

PUBLIC NOTICES

sion Autobody & Glass, \$622.00; 20451, Rebecca Jordan, \$170.00; 20452, Rugby Broadcasters, \$24.00; 20453, Rugby Farmers Union Elevator, \$34.00; 20454, Rugby Hardware Hank, \$590.25; 20455, Rugby Insurance Agency, \$2,071.88; 20456, Rugby Lions c/o Joni Johnson, \$10,000.00; 20457, Rugby Lumber, \$6.40; 20458, Rugby Sanitation, \$5.00; 20459, Rugby Service Center, \$556.06; 20460, Sensus USA, Inc., \$1,949.94; 20461, Share Corporation, \$227.21; 20462, Staples, \$469.56; 20463, State Water Commission, \$4,269.00; 20464, Team Laboratory, \$6,826.50; 20465, Therma-Stor LLC, \$112.90; 20466, US Bank, \$345,815.00; 20467, Verizon Wireless, \$404.63; 20468, Wex Bank, \$701.02; 20469, Workforce Safety & Insurance, \$250.00. 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, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried. The council considered the March 2020 Municipal Judges Report. There was a motion by Berg to approve the March 2020 Municipal Judges Report. Second by Rheault, all voting yes, motion carried. Mike Hurly, Rugby Resident, addressed the council regarding his neighbor's sewer line that is shared with his. Barbra Austin, neighbor of Mike Hurly, had sewer problems and the plumbers had to go into the Hurly residence to clear Ms. Austin's line. This is when it was discovered that the lines were joined. It was not disclosed to Hurly when he purchased the property. Austin also confirmed that the joined sewer line was not disclosed to her either when she purchased her property. Hartl explained that this is a unique situation. Hartl did not have a concrete answer as to the liability. Steinke suggested that the Public Works Committee look into this issue. Hurly explained that this is acceptable, but expects a response or solution in a timely manner. Hurly gave the history of both properties and transfer of ownership of the properties. He explained how the property was split and who the owners were. Berg clarified that Hurly had never owned the property south of his home. Hurly concurred that he had not. Steinke thanked them for their time and Public Works Committee will review this. The March 23, 2020 Special Council minutes were omitted from the agenda, but included in the council packet. Hartl advised to address it at the May council meeting. The council reviewed the financials. Stewart gave a summary of the cash report, revenue and expenditure reports. There was a motion by Melgaard to approve the financials as presented. Second by Kraft, roll call vote, Albrecht-yes, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried. Liz Heisey, JDA Executive Director, gave her report to the council. The council reviewed the JDA minutes and financials. There was a motion by Albrecht to approve the JDA minutes and financials as presented. Second by LaRocque, roll call vote, Albrecht-yes, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried. Ashley Berg, Convention and Visitors Bureau, was present to take questions on the 2020 CVB Budget. Al-

brecht and Mayor Steinke questioned portions of the CVB budget. Albrecht suggested taking the CVB budget to the Finance Committee for review. Kraft felt that all the council was waiting for was a CVB budget to move forward. There was a motion by Rheault to approve the 2020 CVB budget as presented. Second by Kraft, roll call vote, Albrecht-yes, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried. The council reviewed the Pandemic Illness Plan as well as Resolution 2020-1 Adoption of the Pandemic Illness Plan. There was a motion by Albrecht to approve the Pandemic Illness Plan and Resolution 2020-1 Adoption of the Pandemic Illness Plan. LaRocque questioned if this could be discussed. Steinke assured him it could be discussed. LaRocque believes that the Pandemic Illness Plan lacks a plan; it does not specify a response to the situation. Steinke drew attention to the tiered task structure in the plan and explained how the current COVID planning is working in a tiered structure. There was a second to the motion by Kraft. Roll call vote, Albrecht-yes, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-no, Longie-yes, Melgaard-yes, motion carried. The council conducted the first reading of Ordinance 424 Planning & Zoning. Kraft clarified that the change in the ordinance is members of the Planning & Zoning Committee that are not on the city payroll will be paid \$50, per Planning & Zoning Committee meeting that they attend. There was a motion by Kraft to approve the first reading of Ordinance 424 Planning & Zoning. Motion was seconded by Rheault. Berg questioned why this change was necessary. Steinke clarified that the Planning and Zoning Committee members, that were not council members, were receiving \$50 per month for sitting on the Planning and Zoning Committee, but it was not in the ordinance to compensate them. Hartl then questioned if the Building Inspector will receive the compensation of \$50 for sitting on the Planning and Zoning Committee. Hartl explained that the current building inspector contacted him about receiving the \$50 pay. The building inspector explained to Hartl that under a prior Mayor he was being paid \$50 per month to be on the Planning and Zoning Committee, on top of his building inspector wage. Hartl explained that if the intent is to not compensate the building inspector, \$50 for sitting on the Planning and Zoning Committee, the council may need to address this if the ordinance amendment goes forward. Steinke called for a vote, all members voting yes, motion carried. The Grass Hauling Bid was considered. Kraft explained that they had only received one bid for the Grass Hauling and the Finance Committee felt it was a fair price. The Grass Hauling bid would eliminate the need for employees to work overtime to haul grass clippings. There was a motion by Albrecht to accept the Grass Hauling Bid received from Rick Koenig and Bob Spallinger. Motion was second by Melgaard. Berg questioned if there was a more suitable place for the grass trailers than in the city parking lot. Steinke asked to sort that out at a later time. Steinke called for roll call vote, Albrecht-yes, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried. The Gravel Bids received were

opened. The first bid, from Deplazes Redi-Mix- Washed Sand \$18/yard, Class 5 Gravel - \$14/yard. Second bid, from Schneider Custom Hauling- Class 5 Gravel- \$13.50/yard, Washed Sand \$18/yard. Third bid, from B & J Excavating, Inc. - Class 5 Gravel \$13/yard, Washed Sand \$19/yard. There was a motion by Kraft to accept all three gravel bids received. Second by Melgaard, roll call vote, Albrecht-yes, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried. The Pick-up Bids received were opened. The first bid, from Justin Tutte for \$1,261. Second bid, from Rick Koenig for \$1,726. Third bid, from Robert Keys for \$500. Fourth bid, from Eugene Jundt for \$2,000. Fifth bid, from Ken Kuntz for \$2,100. Ken Kuntz had the high bid at \$2,100. There was a motion by Berg to accept the high bid from Ken Kuntz for \$2,100. Second by Longie, roll call vote, Albrecht-yes, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried. Recreation Committee: Chairman Berg explained they are waiting to see what happens with COVID-19 before they determine the future of the recreation programs for 2020. Berg explained that the committee is asking Finance to consider a \$50 per hour raise for returning grounds keeper, Gary Storbakken. Finance Committee: Kraft explained that they had reviewed the electricity cost for Wells 1 & 2, to help determine what costs are associated with pumping water to the Golf Course. Kraft made a motion to charge the Rugby Golf Course \$250/month, for use of city water services. Second by Albrecht, roll call vote, Albrecht-yes, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes, motion carried. Ordinance Committee: Nothing to report. Public Works Committee: Melgaard informed the committee that the generator for the Main Lift Station has been ordered. Steinke would like the committee to address City-wide Clean-up at the April Committee Meeting. Due to COVID-19, it is a concern if it should be held or postponed. Public Safety Committee: Nothing to report. Buildings Committee: No meeting. Kraft questioned if a new meeting date would be scheduled for the Ely School hearing. Steinke explained that this council meeting was a trial run with the virtual platform and the hearing would be scheduled after this. Attorney Brian Van Grinsven, addressed the council regarding the connection for the upcoming executive session. The conference line he had set up for the executive session is not functioning. He asked Stewart to set up a GoToMeeting for the executive session. 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. Melgaard left the meeting. There was a motion by Albrecht to meet in Executive Session, with legal counsel, in regards to the Zachmeier v. City of Rugby, et al, Case No. 35-2019-CV-00083 by NDCC 44-04-19.1 authority. Second by Berg, roll call vote, Albrecht-yes, Rheault-yes, Kraft-yes, Berg-yes, LaRocque-yes, Longie-yes, City Council went to Executive Session at 9:32pm. There being no further business to transact or come before the Council at this time, there was a motion by Kraft to adjourn the Executive Ses-

sion as well as the Council Meeting. Second by Lonige, all voting yes, motion carried. Meeting adjourned at 10:11p.m.

Susan Steinke, Mayor
Attest: Jennifer Stewart
May 4, 2020
(May 9, 2020)

RUGBY CITY COUNCIL SPECIAL MEETING MONDAY, MARCH 23, 2020 7:30PM COUNCIL CHAMBERS

Council Members present: Albrecht and Berg. Also present were Mayor Steinke, Chief of Police Rose and Auditor Stewart. Council Members present by phone: LaRocque, Longie and Melgaard. Also present were Attorney Hartl, Troy Munyer, Street and Sewer Supervisor, Greg Boucher, Water Plant Supervisor, Liz Heisey, JDA Executive Director, Dave Schneibel and Bryce Berginski, Pierce County Tribune. Absent were Kraft, Bednarz and Rheault. Steinke called the meeting to order at 7:30 pm. Council members recited the Pledge of Allegiance. Roll call was taken by Steinke. The Separation Agreement for Officer Denning was the first item on the agenda. Attorney Hartl gave a brief history as to the Administrative Leave of Officer Denning and the meetings thereafter regarding the separation of Officer Denning from the city. Hartl reviewed the terms of the Separation Agreement that Officer Denning, his attorney and the Public Safety committee arrived at. Hartl indicated that Officer Denning returned the city property in his possession to Attorney Hartl. Hartl also indicated that Officer Denning has signed the agreement. There was a motion by Berg to deny the Separation Agreement for Officer Denning. Steinke called for a second to the motion three times. Motion died for lack of a second. There was a motion by Albrecht to approve the Separation Agreement, based on the fact that Attorney Hartl and Officer Denning's Attorney are in agreement with the Separation Agreement, and that the Public Safety Committee has recommended the Separation Agreement to the council. Second, by Longie. Discussion was held. Berg questioned how the termination date of April 25, 2020 was arrived at, after Officer Denning did not sign the Employee Improvement Plan. Hartl explained that April 25 was used based on payroll dates. The original request from Denning's attorney was to be paid until May 25. Part of the request was for full benefits to be offered through that date as well. Berg questioned if the Employee Improvement Plan was not signed, that Officer Denning could have been terminated. Hartl explained that it was never agreed that should Officer Denning not sign the EIP, that he would be terminated. Berg questioned why Officer Denning was given 5 days, after being offered the EIP, to sign the document and return to work. Hartl explained that the 5 days were given for Officer Denning to air any grievance he had with the EIP, etc. Chief Rose indicated that the 5 days was offered as part of the police department's policy. LaRocque questioned Rose if Officer Denning was given a return to work date? Rose explained that he was not given a firm return to work date. He was to attend training in Bismarck and return to work after that training, which was within the 5 days grievance period. Officer Den-

ning had text Chief Rose the evening after the EIP was proposed and requested changing wording to one paragraph. The paragraph in the EIP, indicated that Officer Denning would need to contact the Chief of Police or Senior Officer, prior to making an arrest. Denning requested that he not have to contact the Senior Officer. Chief Rose agreed that the EIP could be amended to allow Officer Denning to contact Chief Rose unless he was unavailable, the Senior Officer would need to be contacted prior to an arrest. LaRocque questioned if Chief Rose had attended any staff and command training? Rose indicated he has attended approximately 60 hours worth of leadership training. Longie explained that he had asked if Officer Denning not attending the training and signing the EIP if it was grounds for termination, during the Public Safety Committee Meetings. LaRocque agreed that if Officer Denning was not given a return to work date, which he agreed with Attorney Hartl. Steinke called for any other discussion. There was none. Steinke called for a roll call vote. Albrecht-yes, Berg-no, LaRocque-yes, Longie-yes, Melgaard-yes. Motion carried, 4-1. The Main Street Initiative Community Action Plan was explained by Heisey to the council. The council reviewed the Letter of Support for the Main Street Initiative Community. Rheault joined the meeting by phone. There was a motion by Albrecht to approve the Letter of Support for the Main Street Initiative Community. Second by Rheault, roll call vote, Albrecht-yes, Rheault-yes, Berg-yes, Longie-yes, Melgaard-yes, LaRocque-yes. Motion carried unanimously. The Community Development Block Grant Program and Document of Exemption were reviewed by the council. There was a motion by Albrecht to support signature of the Mayor to the Document of Exemption for the Community Development Block Grant Program. Second by Rheault, roll call vote, Albrecht-yes, Rheault-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes. Motion carried unanimously. The council considered the CDBG Financial Award of \$15,000 for the Comprehensive Land Use Plan. There was a motion by Albrecht to approve the CDBG Financial Award of \$15,000 and sign the documents. Second by Melgaard. Discussion was held that three bids would need to be obtained moving forward. Steinke indicated that Souris Basin would be involved in the solicitation of bids. Steinke called for a roll call vote, Albrecht-yes, Rheault-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes. Motion carried unanimously. The council considered the request for a letter to concur for ND DOT Project H-3-002 (168)209-Rugby Frontage Roads. The portion of the project that the city is estimated to be responsible for is \$14,007.44. This amount equates to 20% of the DOT project. Longie moved to request a letter to concur for the ND DOT Project H-3-002 (168)209- Rugby Frontage Roads. Second by Rheault. Steinke called for discussion. There was none. Roll call vote, Albrecht-yes, Rheault-yes, Berg-yes, LaRocque-yes, Longie-yes, Melgaard-yes. Motion carried unanimously. There being no additional items on the agenda, there was a motion by Albrecht to adjourn. Second by Longie, motion carried. Meeting adjourned at 7:36pm.

Susan Steinke, Mayor
Attest: Jennifer Stewart
May 4, 2020
(May 9, 2020)

SUMMONS

35-2020-CV-00028

STATE OF NORTH DAKOTA,
COUNTY OF PIERCE, IN
DISTRICT COURT, NORTHEAST
JUDICIAL DISTRICT

Tunbridge Lutheran Church Preservation Society,
Plaintiffs,

vs.

The Tunbridge Scandinavian Evangelical Lutheran Church of Tunbridge, ND, A/K/A The Tunbridge Free Church Congregation, A/K/A Tunbridge Lutheran Church, A/K/A Tunbridge Lutheran Free Church, and all other persons unknown claiming any interest in, or lien or encumbrance on the property described in this Complaint whether as heirs, legatees, devisees, creditors or otherwise, Defendants.

THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED DEFENDANTS: You, and each of you, are hereby summoned to answer the complaint of the Plaintiffs in the above entitled action, which complaint is filed with the Clerk of District Court in and for Pierce County, State of North Dakota, and to serve a copy of your Answer upon the subscribed at his office within twenty (20) days after the service of this summons upon you, exclusive of the date of service, and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint. Dated at Rugby, North Dakota, this 14th day of April, 2020.

NOTICE OF NO PERSONAL CLAIM

TO THE ABOVE NAMED DEFENDANTS: You, and each of you, will please take notice that this action is brought to determine adverse claims and to quiet and transfer title in the Plaintiffs to the hereinafter described real property situated in Pierce County, North Dakota, and described as follows, to-wit: Commencing at a point at one rod due south and two rods due west of the Northeast corner of the Southeast Quarter (SE1/4) of Section 12, Township 156 North, Range 74 West of the Fifth P.M.; thence running South 24 rods; thence running due West 20 rods; thence running due North 24 rods; and thence running East 20 rods to the point of beginning; consisting of three acres. This grant is for cemetery. Not a homestead of the first party. You are further notified that no personal claim is made against any of the above named defendants. The Complaint shall be filed with the Clerk of District Court, Pierce County, North Dakota.

/s/ Dale A. Thompson
Dale A. Thompson- SBAND 03624
Mack Law Offices, P.C.
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(May 9-16-23, 2020)