

**Hazen City Commission  
Regular Meeting  
December 15, 2014  
Hazen City Hall**

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

**Others Present:** Attorney Donovan, Mark Johnson (Ulteig), Editor Coleman, Planner Frovarp, Auditor Erhardt, Kelsey Timmer (KLJ), Ella Mathisen and Buster Langowski.

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

**Minutes:** Commissioner Brunmeier moved to dispense with the reading of the December 1<sup>st</sup> minutes and approve them as presented, second by Commissioner Haack. Motion unanimously carried.

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

**CONSULTATION WITH ATTORNEY & ENGINEER**

**Ulteig Engineers – Engineering Agreement, FEMA Project, and GIS Mapping:** The commission reviewed a proposed extension to the engineering agreement with Ulteig extending it to May 15, 2015. Attorney Donovan suggested it should be considered an amendment rather than an extension due to the change in the rates as proposed. Commissioner Wolf moved to approve the amendment to the subcontractor agreement with Ulteig Engineers including the rate change, second by Commissioner Haack. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Brunmeier, “Aye”, Obenauer, “Aye”, motion carried. President Obenauer then addressed the possible FEMA project, as previously discussed, and expressed concern about the cost of \$6,800 to determine if there sufficient benefit to proceed with a project. Commissioner Stern then suggested land that is not within the city limits would benefit the most so he would like to see this property annexed prior to moving forward with such a project. Mark Johnson said there is a need to do some field work to identify what residents are paying now for flood insurance and determine the cost benefit. Planner Frovarp asked if most of the data for stage one and two of the proposed project already been collected as part of the bypass flood control project and Mr. Johnson said that most of that data was collected for the area north of the bypass and that the city engineer would still have to re-prove information to FEMA. Attorney Donovan said there are two things that are known; if the map changes and people go into a flood zone their insurance rate will go up and the map will identify how many household would benefit to aid in determining the cost benefit. Planner Frovarp agreed that the map would identify the affected property but without knowing the current flood insurance premium it would be hard to determine the

cost benefit. Planner Frovarp then presented a copy of the proposed flood map to show the areas that could be affected by a diversion project and then said that if a property owner has already received a LOMA certificate they are considered out of the flood zone and that it may be another nine months until the proposed flood map becomes effective. Commissioner Stern then asked if the flood insurance requirement is determined by the lender if property is financed and Planner Frovarp said that is correct and the lender can drop this requirement if the property owner has obtained a LOMA certificate. Commissioner Brunmeier asked that this matter be held for further information to be presented. Mr. Johnson then addressed the proposed GIS mapping of the city and suggested that Ulteig Engineers may consider purchasing additional user licenses and allow the city access to online data at a reduced cost. Commissioner Haack asked how other communities are responding to this technology and Mr. Johnson stated that everyone recognizes the long-term benefits as employees are replaced over time. President Obenauer suggested the city may be interested if some type of introductory or reduced rate for the program is possible. Mr. Johnson will take the information back to his company and report back on this matter at the next meeting. Mr. Johnson addressed issues raised by the park board about the RV Park design fees paid by the city. Mr. Johnson said he has looked back through the history of the project and some of the issues relate to an unwritten rule the ND Department of Health regarding placement of water and sewer utilities. Mr. Johnson said this issue came to light in January 2014 when another engineer was working on the lift station portion and contacted the ND Department of Health and was advised the proposed plan would not be accepted if the RV Park was intended to be used year round. Mr. Johnson also referred to information the park board had received from Custer Health about the placement of water/sewer utilities at the December 8<sup>th</sup> meeting, which was contradicted when he contacted the ND Department of Health. Mr. Johnson said, when looking at the billing, there is slightly more than \$21,000 that is unrecoverable and suggested this amount be split between the city and Ulteig. When asked, Mr. Johnson said the previous engineer did as he was told at the time but the design had to be changed to comply with the Department of Health rules. Commissioner Brunmeier asked why the park board has issue with Mr. Johnson and he said there is a perception that the engineers presented the project as a man-camp, which was not the case. Buster Langowski asked if the health department rules have been reduced to writing and published; and if they had not, how can they be enforced. Mr. Johnson said the health department always asks if the design is completed or if the project is completed and he could not honestly say the design was complete. Attorney Donovan pointed out that two different taxing authorities are involved in the project and suggested the city work with the park board to prepare a Joint Powers Agreement to detail authority and financial responsibilities for the different portions of the project.

## **INTRODUCTION, READING & APPROVAL OF ORDINANCES**

**Second Reading – Ordinance Amendment Chapter IX – Fireworks – January 1<sup>st</sup>:** Commissioner Brunmeier moved to approve the second reading of the Amendment to Chapter IX, Article 5, subsection (1) relating to the sale and discharge of fireworks, second by Commissioner Wolf. Upon

discussion Commissioner Stern said he had been contacted by a couple people saying they did not want this ordinance and would like to see fireworks not allowed year round. President Obenauer said he had also received a comment about the need for the amendment, as well. Ella Mathisen appeared and told the commission that she has lived in Hazen for eleven years and it sounds like a war zone around the 4<sup>th</sup> of July and she has concerns about the length of time the ordinance allows for discharging fireworks. Commissioner Brunmeier said the amendment is only to follow North Dakota Century Code. Commissioner Stern asked if the city commission can adopt the ordinance to allow discharge only on New Year's Eve and was told the commission has final authority to adopt, change or not make any change to the current ordinance. Commissioner Brunmeier moved to amend the ordinance to allow for the discharge of fireworks on December 31 and January 1<sup>st</sup> only, second by Commissioner Wolf. Roll call vote on the amendment; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", amendment approved. On roll call vote for the motion, as amended; Brunmeier, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. The ordinance will be published and effective on December 18, 2014.

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

**2015 Liquor License Applications:** Commissioner Wolf moved to approve the 2015 liquor license applications as follow: Longshots Bar LLC, S&S Specialties, Box's Bar, Jimmy's Lounge, Hazen Bottle Shop Inc, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

#### **REPORTS**

**President:** President Obenauer thanked the staff, especially Shannan Fink, for the work decorating for the city Christmas party and advised the board that city offices will be closed beginning at noon on December 24<sup>th</sup> and will be open for business on December 26<sup>th</sup>. President Obenauer presented the board with questions he would like them to review for a survey he presented earlier. He would like any comments or suggestions back as soon as possible so the survey can be finalized and presented to the residents in early 2015. Commissioner Wolf suggested including a list of services the city provides as part of the survey information.

**Water/Sewer:** Commissioner Brunmeier contacted Mr. Schafer of Environmental Services Limited and he will be providing a written quote for purchase of a jet/vac truck for the city's consideration. She is still working with Sanitation Products to get a quote for a jet/vac trailer.

**Street/Cemetery:** Commissioner Stern said the city received sealed bids for a total of \$780 to purchase used property and he will work with Director Neuberger with regard to items that were not purchased. The only item with any real value is the 1987 GMC chassis. President Obenauer commented on the crew removing ice from some of the valley gutters.

**Finance/Busing:** Commissioner Wolf said the busing department would like to advertise to employ another part-time bus driver. Commissioner Wolf will work with the auditor to get this information to the public.

**Police/Fire:** Commissioner Haack advised the board that he is still working with Attorney Donovan on the nuisance ordinance and they hope to have a draft for review by mid-January. Commissioner Haack was contacted by Mr. Zimmerman to express his thanks for the work of the fire department at the recent fire at Coyote Station.

## **CORRESPONDENCE**

**HCD Sales Tax Funds Request:** Mr. Langowski advised the commission that HCD is in negotiations to acquire property for a senior housing unit in Hazen. The project will rely on Housing Incentive Fund dollars and other state sources to recoup most, or all, of the funds expended. Mr. Langowski said the HCD board is very adamant about getting this property for the project. Commissioner Stern asked who would own and manage the property and Mr. Langowski said the project is working with a non-profit organization that would take over ownership and management of the facility. Commissioner Stern then asked about the city selling the property for less money because of the asbestos and Mr. Langowski said the asbestos abatement would not be a big issue as it is mainly in the tile which can be covered. Commissioner Haack moved to approve the request for up to \$50,000 from the sales tax fund to be transferred to the HCD Enterprise Fund for this project, second by Commissioner Wolf. Upon discussion Commissioner Stern clarified the funds would be transferred from the HCD Sales Tax Fund. On roll call vote; Haack, "Aye", Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

## **OLD BUSINESS**

**Award Bid for Bus Purchase:** The commission reviewed the bids received on October 20<sup>th</sup> for the purchase of a new bus for city transit. Commissioner Wolf moved to accept the bid of Harlow's Bus Sales Inc, in the amount of \$86,955, including quoted options, second by Commissioner Brunmeier. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

## **NEW BUSINESS**

**Request for Duplicate Warrant – Mercer County Treasurer:** Commissioner Brunmeier moved to approve duplicate warrant in the amount of \$4271.40 as requested by the Mercer County Treasurer, second by Commissioner Haack. On roll call vote; Brunmeier, "Aye", Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

**Laboratory Services Contract – Water Sample Testing:** Commissioner Brunmeier moved to approve the annual contract for water sample testing with the North Dakota Department of Health, second by Commissioner Stern. Upon discussion Attorney Donovan said the auditor will also need to attest to the

President's signature to complete the contract. On roll call vote; Brunmeier, "Aye", Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

**Approval of Bills and Financial Statements:** Commissioner Haack moved to approve the bills, second by Commissioner Stern. President Obenauer had a question about a late fee and Auditor Erhardt advised this has to do with the timing of receipt of the bills and that he would work with the vendor to waive the fee, if possible. Pre-paid and bills approved for payment are as follows: Ameripride Linen & Apparel Services, 508.40; Angie Leintz, 432.47; Cardmember Service, 473.30; Cenex, 5040.04; Comfort Inn-Minot, 341.00; Dakota Communications, 42.00; Discovery Benefits Inc, 25.00; Duckwall Alco Stores, 9.98; Hawkins Inc, 5.00; Hazen Community Development, 1692.44; Hazen Hardware Inc, 1046.47; Hazen Meats, 82.47; Hazen Motor Co, 68.40; Hazen Motor Farm Equipment Co, 2.00; Hazen Parks & Recreation, 10000.00; Hiway Express, 3175.45; Information Technology Department, 75.00; J & L Automotive LLC, 1385.57; Krause's Super Valu, 51.19; M & T Fire & Safety Inc, 195.11; Mel Roth Oil, 1367.12; Mercer County Treasurer, 3450.95; Montana Dakota Utility, 4643.21; ND Department of Health, 32.00; ND League of Cities, 20.00; NAPA Auto Parts, 550.28; ND One Call Inc, 8.80; Northland Financial, 302.00; Roughrider Electric Coop Inc, 3460.24; Safeguard Business Systems, 102.28; SBM Inc, 436.37; Shannan Fink, 158.15; Stein's Inc, 43.54; Ulteig Engineers Inc, 1000.00; Union State Bank, 3600.00; Verizon Wireless, 166.84; West River Telecommunications, 838.41. Motion unanimously approved.

There being no further business the meeting was adjourned at 7:12 PM CT. The next regular meeting of the commission will be Monday, January 5, 2015 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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