

**Hazen City Commission
Regular Meeting
August 3, 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, Chief Dahl, Darrold Bertsch and Christie Obenauer.

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

Minutes: Commissioner Wolf moved to suspend the reading of the July 27th minutes and approve them as presented, second by Commissioner Brunmeier. Motion unanimously carried.

Agenda: President Obenauer asked to hear the report of Chief Dahl as the first item on the agenda #4. Commissioner Brunmeier moved to approve the agenda, adding Chief Dahl as the first item, second by Commissioner Haack. Motion unanimously carried.

CONSULTATION WITH ATTORNEY & ENGINEER

Nuisance Ordinance Enforcement – Police Chief Dahl: Chief Dahl presented a progress report of the police department indicating all the residents that had been given notice of non-compliance with the city nuisance ordinance. The report includes sixteen (16) individuals that have been served, with seven (7) of these having brought their property into compliance. President Obenauer asked about the response from the public and Chief Dahl said the overall response has been generally positive. President Obenauer then asked how these complaints are to be directed to the police department and Chief Dahl said the complaints can be presented directly to the department or if city staff or commissioners received complaints they may forward them on to the police department.

RV Park Plat: Mark Johnson had provided documentation with regard to concerns expressed by the surveyor and Attorney Donovan will review this and respond.

Wildrose Lane – Frontage Road: Mr. Johnson spoke about the proposed cost for design of Wildrose Lane stating the project has been quoted as an addition to the surge projects. Commissioner Stern said he would like to see more of a partnership for the engineering costs in case the project does not proceed. President Obenauer agreed and stated the project will ultimately need to be completed sometime in the future. Attorney Donovan reminded the commission that the agreement with the hotel group is for the city to pay costs to get the street and utilities to the property line. President Obenauer asked if the commission wished to approve the agreement pending construction on the

hotel project. Mr. Johnson said if the project is not completed this year it would incur additional cost for bidding documents and the bidding process. Commissioner Wolf would also like to wait to see if the hotel project proceeds. Mr. Johnson said the commission could approve it and then give direction to the engineer to begin preparing the documents. Commissioner Haack moved to approve the hotel street engineering proposal pending action by the hotel group to begin construction prior to preparing documents, second by Commissioner Brunmeier. On roll call vote; Haack, "Aye", Brunmeier, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Surge Project Update – Ulteig: Mary Schindler advised the commission that work on the water in 10th Street is progressing and lift station #3 has arrived on site as well as several manhole structures. Ms. Schindler said there were issues connecting to the existing water main as it was not in the location or the size originally thought. The design documents thought this was an eight inch (8") water line and it was determined there are two separate six inch (6") lines that will now feed the new eight inch (8") line. Commissioner Brunmeier asked how long the water would be off in this area and Ms. Schindler said it should be on by the end of work today. President Obenauer asked if the contractor is catching up on the work and Ms. Schindler said there are two (2) crews presently working and they may have another crew in soon to work on manholes and lift stations. Commissioner Stern asked about the two water lines and Mr. Johnson said one comes from the south along 3rd Ave NW and then one feeds from the north. Commissioner Haack asked if the two lines feeding the eight inch (8") line would provide the recommended flow rates and Mr. Johnson said it would.

Commerce Center Parking Lot: The commission reviewed the quote for work at the commerce center parking lot and it was determined that the quote of \$71,327 was a firm price but only included concrete work east-west in front of the commerce center, not anything north-south in front of Riverbend Machinery. President Obenauer said he would like to get a commitment from HCD and consider doing a portion of the project this year with the remained to be completed in 2016, using city staff to remove the asphalt (time permitting). Commissioner Stern was concerned that if the work is done to benefit this business what about other businesses. President Obenauer agreed and said he would like to get rid of this lot as soon as any repairs are completed. There was some discussion about using asphalt for the repairs and Commissioner Stern expressed concern of mobilization costs for asphalt construction. Mr. Johnson agreed mobilization can be high but an asphalt crew will be mobilized for the surge projects. Commissioner Brunmeier did not want to see a "band-aid." President Obenauer asked about the asphalt and Mr. Johnson said he would recommend a twelve inch stone base with four inches of asphalt. Commissioner Haack said he thought it was a conflict of interest for him to participate in a vote on how to proceed. Director Neuberger said he had a concern that asphalt needs to be driven on frequently to keep the oil in the asphalt moving and stated concrete would last longer. President Obenauer would like information about the cost for asphalt and Mr. Johnson will provide the information at the next meeting. Commissioner Wolf spoke about bringing this matter up at the next HCD meeting. President Obenauer would like numbers for two options, concrete and asphalt.

Tax Exempt Financing Resolution - SMC: Attorney Donovan explained the request of SMC to issue MIDA bonds for financing of their construction project. Attorney Donovan also explained that the resolution before the board at this time only authorizes publication of a notice of public hearing on the request for bond financing and that the MIDA bonds do not bind the city for any funding. This process has been used in the past and it does not affect the city's bonding limit. Commissioner Brunmeier moved to approve the resolution relating to a project under the MIDA giving the project preliminary approval, subject to a public hearing to be held on September 8, 2015, second by Commissioner Wolf. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. Darrold Bertsch thanked the commission for their action and Christie Obenauer said this starts the process for financing of the project.

REQUEST OF CITIZENS

Senior Citizens Organization – H. Weidrich: Hilmer Weidrich and Delores Chase appeared before the commission on behalf of the Hazen Senior Citizens Organization. Mr. Weidrich explained that the organization is in dire need of assistance with building repairs, air conditioner repairs and parking lot issues. Mr. Weidrich explained that the organization has eighty (80) members that pay a \$10/year fee and all other funds come from fundraising efforts and the expenses of the group continue to increase. Mr. Weidrich referred to the mill levy the group used to receive and stated he does not know why can't get this anymore. President Obenauer could not explain the mill levy question and asked if they had an estimate for asphalt for the parking lot. Mr. Weidrich had not received any estimates yet. Ms. Chase said liability and property insurance for the group has increased to \$2500/year. President Obenauer said the last time the organization was seeking assistance they did not present any information as to the needs of the group so he was glad they come with specific issues to be addressed. Mr. Weidrich said that a rough ball-park estimate of the needs is \$50,000 to \$55,000. President Obenauer said the city would help with in-kind assistance as much as possible and then asked if the group had considered or discussed additional sales tax to aid them. Mr. Johnson said Ulteig would donate time to quantify the needs of the organization for future discussion and budget consideration.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Building Permit w/Variance Request – Campbell: The building application and variance request of Amber and Dennis Campbell was reviewed. Planner Frovarp said the commission first received and discussed this application last week but it was not approved as the applicants are only renting. Planner Frovarp informed the commission that the property owner is aware of the request and has also signed the application. President Obenauer asked how this variance request differs from the request of another resident about one month ago. Planner Frovarp said this request is for a variance of seven feet (7') rather than fourteen feet (14'). Commissioner Wolf moved to approve the building application and variance request, second by Commissioner Stern. Upon discussion there was still

concern about the variance request and that the ordinance requires a twenty foot (20') setback. On roll call vote; Wolf, "Aye", Stern, "Aye", Haack, "Nay", Brunmeier, "Nay", Obenauer, "Nay", motion failed.

Local Permit – St. Martin Catholic Church: The commission reviewed an application for local permit #2015-12 as requested by St. Martin Catholic Church to conduct a raffle on October 29, 2015. Commissioner Wolf moved to approve the local application and permit as presented, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

Transient Merchant License – H Hansar: The commission reviewed an application for transient merchant license as submitted by Hardo Hansar on behalf of Southwestern Advantage Company, Nashville Tennessee. The commission was advised that Mr. Hansar has received a state transient merchant license as well as a Beulah Peddler's License. He would like to sell educational materials door to door on August 7, 10, 11 & 12. The commission was also advised that the city ordinance does not allow solicitation without invitation. Commissioner Stern moved to approve the transient merchant license as requested, second by Commissioner Wolf. On roll call vote; Stern, "Aye", Wolf, "Nay", Haack, "Nay", Brunmeier, "Nay", Obenauer, "Aye", motion failed.

REPORTS

President: President Obenauer said he has been asked how the bus facility location will be determined. President Obenauer would like commission members to meet with bus staff and advisory board members and then bring a recommendation to the full commission. President Obenauer and Commissioner Haack have discussed the location near the fire department with Chief Wettstein and there is no objection if the commission wishes to use this location.

President Obenauer then asked about the driveway damaged by city crews and directed the auditor to contact the property owner about cost sharing the repairs to be completed properly.

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

Street/Cemetery: Commissioner Stern said the crews cleaned up branches and leaves and there was no major damage. Director Neuberger said the majority of the clean-up was done by hand.

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

Police/Fire/Forestry: Commissioner Haack informed the commission that the forester is registered for the tree risk assessment workshop in September and is also looking at information for another workshop this fall or early winter.

NEW BUSINESS

Snow Blower Replacement: Commissioner Stern said the current snow blower is more than twenty years old and having bearing issues that are becoming expensive and may take the machine out of operation for some time. Director Neuberger has secured quotes from two companies for the purchase of a replacement blower. The first quote is from Fair Manufacturing Inc for a 173HP blower

at a cost of \$78,937 plus options and delivery. The second quote is from Titan Machinery for a 240HP blower at a cost of \$82,500 (after trade-in). There is currently \$91,000 budgeted for equipment purchases and the quote from Titan Machinery is for the same brand blower as our current machine and at a higher horsepower. Commissioner Stern moved to approve the purchase of the snow blower from Titan Machinery at a cost of \$82,500 (after trade-in), second by Commissioner Brunmeier. Upon discussion President Obenauer said he likes the trade-in option so we don't accumulate more used equipment at the shop. Commissioner Wolf asked if there were any options necessary and Director Neuberger said the only thing needed would be for Titan to make sure the hook-up will work with our equipment. On roll call vote; Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

September Meeting Schedule 9/7: The commission agreed to reschedule the first meeting in September. The first regular meeting will begin at 5:30 PM CT on September 8, 2015 due to the Labor Day Holiday.

Approval of Bills: Commissioner Wolf moved to approve the bills, second by Commissioner Brunmeier. Pre-paid and bills approved for payment are as follows: Payroll, 126714.96; Bank of ND, 109585.00; BHG Inc, 564.23; Cardmember Service, 351.98; Convention & Visitors Bureau, 3166.22; Dan Wettstein, 320.00; Hazen Hardware Inc, 138.87; Hiway Express, 425.70; Kasey Lesmann, 100.00; Monte Erhardt, 46.00; ND Building Officials Assoc. 250.00; NDUCFA, 40.00; Postmaster, 114.00; Pretty Petals, 50.00; Railroad Management Co III LLC, 160.78; SBM Inc, 204.95; Southwest Water Authority, 38643.13; Stroup Insurance, 1067.00; Universal Premium Fleetcard, 4576.25; Verizon Wireless, 200.32. 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 6:50 PM CT. The next regular meeting of the commission will be Monday, August 17, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor