

**Hazen City Commission
Regular Meeting
February 1, 2016
Hazen City Hall**

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

Absent: Commissioner Brunmeier

Others Present: Attorney Donovan, Planner Frovarp, Auditor Erhardt, PW Director Neuberger, Kelsey Timmer, Mark Sweeney (KLJ), Editor Arens, Dan Pillar, Gaylen Jensen, and Buster Langowski.

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

Minutes: Commissioner Wolf moved to suspend the reading of the January 18th minutes and approve them as presented, second by Commissioner Haack. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

Midco Franchise: The Commission was provided a copy of the proposed Midco Franchise Ordinance. President Obenauer and Auditor Erhardt had met with Attorney Donovan and some changes were proposed which include: removing the section relating to the process to apply for a new franchise, for the city to retain control and oversight of tree trimming necessary for the franchise infrastructure, requiring as-built data (maps or digital), updating the equipment for the public education "access" channel, limiting door-to-door marketing, ensuring a service technician is located in the vicinity and the franchise fee of 4% of revenue, with revenue being defined to clarify basic cable services and pay services. Attorney Donovan informed the commission that the current fee is 3% of gross revenue and the FCC allows a limit of 5% of gross revenue. The funds received under the franchise are placed in the general fund for general city obligations. President Obenauer spoke to Val Albrecht at the library and the public channel equipment needs to be replaced as most of the video and audio of the channel has not worked for some time. Attorney Donovan said the franchise is non-exclusive and any change in the franchise fee will likely be passed along to the consumers. Commissioner Haack moved to approve the first reading of the Midco Franchise Ordinance with the recommended changes, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Southwest Water Authority Agreement: The commission reviewed a proposed agreement received from the Southwest Water Authority relating to transfer of service area. Auditor Erhardt expressed concern that the agreement references a 2010 city boundary map and the city has annexed additional

property since 2010. Attorney Donovan suggested contacting the authority to discuss the boundary questions and to inquire as to the effect the agreement will have on property that has been annexed into the city.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Easement Vacation Petition – Jensen: The commission received an application to vacate an easement for water and sewer lines that was located within lots 9, 10, and 11, Block 1, North Star 4th Addition. These lines were abandoned as part of the 2015 surge project. Attorney Donovan indicated there are statutory requirements necessary to vacate a public easement and he will work with Mr. Jensen to ensure the application is handled according to the century code, including necessary publications. Commissioner Stern asked Mr. Jensen why he wished to have the easement vacated and Mr. Jensen said it has an effect on the future value of the property. Commissioner Stern was also concerned that future plans may require the use of the easement and Planner Frovarp indicated that there are still utility easements around the perimeter of the property.

CONSULTATION WITH ATTORNEY & ENGINEER

2016 Street Project(s): Mark Sweeney, KLJ, had provided the engineer's report and estimate of cost for the project. Jeanette McLaughlin was present and had contacted Commissioner Haack about concerns of water pooling on Expansion Drive. Commissioner Haack had taken a picture of the concern and Mr. Sweeney indicated they could look at the survey information and check the low spots but curb work on this street was not currently included as part of the project. Ms. McLaughlin indicated it wasn't bad yet this year but in previous years it collects so much water it nearly enters their garage. Mr. Sweeney said he would take a look at it to see what could be done. Mr. Sweeney then went back to discuss the report and estimates indicating it was based on actual survey data that had been collected. President Obenauer asked if the board needed to see what happens with the curb and gutter quantities with regard to Expansion Drive and Attorney Donovan said they could address the report at this time as it is preliminary. Commissioner Stern asked about the cost for curb, gutter and paving of Sunflower Lane and the \$250,000 estimated cost benefit among approximately sixteen property owners and President Obenauer thought it should be included because of the proposed developing in the area. Mr. Sweeney agreed the cost is high because of the amount of work needed to be completed. Commissioner Haack commented on Fayette Drive, south of Divide Street, and President Obenauer also commented that it is getting bad. Commissioner Stern then asked about the need to change water mains or valves on other streets that are being repaired. Mr. Sweeney said the report only refers to replacing valves and connections on 7th Ave NE and 7th Street NE, no mains appear to need to be replaced. Commissioner Haack moved to approve a resolution accepting the engineer's report and estimate, second by Commissioner Stern. Upon discussion the commission talked about the curb and gutter along Expansion Drive. Commissioner Haack moved to amend the motion to include estimates for the curb and gutter along Expansion Drive. Upon discussion Commissioner Stern

said the commission talked about sealing streets as part of the project and the need to seal many streets around the city. Mr. Sweeney said that any streets that were done in the 2014 project could wait another year for sealing. President Obenauer agreed that the city needs to do something and Attorney Donovan said the citizens have a right to voice opposition on projects the city is considering. Mr. Sweeney asked if they are referring to sealing everything completed in 2014 and every other street that is not part of the proposed project. Commissioner Stern moved to amend the motion to include estimates for chip sealing in the engineer's report. President Obenauer, three times, asked for a second to the motion and received none. On the motion to amend to include curb and gutter on Expansion Drive; on roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried. ON the motion, as amended, to approve the engineer's report and estimate, to include curb and gutter for Expansion Drive, on roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried. President Obenauer again agreed that the commission needs to look at chip sealing.

Mr. Sweeney said he had been in contact with Attorney Donovan with regard to the proposed contract and some changes he recommended. Attorney Donovan said this is a contract of adhesion and there is little room for negotiation and the city basically accepts what is offered but the engineer has been very accommodating. Commissioner Haack asked what changes were suggested and Attorney Donovan said it had to do with indemnity, reimbursable and consultant costs, as well as rate schedules that were not initially included. Commissioner Wolf moved to accept the contract with Kadrmas, Lee and Jackson for the 2016 street project, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. Mr. Sweeney said he would update and finalize the engineer's report and cost estimate and get it back to the city as quickly as possible.

REQUEST OF CITIZENS

Request for Free/Reduced Hall Rent – Hospital Auxiliary: Commissioner Haack moved to approve requests for free/reduced rent of city hall, subject to a kitchen fee (if necessary), as requested by the Hospital Auxiliary for February 9, second by Commissioner Wolf. Motion unanimously carried.

Charity Local Permit – American Legion Post #189: Commissioner Wolf moved to approve Charity Local Permit #2016-05 as requested by American Legion Post #189 to conduct a poker event on April 9, 2016, second by Commissioner Haack. Motion unanimously carried.

Local Permit – Hazen Lions Club: Commissioner Haack moved to approve Local Permit #2016-06 as requested by the Hazen Lions Club to conduct a raffle from March 1 to May 31, second by Commissioner Stern. Motion unanimously carried.

REPORTS

President: President Obenauer thanked the public works staff for installing the new stop sign by the High School. President Obenauer would also like to see some lighting around the new sign near Cenex.

Water/Sewer: Commissioner Brunmeier absent. Commissioner Stern said he would like to evaluate the duties of the water/sewer staff to determine if it would be in the city's best interest to cross train some other staff to cover on-call situations.

Street/Cemetery: Commissioner Stern had nothing to report at this time.

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

Police/Fire/Forestry: Commissioner Haack had nothing to report at this time.

HCD: Buster Langowski informed the commission that he had received some good news from the State Housing Agency and additional funds may be available for the Pioneer Apartments project. Mr. Langowski said they are just a couple of steps away from having the financial commitment and they are working with an architect on preliminary plans. Mr. Langowski said he has also been in contact with the hotel developer and they are very close to finalizing work to begin construction. When asked, Mr. Langowski said there is some interest in the final spaces available at the commerce center and he has some very good leads

OLD BUSINESS

Public Works Position(s): Commissioner Stern informed the commission that he, Commissioner Brunmeier, Commissioner Wolf (Commissioner Wolf was present when Commissioner Brunmeier was unavailable) and Director Neuberger had conducted interviews of seven applicants for the public works positions and there were several good candidates. Commissioner Stern moved to offer employment to Benjamin Bohrer and Dustin Wiedrich, second by Commissioner Wolf. It was discussed that Mr. Wiedrich will be able to begin employment in March. On roll call vote; Stern, "Aye", Wolf, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

Board Appointments – Forestry, Housing Authority & Ambulance: The city had published notice that they will be appointing to various boards and for interested residents to contact the commission or the city auditor. President Obenauer said he had reviewed the by-laws of the ambulance board and the city needs to appoint someone to replace Mr. Danzeisen, who is no longer a city resident. No resident has contacted the city with regard to this board so President Obenauer would like the commission to consider if one of the commissioners should serve or if there is someone they would like to recommend. Commissioner Haack moved to appoint the following, second by Commissioner Stern: Forestry Board – Charlie Hoffer; Housing Authority – Delmar Schramm and Austin Clarys. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Bus Facility Contract: Auditor Erhardt informed the commission that earlier today he had received an email from ND Department of Transportation with regard to additional requirements for the contract document to construct the bus facility. Auditor Erhardt had contacted the low bidder, Western Steel Builders, and they would update the contract for action at the next city commission meeting.

NEW BUSINESS

Meeting Date (2/15 – 2/16): The next regular meeting of the commission falls on President’s Day, a recognized holiday for city staff. The commission discussed this and determined they would like to still hold their meeting on this date as scheduled.

Approval of Bills and Financial Statements: Commissioner Wolf moved to approve the bills, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: US Postal Service, 274.04; Payroll, 118307.44; Bank of ND, 12555.00; BHG Inc, 873.05; Chuck Dahl, 119.50; Convention & Visitor’s Bureau, 2758.75; Dakota Fire Extinguishers, 649.31; Dakota Supply Group, 892.78; Dakota Transit Association, 140.00; Dan Wettstein, 320.00; Fastenal Co, 35.33; Friends of Lake Sakakawea, 100.00; Harlow’s Bus Sales, 55.00; Hazen Community Development, 45.00; Hazen Hardware Inc, 514.74; Heiman Fire Equipment Inc, 127.36; Jeremiah Playle, 24.72; Kasey Lesmann, 100.00; Krause’s Super Valu, 120.99; Loren Wiest, 140.00; Northwestern Equipment Inc, 48.15; Perreault Construction, 800.00; Roughrider Electric Coop Inc, 55.00; Sakakawea Medical Center, 13.06; SBM Inc, 152.78; Share Corp, 554.37; Southwest Water Authority, 25459.42; Steve Frovarp, 16.20; Universal Premium Fleetcard, 2469.48; Verizon Wireless, 116.04. On roll call vote; Wolf, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 6:50 PM CT. The next regular meeting of the commission will be Monday, February 15, 2016 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor