

**Hazen City Commission  
Regular Meeting  
December 7, 2015  
Hazen City Hall**

**Present:** President Obenauer, Commissioner Brunmeier, Commissioner Haack, Commissioner Stern, and Commissioner Wolf.

**Others Present:** Attorney Donovan, Planner Frovarp, Auditor Erhardt, Adam Schoenherr (Ulteig), Kelsey Timmer, Nigel Tate (KLJ), Editor Arens, PW Director Neuberger, Thomas & Lea Clement, Tim Williams, Paige Tompkins, Dan Wettstein, Kasey Lesmann, Jason Obenauer, and Buster Langowski.

Meeting was called to order at 5:28 PM CT by President Obenauer.

**Minutes:** Commissioner Brunmeier moved to suspend the reading of the November 16<sup>th</sup> minutes and approve them as presented, second by Commissioner Wolf. Motion unanimously carried.

**Agenda:** Commissioner Haack moved to approve the agenda, as presented, second by Commissioner Stern. Motion unanimously carried.

**CONSULTATION WITH ATTORNEY & ENGINEER**

**Surge Project Update – Ulteig:** Adam Schoenherr, Ulteig Engineers, said the punch list is complete with exception of some grading and work to make the street ditch suitable for mowing. Tand Construction has been contacted and they don't believe they will be able to complete the grading until spring of 2016 and the retainage from previous payments will be held until the project is complete and accepted by the city. President Obenauer asked Mr. Schoenherr to contact Tand again about the grading, to see if it can be completed, based on favorable weather forecasts. Mr. Schoenherr presented information as to calculation of additional engineering due to project delays. Auditor Erhardt will ensure the board receives this information along with information of payments already made to Ulteig on the project. Commissioner Stern asked about liquidated damages due to the project going beyond the completion date and Mr. Schoenherr agreed that this is something for the board to consider when presented with the final pay request. When asked, Attorney Donovan said, if there are objections to liquidated damages, these could be negotiated or possibly end up in litigation.

**2016 Street Project(s):** The commission reviewed a map prepared at the request of President Obenauer. This map marks certain streets as priority should they consider to scale the project scope back or if they decide to set a budget and determine which streets can be repaired within the budget. Commissioner Stern suggested that, if no street projects are completed, the board at least consider chip sealing certain streets as preventative maintenance. President Obenauer agreed that would be a good idea but would like to see some street projects as the city is falling behind in this area.

Commissioner Haack would like to see 4<sup>th</sup> Street NE repaired in 2016 and Commissioner Brunmeier agreed that should be one of the first streets considered for repair. President Obenauer would like the board to make a decision soon so firm estimates can be made and the special assessment districts, if any, determined. President Obenauer then asked what it would take to get firm numbers to proceed and Mr. Schoenherr said they would look in detail at the streets in question, inlets, drainage, manholes and field information to determine more accurate numbers. Nigel Tate, KLJ, agreed stating they would complete different data collection and some limited field work to arrive at numbers. Commissioner Wolf said there would have to be costs incurred to determine this information and it wouldn't be wise to request it from multiple companies and the board should make a decision as to which engineering firm will be asked to provide this information. Dan Wettstein said there is a manhole on 4<sup>th</sup> Street NE that runs to the river and he would like the board to include some type of back-flow prevention for times of high water or flooding. PW Director Neuberger said the project should also look at replacing copper water services as part of any project area.

### **REQUEST OF CITIZENS**

**Dust Control – 4<sup>th</sup> Street NW – T. Clement:** Thomas and Lea Clement appeared before the commission with concerns about dust control on 4<sup>th</sup> Street NW, west of 4<sup>th</sup> Ave NW. Mr. Clement thanked the city for work done to limit water pooling on his property but now there is a large amount of dust generated by traffic on the road very near his residence. Mr. Clement said the city used some recycled asphalt on a portion of the road, which was very effective, and asked that the city consider additional recycled material on the road or perhaps even magnesium chloride to control the dust. President Obenauer said he does not think this road will be paved as part of a street project in the near future and suggested recycled asphalt may be the most effective. PW Director Neuberger said the city does have a small amount of recycle material left and he will work with Street Commissioner Stern to address Mr. Clement's concerns.

### **INTRODUCTION, READINGS & APPROVAL OF ORDINANCES**

**Amendments Ch. 1, Article 2, - Governing Board Salaries:** The commissioner reviewed a proposed ordinance amendment to change the commission salaries from \$231.45, for the Commission President, to \$463/month and \$190.25, for commission members, to \$381.00/month. Commissioner Wolf moved to approve the second reading of the proposed amendment to Chapter 1, Article 2, as presented, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Nay", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

### **APPROVAL OF APPLICATIONS & BUIDING PERMITS**

**Williams Builders Development:** Tim Williams, Williams Builders, appeared before the commission to advise that they are still interested in developing single family and duplex homes near the former tree collection site. Williams Builders is working with engineers and architects to develop the plan and are

scheduled to present information to the city planning/zoning board on December 14<sup>th</sup>. Mr. Williams said they will start with infrastructure and spec homes to meet market demand so the project may be completed in phases over a period of time. Mr. Williams said they hope to begin construction as soon as weather permits in 2016 and the main entrance to the development will be on 11<sup>th</sup> Ave SW, just east of the Lewis & Clark RV Park. President Obenauer asked about the construction and Mr. Williams said his company will be building the homes and then selling them, again based on the demand.

**Renaissance Zone Application – Hazen Hotel Investors Inc:** Buster Langowski appeared before commission to present a renaissance zone application received from the Hazen Hotel Investors Inc. Mr. Langowski began by providing some background on the renaissance zone history including the fact that Hazen adopted a 21 block renaissance zone ten years ago. The renaissance zone provides for, up to, five-year exemption from property and income tax liability. Mr. Langowski said the renaissance zone board met to review the application and they recommend approval of a five-year tax incentive as follows: Year 1&2 – 100%, Year 3 – 75%, Year 4 – 50%, Year 5 – 25%. Mr. Langowski also provided information relating to the sales/lodging tax that could be received over the same period of time. Commissioner Stern asked if there is a signed agreement for the property for the proposed hotel and was advised that there is an agreement in place and the retainer of \$5000 has been received by the city. President Obenauer would like to see the application approved stating that if the project does not happen the city is not out anything. Commissioner Stern said he heard the hotel will be modularly constructed and Mr. Langowski said that is correct for the visitor rooms but the lobby and pool areas will be constructed on the location. Planner Frovarp, RZ Committee Member, said the option presented is most desirable as most businesses need the incentive to cover initial costs and that the income tax incentive is not based on the dollar amount but rather on the length of time the incentive is approved for. Commissioner Haack moved to approve the renaissance zone application for a five-year period, with the option presented, second by Commissioner Brunmeier. On roll call vote; Haack, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

**Local Permit – St. Martin’s Youth Group – Raffle Permit:** Commissioner Wolf moved to approve Local Permit 2016-02 as requested by the St. Martin’s Youth Group to conduct a raffle to raise funds for the 2016 Steubenville Conference, second by Commissioner Stern. On roll call vote; Wolf, “Aye”, Stern, “Aye”, Brunmeier, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

## REPORTS

**President:** President Obenauer informed the commission that he has been contacted with concerns about the stop sign between the middle and high school. President Obenauer would like the commission to consider installing a stop-sign with solar powered flashing lights to alert motorists to stop. The proposed sign will cost \$1475.00 and can be installed by city staff. Commissioner Haack moved to approve the purchase of the lighted stop sign, second by Commissioner Wolf. On roll call vote; Haack, “Aye”, Wolf, “Aye”, Stern, “Nay”, Brunmeier, “Aye”, Obenauer, “Aye”, motion carried.

President Obenauer asked Commissioner Stern about his vote and Commissioner Stern said he thinks it is more a matter of enforcement. Commissioner Haack will share this concern with Chief Dahl. President Obenauer has been informed that Neenan will be crushing concrete and asphalt at the hospital site next fall. President Obenauer would like the city to look into getting a crusher for the material the city has and hopes to be able to share the cost with someone (Neenan, Mercer County). PW Director Neuberger said the city concrete has a lot of rebar in it so that may be a concern as well. After the completion of the old business President Obenauer asked the commission to consider installing an overhead light at the crosswalk on 3<sup>rd</sup> Ave (Co Rd 27) near Divide Avenue. This area is utilized frequently and Roughrider Electric provided an estimate of \$885 for equipment and installation of the light. Commissioner Brunmeier moved to approve the installation of the light, as requested by President Obenauer, second by Commissioner Haack. On roll call vote; Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

**Water/Sewer:** Commissioner Brunmeier had nothing to report at this time.

**Street/Cemetery:** Commissioner Stern presented pricing to have eleven (11) truck tires recapped. This would provide for current needs and allow the city to have a couple tires on hand as spares. The cost provided by Farmer's Union Oil - \$2552.00 and provided by Mel Roth Oil - \$2429. Commissioner Stern moved to accept the quote of Mel Roth Oil for recapping of tires, second by Commissioner Brunmeier. On roll call vote; Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

**Finance/Busing:** Commissioner Wolf had nothing to report at this time.

**Police/Fire/Forestry:** Commissioner Haack informed the commission that Chief Dahl has requested quotes for a replacement vehicle for the police department. This is preliminary and Commissioner Haack will present further information after consulting with Chief Dahl.

Commissioner Haack also informed the commission that there will be a forestry board meeting on December 16<sup>th</sup> and he is working with Forester Melberg to get the board back active and working to address the needs of the city. Commissioner Haack would like to publish an advertisement for persons interested in serving on the forestry board.

## **OLD BUSINESS**

**Safety Concern – Hwy 200/4<sup>th</sup> Ave NE Crossing:** Planner Frovarp informed the commission that he had been contacted by ND Department of Transportation with options to address the safety concern for pedestrians crossing Highway 200 at 4<sup>th</sup> Ave NE (near Cenex). One suggestion by DOT is a pedestrian activated flasher system and they are still researching the most effective sign for a project to be completed in spring, due to the electrical needs of the system. President Obenauer asked Planner Frovarp to inquire as to cost to the city.

## **NEW BUSINESS**

**Fire Department Equipment Purchase – D. Wettstein:** Fire Chief Wettstein met with the commission to request permission to purchase LED lights for a fire truck and the rescue trailer. Chief Wettstein is requesting to purchase a total of three (3) lights at a total cost of \$3,150, which is available within his 2015 budget. Commissioner Wolf moved to approve the light purchase, as requested, second by Commissioner Brunmeier. On roll call vote; Wolf, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

**Christmas Eve Hours – City Staff:** As has been done in past years, Auditor Erhardt requested approval to close all city offices at 12:00 PM on December 24, 2015 and remain closed until Monday, December 28<sup>th</sup>. Commissioner Haack moved to approve the closing of offices the afternoon of December 24<sup>th</sup>, second by Commissioner Wolf. On roll call vote; Haack, “Aye”, Wolf, “Aye”, Stern, “Aye”, Brunmeier, “Aye”, Obenauer, “Aye”, motion carried.

**Approval of Bills:** Commissioner Wolf moved to approve the bills and financial statement, second by Commissioner Brunmeier. Pre-paid and bills approved for payment are as follows: Tand Construction, 436399.97; US Postal Service, 277.40; Verizon Wireless, 115.76; Universal Premium Fleetcard, 4023.39; Purchase Power, 1020.99; Payroll, 125525.51; Amanda Lynde, 38.84; American Water Works Assoc., 75.00; Ameripride Linen & Apparel Services, 730.69; BHG Inc, 788.84; Cardmember Service, 435.64; Cenex, 796.61; Convention & Visitors Bureau, 2790.90; D&E Supply, 94.24; Dacotah Paper Co, 271.89; Dakota Fluid Power Inc, 1243.94; Dan Wettstein, 320.00; David Brousseau, 10.50; Fastenal Co, 103.90; Grand Forks Fire Equipment Co, 694.60; Hazen Hardware, 1115.92; Hazen Motor Co, 285.97; Hazen Welding, 20.00; Hewlett-Packard Co, 3238.64; Hiway Express, 209.38; Information Technology Dept, 10.30; J&L Automotive LLC, 167.95; Kasey Lesmann, 100.00; Kathy Repnow, 162.00; Krause’s Super Valu, 97.09; Loren Wiest, 420.00; Matthew Bender & Co, 62.18; Mel Roth Oil, 703.10; Mercer Co Treasurer, 4100.60; Montana Dakota Utility, 4758.90; ND Dept of Health, 32.00; ND Rural Water Systems Assoc., 260.00; NAPA, 197.58; Pam Borlaug, 70.15; Ron Neuberger, 10.50; Roughrider Electric Coop Inc, 55.00; Sakakawea Hazen Clinic, 226.00; Sakakawea Medical Center, 13.06; Samantha Melberg, 177.10; SBM Inc, 2.58; Shannan Fink, 67.32; Southwest Water Authority, 19852.08; Stein’s Inc, 316.92; Titan Machinery, 82500.00; US Postal Service, 225.00; Verizon Wireless, 200.28; West River Telecommunications, 837.03. On roll call vote; Wolf, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 6:47 PM CT. The next regular meeting of the commission will be Monday, December 21, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: \_\_\_\_\_  
Jerry Obenauer, President

Attest: \_\_\_\_\_  
Monte J. Erhardt, Auditor