

**Hazen City Commission  
Regular Meeting  
April 20, 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, Mark Johnson (Ulteig), Carmen Reed (Mercer EM), Carron Day & Andrew Thierolf (KLJ), Kelsey Timmer (KLJ), Ryan Wolf, Nikki Wolf, Gene Wolf.

President Obenauer reconvened the meeting of the Hazen Board of Equalization at 5:27 PM CT and said there was one property that was addressed during the previous meeting held on April 14<sup>th</sup>. Assessor Frovarp said he had only received additional sale information for similar properties late this afternoon and he has not been able to meet with the property owner. Assessor Frovarp added that it appears the property as assessed may be slightly high. President Obenauer asked if there were any other comments or questions and none were received. Commissioner Brunmeier move to approve the assessment recommendations as presented, subject to review of the property in question, second by Commissioner Wolf. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Regular meeting called to order at 5:33 PM CT by President Obenauer.

**Minutes:** Commissioner Wolf moved to dispense with the reading of the April 6<sup>th</sup> and April 14<sup>th</sup> Equalization minutes and approve them as presented, second by Commissioner Haack. Motion unanimously carried.

**Agenda:** Mark Johnson, Ulteig Engineers, requested item 4C be postponed to the May 4<sup>th</sup> meeting. Commissioner Brunmeier moved to approve the agenda as amended, second by Commissioner Wolf. Motion unanimously carried.

**CONSULTATION WITH ATTORNEY & ENGINEER**

**Multi-Hazard Mitigation Plan Discussion:** Mercer County Emergency Manager met with the commission to update them on the process of updating the county multi-hazard mitigation plan which includes the city of Hazen. Ms. Reed obtained a grant to update the plan and is working with Kadrmass, Lee & Jackson Engineering (KLJ) to complete this process. Also present, from KLJ, were Carron Day and Andrew Thierolf who are assisting in the process. Ms. Day said they have been working with the county for about five (5) months, in addition to other areas within the state to update the plan. Ms.

Day explained that there are different stages of the process and their firm has been quite successful in getting plans approved. The county board has met on three occasions and Planner Frovarp has been in attendance for these meetings where the board tries to identify different hazards that mitigation efforts address which makes the various jurisdictions eligible for FEMA funding. Ms. Day asked if there are specific hazards the board could identify that should be addressed in the plan. President Obenauer referenced projects on Antelope Creek and along Main Street to address flooding concerns. Ms. Day agreed that the city is in pretty good condition with regard to hazard mitigation and Mr. Thierolf explained more about the CRS program which is helpful in obtaining reductions in the amount of flood insurance premiums. Ms. Day suggested a presentation, by FEMA representatives, on the CRS program may be something the city should consider as part of the mitigation plan.

**Surge Projects – Plans/Specs – Authorization to Bid:** Mark Johnson (Ulteig) updated the commission on the surge project process indicating that the plans and specifications should be completed by April 27<sup>th</sup> as discussed and he would like the board to consider authorizing publication of the notice of bids for the project so it can be included in the April 30<sup>th</sup> newspaper with a May 21<sup>st</sup> or 22<sup>nd</sup> bid opening. The next item Mr. Johnson wished to discuss was the repair/replacement of the water line in 10<sup>th</sup> Street; explaining that there is issues with the curb and asphalt on this street that could be addressed while it is disrupted, but this would increase the cost an estimated \$50,000. President Obenauer suggested doing the project as originally discussed. Mr. Johnson then discussed lift station #5 and the need to move the proposed location west, from the original location, to avoid additional cost to work among the number of utilities in the area. Mr. Johnson also recommended a graveled access path to the lift station. President Obenauer did not see an issue with moving the lift station location but did not want to see a road in the park. Mr. Johnson also explained that four (4) trees would be relocated as part of the new location. Commissioner Stern said there were discussions, some time ago, about removing the dike, cutting down the berm, and making it an alley access. Mr. Johnson recommended against such action. Commissioner Haack moved to authorize publication of the notice of bids for the projects as discussed, second by Commissioner Brunmeier. On roll call vote; Haack, “Aye”, Brunmeier, “Aye”, Stern, “Nay”, Wolf, “Aye”, Obenauer, “Aye”, motion carried. Mr. Johnson then spoke about the Williams Building project and stated they have been contacted about serving as engineer for the project. Mr. Johnson said there are two (2) things that need to be addressed with regard to the project; 1-the area in the initial agreement that was approved at the last meeting did not include specific location of the hotel project which is to be excluded from the zoning application of Williams Builders, and, 2-from a planning aspect, Mr. Johnson feels the board may wish to consider relocating the access point to the property east from 11<sup>th</sup> Avenue. There was discussion about the original plan of a frontage road in this area which takes away property from the development. President Obenauer said the frontage road has been included in discussion with Williams Builders and said if the access is to be moved he feels the cost for this should be to the developer and he does not feel the access is critical to the current RV Park. Buster Langowski said that the discussion with the hotel group was for a three hundred foot (300’) frontage road with cost shared with the city. Commissioner Haack did not see the

need to relocate the access as he has travelled through residential areas in larger cities to access a hotel site. Commissioner Stern pointed out that there is no current agreement relating to the frontage road.

**Engineering Agreement – Ulteig Engineers:** The commission reviewed information to extend the general services agreement with Ulteig Engineers for an additional year effective after May 15<sup>th</sup>. Mr. Johnson explained the agreement and the associated task list indicating the agreement can be terminated at any time. Commissioner Haack stated he would like to see how the surge projects progress prior to extending the contract an additional year. President Obenauer asked if the agreement could be extended for six (6) months and Attorney Donovan stated that if the board is considering any other engineering firms the board could consider only extending until June. Commissioner Haack asked about the expecting completion time for the surge projects and Mr. Johnson explained they should all be complete before snowfall this year. Commissioner Haack moved to approve a six (6) month extension of the engineering contract with Ulteig, second by Commissioner Wolf. On roll call vote; Haack, “Aye”, Wolf, “Aye”, Stern, “Aye”, Brunmeier, “Aye”, Obenauer, “Aye”, motion carried. Commissioner Wolf moved to approve the engineer task list as presented, second by Commissioner Brunmeier. On roll call vote; Wolf, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

## REQUEST OF CITIZENS

**Free/Reduced Hall Rent – Hazen Lions Club:** Commissioner Brunmeier moved to approve the request for free use of the hall for a medical benefit, subject to the kitchen fee, second by Commissioner Wolf. Motion unanimously approved.

**Floodplain Issue – R. Wolf:** Ryan and Nikki Wolf appeared before the commission to discuss bringing their home into compliance with the floodplain requirements. Mr. Wolf referenced a meeting with FEMA and city representatives and President Obenauer referenced an e-mail received from FEMA today. According to President Obenauer’s interpretation of the email, FEMA expects dirt to be hauled to the property, spread and a new elevation certificate be obtained. President Obenauer stated that our staff is not certified to perform landscape work and it appears that FEMA agrees to relieve the city of the requirement to spread the dirt. Mr. Wolf said he just wants to get his home into compliance and since the city did not have the proper permit process in place he feels it is the city’s responsibility to bring the property into compliance pursuant to ND Century Code. Planner Frovarp stated there are things that should have been done differently and it is now necessary to place additional fill at the property and obtain a new elevation certificate. Commissioner Wolf expressed concern as to why the required permit was not issued and Planner Frovarp said he takes responsibility for that as he interpreted the flood map different than it has been interpreted by others and the city has followed same procedure for more than thirty (30) years. Attorney Donovan said that if you look at the 1983 map it is easy to understand how difficult it can be to interpret. Commissioner Brunmeier asked Mr.

Wolf if he would be willing to share the cost of the landscaping and he indicated he has tried on several occasions to bring the property into compliance and asked if the city would be willing to pay his wages for the personal time he has had to take away from work to try to achieve compliance. Commissioner Brunmeier then asked if the city could hire any landscaper and was advised that is the city's call. Mr. Wolf again stated he would just like to see the property in compliance and said a timeline for the work would be helpful. Planner Frovarp suggested the work needs to be completed as soon as possible. Commissioner Haack stated something had to be done and he could understand the frustration and the point being made on both sides of the issue questioning if the city needed to obtain bids for the landscaping work and what about the dirt settling. Planner Frovarp said there has to be some type of compaction prior to getting the new elevation certificate. President Obenauer expressed concern about the type of precedent this issue could set but acknowledged that FEMA is requiring this be completed. Mr. Johnson suggested setting stakes prior to doing the landscaping to determine the lowest point and get the proper elevations, indicating a landscaper will likely remove some of the sod prior to placing the fill dirt and then replace the sod. Commissioner Haack moved to have the engineer stake the property to determine grade, second by Commissioner Brunmeier. Upon discussion Commissioner Stern asked how the new flood map addresses this area and Planner Frovarp stated it would no longer be in the flood zone but that is again open to interpretation. Planner Frovarp suggested, in order to keep the matter moving forward, that if the grade indicates additional fill will be sufficient the motion be amended to include language to complete the work as described. Commissioner Haack moved to amend the motion to include, if grade is sufficient, to work discussed be completed, second by Commissioner Brunmeier. Upon discussion Commissioner Stern stated, since he has been on the board, other permits have been issued based on documentation to prove the structure is out of the flood zone. Planner Frovarp said this may be different based on the 500 or 100 year flood plain areas. Roll call vote on the motion to amend; Haack, "Aye", Brunmeier, "Aye", Stern, "Aye" (Commissioner Wolf excused herself for the voting), Obenauer, "Aye", motion carried. Roll call vote on the motion, as amended; Haack, "Aye", Brunmeier, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

## **REPORTS**

**President:** President Obenauer informed the board that he was out of the area the previous week and when he returned home there was a strong odor from the lagoon and he requested Commissioner Brunmeier to look at our procedures again. President Obenauer said he is aware of massive projects that would address this issue but would like to start small and work to get this matter resolved.

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

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

**Finance/Busing:** Commissioner Wolf informed the board that the proposed bus facility location, east of the library, has been accepted, verbally, and we are waiting for written confirmation of this fact.

**Police/Fire:** Commissioner Haack had nothing at this time as his information is contained later in the agenda.

## **OLD BUSINESS**

**Nuisance Discussion:** Commissioner Haack presented information relating to the enforcement of ordinances currently on record relating to nuisance complaints and junk vehicles. Commissioner Haack would like some discussion on the matter and plan to move forward to being enforcement of these ordinances following the opportunity to reduce some of the problems during clean-up week. Commissioner Wolf asked if the city is equipped to handle removing vehicles from property and Commissioner Stern said the city could contract with someone for this type of work. President Obenauer said this issue goes back to the “good neighbor” things discussed previously and how a property owner needs to respect and take pride in themselves and their neighborhood. President Obenauer also suggested that property in violation be given some type of notice and acknowledged that what one person considers junk may not be to another person. Commissioner Stern then said he has been contacted by residents that aren’t sure who to contact about property that may be in violation. President Obenauer said it is a matter of educating the residents and then contact the Planner Frovarp at city hall so he can start the process by notifying the property owners. Commissioner Haack stated he did not want to start a firestorm and President Obenauer would like to have a meeting with Chief Dahl and Commissioner Haack to proceed with enforcement.

**Sidewalk Repair Estimates:** Public Works Director Neuberger had obtained estimates to repair the sidewalk near the Pocket Park and Commissioner Stern presented them to the commission. The estimates received include: Pride Contracting - \$4,900.00; Winkler Construction - \$4,300; Wilson’s Concrete Services - \$5,100.00. Commissioner Stern moved to accept the proposal of Winkler Construction (\$4,300) as it was the lowest and included five inches (5”) of concrete, second by Commissioner Brunmeier. On roll call vote; Stern, “Aye”, Brunmeier, “Aye”, Haack, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

## **NEW BUSINESS**

**HR Software – Black Mountain Software:** Auditor Erhardt informed the board that additional requirements of the Affordable Care Act will require new forms to be prepared for submission. Black Mountain Software is offering two (2) options of their Human Resource Software that will handle generating the necessary forms as well as other HR duties. Auditor Erhardt recommends purchasing the HR Mini-Module as it will accomplish the necessary forms at reduced cost and can be upgraded in the future if the full software suite is needed. Commissioner Brunmeier moved to approve the purchase of the Mini HR Module at a cost of \$1350 and annual maintenance of \$270, second by Commissioner Wolf. On roll call vote; Brunmeier, “Aye”, Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

**Approval of Bills and Financial Statements:** Commissioner Wolf moved to approve the bills and financial statements as presented, second by Commissioner Haack. Pre-paid and bills approved for payment are as follows: Ameripride Linen & Apparel Services, 431.49; Capital City Restaurant Supply, 37.75; Cardmember Service, 1696.29; Chip Wizard, 40.00; D&E Supply, 247.07; Dacotah Paper, 394.60; Discovery Benefits, 25.00; Fastenal Co, 8.01; Ferguson Waterworks, 1249.16; Hiway Express, 21.42; J&M Hardware, 24.00; James Wolff, 570.84; Joyce Lemer, 52.50; Lange Donovan & Kaffar, 1763.75; Marc Corp, 238.65; Montana Dakota Utility, 4575.77; Monte Erhardt, 93.30; Mul T Services & Contracting, 350.00; ND State Auditor's Office, 165.00; NAPA, 137,86; ND One Call Inc, 14.30; Northern Safety Co, 96.51; Northland Financial, 302.00; Obenauer Plumbing LLP, 75.00; Peg Rahn, 51.42; Pride Contracting Inc, 4907.50; Rath & Mehrer PC, 5400.00; RDO Truck Centers, 152.30; Ron Neuberger, 11.50; Roughrider Electric Coop Inc, 3638.17; Samantha Yoder, 11.50; SBM Inc, 60.98; SBM Inc, 60.98; St. Alexius Medical Center (EAP), 187.50; Stein's Inc, 271.00; Steve Frovarp, 17.25; Swanston Equipment Corp, 340.15; Ulteig Engineers, 10000.00; Workforce Safety & Insurance, 901.16. Motion unanimously approved.

There being no further business the meeting was adjourned at 7:03 PM CT. The next regular meeting of the commission will be Monday, May 4, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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