

**Hazen City Commission
Regular Meeting
February 2, 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, Blake Wiedrich, Leilani Meyhoff, Buster Langowski, PW Director Neuberger, Al Mautz, Darren Mund, Dan Frei, Mr./Mrs. Thomas Clement, and Mike Brunner.

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

President Obenauer opened the public hearing on the request for moving permit published and requested by Mike Brunner. Planner Frovarp stated Mr. Brunner had submitted an application for a building permit which stated, "This is the one I'm putting up." Planner Frovarp had received a call from a neighbor in the area of Mr. Brunner asking if a moving permit is required when bringing a structure into the city. Planner Frovarp was then aware that Mr. Brunner had moved a 14' x 24' structure in from rural Hazen and had not acquired a moving permit. Mr. Brunner then made application for a moving permit and notice of hearing was published for the current date and time. Planner Frovarp informed the commission that, since the building had been brought into the city, the building has been painted and steel roofing has been placed on the structure. President Obenauer asked if the building had been moved in without permission and was advised yes it was. Mr. Brunner arrived at this time and explained that the structure is an old granary he purchased and the seller/mover said the building needed to be removed so it was moved into town at that time. Mr. Brunner said he will be putting metal siding and proper foundation for the building in the spring. Commissioner Wolf asked if the building would be on footings or a slab and Mr. Brunner said he will put a more permanent foundation under the building. President Obenauer said he had received one comment on the building and Planner Frovarp said he had not received any comments, other than the original question of the need for a moving permit. President Obenauer then asked if the permit is not approved the commission is saying the building must be removed and Planner Frovarp said that is correct. Commissioner Haack asked if the building was on Mr. Brunner's rural property and he stated he had purchased the building. Commissioner Wolf asked if the mover had asked to see a moving permit and Mr. Brunner said he had not. Commissioner Brunmeier asked if the siding, when completed, would be the same as the other structures on the property and Mr. Brunner stated it would be the same color. Commissioner Brunmeier then asked about a fine for not obtaining the required permits and Planner Frovarp stated there is not a specific fine for this so it would fall under the general fine of up to \$500 and/or up to thirty (30) days in jail. Attorney Donovan stated the fine would not apply to the mover and Planner

Frovarp stated the property owner is typically responsible for obtaining permits and paying any fines for failure to do so. Mr. Brunner said he had applied for a building permit and Planner Frovarp said there was some miscommunication due to the "putting up" wording on the building permit and he did not realize it meant a building was being moved in. Commissioner Haack moved to deny the moving permit. Attorney Donovan suggested it would be preferred to have a motion to approve the permit and then vote it down if the commission wishes. President Obenauer said there is a motion to not approve the permit and then asked two (2) times for a second. Hearing no second, President Obenauer declared the motion dead for lack of a second. It was then decided the motion for any action should be taken after the public hearing so the matter was placed on the agenda as item 7A. President Obenauer closed the public hearing at 5:45 PM CT.

Minutes: Commissioner Brunmeier moved to dispense with the reading of the January 19th minutes and approve them as presented, second by Commissioner Wolf. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

Ulteig Engineers – RV Park: Mark Johnson presented a letter to the commission that outlines three (3) separate scenarios relating to lift station needs and the RV Park. One scenario relates to the upgrading the current lift station #3 at an estimated cost of \$70,000 to \$100,000 and allow for future upgrades for increased capacity as a result of additional development. The second scenario is for the Park Board to put in the smaller lift station to serve only the RV Park and the city would then still be faced with a need to replace/upgrade lift station #3 in the future. The third scenario is for the city to abandon the current lift station #3 and construct a new lift station, of adequate capacity, in the RV Park to meet future city needs and the needs of the RV Park without adding another lift station to the city system. President Obenauer said lift station #3 does not need to be re-done at this time but will need it in the future and Mr. Johnson agreed. Mr. Johnson then also addressed some of the "3rd level rumor" about developing in west Hazen which will affect lift stations #3, #5 & #6. President Obenauer asked if the study completed in 2012 addressed the information necessary to look at the needs of these three lift stations. Mr. Johnson stated it did not because it did not include vertical elevations and didn't include specific capacity information such as how much the lift stations are pumping and how fast they are pumping. This information will assist in determining if there is any infiltration within the sewer system. Commissioner Stern said the sewer study is only two years old and cost in excess of \$25,000 and the information is no good. Mr. Johnson stated the study information is good as the study's purpose was to identify issues that need to be addressed and this new information will allow Ulteig to tighten up the numbers. Commissioner Stern said the study made certain recommendations for future improvements and the city had agreed to a contract amendment, with additional cost, to complete the

study. Mr. Johnson explained the additional work in 2012 was for survey of some manholes and to get as-built documents, which were never obtained. Commissioner Stern then said that, at the time of the 2012 study, the water/sewer staff suggested flow meters be installed and Mr. Johnson agreed that is not a bad idea but they aren't really needed. Commissioner Brunmeier asked if the Basin land begins to be developed does this then effect lift station #3 and is was discussed it would but President Obenauer stated it was discussed and it still would not require upgrade of the lift station at this time. President Obenauer said the park board also needs to know how to proceed and it was discussed that there are reserve funds available to proceed with lift station #3 if the commission wishes. Al Mautz asked if the RV Park project would be ready to bid in a month and Mr. Johnson said it would not be since Ulteig has not been given approval to design the project. Mr. Mautz said that if the overall project cost is estimated at \$900,000 he does not think it can happen and asked what the city is planning. Buster Langowski then asked how long it would take to complete the additional study and bring information back as it is hard to expect a decision without all the information. Mr. Johnson said he would like to commit to have the information for the next meeting. Mr. Johnson said they could start the design of the RV Park now and complete the lift station design later, at a cost of \$250,000 from a planning standpoint. President Obenauer said that if west Hazen is developed we know that lift station #5 needs to be done sooner than later, but are likely going to see rapid growth. Darren Mund said if the park board puts in the smaller lift station he doesn't see lift station #3 being moved later. President Obenauer asked about the cost for the smaller lift station and Mr. Johnson estimated between \$40,000 and \$50,000. Commissioner Stern suggested there must be a fair way to do this such as when lift stations were put into other areas and the area is annexed and residents are asked to pay. President Obenauer suggested it is not an easy decision as the decision made now will affect the city many years in the future. Commissioner Brunmeier asked if the city puts in the new lift station will the park board share in the cost and Mr. Mund said the city minutes allocated \$125,000 for a lift station. Mr. Johnson said he understood the \$125,000 was for the city to share cost with the park board to install a lift station that could be upgraded in the future. President Obenauer said the city has the option to direct Mr. Johnson to do the study and then come up with a plan for lift station #3. Commissioner Haack said there are at least three issues and it is going to be an expense for the city no matter what. Commissioner Wolf spoke about the commission needing to be able to explain to the residents the need to spend \$400,000 to help get the RV Park operating. Mr. Langowski said that, even if the park does the smaller lift station, the city will still need to make a decision on how to proceed. Dan Frei said that is the job of the commission to make the decision and explain it to the public. Mr. Frei said it is not always easy to explain long term benefit of a decision but the decision must still be made and that is why a person seeks a position on the commission. President Obenauer asked the time-frame to build a brand new lift station and Mr. Johnson felt it could be completed by June without difficulty. Mr. Johnson said a new lift station would involve relocating some of the sewer line. Commissioner Stern said that the Elbowoods project, which did not include service lines, was quite expensive and questioned how this line could be cheaper. Mr. Johnson said he would have to take

measurements and tighten up the numbers suggesting the study could show ways to reduce future costs. President Obenauer said the commission can't make a decision by guess or by gosh and Commissioner Brunmeier said she would like to know some of the numbers. Commissioner Wolf suggested the commission consider a decision, without the numbers, so the park board knows how to proceed. Commissioner Stern again asked about funding such work, as it was not budgeted and it was determined there reserve funds and if necessary the city would have to look at other funding options such as loans. President Obenauer asked how the board would like to proceed; have the study done? Do nothing or move forward and make a decision. Commissioner Haack said he would like to move forward but it is tough to do consider the condition of lift stations #3, #5 & #6. Commissioner Stern said the overall scope the \$40,000 is not a large amount and the Park Board would know they have a lift station. No motion was made so President Obenauer moved on to the next agenda item.

REQUEST OF CITIZENS

Local Permit Application – Hazen Arts and Crafts Association: The Hazen Arts & Crafts Association has filed application for a permit to conduct a raffle fundraiser with the drawing to be held at city hall on April 26, 2015.

Local Permit Application – St. Martin's Youth Group: The St. Martin's Youth Group has filed an application for a permit to conduct a raffle fundraiser with the drawing to be held at St. Martin's Parish Hall on April 29, 2015.

Free/Reduced Hall Rent – Hazen Hospital Auxiliary & SMC Hospice: The commission reviewed applications for free/reduced rent at city hall on the following dates: February 12-13 (Hospice), March 26-27 (Hospice), and April 12th (Auxiliary), all subject to the kitchen fee, if applicable.

Local Permit Application – English Lutheran Church Youth Group: The English Lutheran Church Youth Group has filed an application for a permit to conduct a raffle fundraiser with the drawing to be held at English Lutheran Church on March 25, 2015.

Commissioner Wolf moved to approve all the applications, as presented, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye" motion carried.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Moving Permit – Mike Brunner: The commission again directed its attention to the moving permit as requested by Mr. Brunner. Commissioner Brunmeier moved to approve the moving permit, to assess of \$500 fine and to allow the building to remain on the property. President Obenauer called for a second to the motion twice. After receiving no second President Obenauer declared the motion dead for lack of a second. President Obenauer then asked if there is another motion and if none he wanted to be clear as to what happens with the requested permit. Mr. Brunner asked why there is discussion of not approving the permit as he is not aware of any complaints. President Obenauer said he had received one complaint expressing concern about garbage and Mr. Brunner said he has already painted

and put a new roof on the building as he is trying to improve the appearance of his property. President Obenauer then asked how the commission would like to proceed. Commissioner Haack moved to deny the moving permit, second by Commissioner Wolf. Upon discussion Commissioner Brunmeier asked about the fee for the moving permit and was advised that the fee was actually paid after the building was moved but the fee is required to cover publication/notice costs. Commissioner Wolf asked if the building, if it remains, would be breaking any other ordinances. Planner Frovarp said it is not so long as it is used only as storage, not as a garage. President Obenauer then asked what happens if the building is removed and Mr. Brunner then begins the process all over again. Planner Frovarp said he is aware of situations where a building was moved in and the property owner was given a specific period of time to make improvements. President Obenauer said he does not want to see any openings under the building that would allow rodents to get in. On roll call vote; Haack, "Aye", Wolf, "Nay", Stern, "Aye", Brunmeier, "Nay", Obenauer, "Nay", motion to deny permit failed. Attorney Donovan then suggested if there is intent to impose some type of limits for the permit there should be a motion to approve with the additional conditions. Commissioner Brunmeier said she had requested the imposition of a fine to discourage future incidents. Attorney Donovan re-stated the motion failed so the permit is approved. When asked, Planner Frovarp said the building meets all the conditions for a building permit so the building permit does not require commission action.

REPORTS

President: President Obenauer referred to a letter sent to Senator Unruh with regard to the action of the Coal Conversion Counties and her response. Steve Frovarp said the bill has passed the Senate and will be considered by the House and the Coal Conversion Counties membership will be meeting to discuss how they wish to proceed with regard to the beneficiation tax bill. President Obenauer also said the surge funding bill has passed the Senate, as well, and will be moving through the House very quickly and that he will be going to any hearings on the bill to testify, in support, if necessary.

Water/Sewer: Commissioner Brunmeier informed the commission that the water/sewer staff is reviewing specifications for a trailer mounted jetter/vacuum so it can be advertised for bids following the 2/16 meeting. Commissioner Brunmeier also informed the commission of a water leak that was repaired recently but will require further, permanent repairs in the spring.

Street/Cemetery: Commissioner Stern moved to approve the purchase of a second AED unit for city hall in the amount of \$2005, the same price as the previously purchased AED, second by Commissioner Brunmeier. On discussion the AED is necessary as when the hall is rented access from the large and small hall may be restricted so there is a need for an additional unit. Commissioner Brunmeier was concerned with the restricted access but was informed that a public building requires two emergency exit points which are still available. On roll call vote; Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Finance/Busing: Commissioner Wolf informed the commission that four (4) tires are needed for the 2013 bus and that the auditor had requested verbal quotes from Mel Roth Oil, Farmer's Union and J&L

Automotive. Commissioner Wolf moved to purchase tires from J&L Automotive at a cost of \$253.00/tire plus mounting cost not to exceed \$200, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

Police/Fire: Commissioner Haack informed the commission that the police department received two quotes for purchase of a police vehicle. The first proposal is from Pfeifle Chevrolet in the amount of \$31,888. The second proposal is from Hazen Motor Co in the amount of \$32,880. Commissioner Haack moved to approve the purchase of the vehicle from Hazen Motor Co at a cost of \$32,880, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried. Commissioner Haack also informed the commission that he had discussed the nuisance/junk car ordinances with Chief Dahl and they are not going to request any ordinance changes at this time. They will pursue enforcement of the current ordinances and work with the Mercer County Regional Landfill for storage of vehicles that may be impounded.

President Obenauer asked if anything had been received with regard to sale of the armory and was advised nothing as of this date.

CORRESPONDENCE

Friends of Lake Sakakawea: Commissioner Wolf moved to continue Silver Business Membership with the Friends of Lake Sakakawea at a cost of \$100/year, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

OLD BUSINESS

Historical Society Funds Request: Blake Wiedrich presented the commission with copies of the historical society newsletter and the commission viewed pictures of the museum. Commissioner Stern had visited the museum and stated he always thought the building was much smaller and it would be very easy to spend hours in the museum. President Obenauer apologized for not being able to come to the museum and Leilani Meyhoff said the museum is preserving Hazen's artifacts and history along with all the other cities in the county. Commissioner Wolf moved to donate \$3000 for the historical society to use as they choose, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

Bus Facility Grant Contract: The commission received a copy of the contract for the bus facility grant which will be signed by President Obenauer.

NEW BUSINESS

Assessor Update: Assessor Frovarp recently attend the county assessor meeting and was informed that, based on home sale prices, the value of homes will again increase this year. Assessor Frovarp said the county tax director is working with Vanguard on a couple of options to lessen the impact which include; a review and change of the depreciation formula which will affect some property owners negatively and other positively or; a flat across the board increase which will be in the area of 10%.

Assessor Frovarp said this is happening county-wide and that Beulah, Hazen, Zap and Stanton are all using the Vanguard software, as of this year. Assessor Frovarp also informed the commission that he is watching two (2) bills in the legislature that will affect the Homestead Credit qualification process. Assessor Frovarp also said the city will have to consider how it will proceed in the future as to appointment of an assessor. Any new assessor has to receive one hundred eighty (180) hours of training to become certified and the county tax director recommends budgeting \$3000/year for each year of training until certified. Assessor Frovarp said the city may also contract with the county to have the county assessor assess city property but there is currently no estimate of the cost for such an agreement.

Police Department Vehicle Quote(s): This matter was discussed and completed as part of Commissioner Haack's report.

Travel Reimbursement Rates: The commission was informed that effective January 1, 2015 the IRS and state personal vehicle reimbursement rate increased to \$.575 and the city will be using this rate.

Approval of Bills and Pledges of Securities: Commissioner Wolf moved to approve the bills and pledges of securities as filed by Union State Bank and The Union Bank, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: United States Postal Service, 269.64; Career Track, 198.00; AED Everywhere, 92.00; ASCAP, 335.42; Bank of ND, 13745.00; Beulah Lumber Co, 5.97; BHG Inc, 637.15; Cardmember Service, 65.00; Chuck Dahl, \$103.75; Comfort Inn, 74.00; CVB, 4664.31; Cross Country Courier, 70.45; Dakota Fire Extinguishers, 68.00; Dakota Supply Group, 1054.26; Dan Wettstein, 320.00; David Brousseau, 10.50; Fastenal Co, 6.61; Hawkins Inc, 5.00; HCD, 15.00; J&L Automotive, 67.90; Jon Quam, 125.00; Joyce Lemer, 10.50; Kadrmas Lee & Jackson Inc, 6358.00; Kasey Lesmann, 100.00; Marco Inc, 79.15; Menards, 272.37; MOCIC, 100.00; Mike Froelich, 26.00; Monte Erhardt, 82.80; ND Clerk of Court Assn, 60.00; Olson Electric, 3551.70; Peggy Rahn, 31.50; Pretty Petals, 50.00; Roughrider Electric Coop Inc, 55.00; Sakakawea Medical Center, 29.18; Samantha Yoder, 111.70; SBM Inc, 44.37; Southwest Water Authority, 24192.78; Steve Frovarp, 23.00; Ultimate Safety Concepts Inc, 2695.00; Verizon Wireless, 115.06; Workforce Safety & Insurance, 17904.46. Motion unanimously approved.

There being no further business the meeting was adjourned at 7:22 PM CT. The next regular meeting of the commission will be Monday, February 16, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor