

**Hazen City Commission  
Regular Meeting  
August 17, 2015  
Hazen City Hall**

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

**Others Present:** Attorney Donovan, Planner Frovarp, Auditor Erhardt, Editor Arens, Mark Johnson & Mary Schindler (Ulteig), Kelsey Timmer & Mark Sweeney (KLJ), PW Director Neuberger, Lisa Weisz (WARC), Avis Frantsen, Buster Langowski, Lauren Donovan, Mike Quinn, Valerie Albrecht, Chuck Stroup, Bill Wegner, and Matt Clarys.

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

President Obenauer immediately opened the public hearing on the proposed zoning map amendment of Lots 17 – 26, Block A Glacier Park Addition from Recreational to Commercial 1. The planning/zoning board met in regard to this proposed amendment and recommends Lots 17-23 be rezone, but lots 24-26 remain recreation district. Attorney Donovan informed the commission that even though the notice of public hearing referred to Lots 17-26, the zoning board only recommended lots 17-23 so this is the matter the commission has before it. Bill Wegner said he would like to see the area east of the library remain recreational and hoped the members of the commission had read Avis Frantsen's letter in the Hazen Star. Mr. Wegner also commented on the new sign for Heritage Park and that it looks wonderful but may appear a bit unwelcoming with the glass container language being displayed so large. Planner Frovarp said that the area of the library also needs to be rezoned for them to conform to the regulations and this was only noticed as the process for the bus facility moved forward. Lauren Donovan inquired as to the zoning of the city hall and was informed that it is zoned commercial. Chuck Stroup commented that if the zoning is approved, as requested, it will set the stage for the construction of the bus facility. No further comments were received and the public hearing was closed at 5:39 PM.

**Minutes:** Commissioner Brunmeier moved to suspend the reading of the August 3<sup>rd</sup> 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**

**Zoning Amendment:** Commissioner Haack moved to approve the zoning change, from Recreation to Commercial 1, of lots 17-23 only, as recommended by the zoning board, second by Commissioner

Stern. Upon discussion President Obenauer said he understands there are mixed feelings as to the proper location of the bus facility. On roll call vote; Haack, "Aye", Stern, "Aye", Brunmeier, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

**Surge Project Update – Ulteig:** Mary Schindler advised the commission that the water line installation on 10<sup>th</sup> Street was complete and there are only a couple more connections required. The sewer line work has proceeded to the west from the lift station to manhole #3 and that lift station #3 is approximately half complete and sewer work will continue this week. There are still issues with water in the trench. President Obenauer asked about the timeline for completion and how long 10<sup>th</sup> Street would be closed. Ms. Schindler stated they had hoped to have the sewer to the asphalt by 8/15 but feels the work will be completed as the contract requires. The commission asked about how much the city has been assisting and Director Neuberger said the water/sewer staff have been, "up there" quite a bit turning locating and turning valves. President Obenauer said a meeting of Tand, Ulteig, City and Park representatives has been scheduled for 9:00 AM on August 19<sup>th</sup> to review and discuss requested extras. President Obenauer asked about the plans and why the design did not have the proper location of service lines and Ms. Schindler said Mark Johnson is still trying to track that down. The commission also reviewed pay estimate #1. Commissioner Wolf moved to approve pay estimate #1, to Tand Construction, in the amount of \$18,034.80, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Nay", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

**Commerce Center Parking Lot:** The commission reviewed information from Mr. Johnson as to the cost to repair the parking lot with asphalt and asked the commission to review this and return comments to him. Attorney Donovan said to limit any discussion by email, based on a recent Attorney General opinion. President Obenauer will discuss the need for concrete with Mr. Johnson.

## REQUEST OF CITIZENS

**W.A.R.C. – L. Weisz:** WARC Director, Lisa Weisz, met with the commission regarding the centers funding processes. Ms. Weisz informed the commission that the majority of their funding is received through the grant process and that recently one of the grants was cut by 57% over a two year period and they were advised to work with the county and municipalities to offset this funding loss. Ms. Weisz presented statistical information as to the services provided and that 23% of the services to domestic violence victims were for Hazen residents. President Obenauer asked about overall funding and Ms. Weisz said they are currently receiving funding from twelve (12) grants plus some court ordered fees and fundraising efforts. Ms. Weisz said WARC understands that funding may not be available this year but asked the commission to consider budgeting funds for 2016.

**City Hall Use – Scout Meetings:** With the sale of the armory, the boy scouts would like to hold their weekly meeting at city hall until another suitable location is available. The commission said this would be acceptable so long as it does not conflict with any other activities.

**Water Repairs/Yard Clean-up – D. Murschel:** Don & Geri Murschel appeared before commission with concerns relating to water repairs at their property, in April of 2015. Mr. Murschel said he had

requested the curb stop be relocated and it was not and he still has concerns with the concrete work done in his driveway. President Obenauer said the city staff cannot be on the site the entire time a contractor is making the repairs and that he also understands Mr. Murschel's frustration at the time it took to get his yard repaired. Mr. Murschel said the dirt and those things had been handled and the forester had sprayed the weeds and was going to spray some more but did not return. Mr. Murschel stated the forester did not return to spray and he was advised that Director Neuberger asked her not to spray. Mr. Murschel presented a written note of his time and expenses of nearly \$1,200 to bring his property back to the state it was prior to the water break. Mrs. Murschel said that Mr. Murschel had worked very hard on the yard and they were told the city would make it the way it was before and this didn't happen. President Obenauer thanked the Murschels for the pride they take in their property and said he would meet with Commissioner Brunmeier and the city staff to try to resolve this matter.

**Discussion – Ordinances – M. Quinn:** Mike Quinn appeared and presented copies of a portion of the public nuisance ordinance that he would like to review with the commission. Mr. Quinn began to address the definition of public nuisance, the effects, remedies and junk automobiles. President Obenauer asked Mr. Quinn to proceed as the commission can review the written ordinance and Mr. Quinn then asked why this issue has not been taken care since he first approached the commission 365 days ago. President Obenauer agreed that there are still areas that have issues but the city is working on these and the nuisance property has been addressed quite a lot. Mr. Quinn feels the only remedy to force the commission to act is to request a Writ of Mandamus from the District Court. Mr. Quinn also questioned the fact that the city pays nearly \$200,000 for law enforcement in a year and these ordinances are not being enforced. Mr. Quinn suggested, with regard to a bus that is over the boulevard of a property, that the city take the loader, hook onto the bus, and remove it. Mr. Quinn said each commissioner knew, when they took the oath, they would have to deal with issues like these. Mr. Quinn then said he would return in 365 days, his new policy, to discuss this matter again, if necessary.

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

**2<sup>nd</sup> Reading/Approval – Floodplain Ordinance:** Planner Frovarp provided a marked-up copy of the ordinance, with the corrections, for the commission to review. The ordinance has also been forwarded to the State Water Commission and FEMA. Commissioner Wolf moved to approve the second reading of the Model "D" Floodplain Ordinance, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried. The ordinance will become effective upon publication and when the new flood maps take effect.

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

**Free/Reduced Hall Rent – St. Paul Church:** Commissioner Wolf moved to approve a request for free use of city hall, subject to the kitchen fee, as requested by St. Paul's Church for their annual benefit on October 11, 2015, second by Commissioner Haack. Motion unanimously approved.

## REPORTS

**President:** President Obenauer informed the commission that the flood elevation issues at the Wolf residence are complete and the certificate has been approved.

**Water/Sewer:** Commissioner Brunmeier informed the commission that the new jet/vac trailer is scheduled to be delivered on August 18<sup>th</sup>.

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

**Finance/Busing:** Commissioner Wolf informed the commission that the bus routes for the school year are full. President Obenauer asked about the need for additional drivers and Commissioner Wolf said additional qualified drivers would be beneficial.

**Police/Fire/Forestry:** Commissioner Haack had nothing to report at this time.

## OLD BUSINESS

**Bus Facility Location Discussion:** Commissioner Wolf informed the commission that she and Commissioner Stern, Busing Supervisor Rahn and Bus Advisory member Ken Link had met to discuss alternative locations for the proposed bus facility. Based on their discussion Commissioner Wolf would like to recommend the facility be located on the property east of the library because of the proximity to other city offices and the timeline of the grant. President Obenauer asked the time necessary to complete this building and Matt Clarys said ninety (90) to one hundred twenty (120) days. Mr. Clarys also presented a rendering of the facility with some enhancements over the bid required structure. Mr. Link said the bus advisory board has not met regularly and he feels they need to begin doing so. He was the only member of this board at the meeting, other than Commissioner Wolf. Mr. Link expressed concern accessing the facility at the location east of the library due to the railroad right-of-way. This and other locations have siting concerns so the process is almost back to the beginning. Chuck Stroup asked where the funding for the facility came from and was advised it is a federal grant that is administered through the ND Department of Transportation. Mr. Stroup also asked if the city could request an extension of the grant period and what that process would be. President Obenauer feels it should be no issue to check into the requirements for an extension and then spoke about another location that was mentioned at the last meeting, north of the fire hall. President Obenauer said while this may seem like a good location now who knows what the situation may be in two or more years. Val Albrecht expressed concern of the south access to the facility along the railroad tracks and if this is indeed city property or not. Avis Frantsen said she understand the pressure of time. Commissioner Wolf said it is not only a matter of timing but we want to use property that is owned by the city, if possible. Ms. Frantsen said it would be a shame to put a building into the park. Mr. Clarys suggested using property within the fence north of the city shop and consider ways to re-shape the structure to make it more appealing. Mr. Quinn said the bus facility situation can be compared to incrementally bad decisions that may add up over time. Mr. Quinn suggested the city adopt a policy of creative destruction to remove property in disrepair for new structures and make this a win-win. Bill

Wegner said if this facility is proposed to be a drive-thru facility the access needs to be clear on paper. Lauren Donovan said the public comments presented at the previous meeting and this meeting have only been in opposition and questioned the process the group discussing this used, how seriously they considered it and how open-minded they approached the issue. Mr. Quinn said the park was highly used during the recent all class reunion and Mr. Stroup said he is so passionate about this park because of his memories of the US Bicentennial celebration and urged the commission to find another location for this project. President Obenauer thanked everyone for their comments and asked Auditor Erhardt to determine the ownership of the access road and the process to request an extension of the grant period.

### **NEW BUSINESS**

**2016 Budget Discussion:** Auditor Erhardt has completed preliminary budget information and this will be shared with the commission and they were asked to share any budget information from the portfolio departments with the auditor. Also the renewal information for the group health program was received and it appears the premiums will increase less than 4% for the 2015-2016 period.

**Approval of Bills:** Commissioner Wolf moved to approve the bills, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: Roughrider Electric Coop Inc, 32000.00; Alan Bergstad, 500.00; Ameripride Linen & Apparel Service, 387.15; Bobcat of Mandan, 304.66; Cardmember Service, 88.86; Cenex, 510.07; Discovery Benefits, 25.00; Ecolab Pest Elimination, 110.23; Fastenal Co, 16.50; Hazen Motor Co, 236.97; Hazen Motor Farm Equipment, 661.14; Hazen Welding, 11.80; Hiway Express, 51.91; Interstate Battery, 57.00; J&M Hardware, 589.39; Jason Haack, 190.64; Jerry Obenauer, 32.82; Krause's Super Valu, 89.08; Lange Donovan & Kaffar PLLP, 1250.00; Laurie Rothschilder, 30.76; Law Enforcement Systems Inc, 290.00; Matthew Bender & Co, 22.94; Mercer County Sheriff's Dept, 25.00; Mercer County Treasurer, 4634.49; Montana Dakota Utility, 4003.99; ND Department of Health, 32.00; NAPA, 390.17; ND One Call Inc, 44.00; Power Plan, 28.38; Praxair Distributions Inc, 147.95; Rough Rider Industries, 639.00; Roughrider Electric Coop Inc, 2256.46; Sanitation Products Inc, 162599.00; State Fire & Tornado, 6421.26; Tand Construction LLC, 18034.80; Ulteig Engineers Inc, 3476.08; West River Telecommunications, 824.55. On roll call vote; Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 7:15 PM CT. The next regular meeting of the commission will be Tuesday, September 8, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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