

**Hazen City Commission  
Regular Meeting  
October 3, 2016  
Hazen City Hall**

**Present:** President Obenauer, Commissioner Haack, Commissioner Pillar, Commissioner Stern and Commissioner Wolf.

**Others Present:** Attorney Donovan, Planner Frovarp, Auditor Erhardt, Public Works Director Neuberger, Mark Sweeney (Moore), Eric Schuler (KLJ), Editor Arens, Arliss Maas, Kevin Mohl, Dennis Grimm, Mary Smith, Marcy Blomquist, Vera & Bob Barfield, and Buster Langowski.

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

**Minutes:** Commissioner Wolf moved to suspend the reading and approve the minutes of the September 19<sup>th</sup> and 26<sup>th</sup> meetings, as presented, second by Commissioner Haack. Motion unanimously carried.

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

**CONSULTATION WITH ATTORNEY & ENGINEER**

**2016 Street Projects:** Eric Schuler, KLJ, informed the commission that concrete work has been completed on Fayette Drive and they hope to have the topsoil back in place before any significant rainfall. Mr. Schuler also stated that approximately half of the man-holes and gate valves have been completed and the flumes on 11<sup>th</sup> and 12<sup>th</sup> Avenue has also been completed. Commissioner Stern asked if the flumes were part of the original scope of the project and Mr. Schuler stated they were not. The flumes on 12<sup>th</sup> Avenue were added at the time of the pre-construction meeting and the flume on 11<sup>th</sup> Avenue was added to protect the major work completed. Mr. Schuler also recommended the city look into cleaning some culverts in the area of Jimmy's Lounge to aid in the flow of water from the ditch. Commissioner Pillar asked about driveway apron(s) on Fayette Drive and was informed it will be installed by the property owner, at his request. Mr. Schuler also said that another property owner on Fayette Drive was provided a proposal for sidewalk work, at their own expense. PW Director Neuberger asked about removing the bags around the inlets on 4<sup>th</sup> Street and 7<sup>th</sup> Avenue and was advised they can be removed when the ground freezes but they will have to be put back in after thaw until vegetation is in place. Mr. Schuler has prepared a spreadsheet of work for purpose of requesting additional funding from the Bank of ND Infrastructure Loan and the formal request will be prepared for action at the next meeting.

**Moore Engineering:** Mark Sweeney, Moore Engineering, said additional work has been completed on the task order(s) since the last meeting. Mr. Sweeney also informed the commission that the application for SRF and MR&I funding has been completed and submitted to the proper agencies so it is included as the state looks at budgets for the next biennium. President Obenauer asked if there is any indication that SRF funding will remain at the same level and Mr. Sweeney indicated this is unknown. The commission then looked at the various task orders. Task order #1 is for general engineering services to be performed by Moore Engineering. Commissioner Pillar moved to approve Task Order #1, second by Commissioner Wolf. On roll call vote; Pillar, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Task order #2 relates to GIS mapping and hosting. Mr. Sweeney updated the task order to include the software/hosting fee. Commissioner Pillar asked if the software, in the order as presented, is property of Moore Engineering and Mr. Sweeney said it is. President Obenauer expressed concern of the cost of \$400/month for the web map license. Commissioner Pillar asked about the option to load the information on a city server and purchase the software. Mr. Sweeney said that is an option and the city would incur one-time costs for the server and software. Commissioner Pillar would like to see another task order that includes the technical requirements from the server standpoint and the associated costs. Attorney Donovan asked about ownership, other than the software, and Mr. Sweeney informed the commission that the data is the property of the city and that the city can add to this data. Commissioner Pillar again stated he would like to see a proposal with Moore Engineering hosting a web based system and the option for a single license on a machine at the city. Mr. Sweeney said the city also has an option to simply use ARC Reader for web-based access but the detail in lower quality. Mr. Sweeney will try to provide a price for all of the options at the next meeting.

Task order #3 relates to the drainage issue on 3<sup>rd</sup> Street NW. Mr. Sweeney stated it would take a couple of days to complete a survey, as indicated in the task order. President Obenauer expressed concerns as to the costs presented and Mr. Sweeney stated the costs will allow for; a study to identify the problem, alternative options to address the problem, and a recommendation to resolve the problem. Commissioner Haack would like to see the board wait on this matter before moving forward. President Obenauer thanked Mr. Sweeney for presenting all the work to put this information together.

## **REQUEST OF CITIZENS**

**Local Raffle Permit – Peace Lutheran Church Women:** Commissioner Wolf moved to approve Local Permit #2016-14, as presented by the Peace Lutheran Church Women, to conduct a raffle on November 12, 2016, second by Commissioner Haack. Motion unanimously carried.

## **APPROVAL OF APPLICATIONS AND BUILDING PERMITS**

**Variance Request – A. Maas:** Arliss Maas appeared before the commission to request consideration of a variance to allow a recreational vehicle on a mobile home lot in Lot 10, Block 104 North Star 1<sup>st</sup> Addition to the city of Hazen. Planner Frovarp explained that the city ordinance was changed in 1997

to only allow for recreational vehicles on mobile home lots from April through October, a kind-of “reverse snowbird” scenario. Mr. Maas explained that he owns the empty lot and he plans to construct a garage on it in the future but, rather than leave it vacant, he was approached about renting the space for a recreational vehicle (camper), and he was not aware of the ordinance restrictions. President Obenauer asked about the reason the ordinance was changed and Planner Frovarp it had to do with the prevention of what was occurring in western North Dakota during the earlier boom. President Obenauer said the city, and Park District, have worked hard to accommodate workforce housing. Mr. Maas said he does not know the renter’s situation and he isn’t certain how long he will be working in this area. Commissioner Stern asked if a variance could be approved for a limited time and Attorney Donovan, and Planner Frovarp, stated this in the commission’s discretion. There were concerns about skirting the trailer and Mr. Maas stated he would make sure it is done in the proper way. Commissioner Haack inquired about another fifth-wheel camper near the tennis court and Planner Frovarp stated it would have to be removed by October 31<sup>st</sup>, according to the ordinance. Commissioner Wolf moved to approve the variance request for period expiring on October 31, 2017, second by Commissioner Stern. On roll call vote; Wolf, “Aye”, Stern, “Aye”, Pillar, “Aye”, Haack, “Nay”, Obenauer, “Nay”, motion carried. President Obenauer explained that he voted against the variance because he would like to see the spots in the RV park fully utilized.

## **PUBLIC HEARING**

President Obenauer recessed the regular commission meeting and opened the public hearing on the Zero Dollar Levy Increase at 6:04 PM CT. President Obenauer opened the floor to comments. Auditor Erhardt explained the property tax levy process and the effect of property values on the mill levy. Bob Barfield addressed the commission and stated if this is what is needed for the city to keep operating as it has in the past he has no objection to the increase. Mary Smith also indicated she was in favor of the zero-dollar levy increase. No further comments from the public and no written comments were received the public hearing was closed at 6:08 PM CT and the regular commission meeting reconvened.

**Demolition Permit – Williams Building Co:** The commission received an application for a demolition permit to remove the building(s) on the location of the Hazen Pioneer Apartments project. There was a question as to the need for a surety bond for this permit. Mr. Langowski spoke for the applicant and stated the material will be removed immediately upon demolition and the process may be completed in phases taking a portion of the roof and then the walls from this same portion. Commissioner Pillar moved to approve the demolition permit without the surety bond requirement, second by Commissioner Haack. On roll call vote; Pillar, “Aye”, Haack, “Aye”, Wolf, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

**Building Permit – Hazen Pioneer Apartments:** Planner Frovarp presented an application for a building permit as requested by Hazen Pioneer Apartments for the project in the location previously approved demolition permit. Planner Frovarp stated the application will require approval of a variance for the

portion of the building that is within the boulevard of 3<sup>rd</sup> Street NE. The previous structure had been approved but since the old structure is being demolished it will require a new variance. Planner Frovarp also suggested that the permit fee could possibly be handled in the same manner previously done where, the entire fee is paid up front and any balance remaining after all inspections are complete can be returned to the applicant. Commissioner Haack moved to approve the building permit, with the variance, as requested by Hazen Pioneer Apartments, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Pillar, "Aye", Stern, "Nay", Obenauer, "Aye", motion carried.

**Utility (water) Connection – Elbowoods Dr. – K. Mohl:** Kevin Mohl appeared before the commission with questions about connecting to city utilities at his property in North Park Addition. Mr. Mohl stated that the water main he is supposed to connect to is located on the opposite side of the street however, there is a fire hydrant on his side of the street. The hydrant valve is also located on the opposite side of the street and Mr. Mohl is requesting permission to connect to the city water supply on his side of the street before the hydrant. Mr. Mohl also stated that, if the city sees the value, he would excavate around the hydrant for installation of another valve, and a "T", so he could connect nearer to his property. Mr. Sweeney stated the second option, installing another valve, would be the better option and, when asked, estimated the cost to do this from \$5000 to \$7000. Planner Frovarp informed the commission that this is not a unique situation to the city as many of the water mains run on one side of the street, or in the boulevard. Mr. Mohl again spoke of the value to the city and Commissioner Stern did not see the need to put a "T" on this line to feed other property. Mr. Mohl asked if the connection between the hydrant valve and the hydrant is against the law or simply not recommended. Mr. Sweeney stated that, from an emergency standpoint, the fire department would not want someone between the valve and the hydrant. Mr. Schuler stated that he hasn't seen the code and it may be a matter of the "Ten State Code" not approving of such a connection. Attorney Donovan asked if Mr. Mohl has checked into the cost of boring a line from his property to the proper location across the street as this may be more cost effective. Commissioner Stern also asked how the property owner north of the cul de sac will connect to the city water main. President Obenauer suggested they would have to go around either side of the cul de sac. President Obenauer stated he would be willing to have valve put in closer to the hydrant, at the property owners cost, but he is not sure if it would be cheaper for boring or excavation to make this connection. Mr. Mohl said there is also another complication relating to the inequity of the way this was designed and the difference in length to make these utility connections. No further action on this matter at this time.

## REPORTS

**President:** President Obenauer had nothing to report at this time.

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

**Street/Cemetery:** Commissioner Haack informed the commission that they are getting prices to replace tires on the John Deere loader. PW Director Neuberger also stated they have requested the

John Deere technician come to look at the loader as it isn't running properly. Commissioner Haack also informed the commission that new skid loader and lawn mower are in operation but the skid loader did not include all the required hydraulic connections for the city's attachments. PW Director Neuberger will work with Bobcat to follow up on this matter.

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

**Police/Fire/Forestry:** Commissioner Pillar reported that the tree near the Methodist Church parsonage was viewed by the State Forester and he recommends removing it as it is not expected to last much longer.

**HCD:** Buster Langowski had nothing to report to the commission at this time.

## **OLD BUSINESS**

**Bus Facility Change Order #1 – Electrical:** The commission reviewed a previously submitted change order for additional work at the bus facility. The original order was at a cost of \$2,545 but several items had been negotiated and the new amount is \$950. Commissioner Wolf moved to approve Change Order #E1 in the amount of \$950, second by Commissioner Pillar. On roll call vote; Wolf, "Aye", Pillar, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

**2017 Budget – Zero Dollar Levy Increase:** Having received the public comments with regard to the 2017 budget and the zero-dollar levy increase, President Obenauer asked for any other comments or question from the Commission. None were received. Commissioner Wolf moved to approve the 2017 budget and to set the mill levy accordingly, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Pillar, "Aye", Stern, "Nay", Obenauer, "Aye", motion carried.

## **NEW BUSINESS**

**Speed Limit – 7<sup>th</sup> Street NE/NW:** President Obenauer has been contacted, and would like the commission to consider, changing the speed limit from the area of the church west on 7<sup>th</sup> Street NW. President Obenauer stated there is also a request for an additional cross-walk from the north side of the street to near the driveway entrance of the Senior Center. Commissioner Stern stated that when the dike was removed from 3<sup>rd</sup> Street the residents wanted slower speeds and stop signs installed and now we are considering raising the speed limit in this area. Commissioner Wolf asked if the speed is an issue or more a matter of control for young people going into the street without warning. President Obenauer does not feel it is an enforcement issue as the police department regularly patrols this area during busy times. There was also discussion on designating a school zone to enhance enforcement penalties.

**Ambulance Board Representative:** The commission was informed that Judy Brunmeier is still interested and willing to represent the city on the Mercer County Ambulance Board. Commissioner Pillar stated that he appreciates her understanding of the workings of the board and her role. The commission has no objection to Ms. Brunmeier continuing on this board and they would like to have her provide updates to the commission throughout the year.

**Approval of Bills:** Commissioner Wolf moved to approve the bills, second by Commissioner Haack. Pre-paid and bills approved for payment are as follows: US Postal Service, 275.14; Verizon Wireless, 116.06; Matthew Malinosky, 125.00; Universal Fleet Card, 2542.27; Payroll, 206113.21; BHG Inc, 1765.51; Chuck Dahl, 94.50; CVB, 4143.64; D&E Supply, 201.55; Dan Wettstein, 320.00; Hazen Hardware, 78.03; Holiday Inn, 434.95; Jensen Jewelry, 180.00; Kasey Lesmann, 100.00; Krause’s Super Valu, 15.12; Loren Wiest, 280.00; Marco, 33.75; Marco Technologies LLC, 326.39; Mercer Co Recorder, 29.00; Michael Lapp, 92.96; Michael Todd & Co, 747.40; Millennium Express, 12.98; Monte Erhardt, 35.76; Nelson International, 901.92; POST Board, 45.00; Pam Borlaug; 66.96; Preble Medical, 173.00; Pro-Tek Chemical Inc, 185.00; Ron Muth, 180.00; Roughrider Electric Coop Inc, 629.70; SBM Inc, 40.87; Spruce it Up Lawn & Tree, 900.00; Starion Bond Services, 34874.49; Stein’s Inc, 375.16; Steve Hoerauf, 94.96; The Sherwin-Williams Co, 40.00. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 7:04 PM CT. The next regular meeting of the commission will be Monday, October 17, 2016 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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