

**Hazen City Commission
Regular Meeting
June 15, 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, Director Neuberger, Buster Langowski, Mark Johnson (Ulteig), Mark Sweeney (KLJ), Camden Sailer, Tim Williams, Don & Geri Murschel, Darren Mund and Mary Hillerud.

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

Minutes: Commissioner Wolf moved to suspend the reading of the June 1st minutes and approve them as presented, second by Commissioner Brunmeier. Motion unanimously carried.

Agenda: Commissioner Haack moved to approve the agenda with the addition of Mr. Sailer as 5B, second by Commissioner Wolf. Motion unanimously carried.

CONSULTATION WITH ATTORNEY & ENGINEER

No Smoking Policy – Public Facilities: Commissioner Haack informed the commission that he and President Obenauer had met with residents that were concerned with vandalism and debris in the Pocket Park. Commissioner Haack had contacted Mary Hillerud about a policy to prohibit smoking in the Pocket Park to try to alleviate some of the debris. Ms. Hillerud said the Hazen Park Board approved a similar policy for the parks in January of this year and advised the city would need to adopt a policy for the coalition to provide signs, without cost, in the Pocket Park. Ms. Hillerud explained that this is a policy that has no punitive fines and if someone is on a property included in the policy they would simply be asked to extinguish the cigarette or leave. President Obenauer asked if the board wanted to consider adopting a policy or if they should consider going further and adopting an ordinance for such activity. Commissioner Wolf asked if the smoking is an issue or is it the vandalism and President Obenauer stated it is actually both. Commissioner Wolf stated she does not want to make an ordinance for the pocket park as it is used as a gathering area and downtown employees some time use the area for lunch. Ms. Hillerud stated that putting up the signs usually serves as a deterrent and solves some of the problems and stated the policy, as presented, is a comprehensive policy that also addresses e-cigarettes. Attorney Donovan expressed concerns of approving a policy such as; where it goes for public input; how is it enforced and does it infringe on a person's liberties if you request they leave a public place. Attorney Donovan said this is a very broad policy, that could include the walking path and public parking lots, and there should be some type of process of enforcement. Commissioner

Brunmeier said “no smoking” signs can be purchased from a local store at very low cost. Ms. Hillerud agreed the city could purchase signs and said that the policy can be changed to include or exclude certain areas. Darren Mund said the golf course was originally included in the park policy but was removed. President Obenauer said a decision does not need to be made tonight but would like to see some type of signs put up. President Obenauer said he can also see both sides of the discussion. Commissioner Haack said there was a meeting with the police department and they have increased patrolling in the Pocket Park area.

Ulteig Update: Mark Johnson presented the commission a proposed work order for preparation of a plat for the RV Park property to include the dedicated street right-of-way. Commissioner Wolf asked if the plat needs to be done for the RV Park project and Commissioner Haack asked about the fee for the plat. It was discussed that the plat is needed to dedicate the street and the fee for the plat are being paid by the city, at this time. Commissioner Wolf moved to approve the work order for the RV Park plat, second by Commissioner Haack. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Brunmeier, “Aye”, Stern, “Nay”, Obenauer, “Aye”, motion carried.

Mr. Johnson informed the commission that the replat of the Lewis & Clark subdivision had been completed and approved by the planning and zoning board pending a correction for one of the lots. Mr. Johnson also informed the commission that the elevation certificate has been completed for the Wolf property and is ready to be forwarded to FEMA.

Mr. Johnson then informed the commission that the contracts and the bonds have been received and are ready for signature. The commission was presented a tentative construction schedule and advised that a pre-construction meeting will be held in the commission room on Wednesday, June 17th at 9:00 AM CT. Commissioner Stern had a question about the hotel water/sewer being part of the surge projects and was advised that it is part of the surge projects to install the utility to the property boundary. The schedule presented to the commission indicates an August 15th completion date and the contract calls for substantial completion by September 15 and final completion date of October 1, 2015. Mr. Johnson asked if the city would prepare the notice to proceed and have the contract ready for the June 17th meeting. President Obenauer asked when construction would begin and Mr. Johnson said optimistically around June 22nd. Commissioner Wolf moved to approve the contract, with Tand Construction, for the surge projects, second by Commissioner Haack. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Brunmeier, “Aye”, Stern, “Nay”, Obenauer, “Aye”, motion carried.

Williams Builders Update – T. Williams: Tim Williams met with the commission to provide further information on the proposed development in the Lewis & Clark Subdivision stating that they were considering some temporary corporate housing for the area but this does not appear as likely at this time. Mr. Williams said they are waiting to see the final information as to the hotel and then they will make an investment in design and engineering for the property they hope to develop. Mr. Williams said they hope to have planning and zoning approval sometime this summer, get their financing together for construction in the spring of 2016. President Obenauer said it is too bad it did not work

out for the corporate housing and Mr. Williams indicated the door is not completely closed but feels the new RV Park will meet much of the demand for incoming contract labor.

