

**Hazen City Commission
Regular Meeting
March 16, 2015
Hazen City Hall**

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

Others Present: Attorney Donovan, Mark Johnson (Ulteig), Planner Frovarp, Auditor Erhardt, Editor Coleman, Buster Langowski, Kevin Hafner, Al Mautz, Darren Mund, Richard Jacobson, Roy Hayes, PW Director Ron Neuberger, Justin Ingold and members of the Coal Country Leadership Academy.

Meeting called to order at 5:30 PM CT by President Obenauer.

President Obenauer introduced Mr. Ingold who had members of the Coal Country Leadership Academy in attendance as part of their activities to learn about civic leadership.

Commissioner Wolf moved to close the acceptance of bids for the trailer mounted jetter/vacuum equipment, second by Commissioner Brunmeier. Motion unanimously approved. Bids for the 500 gallon trailer mounted jetter/vacuum were received as follows:

Sanitation Products Inc – Base Bid for 2015 equipment - \$158,599.00 (Bid bond approved by Attorney Donovan).

Elliot Equipment Co – Base Bid for 2015 equipment - \$178,866.25 (Bid bond approved by Attorney Donovan). President Obenauer asked Commissioner Brunmeier to review the bids, with the appropriate staff, for compliance with the specifications and to make a recommendation for purchase at the April 6th meeting.

Minutes: Commissioner Wolf moved to dispense with the reading of the March 2nd minutes and approve them as presented, second by Commissioner Haack. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

Lagoon Chemical – K. Hafner: Commissioner Brunmeier advised the commission that she had met with the staff regarding the use of chemicals to control the odor of the lagoon. The city is currently using a program of enzymes and other chemicals to try to control the odor and Commissioner Brunmeier recommended we continue with the current process and not purchase additional chemicals at this time. President Obenauer noticed that the ice is melting along the edges of the lagoon and said

unless there are any other questions the commission will not change the current process at this time. Mr. Hafner thanked the commission for taking time to review the information and offered to meet with the staff to determine if he could provide the products at lower cost and provide guidance on applying the chemicals more effectively.

Surge Funds – Project Prioritization: The commissioners were provided a spreadsheet to prioritize projects and have the cost information calculated. Commissioner Stern provided a copy of his priorities to each commissioner and President Obenauer said he would like to see all of the projects done with the surge funds which would leave some of the funding left for future street projects and perhaps some development projects. Commissioner Stern feels that housing is a major concern and suggested the city look at developing one city block and he has contacted Mr. Hanson about purchasing some of the property north of Hazen and he would be willing to sell a portion of the property. Commissioner Stern would like to see lift station #5 replaced and use a portion of the surge funding and special assess the remaining cost. Commissioner Stern would like to see lift station #3 replaced (at its current location) using a portion of the surge funding and special assess remaining costs. Commissioner Stern would like to upgrade lift station #6 using surge funding and set aside funds to buy-down a portion of a large street project in 2016 and to repair the shared use path between 3rd Ave NW and 4th Ave NE (Tesoro to Cenex). Commissioner Stern would also like to see the water/sewer installed to the proposed hotel property and then look at a water tower or booster system as a special assessment project. Commissioner Brunmeier asked about Mr. Hanson's plan to build and Commissioner Stern said Mr. Hanson is a homebuilder, which he is very good at, and Commissioner Stern thinks he has a lot on his plate. Commissioner Brunmeier would like to see lift station #3 moved east to enhance future development and to help the park district, set aside some funding for a 2016 street project and include reconstruction of lift station #5. President Obenauer asked if the commission approves a package of improvements how long will it take to get items ready to bid and Mr. Johnson said thirty (30) days or at least less than forty-five (45) days. Attorney Donovan suggested the city get a scope of work signed, to identify costs, prior to proceeding. Commissioner Wolf would like to see lift station #3 moved east first, as the park board needs to make a decision on how they would like to proceed; reconstruct lift station #5; replace pumps in lift station #6; provide water/sewer to hotel property and set aside funding for other projects in 2016. President Obenauer suggested the city needs to consider replacement of the water main in a portion of 10th Street. Commissioner Haack said his priorities are basically the same as Commissioner Brunmeier and Wolf and he would like to see the entire list of projects completed. President Obenauer addressed comments about helping the RV Park and stated that some of these projects will help them but he is worried about city priorities first. President Obenauer also said Williams Building Co is working on a draft option to acquire land in Hazen for development. Planner Frovarp said, with regard to the shared use path repair, that the state has grant funds available to address construction or repairs of such projects. Mr. Johnson spoke about a suggestion from Al Mautz about the location of the water main going north through the park district property but there were questions about this being partially in public and partially in private property.

Darren Mund asked about the cost savings if the water main is not run all the way to the east and then also stated that if the road project is re-bid the price could possibly be higher. President Obenauer suggested the board needs to make some decisions and asked if the bid is expected to be better for a larger project. Mr. Johnson then spoke about the priorities in the order of; relocating lift station #3, replacing the water main, relocating lift station #5 (north of Main St), replacing the pumps in lift station #6, supplying water/sewer to the proposed hotel property and then constructing the RV Park. President Obenauer said a joint powers agreement would be necessary before any joint construction project would be done and Mr. Johnson said this is not an issue from the bid/contract price perspective as the project will be based on quantities. Tim Johnson asked if the project gets too large can it get too large for local contractors and if it is better to break it into two (2) separate projects. Mr. Johnson said that with nearly \$2 million in construction the work will likely be done by separate crews and not likely completed simultaneously. President Obenauer asked if the city entertain an offer to do 10th Street and other city projects separately. Mr. Johnson said a split contract could be done for the RV Park and then the 10th Street, water main and lift station projects. Attorney Donovan again said the commission should be thinking about approving the priorities and get the scope of work contract in place to see how things should be bid. Commissioner Haack moved, second by Commissioner Wolf, to set the priority of projects as:

- #1 – Reconstruct lift station #3 east of the proposed RV Park near 4th Ave – estimated cost \$189,000
- #2 – Install 8" water main in 10th Street and cost to repair – estimated cost \$188,500
- #3 – Reconstruct and relocate (north of Main St) lift station #5 – estimated cost \$274,000 (or less)
- #4 – Replace pumps on lift station #6 – estimated cost \$18,000
- #5 – Provide water/sewer to the proposed hotel property – estimated cost \$54,350

Upon discussion Commissioner Stern asked if the water and sewer are installed will the RV Park be constructed. Al Mautz (Park Board) expressed concern of the cost of one big project and Darren Mund said if the joint powers agreement is completed and the city and park board work together it will happen. President Obenauer said that even if the RV Park does not get constructed at this time the city has the option of capping the water main at the present end of 10th Street and wait to see if the property gets developed in the future. Mr. Mautz said the sewer line still needs to be installed. Commissioner Stern asked about cost share as the city may have as much as \$500,000 in the area based on the purchase of the property, all the engineering and infrastructure. Mr. Mautz said the road has nothing to do with the park district and the water main issue was only recently discovered. Commissioner Stern expressed concern with moving lift station #5 at a cost in excess of an estimated \$200,000 when it could be re-built in place for less than an estimated \$90,000. Commissioner Stern also had concern with property value if the lift station #5 is moved south of Main Street. President Obenauer agreed stating he did not want to affect the property values either. Richard Jacobson suggested that if the area south of Main Street were to be developed lift station #2 could be updated to handle the additional capacity rather than moving more through #5 and #3. Mr. Johnson suggested the bigger issue is moving it from #2 to #1 and he would have to take a look at this. President

Obenauer stated there is a motion on the floor and asked for the vote. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Nay", Brunmeier, "Aye", Obenauer, "Aye" motion carried. President Obenauer said the next step will be to get the scope of work agreement and suggested that a special meeting may be scheduled to review and act on it.

10th Street NE – Proposal – M. Johnson: The commission received a written proposal to construct 10th Street NE at a cost of \$96,680 and President Obenauer said he would love to see this project happen but the board needs to make sure this would work. Mr. Johnson said there is a practical problem of having two (2) contractors. President Obenauer said the proposal is good for ninety (90) days and questioned if the project is bid as one will the bid come in lower. Mr. Johnson said that if this proposal is accepted the water/sewer mains need to be done first and there are many things to consider. President Obenauer suggested having the water main go north at the city limit line and this would only involve a minor change to the RV Park. Commissioner Haack asked if that proposal for the water line would work and Mr. Mautz believed it should. President Obenauer suggested not taking action on this bid yet but he would like to keep the option to do this project separate. Mr. Mund said the question of the water main is important and if no action is taken tonight the issue of the RV Park may be dead. Mr. Johnson said that contractor availability and some minor changes to the plan may affect the bids received. Commissioner Haack moved to construct the road with the water main going north of 10th Street, second by Commissioner Brunmeier. On discussion Commissioner Stern asked about funding for the construction and was informed that \$100,000 in the general fund was budgeted for the road. On roll call vote; Haack, "Aye", Brunmeier, "Aye", Stern, "Nay", Wolf, "Aye", Obenauer, "Aye", motion carried. Mr. Johnson then asked about the two (2) proposals for lift station #5 and was advised to do this relocating the station north of Main Street. Attorney Donovan asked how long it would take to get the scope of work document and Mr. Johnson said he would get it prepared in one week. Mr. Mautz asked if there was time to discuss a joint powers agreement and President Obenauer stated not at this time.

REQUEST OF CITIZENS

Local Permit – Hazen Community Health Task Force: Commissioner Brunmeier moved to approve local permit #2015-06 as requested by the Hazen Community Health Task Force to conduct bingo games at the Hazen High School, second by Commissioner Haack. On roll call vote; Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Local Permit – Common Thread Quilters: Commissioner Brunmeier moved to approve local permit #2015-07 as requested by the Common Thread Quilters Guild to conduct a raffle drawing at Capital Credit Union, second by Commissioner Haack. On roll call vote; Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

Building Permit w/Variance Request – Brunmeier: The commission reviewed an application for building permit with a variance request as submitted by Judy Brunmeier. Commissioner Brunmeier explained the details of the project and Planner Frovarp said the doors will be located on the east side of the garage and the building as planned will require a six foot (6') variance on the southeast corner and a fourteen foot (14') variance on the southwest corner. Commissioner Haack moved to approve the building permit and variance as requested, second by Commissioner Wolf. On discussion Commissioner Stern asked if the building could be moved and attached to the dwelling and Commissioner Brunmeier said it is too costly to attach it and there is also a deck that currently is six feet (6') from the proposed garage. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Nay", Brunmeier (abstained), Obenauer, "Aye", motion carried. President Obenauer suggested moving as close to the deck as possible.

REPORTS

President: President Obenauer talked about the buildings in Heritage Park that will likely be demolished on the 24th of March and was advised that Mr. Maas is responsible for clean-up of the site. President Obenauer also spoke about sidewalks along Main Street that need repair and Commissioner Stern said he would visit with PW Director Neuberger about these.

Water/Sewer: Commissioner Brunmeier congratulated the water/sewer staff on receiving a Certificate of Achievement for satisfying applicable requirements of the Safe Drinking Water Act. Commissioner Brunmeier then also spoke about the need to replace air relief valves in the sewer system and said she will work with staff and get proposals to have these replaced by licensed contractors. Commissioner Brunmeier said the curb on 4th Street NE will be repaired or replaced this spring and she brought forth concerns of the sewer staff as to the needed depth of the lift station #3 if it is located near 4th Ave NE.

Street/Cemetery: Commissioner Stern had nothing at this time.

Finance/Busing: Commissioner Wolf advised the commission that a meeting of the advisory board is scheduled for Friday March 27th and they will be discussing the grant and board membership. Commissioner Wolf also said the HCD board is also addressing membership and filling board vacancies.

Police/Fire: Commissioner Haack had nothing at this time.

CORRESPONDENCE

American Tower Lease Option(s): The commission reviewed correspondence from American Tower with option to purchase the property or extend the lease of the property of their current tower location. President Obenauer recommend continue the lease option. Commissioner Brunmeier moved to extend the lease agreement as proposed, second by Commissioner Wolf. Upon discussion Commissioner Stern asked about the property tax benefit of selling the property and was advised the lease option will be beneficial to the city. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Innovation Section Advertising – BHG: The commission reviewed advertising prices for the BHG special section for “Our Communities and their Innovators.” Commissioner Wolf moved to approve a ½ page – full color advertisement at a cost of \$520.00, second by Commissioner Brunmeier. The advertisement will contain language similar to the recent “Planning for the Future” section. On roll call vote; Wolf, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

OLD BUSINESS

City Website: The commission authorized Auditor Erhardt to continue working with GovOffice to get pricing for a new website design.

NEW BUSINESS

Equalization Meeting – April 14, 2015: Assessor Frovarp advised the commission that, according to NDCC, the equalization meeting is to be convened on April 14th and he would like to know what time they wish to start so he can publish the official notice. The commission would like to convene at the usual time of 5:30 PM CT.

Appoint Alternate Municipal Judge: The commission was advised that the current Alternate Municipal Judge has a conflict and will not be able to continue in the position. Judge Stern requests the commission re-appoint Ken Beauchamp as Alternate Municipal Judge. Commissioner Haack moved to approve the appointment of Ken Beauchamp as Alternate Municipal Judge for the City of Hazen, second by Commissioner Wolf. On roll call vote; Haack, “Aye”, Wolf, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

Approval of Bills and Financial Statements: Commissioner Haack moved to approve the bills and financial statements, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: Praxair Distribution Inc, 195.75; Ameripride Linen & Apparel Service, 379.59; Belnick Inc, 524.84; Best Western – Ramkota Inn, 81.80; Bobcat of Mandan, 477.90; Cardmember Service, 81.02; Cenex, 5957.42; Dakota Communications, 25.00; Dakota Supply Group, 886.17; Discovery Benefits Inc, 25.00; Fastenal Co, 63.30; Hazen Hardware Inc, 636.66; Hazen Motor Co, 7093.09; Hazen Motor Farm Equipment Co, 50.00; Hazen Parks & Recreation, 10000.00; Hazen Welding, 13.00; Hiway Express, 1648.24; Information Technology Department, 100.00; J&L Automotive, 1271.71; Jerry Obenauer, 86.25; Krause Super Valu, 116.09, Lange Donovan & Kaffar PLLP, 1383.75; Marc Corp, 335.43; Mel Roth Oil, 359.75; Mercer County Ambulance, 57.97; Mercer County Sheriff’s Dept, 14000.00; Mercer County Treasurer, 4564.02; Montana Dakota Utility, 5191.24; ND Dept of Health, 32.00; NAPA, 927.36; ND One Call Inc, 2.20; Northland Financial, 302.00; Power Plan, 1330.04; Roughrider Electric Coop Inc, 3869.79; Sakakawea Hazen Clinic, 226.00; Sanitation Products Inc, 154.65; SBM Inc, 13.93; Share Corp, 552.05; Standard & Poor’s, 120.00; Steve Frovarp, 24.15; Streichers, 987.00; Swanston Equipment Corp, 1079.07; Thomson Reuters – West, 215.50; Ulteig Engineers Inc, 765.00; Verizon Wireless, 148.33; West River Telecommunications, 841.62. Motion unanimously approved.

There being no further business the meeting was adjourned at 7:08 PM CT. The next regular meeting of the commission will be Monday, April 6, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor

**Hazen City Commission
Special Meeting
March 26, 2015
Hazen City Hall**

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

Others Present: Attorney Donovan, Planner Frovarp, Auditor Erhardt, Editor Coleman, Mark Johnson (Ulteig), Buster Langowski, Delmar Schramm, Gary Emter, Daryl Metzger, Tim Johnson, Dan Frei and Al Mautz.

Meeting called to order at 5:00 PM CT by President Obenauer.

Agenda: Commissioner Wolf moved to approve the agenda as presented, second by Commissioner Haack. Motion unanimously carried. Commissioner Brunmeier was not present as yet so President Obenauer requested the first item on the agenda, surge projects, be held until Commissioner Brunmeier arrives.

CONSULTATION WITH ATTORNEY & ENGINEER

Sewer Easement – Lot 14/15, Blk 100, Northstar 1st Addition: Planner Frovarp advised the commission that in the late 1970's when Northstar Addition was platted there was a sewer line located between lots 14 & 15, Block 100. When Hazen Promotions was platting for their new lots it was discovered that an easement for the sewer line had not been recorded so the city needs to establish the easement on property of Hazen Promotions and Clay Robson but the property line needs to be determined first and then the location of the sewer line so a proper easement can be obtained. Delmar Schramm said the scope of work signed by Hazen Promotions includes establishing all the corner pins for the lots. Attorney Donovan said a survey should not be required to establish the easement. Mark Johnson recommended a ten foot (10') easement on each side of the property line and clause in the easement to protect the property that may be within the easement area. The easement would also ensure that if the structures on the property are changed a new structure could not be built within the easement area. President Obenauer said that if the surveyor is already establishing the pin location for Hazen Promotions this need not be paid for twice. Commissioner Stern then asked if the scope of work presented to the city is to locate the lot pins and the sewer main and Mr. Johnson agreed that is what is included in the scope of work, and to include preparation of the easement document. (Commissioner Brunmeier entered the meeting at 5:15 PM) Commissioner Haack moved to approve the scope of work document as presented by Ulteig engineers, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

Building Permit – T. Schutt: The commissioners reviewed an application for a building permit as requested by Tyler Schutt (Northside Storage). The building will be a steel, commercial storage building located at 811 Ash Road, and the building will be constructed one foot (1') above flood elevation. Planner Frovarp said this application comes to the commission as the structure is commercial. Commissioner Wolf moved to approve the building permit, second by Commissioner Brunmeier. Upon discussion Commissioner Stern asked if Mr. Schutt always owned the property and was advised that he had purchased the property. Mr. Johnson asked, since the building is in the floodplain, if they would like the engineer to review the matter and Planner Frovarp stated the property owner will be required to provide an elevation certificate for the structure. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

Scope of Work – Surge Projects – Ulteig Engineers: Mr. Johnson presented the commission with a project summary of proposed work to be completed with surge funding. Mr. Johnson stated as part of the proposed work he would like the commission to consider a sole source award to Dakota Pump for all the lift station pumps to provide uniform systems. Mr. Johnson said that recent discussion was held on constructing the sewer line in 10th Street in case the RV Park does not get constructed and to keep lift station #5 north of Main Street, but designed to service development south of Main. Mr. Johnson said the engineering fees have remained the same throughout all the various alternatives that have been discussed. President Obenauer inquired about the engineering percentage and was advised that the percentage had actually increased based on the alternative but the fee amount had stayed the same. Commissioner Stern asked about the pumps, we are purchasing six (6) pumps and Mr. Johnson said that is where it sits today and suggested if other pumps are needed that can be looked at as part of the process. President Obenauer asked Commissioner Stern if he thought there was a need for pumps in other areas and Commissioner Stern said he was thinking more about making sure there is a spare available and properly matched for our equipment. Commissioner Stern then spoke about the 2012 sewer capacity study and the cost to size the equipment for the lift stations and Mr. Johnson said that all of that is included in the costs presented at this time. Commissioner Stern also asked about the cost of other alternatives as presented to city and park board representatives earlier in the week. Mr. Johnson said the first set of numbers were the construction cost estimates with the RV Park eliminated. President Obenauer asked about the park board's intention and Mr. Mautz said the park board will be meeting after this to make a decision on how to proceed. Mr. Johnson said the RV Park plans are available for publication for a proposed bid opening of April 27th and if approved the plans for the city projects can be finalized within thirty (30) days and ready for publication for bids within a week after the park board receives bids which will allow a brief time to make any changes based on the bids received and approved by the park board. If all proceeds the city projects can be ready for bid opening in late May and construction could begin by mid-June. Mr. Schramm asked about connections in the sewer main for future development. Commissioner Stern also suggested that if the RV Park is not constructed the cost to reconstruct lift station #3 at its current location is much less than the cost to relocate it saying the extra cost to the city seems like a waste of money. President Obenauer agreed

that it may appear to be a waste of money today but will not be for the future. Commissioner Stern stated there are better places to spend this additional money. President Obenauer said that, yes, there are other places to build and Commissioner Stern asked why not stick money into property the city already owns. Mr. Mautz said, personally, he is confident the park board will proceed with the RV Park project, depending on the bids. Commissioner Brunmeier said things are at a standstill because both boards are waiting for the other to act. Commissioner Haack moved to approve, and proceed, with the surge projects as presented to the board, second by Commissioner Wolf. Upon discussion Gary Emter asked if the projects presented would leave any surge funds and President Obenauer said it would leave some funds, depending on the bids, for future projects such as a street project next year or for development of other areas. Commissioner Stern said it is estimated at slightly more than \$850,000. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Nay", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 7:08 PM CT. The next regular meeting of the commission will be Monday, April 6, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor