up and sitting up at the city shop. There was a motion by Bednarz to sell pea rock to anyone from out of town for \$20 per yard. Second by Berg, roll call vote, Albrecht-yes, Lunde-yes, Bednarz-yes, Berg-yes, LaRocque-yes, Trottier-yes, motion carried.

Public Safety Committee: Chief of Police Rose explained the new officer had begun last week.

Buildings Committee: Did not meet.

There was no unfinished business.

The committee considered the first reading of Ordinance 425 – Miscellaneous Rules of the Road. LaRocque questioned the need for this ordinance. LaRocque explained that every parade, peaceful demonstration, and funerals should not require a Parade Permit. The current ordinance in place allows for a Parade Permit should the parade, peaceful demonstration, and funerals contain two hundred or more persons or fifty or more vehicles, which LaRocque agrees with.

LaRocque made a motion to strike Ordinance 425- Miscellaneous Rules of the Road and maintain the current ordinance as originally written. Second by Trottier, motion carried.

The council considered a New Application for Liquor and/or Beer License for Hangovers Bottle Shop, owned and operated by Katherine Halvorson. The application is for Class B Liquor/Wine and Class B Beer licenses. There was a motion by Albrecht to approve the Class B Liquor/Wine and Class B beer license for Hangovers Bottle Shop. Second by Lunde, all voting yes, motion carried.

The council considered a gaming site authorization for Citizen Assistance Programs at 3rd St Station. Dan Corum, 3rd St Station owner, addressed the council regarding the gaming site authorization application for Rugby Jaycee's at 3rd St Station that was approved at the June Council meeting. Corum explained that he was unaware that the Jaycee's were making application for the upcoming year. He explained that he no longer wished to have the Jaycee's conduct gaming in his establishment.

Bednarz explained that the Jaycee's Application was voted on and approved already. He explained that the Jaycee's do a lot for the community. He questioned who Citizen Assistance

Programs was. The Citizens Assistance Programs spokesperson addressed the council and explained the organization is out of Grand Forks. They provide a program to assist with medical travel.

Steinke questioned the legal issues. Hartl explained the council has approved a Gaming Site Authorization as well as the Attorney General approval of this Site Authorization. He explained there can only be one gaming organization conducting gaming at an establishment and the Jaycee's have a current approved Gaming Site Authorization for 3rd Street Station. Hartl explained that the council would need to revoke the Jaycee's Gaming Site Authorization for 3rd St Station prior to approval of another gaming organization receiving approval for an authorization at 3rd St Station.

Tracey Hageness, Rugby Jaycee's Gaming Official, addressed the council. Hageness explained the Jaycee's have never had to have a rental agreement prior to submitting a Gaming Site Authorization for approval. Hageness requested that the city stand by the Jaycee's site authorization that was approved by council in June. Hageness read aloud text messages she had with Dan Corum. She also had concerns with what Citizen Assistance Programs was going to do with the proceeds of the gaming at 3rd St Station if they were allowed to conduct gaming.

Attorney Hartl explained that he has never seen a rental agreement attached to a Gaming Site Authorization that is being presented to the City for approval, in all his years as City Attorney. The current site authorization for the Jaycees is for July 1, 2020- June 30, 2021 and has been approved by the Attorney General, Hartl stated. He explained the city would need to revoke the prior approval for the Jaycee's before they could approve the Citizen Assistance Programs gaming site authorization. It is not the cities position to get in-between the Jaycee's and 3rd St Stations negotiations. The Gaming Site Authorization must be approved by the city and the Attorney General requires a Rental Agreement to accompany the Approved Gaming Site Authorization for their approval.

Lunde questioned Corum as to him signing yearly agreements with the Jaycee's. Corum explained that he believes he has the ability to select who conducts gaming in his establishment. Lunde also questioned if Corum's had been in contact with the Jaycee's in the prior months to let them know that he was looking at a different Gaming Organization. Corum explained that he had not.

Hageness and Corum offered comments to the council.

LaRocque agrees with Attorney Hartl; the city has already approved the Jaycee's Gaming Site Authorization and the city is finished with this. LaRocque motioned to deny the Citizen Assistance Programs application until 2021.

Bednarz explained that Corum's should have contacted the Jaycee's prior, if they were looking to change organizations. He also questioned why Corum's would want gaming proceeds to go out of town. Tracy Corum explained that a portion of the gaming proceeds would be going to Rugby First.

Bednarz seconded the motion. Berg questioned how Corum's handled the prior year's renewals with the Jaycee's. Corum explained he knew there was a gaming contract due this summer, but did not plan on signing it.

Lunde questioned if this would be better handled by researching with the Attorney General's Office. Hartl explained that the email from Deborah McDaniels and NDCC are in line and he feels no further legal research is necessary. LaRocque questioned if they approved all the Gaming Site Authorizations in one vote if rescinding one would also rescind all of the prior authorizations. Hartl explained that it would not.

Hageness asked that the council maintain the prior approval of the Jaycee's Gaming Site Authorization with 3rd St Station.

Hartl clarified with Hageness, has the Attorney General's Office approved a Gaming Site Authorization for the Jaycee's and 3rd St Station for July 1, 2020- June 30, 2021. She acknowledged it was approved.

Steinke called for a vote on LaRocque's motion, to deny the Citizen Assistance Programs application until 2021 that was seconded by Bednarz. All voting yes, motion carried.

The spokesperson for CAP addressed the council regarding rental agreements and site authorizations. Steinke encouraged him to obtain legal precedence and submit it to the council. He explained that CAP donates money to provide money for medical travel and adaptive equipment for disabled individuals.

Hageness explained she is awaiting a Rental Agreement from 3rd St Station to submit to the ND Attorney General.

Bednarz questioned Corum if he will not allow the Jaycee's to have gaming in his establishment. Corum explained that as a business owner he reserves his right to contract with who he wishes.

Steinke explained that discussion will be ended. Until 3rd St Station or the CAP submits a legal opinion the city is done with it.

Steinke asked for a motion to table this until next month and the Attorney General can act. Second by Lunde, all voting yes, motion carried.

Steinke presented the Renaissance Zone Committee Appointees. There was a motion by Albrecht to accept the Renaissance Zone Committee as presented. Second by Lunde, all voting yes, motion carried.

There being no further business to transact or come before the Council at this time, there was a motion by LaRocque to adjourn the Council Meeting. Second by Berg, all voting yes, motion carried. Meeting adjourned at 9:03p.m.

Susan Steinke, Mayor

ATTEST: _____
Jennifer Stewart, City Auditor

Date Approved