REQUEST OF CITIZENS

Water Repair Concerns – D. Murschel: Don & Geri Murschel appeared before the commission to discuss repairs to his property after completing work on a water line break earlier this year. President Obenauer asked Mr. Murschel how things look as of this date. Mr. Murschel told the commission that he had talked to the city staff about soft spots in the driveway and that he is very frustrated with the pace of the work and the piles that were put on his property while the line was repaired, the incompetence of the crews working on the repairs and the lack of policy relating to properly backfilling the location with dry soil. President Obenauer again asked how it looks today and Mr. Murschel said he is pleased with the driveway after the city crew came and worked on it recently but he still does not have proper topsoil or grass seeded over most of his property. Mr. Murschel is also concerned with the way the soil settled under the newly poured driveway portion. President Obenauer asked who is responsible for clean-up and “fine tuning” after a repair and Director Neuberger said it is generally up to the contractor hired to do the repair. Director Neuberger has spoken to the contractor about the matter and to get them to bring some flowable fill for the driveway. Mr. Murschel said he just wants the yard work done so the grass can come back this year. President Obenauer stated the city will visit with the contractor but he can’t give a timetable for when the work will be completed. Mr. Murschel also would like the city to address the weeds and mowing of the drainage ditch adjacent to his property. President Obenauer thanked the Murschels for coming and bringing this to the commission’s attention.

Eagle Scout Project – C. Sailer: Camden Sailer appeared before the commission to advise them that he had secured funding from Thrivent and the Lions for his project of constructing a new sign for Heritage Park. Mr. Sailer then asked the commission to consider funding in the amount of \$150 for the project. Commissioner Brunmeier moved to approve funding of \$150 for Mr. Sailer to complete the park project, second by Commissioner Haack. On roll call vote; Brunmeier, “Aye”, Haack, “Aye”, Wolf, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried. President Obenauer asked when he will be starting the project and Mr. Sailer said he would be getting the materials within the next week.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Site Agreement – Hotel Building Permit (Liquor License): Buster Langowski told the commission that the hotel project continues to move forward and they are now beginning the process of getting all the necessary permits in place, including the building permit and liquor license. Mr. Langowski said the plan, all along, has been for an area for continental breakfast and a small pub. Planner Frovarp said the building permit is complete with exception of the water meter as they had not determined the final size that will be required. Planner Frovarp said there is also a note on the permit as to maintaining a certain elevation due of the lowest floor due to flood elevations in the upcoming flood insurance maps.

Planner Frovarp said the matter of the liquor license will require some formal interpretation of the ordinance as there is an exemption for “licenses issued to lodges and clubs, motels and hotels having 35 or more guest rooms and restaurant facilities.” Attorney Donovan suggested that typically the body adopting the ordinance can interpret it. Planner Frovarp said the liquor license interpretation is important as they commission will want to make sure licenses are available for other establishments that may come into the city. President Obenauer said that action on the liquor license would not be taken at this time as it also requires a public hearing but indicated the board could take action on the purchase agreement and building permit. The commission had an agreement drafted in September 2014 for purchase of the property in the Lewis & Clark Subdivision. Commissioner Haack moved to approve the purchase agreement, as presented, second by Commissioner Brunmeier. Commissioner Brunmeier asked about the \$12,000 permit fee and Planner Frovarp said it is based on the value of the building to be constructed. On roll call vote; Haack, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried. Commissioner Wolf moved to approve the building permit as requested by Hazen Hotel Investors LLC, second by Commissioner Stern. On roll call vote; Wolf, “Aye”, Stern, “Aye”, Brunmeier, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

Fireworks Sales Application/Permit – M. Klein – Black Powder Fireworks: The commission reviewed an application to sell fireworks presented by Mary Ann Grosz Klein on be-half of Black Powder Fireworks in the All Seasons Arena. Commissioner Brunmeier moved to approve the permit, pending inspection and approval by the Hazen Fire Chief, second by Commissioner Wolf. On roll call vote; Brunmeier, “Aye”, Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

REPORTS

President: President Obenauer wished to congratulate Delanie Wiedrich upon being named Miss North Dakota and being the first person from Hazen or Mercer County to receive such an honor. President Obenauer also informed the commission that he and the auditor had viewed a web demo on a program that uses GIS to track city infrastructure, maintenance activities and repair costs. Mr. Johnson said this is similar to a product offered by Ulteig Engineers and he would facilitate a review of this system that is now being used in other communities.

Water/Sewer: Commissioner Brunmeier informed the commission that the city had received a call from the City of Beulah requesting permission for a company to dispose of waste in our city lagoon until such time as Beulah had repaired a problem in their lagoon. Commissioner Brunmeier denied the request due to damage and excess waste by the company in question. Commissioner Brunmeier also referred to a quote to provide improved surveillance at the tree/grass disposal sites but feels the cost is too high and would like to pursue other surveillance options.

Street/Cemetery: Commissioner Stern informed the commission that the crews have completed the crack sealing for this year and are beginning to paint the stripes. Commissioner Stern said the city was also contacted by a company to assist with asphalt patching of streets that were disrupted to repair water line breaks. Commissioner Stern moved to approve \$15,000 for street repairs performed by

Mike & Martin's Paving Co, second by Commissioner Brunmeier. On roll call vote, Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried. Commissioner Stern said there have been requests to provide additional refrigerator storage at city hall for public events. Commissioner Stern moved to approve \$2,100 for an additional kitchen refrigerator, second by Commissioner Wolf. On roll call vote; Stern, "Aye", Wolf, "Aye", Haack, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried. Commissioner Stern informed the commission that the city is seeking proposals to address water drainage from the city hall roof as it is pooling and standing on the roof. President Obenauer said he was informed that the city crew is using the old stripe painter and Director Neuberger said this sprayer works better for the striping but the new sprayer will be used for painting of curbs.

Finance/Busing: Commissioner Wolf said the city crew had cleaned up the area of the old buildings in Heritage Park in anticipation of the construction of the new bus facility.

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

CORRESPONDENCE

National 'America's Homecoming Queen' Advertising: The commission reviewed communication from Victoria Degenstein, who was selected to compete in the national 'America's Homecoming Queen' competition in Memphis, TN. Miss Degenstein provided information regarding advertising in the competition program. President Obenauer congratulates Miss Degenstein on the selection and wishes her the best of luck but does not feel it is appropriate to purchase advertising at this time. Commissioners Wolf and Haack stated they agree with President Obenauer.

Fireworks Display Donation Request – Hazen Chamber: Commissioner Wolf moved to approve a donation of \$1500 to the Hazen Chamber of Commerce for the community fireworks display, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

NEW BUSINESS

City Board Appointments: The commission reviewed the current appointment and portfolio information. President Obenauer asked the commissioner if they wish to keep the portfolio assignments the same or to contact him if they wished to change them. As to the appointments, President Obenauer said the commission has recently approved an extension of the engineering contract with Ulteig and he would like to continue with them until the surge projects are complete and decide how to proceed from that point forward. President Obenauer informed the commission that Brad Zimmerman does not wish to serve on the Ambulance Board any longer and the only person that had contacted the city interested in this position was Dean Danzeisen. Commissioner Wolf moved to approve the appointments as presented, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried. The appointments for 2015-2016 are as follows: Auditor – Monte Erhardt; City Attorney – Lange Donovan & Kaffar PLLP; City

Assessor – Steve Frovarp; Building Inspector – Contract (Loren Wiest); City Engineer – Ulteig Engineers; Fire Chief – Dan Wettstein; Police Chief – Charles Dahl; Alternate Judge – Ken Beauchamp; City Forester – Samantha Yoder; Health Officer – Dr. Blacksmith; Depository Banks – Union State Bank, Capital Credit Union Knife River Branch, The Union Bank; Planning & Zoning Board – Gary Emter, Stan Seibel; Tree Board – Bill Zingg; Library Board – Rachel Froelich, Michelle Schmitz-Bohrer; Ambulance Board – Dean Danzeisen; Special Assessment Board – Greg McCarthy. Commissioner Wolf moved to approve resolution establishing the 2015 Auditor’s Bond of \$250,000, second by Commissioner Haack. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

Approval of Bills and Financial Statements: Commissioner Brunmeier moved to approve the bills, second by Commissioner Wolf. Pre-paid and bills approved for payment are as follows: Kenny Klein, 350.00; Ameripride Linen & Apparel Services, 379.59; Antelope Creek Trucking, 983.20; Cardmember Service, 379.79; Cenex, 1231.38; Chamber of Commerce, 1500.00; Chief Law Enforcement Supply, 150.45; D&E Supply Co, 183.03; Dakota Pump & Control Co, 1000.00; Discovery Benefits Inc, 25.00; Ecolab Pest Elimination, 97.29; Fastenal Co, 397.00; Great Lines Inc, 869.90; Hach Co, 70.66; Hazen Motor Co, 206.90; Hazen Motor Farm Equipment Co, 17.85; Hazen Parks & Recreation, 10000.00; Hiway Express, 723.65; Information Technology Dept, 100.00; J&L Automotive LLC, 69.92; Joyce Lemer, 56.00; Krause Super Valu, 101.93; L N Curtis & Sons, 437.85; Lange Donovan & Kaffar PLLP, 1859.25; Marc Corp, 236.49; Matthew Bender & Co, 95.43; Mel Roth Oil, 154.19; Mercer County Peace Officers Assoc. 40.00; Mercer County Highway Dept, 7537.50; Montana Dakota Utility, 4259.72; Monte Erhardt, 49.50; ND Dept of Health, 32.00; NAPA, 280.14; ND One Call Inc, 67.10; Northern Technologies Inc, 2100.00; Northland Financial, 302.00; Obenauer Plumbing LLP, 587.36; Plunkett’s, 140.61; Power Plan, 290.63; Preble Medical Services, 203.00; Pride Contracting Inc, 4245.00; Ron Muth, 140.00; Roughrider Electric Cooperative Inc, 2512.54; Southern Aluminum Mfg. 1062.00; Stein’s Inc, 94.61; Top Promotional Products, 401.34; Ulteig Engineers Inc, 4863.00; Uniform Center, 271.55; Verizon Wireless, 210.84; West River Telecommunications, 837.40. On roll call vote; Brunmeier, “Aye”, Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 6:57 PM CT. The next regular meeting of the commission will be Monday, July 6, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor