

**Hazen City Commission  
Regular Meeting  
June 1, 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), Kelsey Timmer (KLJ), Camden Sailer, Gene Baker, Steve Martin, Darren Mund and Dan Frei.

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

**Minutes:** Commissioner Wolf moved to suspend the reading of the May 18<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**

**Ulteig Update, Surge Bids, Elevation Certificate:** Mark Johnson provided a letter to the commission with regard to the bids received for the surge projects. The letter states that Tand Construction is the low responsive bidder in the amount of \$996,950.50 and Mr. Johnson had met with representatives of the company about the bid. Mr. Johnson indicated the engineer estimate may have been low with regard to the lift station valves and control boxes. President Obenauer asked if Tand Construction would be able to reduce the amounts in their bid and Mr. Johnson indicated there is no incentive to change. Commissioner Brunmeier asked why there was such a discrepancy and Mr. Johnson said his estimate was just low and there was some different machines; such as using a crane rather than a backhoe to install some of the equipment and also concerns with water when installing lift station #3 and the sewer main. President Obenauer said only two bids were received and the other bid was in excess of \$1.2 million. President Obenauer had contacted each construction plan-holder and many indicated that when they saw the estimate and began to calculate a bid they were in excess of \$1 million and did not feel they would get the bid. President Obenauer said the time of the bid opening was changed, which should not be done, without updating the online posting. President Obenauer also said that most of the contractors said they would be pleased with the bid submitted by Tand. President Obenauer then asked how the board wished to proceed and asked if there is a tentative start date. Mr. Johnson said it would be at least a couple of weeks to get the contracts signed and returned. President Obenauer said the bid leaves very little funding for other projects and Mr. Johnson said, he

understood, that there was already money budgeted for 10<sup>th</sup> Street construction and it was suggested that the city could also use sewer reserve funds to do the lift station #6 pumps. Commissioner Haack said he was really disappointed with the engineers estimate and President Obenauer said the bid came in 50% higher than the estimate. Commissioner Brunmeier moved to accept the bid of Tand Construction in the amount of \$996,950.50 for the surge projects, second by Commissioner Wolf.

Upon discussion Commissioner Wolf asked if the board could decide later to change certain funding sources for different parts of the project and was advised that would be acceptable. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Nay", Obenauer, "Aye", motion carried.

Mr. Johnson said additional dirt would be required, along with raking and seeding, to bring the Wolf home into flood compliance. Auditor Erhardt will contact the landscaper who can work with the city to get the additional dirt in place so the elevation certificate can be completed.

Mr. Johnson presented the commission another option, with regard to repair of the Commerce Center parking lot, which reduces the cost to \$274,196 dollars. It was discussed that the city staff could strip the current material to save on some of these costs but Mr. Johnson felt that could be an issue if the material is gone and the area receives heavy moisture. President Obenauer and Commissioner Haack both stated that it may look small but will only require a small addition to meet the occupant's needs. President Obenauer still feels this is too costly and Commissioner Wolf asked where this funding would come from. President Obenauer said there really is no parking lot fund and Commissioner Wolf would like to see no more public parking lots. Darren Mund said Hazen Community Development had made an offer to purchase the parking lot which was not accepted by the city and Buster Langowski suggested an additional fifteen feet (15') would be adequate with the rest of the area returned to grass space. President Obenauer said the pavement must go further east and across the front of the Riverbend Machinery and suggested maybe the project would have to be broken into separate phases.

**Williams Builders Update – S. Martin:** Steve Martin, Williams Builders Company, informed the commission that they are proceeding with the project and they hope to appear before the commission on a regular basis to keep them informed of their progress. Mr. Martin said the next step is to complete design and bring a site plan to the commission but they need a legal description of the property, less the hotel area, so they can get the process moving. Mr. Martin said, moving ahead, they hope to finish all the design this year and break ground as soon as possible in the spring of 2016. Mr. Johnson said he would try to get a crew up to do on-site work for the plat and that the legal description could be completed fairly quickly. President Obenauer said he had spoken to Tim Williams and asked if they are still planning to construct apartments first and Mr. Martin said it will be a mix, starting with apartments and townhomes then progressing to single family units.

**FEMA/Flood Map Update – S. Frovarp:** Planner Frovarp informed the commission that the city has received a letter of final determination from FEMA and the new flood maps will become effective in October 2015. As part of this process the city will have to update the flood ordinance and approve a development permit prior to the map becoming effective. Planner Frovarp provided a sample

ordinance and permit for the commission to review and comment on so this process can be completed sooner than later as suggested by President Obenauer.

## **REQUEST OF CITIZENS**

**Eagle Scout Project – C. Sailer:** Camden Sailer appeared before the commission to request approval to construct a new sign and flower bed in Heritage Park as part of an Eagle Scout project. The commission was informed that the boy scouts have maintained a flower bed in the park for several years and it is in need of repairs. Mr. Sailer is proposing a new flower bed and lighted sign. The commission was also informed that the Hazen Lions Club is considering some funding for the project. The commission gave Mr. Sailer consent to proceed with the project and said once he has calculated the total cost he could come back to the commission to request some funding.

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

**Building Permit – G. Baker:** The commission reviewed an application for building permit as presented by Gene Baker. The building would be a 5000 square foot, pre-engineered steel building at the 901 3<sup>rd</sup> Street NW, near the intersection of Main Street and 9<sup>th</sup> Avenue. Commissioner Wolf moved to approve the building permit as presented by Mr. Baker, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

**Fireworks Sales Application/Permit – Memory Fireworks:** The commission reviewed an application to sell fireworks presented by Wayne Hermes on behalf of Memory Fireworks. Mr. Hermes has an agreement with the city to use the armory location from June 8, 2015 to July 8, 2015. Commissioner Brunmeier moved to approve the permit, pending inspection and approval by the Hazen Fire Chief, second by Commissioner Haack. On roll call vote; Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

## **REPORTS**

**President:** President Obenauer wanted to thank the city staff and park district staff for getting the swimming pool up and running so early in the season. President Obenauer also reminded the commission that music in the park will begin on June 10<sup>th</sup> and that date will include a benefit for a local resident.

**Water/Sewer:** Commissioner Brunmeier informed the commission that she had talked to a resident about a failing septic system and she is working with Custer Health to address this matter. Commissioner Brunmeier said the resident is in the process of getting price quotes to connect to the city sewer system. Commissioner Brunmeier also informed the commission that the Sterling Garbage truck is Beulah while both of their vehicles are down for repairs. Commissioner Brunmeier presented quotes for inspection of the water tower from: Inland Potable Services in the amount of \$2,875.00; Liquid Engineering in the amount of \$2,870.00; and Midco Diving in the amount of \$2,575.00 + \$200.00

for each written report. Commissioner Brunmeier will work with city staff to provide a recommendation to the board on June 15<sup>th</sup>.

**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 said he and President Obenauer had met with residents about concerns with vandalism in the Pocket Park. Commissioner Haack has contacted the police department to increase enforcement and there is also a request to approve an ordinance or policy prohibiting smoking in the Pocket Park. Commissioner Haack will contact the Custer Health Outreach Coordinator for more information and sample ordinances.

## **CORRESPONDENCE**

**Sales Tax Administration Agreement – State Tax Commissioner:** The commission reviewed a contract for collection of city sales tax as received from the Office of the State Tax Commissioner. The commission was advised that this is an annual contract and there are no changes from the previous agreement. Commissioner Wolf moved to approve the agreement with the Office of the State Tax Commissioner, second by Commissioner Haack. On roll call vote; Wolf, “Aye”, Haack, “Aye” Stern, “Aye”, Brunmeier, “Aye”, Obenauer, “Aye”, motion carried.

## **NEW BUSINESS**

**WRT – Representative for Annual Meeting:** President Obenauer will be making present for the West River Telecommunications meeting and it was agreed he would serve as voting representative for the city.

**Bus Facility Bid Notice:** The commission reviewed a proposed notice of bids for the construction of the new bus facility. Attorney Donovan said there are still some questions as to conditions of ownership and bid requirements for a federally funded project. Commissioner Wolf moved to approve the advertisement for bids for the bus facility when finalized by the auditor and city attorney, second by Commissioner Brunmeier. On roll call vote; Wolf, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

**Approval of Bills:** Commissioner Haack moved to approve the bills, second by Commissioner Wolf. Pre-paid and bills approved for payment are as follows: United State Postal Service, 270.21; Bailey Nurseries, 2475.00; BHG Inc, 2628.09; Bobcat of Mandan, 260.00; D&E Supply, 38.93; Dakota Communications, 2516.50; Dan Wettstein, 320.00; Ernie Moore, 125.00; Fastenal Co, 69.41; Grand Forks Fire Equipment, 1959.98; Hazen Hardware Inc, 141.84; Jacob Sage, 125.00; Justeri Schleicher, 94.01; Kasey Lesmann, 100.00; Lange Donovan & Kaffar, 2242.25; Mercer County Treasurer, 7403.41; Mul T Services & Contracting, 100.00; North Country Trucks & Parts, 54.00; Northwest Tire Inc, 657.99; Pam Borlaug, 67.85; Promiseland Designs, 4.00; Ronald Glatt, 125.00; SBM Inc, 85.98; Shannan Fink, 9.20; Southwest Water Authority, 23877.58; Spruce It Up Lawn & Tree, 545.00; Steve Frovarp, 49.45;

Stroup Insurance, 581.00; Ulteig Engineers, 1061.70; Universal Premium Fleetcard, 2056.02; Verizon Wireless, 122.43; William Loock, 125.00. Motion unanimously approved.

There being no further business the meeting was adjourned at 6:16 PM CT. The next regular meeting of the commission will be Monday, June 15, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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