

**Hazen City Commission
Regular Meeting
November 2, 2015
Hazen City Hall**

Present: President Obenauer, Commissioner Brunmeier, Commissioner Stern, and Commissioner Wolf.

Absent: Commissioner Haack

Others Present: Attorney Donovan, Planner Frovarp, Auditor Erhardt, AJ Tuck & Marco Pablo (Ulteig), Kelsey Timmer & Mark Sweeney (KLJ), Hilmer Weidrich, PW Director Neuberger, Randy Stroh (NDRWA), and Buster Langowski.

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

President Obenauer immediately opened the public hearing for appeals as to the 2014 Street Improvement Project District #2014-1 special assessments. Hilmer Weidrich appeared on behalf of members of the West River Patio Homes Association explaining that the patio home owners only own the interior of their dwellings and the land is all owned by the association so they feel the special assessment should be directed to the association. Attorney Donovan provided a copy of the Declaration Establishing Plan of Condominium Ownership and agreed with Mr. Weidrich. The total amount of \$2843.92 for the patio home portion of special assessments should be assessed to the association. There were no further comments and the public hearing was closed at 5:42 PM.

Minutes: Commissioner Brunmeier moved to suspend the reading of the October 19th minutes and approve them as presented, second by Commissioner Wolf. Motion unanimously carried.

Agenda: Commissioner Wolf moved to approve the agenda, as presented, second by Commissioner Stern. Motion unanimously carried.

CONSULTATION WITH ATTORNEY & ENGINEER

2014 Street Improvement Project – Resolution Confirming Assessment: Commissioner Brunmeier moved to approve the assessment list, correcting the assessment of West River Patio Homes Association, second by Commissioner Wolf. On roll call vote; Brunmeier, “Aye”, Wolf, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

Surge Project Update – Ulteig: AJ Tuck, Ulteig, informed the commission that Mark Johnson resigned his position with Ulteig on October 26 and that he, Marco Pablo and Mike Dora met with Tand Construction to do a walk-through of the surge projects on October 29th and a punch list was presented to the commission. Mr. Tuck indicated there are some changes that need to be made and informed the commission that the project is estimated to be 95% complete. President Obenauer asked if work was being completed today and Mr. Tuck had contacted the construction foreman and he said conditions were not suitable for work today. Mr. Tuck also said the issue of replacing check valves at

lift station #6 was not part of the project plan so he suggested this work be completed by the contractor, separate from the surge contract, and the billing be for time and material as submitted by Tand Construction. President Obenauer agreed that the valves should be done but would like to know the cost up front.

Drought Management/Water Conservation Plan(s) – R. Stroh: Rodney Stroh, ND Rural Water Association, met with the commission to answer questions regarding the drought management and water conservation plans presented to the commission at an earlier meeting. Mr. Stroh explained that the documents are not required however they are useful when applying for federal and state grants or loans and to address issues in times of severe drought. Mr. Stroh explained that these documents are being provided free of charge at this time. Mr. Stroh also explained that the city can adopt ordinances which refer to these documents for enforcement procedures. Commissioner Brunmeier asked if there are indications that we may be facing drought conditions in the near future and Mr. Stroh advised that these conditions are random and there are no clear indications for such events. Attorney Donovan asked why the city is being asked to sign the documents. Mr. Stroh explained the signature show ownership of the documents and it is required of his employer. Commissioner Stern inquired about the use for loan requests and Mr. Stroh advised that Rural Development and the State Water Commission generally inquire if such documents are on file. When asked by President Obenauer, Attorney Donovan said the documents can be signed with acknowledgment that they are to be used for planning and ordinance drafting. President Obenauer will sign the documents and they will be held for planning use.

EPA Resolution: The commission reviewed a resolution in opposition to the proposed EPA ruling regarding carbon dioxide emissions. The resolution also addresses the effects such regulations will have on area industry and the local economy. President Obenauer encouraged the commission to attend a meeting on these proposed rules to be held in Beulah on November 12 @ 7:00 PM. The resolution is similar to resolutions adopted by the ND Association of Oil & Gas Producing Counties, Coal Conversion Counties and the Mercer County Commission. Commissioner Wolf moved to approve the resolution, second by Commissioner Brunmeier. Upon discussion Attorney Donovan asked if State's Attorney Binder had researched if the resolution goes against an AG Opinion with regard to use of public funds for lobbying activities. Editor Arens explained that the county did sign a similar document. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Hotel Update – B. Langowski: Buster Langowski informed the commission that Mr. Buseman had been at meetings in Hazen on October 29th & 30th and that he has made payment of the \$5000, non-refundable, amount for the purchase of the hotel property. Mr. Buseman would like the commission to consider an agreement allowing the buyer to begin preliminary construction work. Mr. Buseman is encouraged that the financing will be completed soon and he would like to begin preliminary ground work. Mr. Langowski said that they are reviewing Flex-Pace Interest Buy-down for the project and

informed the commission that the water/sewer service already installed can be applied as match for the flex pace program. Attorney Donovan said he had spoken to Mr. Buseman about the agreement and there are a few additions that should be made to indemnify or provide lien waivers for the city in case there are issues with contractor payments. Attorney Donovan would also like to see the Hazen Hotel Investors LLC included in the agreement. President Obenauer asked Attorney Donovan to work out details of the agreement and suggested the commission could hold a special meeting if action is required before the next regular meeting. Commissioner Stern spoke about the frontage road/street to access the hotel site and asked if that infrastructure could also be considered part of the local match for flex pace financing. Commissioner Stern also asked about some type of bond requirement in case property not part of the hotel site is damaged.

REPORTS

President: President Obenauer mentioned the EPA/Clean Air meeting in Beulah, again. President Obenauer also informed the commission that the city forester has an opportunity to purchase trees from High Plains Concept, at a good price, for city/park use next year. Commissioner Brunmeier moved to authorize the forester to purchase trees suitable for city/park use, second by Commissioner Wolf. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. President Obenauer said he was hoping to have a report on the nuisance ordinance from Chief Dahl but Chief Dahl would like to appear when Commissioner Haack is in attendance.

Water/Sewer: Commissioner Brunmeier stated she had received an email from ND Rural Water with regard to the meat market and they are in compliance with all regulations so there is nothing further to be investigated in this matter.

Street/Cemetery: Commissioner Stern received bids, for the street department, to purchase four (4) tires for a tandem axle trailer. One of the bids appeared to have a calculation error but, Commissioner Stern moved to approve the purchase of tires from the lowest bidder, not to exceed \$500, second by Commissioner Brunmeier. On roll call vote; Stern, "Aye", Brunmeier, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Finance/Busing: Commissioner Wolf informed the commission that we have not received any additional information with regard to the bus facility.

Police/Fire/Forestry: Commissioner Haack absent. No report at this time.

CORRESPONDENCE

2016 Visitor's Guide- Chamber of Commerce: The commission reviewed information relating to advertising in the Hazen Visitor's Guide for 2016. Commissioner Wolf moved to approve full-page inside cover advertisement at a cost of \$450, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

HCD Funds Transfer Request: The commission reviewed a request to transfer \$75,000 in funds from the sales tax account to HCD for payment of budgeted items. Mr. Langowski informed the commission

that \$5000 had not previously been budgeted but they had the opportunity to enter into an agreement for Foundation Search project to seek additional project funding opportunities.

OLD BUSINESS

State Aid Funds for Public Transit: The commission had approved and a request was made for additional state aid funds for the transit program. The city has been awarded an additional \$934 in state aid funds and the agreement needs to be signed and returned. Commissioner Wolf moved to approve the agreement with ND DOT for additional state aid funds, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye" Stern, "Aye", Obenauer, "Aye", motion carried.

NEW BUSINESS

2016 Street Improvements/Repairs: Commissioner Stern presented a map of the city with some proposed locations for street improvements and repairs. The larger projects would include installation of curb/gutter/street on Fayette Drive north of Divide; reconstruction of 4th Street NE from 4th Avenue to 8th Avenue; parking lots at the All Season Arena and the Senior Citizens Center. Commissioner Stern also thought Wildrose Lane to the hotel site should also be included. Commissioner Stern said there are also areas that should be chip-sealed along with the projects completed in 2014. Commissioner Stern wanted the commissioners to look at the proposed areas and determine if there are additional locations as he would like to see the 2016 project(s) ready for bid early in the year. There was some discussion on the process and the creation of special assessment districts. President Obenauer would like Ulteig and KLJ to provide estimates for the projects as identified on the map. Commissioner Stern would like the rough estimate of cost to determine the scope of the project. Mr. Tuck and Mr. Sweeney (KLJ) said they could develop rough estimates for budgeting purposes and that the simplest manner would be to base it on linear footage. Representatives of both firms agreed to prepare something for the commission to review.

Approval of Bills: Commissioner Wolf moved to approve the bills and financial statement, second by Commissioner Brunmeier. Pre-paid and bills approved for payment are as follows: US Postal Service, 288.81; Payroll, 174661.06; Alex Air Apparatus Inc, 1100.00; BHG Inc, 5916.25; Capital City Restaurant Supply, 331.20; Chamber of Commerce, 450.00; Christy White, 7.99; Coal Conversion Counties, 1700.00; Convention & Visitors Bureau, 2409.05; D&E Supply Co, 187.92; Dakota Communications, 270.90; Dan Wettstein, 320.00; Fastenal Co, 335.25; Gene Baker, 190.00; Greg McCarthy, 620.00; Hazen Fire Dept, 319.90; Hazen Hardware Inc, 340.91; J&L Automotive LLC, 551.22; Joyce Lemer, 38.50; Kadrmas Lee & Jackson Inc, 598.51; Kasey Lesmann, 100.00; Loren Wiest, 770.00; Marc Corp, 938.55; Mercer County Treasurer, 108.00; Obenauer Plumbing LLP, 396.17; Pretty Petals, 60.00; Renae Snyder, 120.00; Sakakawea Medical Center, 55.40; Samantha Melberg, 262.20; SBM Inc, 194.45; Share Corp, 563.62; Southwest Water Authority, 28619.37; Swanston Equipment Corp, 1021.09; Ulteig

Engineers Inc, 17914.44; Verizon Wireless, 115.76; W L Construction Supply LLC, 419.99; WCS Wilson’s Concrete Services, 30563.00; Western Steel Builders, 46.20. On roll call vote; Wolf, “Aye”, Brunmeier, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 6:55 PM CT. The next regular meeting of the commission will be Monday, November 16, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor