

**Hazen City Commission
Regular Meeting
May 18, 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 Arens, Buster Langowski, Kelsey Timmer & Mark Sweeney(KLJ), Mark Johnson (Ulteig), Jamie Weisz, Mary Massad, Seth Sailer, Greg Batke, Aaron Wick and Jake Sage.

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

Minutes: Commissioner Brunmeier moved to dispense with the reading of the May 4th minutes and approve them as presented, second by Commissioner Wolf. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

Ulteig Update: Mark Johnson (Ulteig) updated the commission on the surge project stating they are seeing activity from potential bidders and they have completed the test boring at the 10th Street location. Mr. Johnson added it does not appear that dewatering will be required, based on these test bores.

Mr. Johnson then spoke about the Commerce Center parking lot and informed the commission that a test bore had been done at this location and it appears the issue has to do with the construction base for the lot and the need for additional gravel base. Mr. Johnson suggested using a backhoe to dig some "potholes" to determine underlying conditions of the ground. Mr. Johnson had prepared an estimate to repair the parking lot, creating green space, using concrete or asphalt. The concrete option is estimated at a cost of \$575,050 and the asphalt option is estimated at \$357,470. President Obenauer suggested contacting the adjacent property owners as it would be very costly to special assess the repairs to the limited number of owners but the city must work to repair this for now. Mr. Johnson said the project cost would be decreased by \$78,000 if the asphalt were taken out of the project. Commissioner Haack, speaking as a business representative, said the parking lot is very unattractive and appears to have been neglected for years. President Obenauer agreed that something needs to be done with regard to the lot. Buster Langowski referred to the concrete slab that was done recently and was cost shared between the city and HCD for far less money.

Mr. Johnson next spoke about the replat of Lewis and Clark Subdivision for the proposed hotel and development at a cost of \$6,047. Commissioner Stern asked if the estimate included placing all the corner pins and Mr. Johnson said yes, that is about 75% of the estimated cost. Attorney Donovan asked about the replat and was informed it is necessary to create separate lots within Block 2 of the subdivision. Commissioner Brunmeier moved to approve work order #15.00588 for surveying services to replat a portion of the Lewis & Clark Subdivision at a cost of \$6047, second by Commissioner Wolf. Upon discussion Commissioner Stern asked if an agreement has been signed with the hotel group and was advised a formal agreement has not been signed. Commissioner Stern then asked if the city would need to conduct further surveys in the future for the additional single family and multi-family development. President Obenauer said the city would not be involved any further as that would be cost directly to the developer. Commissioner Stern then asked if this was being done only for the hotel and President Obenauer said that was right. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Mr. Johnson informed the commission that the grade stakes have been placed at the Wolf property and it is ready for landscaping. President Obenauer asked about the stakes and Mr. Johnson said they were set .10 ft. above the necessary elevation.

REQUEST OF CITIZENS

Fayette Drive – G. Batke: Greg Batke met with the commission to ask if the city had any plans to address the condition of Fayette Drive near his residence. President Obenauer said the city will be trying to address the condition of the road by adding additional gravel but there are no immediate plans for paving. President Obenauer said the residents could petition to have the road paved and special assessed back to the property owners. Mr. Batke referred to Elbowoods Drive indicating it had a better base on a portion of it and then said that he has friends that will not even drive on this street in times of heavy moisture. President Obenauer said he has talked to the Public Works Director about getting additional gravel onto this street. Mr. Batke said in addition to the condition of the road the construction on property and the access to the property holds additional water making conditions worse. President Obenauer said the access to the construction site is temporary and Planner Frovarp said the property owner has been asked to provide lot and grading plan. Mr. Batke said the condition was made worse when construction crews attempted to get in this past weekend and got two (2) vehicles stuck in the street. President Obenauer said that he and Planner Frovarp have visited with the property owner that is constructing on the adjacent property and said there are some beautiful homes in this area and they need access. Planner Frovarp spoke about the radius of the cul de sac and how paving would be less than this radius to provide for a boulevard in the cul de sac. President Obenauer said the board could not give a definitive answer at this time but assured Mr. Batke the city would address the condition of the road. Aaron Wick asked if there was a timeline for the temporary access and Planner Frovarp said there was not a time certain and President Obenauer said he would like to see something soon. Planner Frovarp suggested the best time to address the access would be when

the property is excavated for basement construction. Commissioner Stern said he is hoping to have a major street project in 2016 and this street is one he would like to see done but based on previous estimates the shared cost to property owners may be approximately \$20,000/lot. Jake Sage said he just wanted to reiterate what Mr. Batke was saying and he would like to see gravel work done on the street and suggested that his family does this type of work. President Obenauer thanked Mr. Sage for the offer but stated it is not quite that simple. Mr. Batke then asked if the city has had contact with Mr. Hysjulien about issues with his sewer/drain field. Commissioner Stern thought he was to have connected to city sewer. Commissioner Brunmeier will look into the matter.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Building Permit w/Variance Request – J. Weisz: The commission reviewed a building permit application with variance request as received from Jamie Weisz. The requested variance is for ten foot (10') front yard and two percent (2%) increase in coverage. Mr. Weisz was present and advised the commission that he cannot fit his vehicles into his current garage so he is proposing a structure thirty-four feet (34') deep. Commissioner Haack asked if the proposed plan locates the structure ten feet (10') off the sidewalk and was advised that is correct. President Obenauer said he appreciates Mr. Weisz's plan to get his vehicles off the street and Commissioner Haack was informed that the proposed structure is three (3) stall. President Obenauer said the commission, last meeting, denied a variance for a deck and asked Mr. Weisz if there is a way the depth of the structure could be reduced and still achieve the desired outcome. Mr. Weisz said he could possibly make the front line of the garage even with the house and still get his vehicles into the building. President Obenauer said that if the commission does not approve it as presented Mr. Weisz could come back with another plan and then asked about access from the alley. Mr. Weisz said there were too many utilities in the alley location. Commissioner Brunmeier said she would like to see a new plan to make the variance lesser. Commissioner Brunmeier moved to deny the request as presented, second by Commissioner Wolf. Upon discussion Commissioner Brunmeier said she would like to see a plan with the garage on the same line as the house. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Nay", Obenauer, "Aye", motion to deny carried.

Building Permit – West Dakota Lumber – J. Sayler: The commission reviewed a building permit as received from James Sayler, West Dakota Lumber. The request is to construct a 40' x 60' pole building for storage with an overhead door on lots 11 and 12 Glacier Park Addition south of his current building. Mr. Sayler also has plans to remove the structure on the property near the credit union. Planner Frovarp and the commission agree that Mr. Sayler has done a good job of cleaning up the back lots of his business. Commissioner Haack asked if property pins had been located and Planner Frovarp said the front pins had been located and said there were few pins in place when the property was returned by BNSF. Commissioner Haack also asked if the structure would intrude on the railroad and Planner Frovarp said it would not as Mr. Sayler will be off the utility easement near the railroad right of way.

Commissioner Haack moved to approve the building permit, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Brunmeier, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

REPORTS

President: President Obenauer informed the commission that he had discussed putting additional scoria on the roads at the grass dump site as people are driving on the grass to avoid potholes.

Water/Sewer: Commissioner Brunmeier informed the commission that the cost for repairs on 5th Avenue is approximately \$384 and when asked Commissioner Brunmeier said this amount should be invoiced to the property owner. Commissioner Brunmeier said she had received a complaint about damage to vehicle tires as the tree/shrub site due to people depositing wood items that still have nails. President Obenauer said the location is un-manned and the city needs to take some action to limit this type of activity. The signs at the tree and grass sites refer to surveillance so President Obenauer would like the auditor to contact West River Telecommunications about surveillance options and costs. Commissioner Brunmeier also said she had not received a response from the health department regarding slaughter waste in the sewer system.

Street/Cemetery: Commissioner Stern informed the commission that the street crews are addressing potholes throughout the city. Commission Stern moved to purchase three (3) aluminum tables for city hall to replace damaged wooden tables at an estimated cost of \$1008, second by Commissioner Haack. On roll call vote; Stern, "Aye", Haack, "Aye", Wolf, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried. President Obenauer asked about issues on 4th Street NE and Commissioner Stern said repairs will be made when hot mix is available.

Finance/Busing: Commissioner Wolf informed the commission that we have still not received approval for the building specification from ND Department of Transportation and that the city crew has been asked to clean up the proposed bus facility location and bill the responsible party.

Police/Fire: Commissioner Haack informed the commission that he attended the simulated disaster at the school this past week and he would like to commend the fire department and ambulance staff for their work in the simulation. With regard to the nuisance ordinance enforcement, Commissioner Haack informed the commission that the police department has served papers on at least four (4) residents and are awaiting expiration of the required time to proceed further. Commissioner Haack also informed the commission that a new "cage" will have to be purchased for the new police vehicle due to a difference in the size.

President Obenauer apologized for not mentioning in his report a meeting held with HCD and the Hazen Housing Authority with regard to the proposed housing project in the former Pioneer Park building. President Obenauer said the application for Housing Incentive Funds will be filed by the May 29th deadline and in pre-scoring of the application it received 170 of a possible 200 points, which is very good. Attorney Donovan informed the commission that the housing authority is involved in the project as a "Single Purpose Entity", is to take ownership of the property for the HIF funding and he will be working on a joint powers agreement for the city's consideration. Mr. Langowski clarified that the

housing authority does not actually take ownership of the property until the project is completed and then they work with a management company for the day to day activity with reports throughout the year. Mr. Langowski then presented an overview of the project location and construction plans for, up to, twenty-two senior and essential worker units. Mr. Langowski said he would like an informal letter of support from the city for the project and stated Joe Armstrong would be preparing a draft letter for President Obenauer's review and signature.

CORRESPONDENCE

Donation Request – MCPOA Fishing Derby: Commissioner Brunmeier moved to approve donation of \$100 Hazen Bucks for the Mercer County Peace Officer's Assn fishing derby, second by Commissioner Stern. On roll call vote; Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Donation Request – Pocket Park – Hazen Chamber/CVB: President Obenauer informed the commission that the Pocket Park had about ten (10) people there last week cleaning and getting the park ready for summer activities. President Obenauer said the fountain at the south end of the park is in need of repairs and said there has also been some vandalism at the park. Commissioner Wolf moved to approve a donation of \$250.00 to the Hazen Chamber/CVB for Pocket Park expenses, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

OLD BUSINESS

Propane Bid Opening/Award: Bids to supply propane fuel to the city for the period June 1, 2015 to May 31, 2016 were received as follow: Farmers Union Oil, Hazen - \$0.89/gallon; Mel Roth Oil Co - \$0.89/gallon; and Ferrellgas - \$1.199/gallon. The current supplier is Farmers Union Oil of Hazen. Commissioner Haack moved to award the bid for propane to Mel Roth Oil Co at a price of \$0.89/gallon, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

Armory Building: The commission reviewed a purchase agreement from the Southwest Water Authority in the amount of \$210,000 to purchase the former armory building at 906 Sunrise Drive, Hazen. Mary Massad was in attendance and when asked about the optimal time for closing suggested sixty (60) days. Ms. Massad also said the intended use for the building is for authority staff and equipment (vehicles, generators). Commissioner Haack asked about storage of the buses while the new facility is constructed and was told if there is not sufficient room in the shop they buses could remain outside for a short time period. President Obenauer said the city has an offer and asked what action the board would like to take. Commissioner Wolf moved to accept the offer of the Southwest Water Authority in the amount of \$210,000 with a proposed closing in sixty (60) days, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

NEW BUSINESS

Transit Policy/Procedure Revisions – Title VI, LEPP, D/A: Commissioner Brunmeier moved to approve transit policy and procedures and updates to the city drug and alcohol policy as presented, second by Commissioner Haack. On roll call vote; Brunmeier, “Aye”, Haack, “Aye”, Wolf, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

Spraying Quotes: The commission reviewed quotes for spraying of city property from the following: K&K Spraying – total amount of \$4,100; and from Don Ballensky – total amount of \$2,480. President Obenauer asked about Mr. Ballensky and was advised that he purchased the equipment of TLC and is certified for chemical application. Commissioner Stern moved to award the spraying services to Mr. Ballensky for \$2,840, second by Commissioner Wolf. On roll call vote; Stern, “Aye”, Wolf, “Aye”, Haack, “Aye”, Brunmeier, “Aye”, Obenauer, “Aye”, motion carried.

Used Police Vehicle - Transfer: Commissioner Haack informed the commission that he was contacted by the fire department about the city’s plan for the used police vehicle. Chief Commissioner Haack indicated the fire department would like to use this vehicle as a command vehicle. Chief Wettstein was present and stated they are aware of the vehicle mileage, service and repairs but feel it would serve their purposes as it will not be used on a daily basis. President Obenauer said there are no issues in transferring the vehicle to the fire department but he does not want to see them get nicked and dinged. Commissioner Haack moved to transfer the used police department vehicle to the fire department for use as a command vehicle, second by Commissioner Brunmeier. On roll call vote; Haack, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

Approval of Bills and Financial Statements: Commissioner Wolf moved to approve the bills, second by Commissioner Haack. Pre-paid and bills approved for payment are as follows: AED Everywhere, 85.00; Ameripride Linen & Apparel Service, 379.59; Avenet, LLC, 4270.00; Bailey Nurseries Inc, 1162.45; Bob Gobar, 63.00; Capital City Restaurant Supply, 20.42; Cenex, 1980.08; Chamber of Commerce, 250.00; Chuck Dahl, 103.75; Comfort Inn-Bismarck, 74.00; Dell Business Credit, 31.94; Discovery Benefits Inc, 25.00; Ecolab Pest Elimination, 110.23; Fastenal Co, 40.54; Ferguson Waterworks, 659.21; Grand Forks Fire Equipment, 347.85; Hazen Community Development, 6885.70; Hazen Drug, 0.88; Hazen Fire Department, 1532.50; Hazen Hardware Inc, 313.02; Hazen Welding, 70.00; Hiway Express, 183.29; Information Technology Department, 100.00; Joyce Lemer, 70.00; Kenny Klein, 100.00; M&A Heating & Air Conditioning, 413.22; Mark Kreiling, 125.00; Matthew Bender & Co Inc, 71.87; Mercer County Treasurer, 4140.33; MDU, 4023.02; ND Department of Health, 32.00; NAPA, 849.48; ND One Call Inc, 44.00; Northland Financial, 302.00; Power Plan, 754.37; Preble Medical Services Inc, 113.00; Productivity Plus, 35.72; Purchase Power, 1020.99; Rough Rider Industries, 639.00; Roughrider Electric Coop Inc, 3511.15; SBM Inc, 110.56; Ulteig Engineers, 41282.00; Union State Bank, 100.00; Unlimited Excavating, 1155.00; Verizon Wireless, 197.76; Winkler Construction, 4300.00; Workforce Safety & Insurance, 48.84. Motion unanimously approved.

Fire Chief Dan Wettstein updated the commission on fire department matters. Chief Wettstein said the Pierce pumper truck was being taken to Bismarck for front-end service and they blew out a rear drive tire. Chief Wettstein will contact local vendors for purchase of tires. Chief Wettstein also said there is a minor glitch with the July 11th fireworks display. According to federal guidelines the fireworks cannot be stored for an extended period of time and usually the fireworks are picked up at a local delivery point the day of display however, this year the display is a week after the July 4th holiday so local delivery is not likely. The fireworks will need to be picked up in Watertown SD on July 11th and transported back to Hazen for display later that same evening. Commissioner Haack said he would consider picking them up and transporting them back with a city vehicle if needed. Chief Wettstein said the recent moisture has helped with fire conditions and President Obenauer asked if, when there is a burn ban, the fire department receives reports of backyard fire rings. Chief Wettstein said he does receive many calls so he has posted the burn ban level information on the web.

There being no further business the meeting was adjourned at 7:02 PM CT. The next regular meeting of the commission will be Monday, May 18, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor