

**Hazen City Commission  
Regular Meeting  
July 27, 2015  
Hazen City Hall**

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

**Absent:** Commissioner Wolf

**Others Present:** Attorney Donovan, Planner Frovarp, Auditor Erhardt, Editor Arens, Mark Johnson & Mary Schindler (Ulteig), Kelsey Timmer & Mark Sweeney (KLJ), Lauren Donovan, Bonnie Johnson, Maxine Beckwith, Mike & Bonnie Krause, Buster Langowski, Val Albrecht, Darren Mund, Mike Lynch, Bill and Leone Wagner, Bill & Nancy Swanson and Dan Frei.

Meeting called to order at 5:31 PM CT by President Obenauer.

**Minutes:** Commissioner Brunmeier moved to suspend the reading of the July 6<sup>th</sup> minutes and approve them as presented, second by Commissioner Stern. Motion unanimously carried.

**Agenda:** Commissioner Haack moved to approve the agenda, moving item 10A to 4, second by Commissioner Stern. Motion unanimously carried.

**PUBLIC COMMENT**

**Comments – Proposed Bus Facility:** President Obenauer opened discussion by stating the city is also considering other locations for the bus facility but is hoping it can be on city owned property, rather than having to purchase property. President Obenauer said he has received comments for and against the proposed location east of the library and the zoning of the property needs to be addressed whether the bus facility is constructed there or not. President Obenauer referred to possibly constructing the facility north of the fire hall but this had been set aside for future businesses or for expansion of the fire hall. President Obenauer then asked for comments in favor of the proposed location and none were received at the time. President Obenauer then asked that anyone commenting please state their name and proceed with comments. Lauren Donovan stated that she did not feel this was a matter of no alternative options and the she understood proximity to other city offices was important. Ms. Donovan was concerned with forever eradicating park areas and that the centennial was a good example of the way residents are willing to step up and make things better. Ms. Donovan concluded by asking the commission to consider other locations. Mike Krause said that as the city looks forward it needs to plan for the future and expand responsibly. Mr. Krause said he is aware of bitter feelings from past city activities and agreed it is hard to plan for the next fifty (50) years. Mr. Krause identifies Hazen as a bedroom community to area industry and would like to see the

park and recreation areas maintained and developed. President Obenauer responded to a comment by Mr. Krause about the armory stating, the armory has been sold and was originally part of the grant request but funding from the federal transportation was designated for new construction. Maxine Beckwith asked about the size of the facility and was advised it proposed to be forty feet (40') by eighty feet (80'). President Obenauer stated water and sewer are available in this area without having to excavate under the street. Ms. Donovan asked and was advised that a driveway would be installed from the building north to Main Street. Mr. Krause then asked about the project at the former Pioneer Park and if that property had been considered as an alternative location. Dan Frei asked about storage of the buses until the new facility was complete and was advised that Hazen Busing would use what was available but some of the buses would have to remain out of the building(s).

### **CONSULTATION WITH ATTORNEY & ENGINEER**

**RV Park Plat:** Mark Johnson presented preliminary information for the RV Park Plat and pointed out issues that were found through the abstract process. One of the issues is a portion of the property purchased by the county for road and right-of-way which was included in the deed for purchase. Attorney Donovan said a deed for highway purposes is considered an easement and is not a concern. Mr. Johnson also stated the plat would refer to the property as an addition to the city of Hazen as recommended by the county and that they are working with the county to properly identify a flowage easement within the property.

**Ulteig Update – Projects/Plat(s):** Mary Schindler provided an updated schedule for the surge projects and RV Park. The topsoil has been removed and the RV sewer lines are nearly complete. Ms. Schindler said the contractor has run into a lot of ground water issues and Ms. Schindler and Mr. Johnson are reviewing requests for extras received from the contractor. President Obenauer asked about the test boring done prior to the project being started and Mr. Johnson said they had done test bores as deep as twenty feet (20') and hit water at the bottom but they did not anticipate this being an issue in other areas. Mr. Johnson said he is concerned that the contractor is not meeting the schedule at this point but there is not a lot that can be done until such time as liquidated damages can be assessed. President Obenauer was also concerned about the contractor being behind and Mr. Johnson suggested there is plenty of work to be done in other areas if crews would be on-site to do this. President Obenauer expressed concern with them meeting the September 15<sup>th</sup> completion date and Mr. Johnson said he thought it was very possible.

**Wildrose Lane – Frontage Road:** Mr. Johnson spoke about the road platted as Wildrose Lane that will serve as an access to the proposed hotel location. Planner Frovarp believed this was included in the surge project and Mr. Johnson said it was not and presented a cost proposal for road design. Mr. Johnson suggested the road be added to the contract with Tand Construction and that the actual construction only begin after the surge and RV projects are completed. Mr. Johnson has not received any information as to the hotel site elevations and suggested the road be designed and the hotel designs meet the elevations as contained in the road design. Buster Langowski had a question as to

the time to design and construct this road and Mr. Johnson suggested three to four weeks. Mr. Langowski expressed concern of this delaying the hotel project and President Obenauer would like to review the information for the road design until the August 3<sup>rd</sup> meeting and perhaps further information will be available for the hotel group to aid in the final decision.

**Commerce Center Parking Lot:** The commission had received, from Pride Contracting, base estimates for concrete repair of a portion of the commerce center parking lot. One proposal for 8,761 square feet of concrete, with the asphalt removal, was slightly more than \$71,000. Mr. Johnson asked the commission if he would like information to provide an estimate for curb/gutter work on Wildrose Lane. Commissioner Haack was concerned with snow removal in the lot in its current condition and Commissioner Stern asked who would be paying for this project and if the some of the cost could be shared with Hazen Community Development. President Obenauer said we could contact HCD to ask them to share the expense but the “lions” share would be the city’s responsibility.

Mr. Johnson said Ulteig is prepared to do a presentation of their GIS software system for President Obenauer and the auditor at their office in Bismarck.

**Joint Powers Agreement:** Attorney Donovan informed the commission that he was contacted by the City of Stanton to enter into a joint powers agreement that would allow them to donate funds to the Sakakawea Medical Center project. In order to make such a donation the municipality must have some type of ordinance or it must be authorized by home rule charter. This joint powers agreement allows them pass funds through the city of Hazen without affecting our donation limit(s). Attorney Donovan said there are Attorney General’s opinions supporting this procedure. President Obenauer said he does not see a downside to such an agreement and Attorney Donovan said both city governing bodies would have to approve the agreement. Commissioner Haack moved to approve the Joint Powers Agreement with the City of Stanton, second by Commissioner Brunmeier. On roll call vote; Haack, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

## REQUEST OF CITIZENS

**Senior Citizens Organization – H. Weidrich:** Mr. Weidrich was not present so Auditor Erhardt will contact him about appearing at the August 3<sup>rd</sup> meeting.

## INTRODUCTION, READING & APPROVAL OF ORDINANCES

**1<sup>st</sup> Reading – Floodplain Ordinance:** Planner Frovarp informed the commission that this is the virtually the same information sent to the commission previously except that recommendations, of the State Water Commission, have been noted. The main recommendation relates to designation of an individual position, such as city planner, to replace the “floodplain manager.” Attorney Donovan said there are issues with a model ordinance not clearly drafted, but there is not a lot of choice when the state and federal organizations require such an ordinance. Commissioner Brunmeier moved to approve the 1<sup>st</sup> reading of the Floodplain Ordinance, with changes as recommended, second by Commissioner Stern. On roll call vote; Brunmeier, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried. The 2<sup>nd</sup> reading of the ordinance will be on August 17, 2015.

## **APPROVAL OF APPLICATIONS & BUILDING PERMITS**

**Building Permit – Sakakawea Medical Center:** The commission reviewed the building permit as requested by Sakakawea Medical Center for the hospital construction project. As previously discussed, the permit fee, under our current process, is greater than \$55,000 and the estimated cost for inspections throughout the project is \$7,000 - \$10,000. Planner Frovarp said the commission can consider a permit fee less than this if they wish. Commissioner Stern asked if there would be a way to reduce the fee as a donation, or require the full fee and provide \$30,000 of the fee as a donation back to the hospital. Mr. Johnson suggested creating an escrow account for payment of the entire fee, with any balance after inspections and other expenses being returned to the hospital. Commissioner Brunmeier moved to approve the building permit with payment of the full permit fee and to establish an escrow account for refunding of excess funds upon completion of the project, second by Commissioner Haack. On roll call vote; Brunmeier, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

**Local Permit – Hazen Area Dollars for Scholars:** Commissioner Haack moved to approve a local permit #2015-11 as requested by Hazen Area Dollars for Scholars for a raffle to be conducted weekly from September to December, 2015, second by Commissioner Brunmeier. On roll call vote; Haack, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

**Building Permit w/Variance Request – A & D Campbell:** The commission reviewed an application for building permit for construction of wooden deck at 213 2<sup>nd</sup> Ave NW as presented by Amber & Dennis Campbell. Planner Frovarp said the deck would be fourteen feet (14') from the property line so it would require a six foot (6') variance. Planner Frovarp said this is similar to a request a couple weeks ago but does not require as large of variance. The property in question is owned by LouElla Fix and is rented/leased by the Campbells. Commissioner Brunmeier moved to postpone action on the request until the property owner has also signed the building permit application, second by Commissioner Haack. On roll call vote; Brunmeier, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

## **REPORTS**

**President:** President Obenauer said he has received questions about enforcement of the nuisance ordinance and he believes it has stalled somewhat. President Obenauer would like to get back on track on this issue.

**Water/Sewer:** Commissioner Brunmeier said she is still working with the ND Department of Health with regard to the meat market issues previously discussed.

**Street/Cemetery:** Commissioner Stern had nothing to report at this time. The commission had received photos of damage to a driveway while grinding stumps. Commissioner Stern will work with Director Neuberger to address this issue. President Obenauer questioned the condition of the

driveway prior to grinding the stump and would like the property owner to be contacted to cost share proper repair work.

**Finance/Busing:** Commissioner Wolf was not present so no report at this time.

**Police/Fire/Forestry:** Commissioner Haack told the commission that there still issues with boulevard trees and that the city forester has been working closely with the State Forester to address Dutch Elm and other nuisance trees. Commissioner Haack will discuss upcoming training opportunities with the city forester. Commissioner Haack will meet with Police Chief Dahl to bring some statistics, relating to the nuisance ordinance, to the next meeting.

## **CORRESPONDENCE**

**Funds Transfer – HCD:** The commission was presented information as to a transfer of funds, in the amount of \$17500, from the HCD Sales Tax fund to their operating fund to cover quarterly director expenses.

## **OLD BUSINESS**

**Comments – Proposed Bus Facility:** President Obenauer said the commission can see the importance of what the community thinks of the proposed location. Val Albrecht presented written comments in opposition to the proposed location. Ms. Albrecht then asked the commission to consider work to develop a disaster plan in addition to the county disaster plan. Ms. Albrecht said this is a requirement from the State Library and it would be very useful for local officials to develop a plan. President Obenauer said the school does have a plan and suggested a committee be appointed to begin work on such a document.

**FY 2016 Bus Grant - Operations:** The commission reviewed the 2016 Bus Grant documentation for the operation of the transit program. The agreement is similar to past agreements except the funds requested this period of less due to not requesting funds for a new vehicle. Commissioner Haack moved to approve the FY 2016 Bus Grant Agreement with ND Department of Transportation, second by Commissioner Stern. On roll call vote; Haack, “Aye”, Stern, “Aye”, Brunmeier, “Aye”, Obenauer, “Aye”, motion carried.

**Approval of Bills and Financial Statements:** Commissioner Haack moved to approve the bills, second by Commissioner Brunmeier. Pre-paid and bills approved for payment are as follows: Ameripride Linen & Apparel Services, 387.15; Montana Dakota Utility, 4373.34; Roughrider Electric Coop Inc, 2282.24; Secretary of State, 36.00; Stroup Insurance, 50.00; Verizon Wireless, 314.60; United States Postal Service, 288.14; A to Z Repair, 90.00; Advanced Business Methods, 89.00; Antelope Creek Trucking, 340.00 Bob Gobar, 80.50; Cenex, 596.83; Chamber of Commerce, 300.00; Convention & Visitors Bureau, 4621.55; D&E Supply Co, 97.74; Dakota Supply Group, 2672.81; Darrell Francis, 75.00; Discovery Benefits Inc, 25.00; Fastenal Co, 51.39; Ferguson Waterworks, 959.80; Great Plains Fire, 228.95; Hawkins Inc, 492.00; Hazen Welding, 55.00; High Plains Concepts, 1980.00; Hiway Express,

63.45; Information Technology Dept, 100.00; J&M Hardware, 97.97; Joyce Lemer, 668.29; Krause Super Valu, 78.97; Lange Donovan & Kaffar PLLP, 1262.50; Marc Corp, 803.91; Mercer Co Soil Conservation, 325.00; ND League of Cities, 1864.00; NAPA, 538.97; NDHFA, 250.00; ND One Call Inc, 55.00; Northland Financial, 302.00; Power Plan, 388.71; Preble Medical Services Inc, 100.00; Roberts Floral, 47.50; Ron Muth, 140.00; Roughrider Electric Coop Inc, 55.00; Sakakawea Hazen Clinic, 226.00; Sakakawea Medical Center, 13.06; SBM Inc, 14.36; St. Alexius Medical Center EAP, 250.00; Ulteig Engineers Inc, 16017.84; Union State Bank, 175.00; Universal Athletic, 104.06; USA Blue Book, 145.05. On roll call vote; Haack, "Aye", Brunmeier, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 7:07 PM CT. The next regular meeting of the commission will be Monday, August 3, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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