

**Hazen City Commission  
Regular Meeting  
May 4, 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, Kelsey Timmer (KLJ), Mark Johnson (Ulteig), Director Ron Neuberger, and Jo Neuberger.

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 20<sup>th</sup> minutes and approve them as presented, second by Commissioner Brunmeier. Motion unanimously carried.

**Agenda:** Commissioner Brunmeier moved to approve the agenda as presented, second by Commissioner Haack. Motion unanimously carried.

**CONSULTATION WITH ATTORNEY & ENGINEER**

**Northstar Sewer Easement:** Mark Johnson advised the board that the sewer line as discussed was not placed on the property line so the easement exhibits represent the area on either side of the sewer line. Commissioner Haack asked about a new trench at this location and was advised this was for electrical service. Commissioner Haack moved to approve the easement based on the exhibits presented, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

**Surge Projects - Update:** Mark Johnson advised the board that they were hoping to do a sole source contract for lift station pumps but the price came in higher than estimated so the pumps have been put back in the project plans & specs. Mr. Johnson said the engineer's estimate (w/out engineering), based on bids recently received is approximately \$115,000 less than the amount budgeted for the project. Commissioner Haack asked if this included the work on 10<sup>th</sup> Street NE and moving lift station #3 near 4<sup>th</sup> Ave NE and Mr. Johnson said the project includes everything. President Obenauer asked about the installation of the sewer line in 10<sup>th</sup> Street and the water table of the area and Mr. Johnson said he had contacted Northern Technologies Inc to get an estimate to bore test holes to determine soil conditions at the site. President Obenauer then asked about discussion to put the sewer line in the proposed RV Park and Mr. Johnson stated this would not be cost effective. Commissioner Brunmeier moved to approve an agreement with Northern Technologies Inc for boring of test holes, to determine water table at the project location, at a cost of \$2,100, second by Commissioner Wolf. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Nay", Obenauer, "Aye", motion carried. Mr.

Johnson said he had communicated with Attorney Donovan about concerns for multiple prime bids on the project and advised the ad notice was changed and the bid packet limits the contractor to bidding all items, not portions of the project. Attorney Donovan said the city would basically be hiring a general contractor and Mr. Johnson said the city would contract with one (1) contractor doing everything but the asphalt. Attorney Donovan then said the city has contracted with Ulteig to complete this process.

**Ulteig Engineering – Census Maps, Grade Staking:** Mr. Johnson advised the commission that he had received the letter to establish a benchmark for the Wolf elevation certificate and he hopes to complete the staking work on an upcoming weekend.

With regard to the parking lot at the Commerce Center, Mr. Johnson said this is not going to be a cheap fix and he has not had the opportunity to review the drainage system of the former Alco property. Mr. Johnson said he could bring a proposal as to the cost to determine the best course of action. President Obenauer suggested a cost of \$150,000 to properly repair the parking lot and Mr. Johnson agreed suggesting it could be as high as \$250,000. President Obenauer then said there was an idea not to replace the entire parking lot and provide some green space and Mr. Johnson stated the project would still be quite expensive. Delmar Schramm asked if any soil tests had been taken in the area and Director Neuberger said the Alco parking lot drains to the ditch west of the property. Mr. Johnson said they could determine if there is a way to outflow this farther to the west.

With regard to the Census Maps discussed previously, Mr. Johnson said that Census Bureau is looking to receive shape files containing the city boundaries and he suggested it would be a couple thousand dollars to get these files set up. President Obenauer asked if this was the preferred format and Mr. Johnson said the state has or is moving to requiring GIS information from all cities. Mr. Schramm asked if the city had thought of exercising water valves and President Obenauer said this has been discussed and the city is trying to purchase/lease the equipment to aid in this process. Attorney Donovan suggested that before any census maps work is completed the board determine if any other property is going to be annexed into the city. President Obenauer said there has been discussion about annexing other property including the golf course. Planner Frovarp said the city could “strip annex” the highway right-of-way to provide for contiguous property to the golf course. Mr. Johnson said that once the database is set up it is low cost to add anything in the future.

## **REQUEST OF CITIZENS**

**Free/Reduced Hall Rent – SMC Dream Team:** Commissioner Wolf moved to approve the request for free use of the hall for a Relay for Life fundraiser, subject to the kitchen fee, second by Commissioner Haack. Motion unanimously approved.

**Local Permit – Common Threads Quilter Guild:** Commissioner Brunmeier moved to approve the local permit, as requested by the Common Threads Quilters Guild, to conduct a raffle, second by Commissioner Stern. Motion unanimously approved.

**Site Authorization (Gaming) – Hazen Winter Sports:** Jo Neuberger met with the commission to renew the site authorizations for Hazen Winter Sports. The proceeds of the gaming sites help to cover expenditures of Hazen Winter Sports and the Stanton Civic Club, as there is a location in Stanton as well. Commissioner Brunmeier moved to approve Box’s Bar, Jimmy’s Lounge and Long Shots Bar LLC as authorized sites for Hazen Winter Sports, second by Commissioner Wolf. On roll call vote; Brunmeier, “Aye”, Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

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

**Hotel Parking:** City zoning requires two (2) parking spots for the first 2500 square feet of commercial structure and one (1) parking sport for each additional 500 square feet. According to preliminary designs of the proposed hotel this would require one-hundred five (105) parking spots. Planner Frovarp contacted Mr. Buseman who advised that other locations require five (5) spaces plus one for each room. President Obenauer had also talked to Mr. Buseman and there was also discussion about space for trucks to park, at different times. The preliminary design includes eighty-three (83) parking spaces which should be sufficient even when the hotel is at capacity. The commission has authority to approve a number different than the ordinance, if they choose. Planner Frovarp said the ordinance is for commercial property and is not based on the use of the commercial property. Commissioner Haack moved to approve the eighty-three parking space as designed, second by Commissioner Brunmeier. On roll call vote; Haack, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

**Renaissance Zone Application – Boehm:** The board reviewed an application for a Renaissance Zone Project from Brian & Karen Boehm. The proposed structure is a single-family dwelling to be located in west Hazen at 607 3<sup>rd</sup> Street NW. Planner Frovarp advised the board that approval would provide a 100% tax exemption for the improvements to the property and that the Renaissance Zone Committee had reviewed the application and recommended approval, as they had for other projects in this area of Hazen. Commissioner Wolf moved to approve the Renaissance Zone Application of Brian & Karen Boehm, second by Commissioner Haack. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Stern, “Nay”, Brunmeier, “Aye”, Obenauer, “Aye”, motion carried.

**Building Permit w/Variance Request: Sandberg:** Planner Frovarp advised the board that Chad Sandberg had requested a building permit and variance request to construct a deck on property located at 213 3<sup>rd</sup> Ave NW. The requested variance would allow construction seven feet (7’) from the property line rather than the required twenty feet (20’). Planner Frovarp said other properties around the city have received similar variances for decks. President Obenauer felt the requested variance was too much of an exception. Planner Frovarp said Mr. Sandberg was unable to attend but had stated the deck size could be reduced one foot (1’) to make the variance request smaller, if necessary. The board was silent for a time and Attorney Donovan suggested they take action on the matter. Commissioner Brunmeier moved to deny the requested variance, second by Commissioner Haack. Upon discussion

President Obenauer still felt that eight feet (8') from the property boundary was still very small. On roll call vote; Brunmeier, "Aye", Haack, "Aye", Wolf, "Nay", Stern, "Aye", Obenauer, "Aye", motion carried.

## REPORTS

**President:** President Obenauer reported that a letter had been sent to a property owner requesting clean-up of debris. President Obenauer had reviewed the location, prior to the meeting, and advised the board that the property owner has taken steps to remove debris and the property looks much better.

**Water/Sewer:** Commissioner Brunmeier moved to offer the Assistant Public Works Superintendent position to Barry Morast, second by Commissioner Stern. On roll call vote; Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer "Aye", motion carried. Commissioner Brunmeier also advised the board that a letter had been sent to a company that had been dumping at the city lagoon advising them they were no longer allowed to do so. Commissioner Brunmeier presented photographs of the area where the dumping occurred and there appeared to be other material beside lagoon waste. Commissioner Brunmeier had contacted the ND Department of Health and was advised that the chemicals used in "porta-potties" counteract the chemicals the city is using to control sludge and odor. Commissioner Brunmeier also said she talked to the ND Department of Health about use of the blood pit when animals are slaughtered and debris is put into the sanitary sewer system. The business is working with Commissioner Brunmeier to provide data to the Department of Health to address the issue and ensure that adequate water is used when necessary. With regard to the repair of a sewer line near the city shop, Commissioner Brunmeier stated that the repair of the sewer line was private work but when they got the area excavated it was determined that the sewer main had a crack and needed repair. The timing of the damage to the sewer main could not be determined so the contractor was asking the city to consider funding the replacement of the pipe and fittings, excluding any excavation. Commissioner Brunmeier had received an estimate from city staff in the amount of \$641.10. Commissioner Brunmeier moved to pay the cost of pipe and fixtures in the amount of \$641.10, second by Commissioner Wolf. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. Commissioner Brunmeier also advised the board that repairs had been made to a water line on 5<sup>th</sup> Ave NE. When the site was excavated it was discovered that the line had never been connected to the main. Commissioner Brunmeier was not aware of the cost for the repair and President Obenauer said he had talked to the plumber and was told the connection had been done incorrectly and he does not feel the city should be responsible. Commissioner Brunmeier moved to approve a quote of Dakota Pump & Control in the amount of \$1,400 to purchase wear rings for Lift Station #1, second by Commissioner Stern. On roll call vote; Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried. With regard to lagoon odor, Commissioner Brunmeier was in contact with a company that estimated a cost of \$2300 to determine sludge levels in the lagoon and that this is a service provided by rural water association free of charge.

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

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

**Police/Fire:** Commissioner Haack advised the board that the police department will begin enforcing the nuisance ordinances and will be making contact with property owners that appear to be in violation. The process to enforce the ordinance, from start to finish, can take longer than twenty (20) days based on timelines within the ordinance.

Commissioner Brunmeier asked if the Alco parking lot is public and was advised that it is a private lot and President Obenauer said he had contacted the property owner about the camper and advertising that was on the lot. Commissioner Brunmeier also asked about private equipment parked on the street near the tree nursery and was advised since it is a public street the parking ordinance(s) would apply if there are complaints.

## **OLD BUSINESS**

**Website Agreement:** Auditor Erhardt had received a quote and agreement from GovOffice to design and host the city website. This matter has been discussed at several previous meetings. Commissioner Haack moved to approve the agreement for the Progressive Design Solution with additions, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

## **NEW BUSINESS**

**Designate Official Newspaper:** As the Hazen Star is no longer the official county newspaper it is necessary for the commission to designate the official city newspaper pursuant to NDCC 40-01-09. Commissioner Brunmeier moved to designate the Hazen Star as the official newspaper for the city of Hazen, second by Commissioner Haack. On roll call vote; Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

**Propane Bids:** Commissioner Wolf moved to approve publication of notice of bids for city's purchase of propane for the period of June 1, 2015 – May 31, 2016, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

**2015 Arbor Day Proclamation:** Motion by Commissioner Brunmeier to approve proclamation designating May 16, 2015 as Arbor Day in the City of Hazen, second by Commissioner Stern. On roll call vote; Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

**Approval of Bills:** Commissioner Wolf moved to approve the bills, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: US Postal Service, 267.95; Payroll, 124075.58; BHG Inc, 1630.84; Bison Sites, 150.00; Black Mountain Software, 100.00; Cardmember Service, 65.55; Chip Wizard, 40.00; Convention & Visitors Bureau, 2560.67; D&E Supply Co, 175.57; Dakota Pump & Control, 1737.95; Dan Wettstein, 320.00; Fastenal Co, 773.09; Glenn Pennington, 93.51; Greater ND Assn, 50.00; Hazen Hardware Inc, 303.53; Hazen Motor Co, 34660.34; Hazen Motor Farm Equipment

Co, 4.00; Hiway Express, 2256.13; Information Technology Dept, 100.00; Jolean Seborg, 5.00; Kasey Lesmann, 100.00; Krause's Super Valu, 99.92; Light & Siren, 972.25; Loren Wiest, 700.00; M&T Fire & Safety Inc, 39.01; Menards, 27.87; Monte Erhardt, 33.00; Pride Contracting Inc, 2840.00; Roughrider Electric Coop Inc, 185.00; SBM Inc, 103.24; Sensus USA, 1570.34; Share Corp, 1103.98; Southwest Water Authority, 21870.55; Stein's Inc, 34.45; Magic Tricks, 125.00; Union Bank, 6512.50; Unlimited Excavating, 3540.00; Verizon Wireless, 115.12; West River Telecommunications, 830.46. Motion unanimously approved.

There being no further business the meeting was adjourned at 6:33 PM CT. The next regular meeting of the commission will be Monday, May 18, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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