

**Hazen City Commission
Regular Meeting
November 4, 2019
Hazen City Hall**

Present: President Obenauer, Commissioner Haack, Commissioner Pillar (by telephone), and Commissioner Stern.

Absent: Commissioner Wolf

Others Present: PW Director Brousseau, Planner, Senger, Officer Folkerts, Editor Arens, Attorney Donovan, Ted Billadeau (Mayo Const), Jerod Klabunde (Moore Eng. by telephone), Auditor Erhardt, and Buster Langowski.

The meeting was called to order at 5:28 PM by President Obenauer.

President Obenauer led the Pledge of Allegiance and the prayer.

Minutes: Commissioner Haack moved to suspend the reading and approve the minutes of the October 21st meeting, as presented, second by Commissioner Stern. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

2018 Street Project – Pay Estimate #10: The commission reviewed Pay Estimate #10, as submitted by Mayo Construction. The requested payment was \$418,871.89, and the contractor's recommended payment was \$370,806.14 after reduction of \$48,065.75 for patching work outside of contract conditions and to determine if vegetation reaches contract requirements. Ted Billadeau, Mayo Construction, feels the \$10,000 for the vegetation establishment is excessive as; the contractor came back and did \$750.00 of seeding. Jerod Klabunde, Moore Engineering was contacted by phone, and said the city must have a means to enforce the contract and pay estimate eliminates the retainage and allows sufficient funds in case the city has to address work on their own. Commissioner Stern was informed that, without the \$10,000, the city will have more than \$38,000 for any damages, patching or monument replacement. Mr. Klabunde said the patching has been completed and the city is not paying for \$38,000 of the cost because the work was not within the contract spec. Regarding disturbed monuments, Mr. Klabunde said he is still researching this matter and feels there are only a couple that could have been avoided. Mr. Billadeau said the seeding was completed in 2018 and was not on the punch list and they only were made aware of the issue in September 2019. Mr. Billadeau added that no monuments were marked in the plans. President Obenauer said the monument issue was not in the plans but, was discussed at other meetings. Commissioner Stern moved to approve pay estimate #10, reducing the vegetation amount to \$5,000, for a total payment of \$375,806.14, second by Commissioner Pillar. On roll call vote; Stern, "Aye", Pillar, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

REQUEST OF CITIZENS

Lot Purchase – Christmann 2nd Addition: Planner Senger informed the commission that she was contacted by a resident interested in purchasing a city lot in Christmann Second Addition. The lot was originally set aside for city worker and Planner Senger said lots in the area have a valuation of \$6,000 to \$8,000. There was discussion about advertising the lot. Commissioner Pillar made a motion to make the lot available at a cost of \$7,000, second by Commissioner Haack. Upon discussion, Commissioner Stern was informed that a formal offer to purchase had not been made. There was further discussion relating to advertising this, and other city lots, for sale. Commissioner Pillar made a motion to amend his original motion to advertise the lot, with a “minimum” price of \$7,000, second by Commissioner Stern. Roll call vote, on the motion to amend; Pillar, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, amendment adopted. Roll call vote, on the motion as amended; Pillar, “Aye”, Haack, “Nay”, Stern, “Aye”, Obenauer, “Aye”, motion carried. The commission would like the city planner and city auditor to research what lots the city has available and advertise them in the official newspaper.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Commercial Building Permit – The Hub – Western Steel Builders: The commission reviewed an application for a building permit for renovations of The Hub, as submitted by Western Steel Builders. Planner Senger explained that the work has started w/out having the permit approved. As this is a commercial property, the building permit must be approved by the city commission. Commissioner Pillar moved to approve the building permit, second by Commissioner Haack. Upon discussion; the commission discussed assessing a penalty for not getting the required permit, like a case before the commission recently. Commissioner Haack moved to amend his motion to include a penalty of \$300 for failing to obtain the permit prior to commencing the work, second by Commissioner Stern. Upon discussion, Commissioner Pillar asked how the penalty amount was determined and Commissioner Haack said it was a quick calculation loosely based on the permit cost. Roll call vote, upon the motion to amend; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Obenauer, “Aye”, motion carried. Roll call vote; upon the motion as amended; Pillar, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

Building Permit – Steve Scheid: The commission reviewed an application for a building permit to place a mobile home on a parcel along 3rd Ave NE, north of 6th Street NE. The mobile home was already moved into town, without permission or moving permit. Planner Senger explained that Mr. Scheid proposed bringing a mobile home to this lot earlier this year but, the pictures provided at that time were not the same mobile home that was moved into the city. Commissioner Pillar said the permit refers to work to be done and Planner Senger would like the commission to consider a deadline to complete the proposed work. Commissioner Stern asked if a public hearing to move the structure was necessary. Commissioner Haack asked if the permit is denied does the mobile home have to be removed and Commissioner Stern suggested it should be treated as a nuisance under our city ordinance. The commission discussed concern about setting a precedent by the action taken, by the board. Attorney Donovan suggested implementing a penalty, that must be paid up front, with a portion being refundable if/when the work is completed. The commission would like to have the

mobile home inspected, at owner expense, before proceeding. Commissioner Haack moved to approve the building permit, as requested by Mr. Scheid, second by Commissioner Stern. On roll call vote; Haack, "Nay", Stern, "Nay", Pillar, "Nay", Obenauer, "Nay", motion failed. Attorney Donovan suggested have the mobile home inspected prior to setting conditions that must be met for the permit to be approved and Planner Senger was directed to contact the lot owner and Mr. Scheid to explain the action of the commission.

Cost Share – Lot Survey – C. Stern: Casey Stern, acting as private resident, addressed the commission about a survey recently conducted to split a portion of a lot in Schafer Addition and to determine proper description of another lot. Mr. Stern recently purchase Lot 1, Blk 2, Shafer Addition and was concerned that the square footage purchased was different than the information in the Vanguard Assessment system. Mr. Stern said the property was received, for back taxes, in 1990 and the property has been transferred three (3) times since the city obtained it. Mr. Stern was informed that the property would have to be surveyed to determine the correct description and area and was also informed that the city may share the cost for such survey. Mr. Stern said he was given an estimate, to survey and to plat a portion of the adjoining property to be purchased by Mr. Stern, from Mr. Link of about \$3,000, so he proceeded with the work, and he was then told, by the auditor, the city would not share the costs. Mr. Stern feels the city should have re-platted the lots when the street was built as it cut the lot nearly in half. Planner Senger asked if Mr. Link had to replace any of the pins for the boundary of Lot 1, Blk 2 and Mr. Stern said these pins were all in place. Commissioner Pillar asked if there are any requirements to have the property surveyed prior to transfer from one individual to another and was informed the state of ND make no such requirement. Commissioner Pillar then asked if the city has an obligation to correct errors of the past and Attorney Donovan said the state rules the buyer is to know boundaries when purchasing a property. Attorney Donovan said there is an abatement process, when approved by the taxing authority, that can refund a portion of taxes paid but, only is for the previous two-year (2) period. Mr. Stern said the final cost of the survey exceeded \$5000 and feels there was a benefit to the city in correcting the square footage of the lot and showing the road on the plat. Commissioner Pillar cautioned the board about how action taken could affect the city going forward. Attorney Donovan asked about the benefit to the city, stating that the city did not develop Schafer Addition and further stated that any survey today would likely have different results because of technology advancements. Commissioner Pillar, with all due respect, said the survey was Mr. Stern's request and would assist in an abatement and tax savings moving forward. Commissioner Haack would like to table action on the request, saying he does see a benefit but, did it have to be done. President Obenauer said he feels the city has some responsibility to correct the information in Vanguard. Mr. Stern suggested, as an alternative to consider costs charged to purchase recycle material from the city. Commissioner Haack moved to postpone action on the request until the November 18th meeting, second by Commissioner Pillar. On roll call vote; Haack, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried. The commission asked the auditor to contact Mr. Link about the extent of the work, and costs, relating to Lot 1, Blk 2.

2020 Liquor License Renewal – Box’s Bar: Commissioner Haack moved to approve the liquor license application of Jody & Susan Retterath, Box’s Bar, for 2020, second by Commissioner Pillar. On roll call vote: Haack, “Aye”, Pillar, “Aye”, Stern, “Aye”, Obenauer, “Aye’, motion carried.

REPORTS

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

Street/Cemetery: Commissioner Haack asked to board to consider advertising the motor grader for sale. The cost to repair the engine is prohibitive and PW Director Brousseau said he has been contacted about the city’s intention. Commissioner Haack moved to advertise the motor grader for sale, second by Commissioner Stern. Upon discussion, President Obenauer said the city will have to consider if they would like to replace it in the future. On roll call vote; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Obenauer, “Aye”, motion carried. Commissioner Haack informed the board that the John Deere loader has been repaired and is back in service and the conversion of the old garbage truck, to a dump truck, has been completed. PW Director Brousseau received quotes from Meissner Contracting and Winkler Construction for small concrete work on curbs, gutter and sidewalks. The total bid of Meissner is \$4,950 and the total bid of Winkler Construction is \$5,900. Commissioner Haack moved to accept the quote of Meissner Contracting, second by Commissioner Stern. Upon discussion PW Director Brousseau said he hopes the curb work can be completed yet this year to aid in snow removal. On roll call vote; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Obenauer, “Aye”, motion carried.

Finance/Busing/Library: Commissioner Stern had nothing to report at this time.

Police/Fire/Forestry: Commissioner Wolf absent. No report.

HCD: Buster Langowski informed the commission that he has applied to Great River Energy for concrete at the “Christmas Tree” location along Main Street. He has also requested bids/quotes from area contractors for installation of the concrete. This work will not be performed until 2020.

President: President Obenauer informed the board that the ND Living Magazine did an article highlighting the work of Chamber Director Antoinette Heier, and the article is very good. President Obenauer spoke to Planner Senger about preparing a letter to Mr. Langord about his mobile home on 1st Ave NE. The commission was provided a copy of the letter and it will be signed by President Obenauer and Planner Senger, then sent to Mr. Langord.

CORRESPONDENCE

USB Cash Management Agreement: Commissioner Pillar moved to authorize the auditor to execute the ACH Origination Agreement, with Union State Bank, second by Commissioner Haack. On roll call vote: Pillar, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye’, motion carried.

Approval of Bills: Commissioner Haack moved to approve the bills, as presented, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: HCD, 25000.00; Universal Premium Fleetcard, 2727.17; Payroll, 123787.88; Ameripride, 340.59; Cardmember Service, 366.83; Christy Metz, 38.50; Coal Conversion Counties, 1800.00; CVB, 2264.28; Credit Bureau of Bismarck, 54.35; Donovan & Kaffar PLLP, 1785.00; Dude Solutions, 6168.75; Hazen Hardware Inc, 354.14; Hazen

Motor Co, 1283.80; Hazen Parks & Rec, 27500.00; Innovative Office Solutions LLC, 174.95; Jerry Obenauer, 87.00; Krause's, 35.31; Mayo Construction Co, 375806.14; Millennium Express, 2760; Moore Engineering Inc, 16782.59; NAPA, 258.71; OK Tire Stores, 961.87; POST Board, 45.00; Peggy Rahn, 52.50; Rough Rider Industries, 1348.00; SBM Inc, 9.44; Shannan Senger, 231.54; SW Water Authority, 26497.81; Swanston Equip Corp, 142.49; Traffic Logix, 2524.00; Verizon Wireless, 363.45; West Dakota Lumber, 35.96; West River Telecommunications, 1094.85. On roll call vote; Haack, "Aye", Stern, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

There being no further business, the meeting was adjourned at 7:18 PM CT. The next regular meeting of the commission is scheduled for Monday, November 18, 2019 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor