

**Hazen City Commission  
Regular Meeting  
November 3, 2014  
Hazen City Hall**

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

**Others Present:** Attorney Donovan, Editor Coleman, Auditor Erhardt, Assessor Steve Frovarp, Public Works Director Neuberger, Mark Johnson, A J Tuck and Joel Feik (Ulteig), Doug Edwards, Brian Nolan, Renae Snyder, Terry Boehm and Kelsey Timmer (KLJ), Nicolette Johnson, Karla Sayler and Buster Langowski.

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

**Public Hearing - Elbowoods Water/Sewer Project #2013-01:** President Obenauer opened the public hearing on the Elbowoods Water Sewer Project Special Assessment and Auditor Erhardt advised the commission that no written appeals had been received by his office prior to the meeting. President Obenauer asked for comments from the public and Doug Edwards addressed the commission stating that he, and Brian Nolan, had appeared at the hearing of the special assessment commission on October 13<sup>th</sup> and had expressed concern as to the lack of benefit to the property that receives water/sewer service from Divide Street. Mr. Edwards said the special assessment commission had addressed these concerns and reduced the benefit to these two (2) properties. Commissioner Stern had a question about the maximum benefit of \$25,000 and Auditor Erhardt advised that this was the established upper limit for the benefit to any affected property. No other public comments were received. Commissioner Wolf moved to approve a Resolution Confirming the Special Assessment and Directing Certification and Levy, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried and the resolution was adopted. (Full text of the resolution is available for review in the city auditor's office.) The public hearing on the special assessments was closed by President Obenauer.

**Public Hearing – Moving Permit:** President Obenauer opened the public hearing on the Application for Moving Permit as submitted by Nicolette Johnson and Karla Sayler. Planner Frovarp advised the commission that the home is currently located near Dickinson and also provided information as to items that will need to be addressed after the home is moved. President Obenauer asked about the brick on the exterior of the home and Ms. Johnson indicated that this would be repaired or replaced if there was damage as a result of the move and the rest of the exterior will have steel siding. Commissioner Stern moved to approve the moving permit as requested, second by Commissioner Haack. Commissioner Stern moved to amend the motion to include, "approval subject to items to be addressed," second by Commissioner Haack. Roll call vote on the motion to amend; Stern, "Aye",

Haack, "Aye", Wolf, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried. Roll call vote on the motion as amended; Stern, "Aye", Haack, "Aye", Wolf, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried. President Obenauer closed the public hearing on the moving permit request.

**Minutes:** Commissioner Brunmeier moved to dispense with the reading of the October 20<sup>th</sup> minutes and approve them as presented, second by Commissioner Haack. Motion unanimously carried.

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

### **CONSULTATION WITH ATTORNEY & ENGINEER**

**Pay Estimate #5 – Final Approval 2014 Street Project:** Terry Boehm, KLJ Engineers, introduced Kelsey Timmer who works in the Government Affairs Division of the company and advised the commission that she will be based out of the Beulah area. Mr. Boehm advised the commission that the project is nearly finished, pending repair to the garage north of city hall and to complete the sealing of joints around water/curb structures. Mr. Boehm presented the commission information as to the overall cost and explained that, even with the change order to include additional areas, the project came in approximately \$258,000 below the estimated cost and Mr. Boehm said he is pleased with the overall outcome of the project. Mr. Boehm also gave a brief run-down of the cost for each specific area and the over/under cost compared to the estimate. Mr. Boehm also asked the commission to consider approving the final review and acceptance of the project which includes language with regard to the warranty period (beginning 11/1/2014) and the monitoring of the pavements performance due to low air voids when the asphalt was placed. Commissioner Stern had a question about the recycle asphalt and it was determined this related to an invoice for mix for the patching and associated costs. Commissioner Wolf moved to approve Pay Estimate #5 to Bituminous Paving in the amount of \$165,399.12 and the Final Review and Acceptance for the 2014 Street Improvement Project, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

**General Engineering Contract:** Mark Johnson, Ulteig, advised the commission that the engineering agreement signed in 2009 will expire January 1, 2015 and he would like the city to consider extending the contract for an additional year, and annually thereafter. The commission would prefer to have the contract extending to May or June to be in line with the appointments the city makes each year in June. Mr. Johnson said the company has agreements that expire May 15<sup>th</sup> so the contract with Hazen could be handled in this same manner.

**GIS Mapping Presentation:** Mr. Johnson and Joel Feik, Ulteig, presented information to the commission relating to GIS mapping of city infrastructure, utilities and property boundaries. Mr. Feik presented examples of the different maps and layers that could be included on the city maps and Mr. Johnson provided information relating to developing the maps and the associated costs. Mr. Johnson

said the subscription for the software is \$2500 annually and Ulteig would maintain the data at a cost of \$100/month. Mr. Johnson explained that his company would be able to use paper maps/data which could then be scanned and converted to Computer Aided Design (CAD) documents for use with GIS software. The commission had questions about the ability to share the information and updating the information to keep it current. Mr. Johnson talked about equipment necessary to do data collection and the need to have staff trained to ensure the data collected and input into the system.

Commissioner Stern asked if it would be possible to start with the subscription service and then look at the data collector equipment at a later time. Mr. Johnson said that would be entirely up to the city how they would like to proceed and they do not have to take any action if they do not wish to. Mr. Johnson assured the commission that he is not trying to sell this process but just wanted to share the information with the city. Attorney Donovan asked who would own the data and what would happen to it if the subscription were cancelled. Mr. Johnson said that all the data, aside from being stored online, is also provided to the city on compact disk. Commissioner asked to look at the links that Ulteig will provide and discuss this further at the next meeting.

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

**Option to Purchase Lot – S. Sailer:** Planner Frovarp advised the commission that Sue Sailer has filed an option to purchase real estate for one-half of a lot owned by the city in Block 2, Reichenberg's 1<sup>st</sup> Addition. Planner Frovarp said, based on the special assessments, the value of the lot is \$517.48 plus \$200 for legal fees, which Ms. Sailer has presented payment in full. Commissioner Stern questioned the size of the lot and was informed that it is 25' x 125'. Commissioner Wolf moved to approve the purchase option as presented, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

**Free/Reduced Hall Rent – SMC:** Sakakawea Medical Center had filed requests for free/reduced hall rent on December 6, 2014 and May 1-2, 2015 for events to raise funds as part of the capital campaign. The applications indicated that the kitchen is not required for either event. Commissioner Stern moved to approve free use of the city hall as requested by Sakakawea Medical Center, second by Commissioner Haack. On roll call vote; Stern, "Aye", Haack, "Aye", Wolf, "Aye", Brunmeier, "Aye", Obenauer, "Aye", motion carried.

**Local Permit – Sakakawea Friends of NRA:** Jesse Flath filed a request for a local permit on behalf of the Sakakawea Friends of NRA for a raffle to be held on March 28, 2015. The proceeds of the raffle will be to support state and national grant programs. Commissioner Wolf moved to approve local permit #2014-15 as requested, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

**Kilber/Davis Garage Construction:** Planner Frovarp informed the commission that work to complete the garage on Fayette Drive, relating to a finding as a public nuisance, is progressing. Planner Frovarp also said that when the permit was granted to build the garage the plan was to have steel lap siding. The material that was purchased includes vertical steel siding. Planner Frovarp was contacted by the

property owner about approval to complete the project with the vertical siding. Planner Frovarp informed the commission that the city ordinance states the siding is to be similar to the home and that the siding, which was special ordered and can't be returned, will not be a lot different from the siding on the mobile home on the property. President Obenauer and Commissioner Haack both stated they did not have a problem with the purchased siding. Commissioner Stern expressed concern of the vertical siding in the residential area, similar to the pole barns in west Hazen. Commissioner Stern asked about the ordinance and Planner Frovarp stated it is not specific and that it is intended to make the structures on the property appear similar in style. Planner Frovarp said the main concern with the property in question is to abate the nuisance by getting items in the garage and to remove the temporary (tarp) structure prior to the November 7<sup>th</sup> deadline.

## REPORTS

**President:** President Obenauer informed the commission that Sunrise Homes has property adjacent to the city of Hazen between the lagoon and Antelope Creek that they are going to be offering for sale. They wished to give the city the first opportunity to purchase. President Obenauer said the property location, within the flood zone, may be suitable for storage but not residential use. Commissioner Stern questioned the number of acres and price and President Obenauer stated it is roughly forty (40) acres and the price may be in the \$1500 - \$2000 range. President Obenauer asked that any questions or comments be directed to Sunrise Homes or through the Auditor's Office as he did not want to be involved too deeply because of the family relationship. Commissioner Stern had questions about the elevation of the property as compared to the proposed RV Park and Planner Frovarp stated this property is lower. Commissioner Stern also asked about the timeframe for the sale of the property and President Obenauer stated it didn't need a decision tonight but the sooner the better.

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

**Street/Cemetery:** Commissioner Stern informed the commission that the street department is working to clean-up the shop property so a list of items to be sold has been prepared and an advertisement will be published seeking sealed bids to purchase the items "as is."

**Finance/Busing:** Commissioner Wolf informed the commission that at the most recent HCD meeting there was discussion of additional interest in purchasing the armory building. President Obenauer said Southwest Water has expressed interest in the building as well. There has been discussion on utilizing the building for the busing and police department. The property has been appraised and a decision on what action to take will be made soon.

**Police/Fire:** Commissioner Haack informed the commission the new rescue truck is in route to the city and should be here sometime on November 4<sup>th</sup>. The old rescue truck has been sold and payment has been received. Commissioner Stern inquired about the public nuisance ordinance and Commissioner Haack advised that an ad will be published seeking public input and for the matter to be placed on the November 17<sup>th</sup> agenda.

## **CORRESPONDENCE**

**Funds Transfer – HCD:** Buster Langowski, HCD Director advised the commission that sales tax funds are needed to address water and mold issues at the Commerce Center. Mr. Langowski said they were not even aware of the issue until they began to look at the area for rental. Mr. Langowski also told the commission that they worked with an environmental group to determine how to proceed and that a local contractor was hired to address the issue. Mr. Langowski said this will need to be addressed further in the spring when the groundwater may be an issue and they are looking at the best plan to resolve the problem including pumps and additional ventilation. Mr. Langowski said they will seek assistance of the environmental group for additional testing to ensure the situation is taken care of completely. Commissioner Wolf moved to approve the transfer of funds in the amount of \$16,568 as requested by HCD, second by Commissioner Stern. Upon discussion Commissioner Stern clarified that the funds would be transferred from HCD's share of the sales tax. On roll call vote; Wolf, "Aye", Stern, "Aye", Brunmeier, "Aye" Haack, "Aye", Obenauer, "Aye", motion carried.

## **NEW BUSINESS**

**2014 Audit Agreement – Rath & Mehrer PC:** The commission reviewed a letter from Rath and Mehrer with regard to performing the audit for the year ended December 31, 2014. Commissioner Haack moved to approve the letter retaining Rath & Mehrer for audit services, second by Commissioner Brunmeier. Attorney Donovan said recent information suggests changing the audit service firm and President Obenauer would like to see what other firms could perform these services next year. On roll call vote; Haack, "Aye", Brunmeier, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

**Request for Duplicate Warrant – Fastenal:** Commissioner Brunmeier moved to approve duplicate warrant as requested by Fastenal in the amount of \$146.07, 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 Brunmeier. Pre-paid and bills approved for payment are as follows: Alex Air Apparatus Inc, 1641.84; Anthony Melberg, 122.50; Ben Berg, 850.00; Berg Trucking, 13.85; BHG Inc, 1235.75; Bituminous Paving Inc, 165399.12; Black Mountain Software, 100.00; Brindlee Mountain Fire Apparatus Inc, 5390.00; Cardmember Service, 306.35; Coca Cola Refreshments, 225.00; Credit Bureau of Bismarck, 26.72; Dan Wettstein, 320.00; Fastenal Co, 23.79; Ferguson Waterworks, 299.00 Gary Emter Evaluation Svc, 375.00; Grand Forks Fire Equipment Co, 100.59; Hawkins Inc, 5.00; Hazen Hardware Inc, 370.44; J&L Automotive LLC, 220.60; JP Cooke Co, 50.89; Kadmas Lee & Jackson Inc, 35874.23; Kurt Milbradt, 100.00; Law Enforcement Systems Inc, 97.00; Loren Wiest, 140.00; Maas Electric Inc, 380.00; Michael Todd & Co Inc, 693.05; ND Dept of Health, 32.00; Pam Borlaug, 62.72; Positive Promotions Inc, 510.08; Pride Contracting Inc, 650.50; Rough Rider Industries, 196.00; Sakakawea Hazen Clinic, 219.00; SBM Inc, 297.07; Southwest Water Authority, 21933.65; Stein's Inc, 159.80; Steve Frovarp, 33.90; The Attic, 90.00; Verizon Wireless, 107.46; West Dakota Lumber, 67.28. Motion unanimously approved.

There being no further business the meeting was adjourned at 7:09 PM CT. The next regular meeting of the commission will be Monday, November 17, 2014 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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