

**Hazen City Commission
Regular Meeting
April 15, 2019
Hazen City Hall**

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

Absent: Commissioner Pillar

Others Present: Attorney Donovan, PW Director Brousseau, Editor Arens, Planner Senger, Auditor Erhardt, Richard Jacobson, Ryan Tunge, Josh Meissner, Tressa Carter, Jerod Klabunde and Jon Schroeder (Moore Engineering), Wade Soland, Laura Jacobson, Riley Cline, Heather Cline, Jerard Kaylor, and Carla Borlaug.

The meeting was called to order at 5:30 PM by President Obenauer.

President Obenauer led the Pledge of Allegiance.

Minutes: Commissioner Wolf moved to suspend the reading and approve the minutes of the April 1st and April 9th meetings, as presented, second by Commissioner Haack. Motion unanimously carried.

Agenda: Commissioner Haack moved to approve the agenda, with changes, second by Commissioner Stern. Motion unanimously carried.

REQUEST OF CITIZENS

Crayon Initiative – R. Cline – Miss Coal Country’s Outstanding Teen: Ms. Riley Cline appeared before the commission to discuss her platform as Miss Coal Country’s Outstanding Teen. Ms. Cline is working with an organization that recycles used crayons and provides them to children in hospitals around the world. Ms. Cline would like to start the “Crayon Initiative” in Hazen and would like permission to use city hall as a drop-off location for used crayons which she will collect, routinely, and forward for recycling. Commissioner Wolf moved to approve use of city hall as a collection point for the Crayon Initiative”, second by Commissioner Haack. Motion unanimously approved.

CONSULTATION WITH ATTORNEY & ENGINEER

Moore Engineering: Jerod Klabunde, Moore Engineering, presented an engineer’s agenda to the commission. Mr. Klabunde will organize subjects for meetings using this as a guide for future meetings. Item number one on the agenda relates to the 2018-2019 street project. Work remaining on the project, including corrective items, are crack sealing, chip seal and street marking. The contractor would like to tentatively schedule a construction meeting for April 23 to discuss the project and corrective items. Commissioner Stern had questions about the condition of streets in Expedition Estates, prior to chip sealing. There are areas of large cracks and settling around manholes and other underground utilities. Mr. Klabunde agreed that these items should be addressed before the streets are chip sealed, as scheduled. The city could address these items and charge the cost back to the developer. Mr. Klabunde offered to prepare a letter to the developer requiring the items be addressed

within a specific timeframe. Richard Jacobson, Hazen Water/Sewer, said there is also a valve installed near the Lewis & Clark RV Park that must be addressed as the city cannot get on the valve to open/close it. Mr. Klabunde said the city has leverage to ensure the problems are addressed. Mr. Klabunde said he could get a quote to conduct crack sealing on streets prior to chip sealing as there are issues with getting sealing material for the city crew to do this work.

Item number two relates to issues with a sewer line on 5th Street NW that connects to the sewer main on 3rd Ave NW. Mr. Klabunde explained that it appears that an old water line has been converted to sewer line, which poses no risk to the public, but it may be undersized for the services connected to it. Mr. Klabunde said the city should consider installing one or two manholes and installing a cured in place lining. When asked about a “band-aid” fix, Mr. Klabunde said there would be no guarantee the lining would resolve all issues and the line would require more frequent flushing maintenance.

President Obenauer asked if there is any reason the city could not continue to use the line currently in place and Mr. Klabunde said the city could continue to use it however, there are risks. Mr. Klabunde again recommended doing a manhole and line the pipe to prevent collapse. There was discussion about televising the line to determine where it ends, for purpose of lining the pipe. Commissioner Stern suggested doing one manhole and televise the pipe for lining later. Commissioner Haack was informed that installing the manhole would eliminate the 90° elbow where the line connects to the main. Mr. Klabunde will work with contractors to get a quote of cost to install one manhole.

Property Improvements – J. Meissner: President Obenauer invited Josh Meissner to the meeting to discuss his plans to build on a piece of property just out of city limits, south of Highway 200 and west of Fitterer Oil/Arco. There is a meeting of the planning and zoning commission on April 22 to address a change of zoning for the property from agricultural to commercial. Mr. Meissner explained that the shop, pole building, will be located on the easterly portion of the property and in the future a single-family dwelling will be located on the property south of the current gated entrance. Mr. Meissner was informed that soil testing had been done and it will support a foundation but, he isn’t certain about supporting a basement or if he will want a basement. Mr. Meissner was also informed that percolation tests of soil and it would support a septic system and drain field. Mr. Klabunde said the main concern will be a problem with moisture in a private sewer system vs connecting to the public utility. Mr. Klabunde also said it would be difficult to extend sewer to this location and the city would have to approve a variance to do a private septic system. Mr. Meissner said the sewer is the main concern as water should not be an issue. Attorney Donovan explained that the water service may be an issue because the city does not yet have an agreement with SW Water regarding Transfer of Service. If Mr. Meissner obtains service directly from SW Water there is no issue but, if a connection is made with the city an agreement must be made with SW Water Authority. Wade Soland suggested a well and Mr. Meissner said that is an option, but he was told the best options would be connecting to SW Water or the city. Mr. Meissner will contact Custer Health about the sewer/septic system. Commissioner Stern asked about the intention to annex the property and Mr. Meissner said he doesn’t care if it gets annexed. Mr. Meissner asked about setback requirements for a tree row on the north boundary of the property and he was directed to contact the county. The commission agreed to schedule a special

meeting of the city commission, Monday, April 22nd at 6:00 PM to address the zoning of the property after the planning/zoning board meets.

REQUEST OF CITIZENS

Main Street Initiative – Hazen Chamber: The commission reviewed a proclamation to declare the city of Hazen’s participation in the Main Street Initiative. The commission discussed that by approving the proclamation it may make the city eligible for different funding sources for projects. Commissioner Haack moved to approve the Main Street Initiative Proclamation, as presented, second by Commissioner Wolf. Motion unanimously approved.

Local Permit-Raffle – St. Martin Catholic Church: Commissioner Wolf moved to approve local permit #2019-05, as requested by St. Martin Catholic Church, to conduct a raffle on October 6, 2019, second by Commissioner Stern. Motion unanimously approved.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

Zoning Case – Christman 3rd Addition Plat – M. Clarys: Planner Senger presented information relating to a proposed plat for Christmann 3rd Addition, as submitted by Matt & Cheryl Clarys. The plat vacates a previous easement and combines property for purposes of construction. Planner Senger advise the commission that the planning and zoning commission held a hearing earlier and recommended approval of the plat. Commissioner Stern asked about the need for an easement in the future and was informed that a new easement could be established in the future, directly with the property owner. Commissioner Wolf moved to approve the Plat of Christmann 3rd Addition, as recommended by P/Z, second by Commissioner Stern. On roll call vote; Wolf, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

Property Improvements – W. Soland: Wade Soland appeared before the commission, at the request of Planner Senger to discuss the condition and improvements on his property on 2nd Ave NW. Mr. Soland explained that he tries to keep equipment off the street and keeps the street clean, with his own equipment. President Obenauer commended Mr. Soland on the growth of his business but, stated there are concerns and the city would like to work with Mr. Soland on a timeline to address the issues. Mr. Soland asked if the city was aware of any grants that would aid in expanding his business in a more suitable area. Mr. Soland is constructing a garage on the property and has renewed the expired permit to complete the work. Commissioner Stern suggested keeping an eye on the clean-up process and look at Mr. Soland’s progress on January 1, 2020.

Property Condemnation – 1025 1st Ave NE: A notice and order to remove the mobile home, by April 8, 2019, at 1025 1st Ave NE was prepared, by the city building inspector, on March 19, 2019. As of this date there has been no action to remove the mobile home. The commission, according to city ordinance, will hold a hearing on the matter on May 6, 2019 at 5:30 PM CT and may remove the mobile home in question and assess the costs to the property owner.

Building Permit w/Variance Request – L. Zahn: The commission reviewed an application for building permit for Lonnie Zahn to construct a storage structure on his property at 607 3rd Street NW. The application includes variance requests of twenty feet (20’) from the rear property line and five feet (5’)

from the side property line. The structure would be contained within the fence on the property. Commissioner Wolf moved to approve the building permit and variances, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

REPORTS

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

Street/Cemetery: Commissioner Haack informed the board that the staff is working on cleaning and sealing cracks on the chipped streets. Director Brousseau explained what areas were completed and said they will begin working on Main Street and the main area of town tomorrow. President Obenauer said he has received calls about the paper used on the cracks and Director Brousseau said the staff will be picking up as much of the paper as they can, and they have also started cleaning right-of-way ditches. President Obenauer said he has also been contacted about near misses at the intersection of Main Street and 4th Ave NE. Director Brousseau suggested installing a yield or stop sign on Main Street at this location and he will work with Police Chief Wolff on the issue.

Finance/Busing/Library: Commissioner Wolf informed the board that the Bus Advisory Board met on April 10th and authorized requesting funds for a new ADA van and surveillance systems as part of the 2020 grant application. Commissioner Wolf also reported that the transit program is seeking drivers and that the buses are filling up for the 2019-2020 school year.

Police/Fire/Forestry: Commissioner Pillar absent. President Obenauer informed the board that Mr. Froelich has accepted the duties of the city forester and he will work with the state forester to understand the cities forestry concerns and goals. Commissioner Wolf said, relating to the police department, that she has received a lot of complaints about dogs at large and recommended that a notice of the ordinance be published. President Obenauer talked about the police departments action, when finding an at-large animal, to post it on social media. Commissioner Wolf said that is okay but, the proper procedure is to "put the dog in jail" and the owner must pay to get them out.

HCD: Buster Langowski absent. President Obenauer informed the board that Mr. Langowski submitted the AARP grant for funding to rehabilitate the area on the SW corner of the intersection of main street and central avenue. Grants are expected to be awarded by the end of June 2019.

President: President Obenauer asked if anything had been done on the east-west alley between 9th and 10th Ave NW. Director Brousseau said he had done some work north of Mr. Maas' building but, staff is busy addressing crack sealing before it is too late. President Obenauer talked about electrical issues at city hall when there are large events. Auditor Erhard was directed to contact an electrician for a quote and plan to address the issue. President Obenauer informed the board of a conference, in Bismarck, relating to the use of smoke-less devices (vaping). Additional information about the conference will be forwarded to the commissioners so they may attend, if they wish. President Obenauer also received a call from MDU, Kerry, stating that if there are concerns about the new lighting, it may be able to be adjusted. If commissioners are contacted, they should direct the caller to contact city hall who will create a list to pass along to MDU.

CORRESPONDENCE

NDIRF Annual Meeting 5/22/2019: The commission reviewed information about the annual NDIRF meeting to be held in May. If any commissioner wishes to attend, Auditor Erhardt will ensure they are registered for the meeting. If no one can attend, the city will submit the proxy vote, like previous years.

OLD BUSINESS

Garbage Truck Bid Notice/Publication: Commissioner Stern moved to approve publishing notice of bids for the purchase of a new garbage truck, second by Commissioner Haack. Upon discussion Commissioner Stern said the specifications had been reviewed by himself, and staff, and delivery of any vehicle purchased will likely occur in 2020. On roll call vote; Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

NEW BUSINESS

Authorizing Resolution FY2020 Bus Grant: As part of the FY2020 transit grant process the city must approve a resolution authorizing the filing and contact point for the grant application. Commissioner Wolf moved to approve the Authorizing Resolution for FY2020 Transit Grant Application, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

Nationwide Retirement – Fixed Account Changes: The commission reviewed information relating to proposed changes to the Fixed Account treatment of Guaranteed Minimum Interest Rate for the city annuity program with Nationwide Retirement. Auditor Erhardt consulted with the city's Nationwide representative and was informed that "option 3" provided the best protection and flexibility of employee funds. Commissioner Haack moved to approve Option #3, based on the information provided, second by Commissioner Stern. Upon discussion Commissioner Stern asked about past transfer history of the account and no specific detail is available. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

President Obenauer contacted Mr. Babb about a claim for \$250 for storage of snow on Mr. Babb's property. President Obenauer stated Mr. Babb backed off on his claim for reimbursement but, requests that snow not be pushed into his yard. President Obenauer recommended the claim not be paid. There was discussion that the bulk of the snow was pushed into the boulevard.

Approval of Bills: Commissioner Haack moved to approve the bills, as presented, second by Commissioner Stern. The claim for payment of Mr. Babb was not included in the bills presented. Pre-paid and bills approved for payment are as follows: Union State Bank, 100.00; Verizon Wireless, 384.70; Ameripride, 300.50; Cenex, 1950.47; Core & Main LLP, 2609.72, Donovan & Kaffar PLLP, 1200.00; Fastenal, 14.19; Further, 13.50; Hazen Fire Dept, 1007.89; Hazen Motor Co, 87.35; Hazen Parks & Rec, 20000.00; ITD, 10.30; Mercer Co Treasurer, 3747.90; Millennium Express, 13.80; MDU, 3629.18; Mul T Services, 750.00; ND Dept of Health, 32.00; NAPA, 501.78; ND One Call Inc, 14.70; Roughrider Electric Coop Inc, 5480.99; Roughrider RV's, 50.44; Safety Services Co, 240.00; Sanitation

Products, 211.02; Sletten Excavating, 1543.99; St. Alexius EAP, 250.00; Stein’s Inc, 148.10; Swanston Equipment, 436.15; Tammy Rahn, 30.50; The Hub, 98.27; Titan Machinery, 1302.91; West River Telecommunications, 1043.93. On roll call vote; Haack, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 7:09 PM CT. The next regular meeting of the commission is scheduled for Monday, April 15, 2019 at 5:30 PM CT in the Commission Room of the Hazen City Hall. There will be a special meeting of the commission on Monday, April 22, 2019 at 6:00 PM CT to address a request for change of zoning district case in the commission room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor