

**Hazen City Commission  
Regular Meeting  
April 21, 2014  
Hazen City Hall**

**Present:** President Nygard, Commissioner Obenauer, Commissioner Brunmeier, Commissioner Stern (arrived at 5:52 PM) and Commissioner Wolf

**Others Present:** Attorney Donovan, Editor Coleman, Planner Frovarp, Auditor Erhardt, John & Ann Jacobs, Josh Meissner, Keith & Chrystal Kruckenberg and Buster Langowski.

Meeting Called to order at 5:30 PM CT.

**Minutes:** Commissioner Brunmeier moved to dispense with the reading of the April 7<sup>th</sup> and April 8<sup>th</sup> minutes and approve them as presented, second by Commissioner Wolf. Motion unanimously carried.

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

**CONSULTATION WITH ATTORNEY & ENGINEER**

**Equalization Meeting Recessed 4/8/2014:** President Nygard recessed the city commission meeting and reconvened the meeting of the city equalization board. Assessor Frovarp advised the commission that he had met with several people to discuss the assessment and at this point he has only one (1) unresolved matter. The property owner had received an appraisal that appeared to have flaws but, the commission may approve the assessment as presented and when the matter is resolved a request for abatement may be approved, if necessary. Commissioner Obenauer moved to approve the assessment recommendations and values as presented, second by Commissioner Wolf. On roll call vote; Obenauer, "Aye", Wolf, "Aye", Brunmeier, "Aye", Nygard, "Aye", motion carried.

**Driveway Approach – J. Meissner:** Planner Frovarp explained that Mr. Schneider had previously talked to the commission about constructing a driveway at this location (S1/2 Lot 7, Blk 2, Schafer Addition) and was informed to provide an engineered design to address water flow. Mr. Meissner is now considering purchasing a portion of the property from Mr. Schneider and is now interested in putting in a driveway, from Main Street, at the location just east of Western Steel Builders. When Mr. Meissner first approached Planner Frovarp KJ Engineering was reviewing issue relating to the Main Street project and Mr. Boehm provided a letter addressing engineering concerns. Mr. Meissner is aware of the concerns and stated he would have no issue with complying and that doing most of the work himself would probably reduce the cost to him personally. President Nygard said any such driveway would be done without cost to the city. Mr. Meissner told the commission the shop he would like to build will be used for his business purposes and will not serve large equipment other than

his dump truck. President Nygard asked if Mr. Meissner had contacted any of the neighboring property owners about gaining access and Mr. Meissner said he has not yet. Planner Frovarp advised Mr. Meissner who the adjoin property owners are. Commissioner Obenauer expressed concern about the number of driveway approaches the city may have to consider if every property owner adjoining Main Street were to request one. Commissioner Obenauer also asked if there would be issues with the water flow that would need to be addressed by FEMA and Planner Frovarp stated not on the north side of Main Street. Commissioner Brunmeier addressed concern #3, of the letter of KLJ, which expresses concern of accidents with approaches being too closely spaced causing traffic to slow for turning movements. President Nygard suggested Mr. Meissner do a cost estimate for the proposed driveway and Mr. Meissner said that unless the construction cost is really outrageous he would like to proceed. President Nygard then asked what the wishes of the board were and again suggested Mr. Meissner check with adjacent land owners about possible access. Mr. Meissner said that Mr. Schneider had some paperwork but had not been able to locate it and he had concerns with an easement from Mr. Schneider as he would need enough access to meet his needs. President Nygard said that the subdivision was platted with all access from the north side of the properties. There was no motion to approve or deny Mr. Meissner's request and Mr. Meissner will contact the adjacent property owners and revisit this matter again in the future.

**7<sup>th</sup> Street Survey:** President Nygard said a survey of 7<sup>th</sup> Street and the dedicated alley had been completed by KLJ, as they had documentation of the previous survey work. Planner Frovarp provided pictures of the area that include marking of the center-line of the dedicated alley. Planner Frovarp stated the WRT pedestal is located within the alley along the south boundary but the Roughrider Electric "box" appears to be nearly in the center of the alley. Planner Frovarp said he had talked to Mr. Anderson and he believes that if he has a ten foot (10') foot access between the "box" and the north alley boundary it would be sufficient for his needs. John Jacobs said they understood that the trees and shrubs may have to be removed from within the dedicated alley. President Nygard said the survey now established the alley center-line helping to determine the north and south boundaries of the alley and the city may be able to simply cut some topsoil and place gravel within the alley to provide access to Mr. Anderson's property. Mr. Jacobs then asked if topsoil is removed will drainage toward Mr. Anderson's property be an issue. Planner Frovarp said the survey is intended to show the property line of near Mr. Anderson's shop but not all the documents have been received yet. Mr. Jacobs said the survey actually goes past the shop to the east almost to the railroad tracks. President Nygard said it is obvious that the previous access road was on private property and the city now knows where the access can be provided so the property owner may construct a fence as planned. Ann Jacobs asked if the bushes within the alley will be their responsibility to remove and President Nygard stated the city would remove these, if necessary, to provide access. Ann Jacobs also asked about snow removal if the access is only ten feet (10') and President Nygard suggested any snow removal would probably be done with the bobcat.

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

**Building Inspections/Chapter VIII Building Code Ordinance:** President Nygard and Planner Frovarp have prepared documents to update city ordinances and fees to include inspections for property and provide for mechanism to complete a certificate of occupancy for structures. President Nygard was not proposing the first reading of any ordinance changes at this meeting but would like the commissioners to review the documents provided and make suggestions for action in May 2014. President Nygard said that the city could contract with a qualified person to conduct the inspections and the permit fee is intended to cover the estimated \$75/inspection. Planner Frovarp said the fees are something that may have to be updated, by resolution, from time to time. Commissioner Brunmeier asked about the inspection items included on the proposed building permit and President Nygard added that the person completing the inspections also would be required to file a final report with the city.

## **APPROVAL OF APPLICATIONS AND BUILDING PERMITS**

**Raffle Permit – Meridian Lodge #116:** Commissioner Brunmeier moved to approve raffle permit #2014-07 as requested by Meridian Lodge #116 of Hazen, second by Commissioner Wolf. The raffle is to be held on 8/31/2014 at the Masonic Lodge. On roll call vote; Brunmeier, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, Stern, “Aye”, Nygard, “Aye”, motion carried.

**Raffle Permit – Common Thread Quilters Guild:** Commissioner Wolf moved to approve raffle permit #2014-08 as requested by Common Thread Quilters Guild, second by Commissioner Obenauer. The raffle is to be held on 11/8/2014 at Hazen City Hall. On roll call vote; Wolf, “Aye”, Obenauer, “Aye”, Stern, “Aye”, Brunmeier, “Aye”, Nygard, “Aye”, motion carried.

**Building Permit w/Variance Request – K. Kruckenberg:** Planner Frovarp informed the commission that Mr. Kruckenberg was requesting a building permit to add an entry onto the dwelling and also to add on to the garage at 1003 Center Drive. Planner Frovarp explained that the property has a “tuck-under” garage and Mr. Kruckenberg is requesting a nine foot (9’) variance for both the entry and garage additions. Mr. Kruckenberg stated the current garage door opening is only six feet (6’) and the addition would provide him space to park his vehicles inside without blocking the sidewalk. Mr. Kruckenberg stated he has also looked at options to raise the addition or digging the garage floor to a lower level but these are both very cost prohibitive. Commissioner Wolf moved to approve the building permit and variance requests as presented by Mr. Kruckenberg, second by Commissioner Obenauer. Upon discussion Commissioner Stern asked for clarification of the location of the property. On roll call vote; Wolf, “Aye”, Obenauer, “Aye”, Stern, “Nay”, Brunmeier, “Aye”, Nygard, “Aye”, motion carried.

## **REPORTS**

**President:** President Nygard had nothing to report but advised the commission of the pre-construction meeting for the Main Street project that is scheduled for April 23<sup>rd</sup> at 9:00 AM CT.

**Water/Sewer:** Commissioner Brunmeier had nothing to report.

**Street/Cemetery:** Commissioner Stern informed the commission that the crews are sealing streets when possible and that he had talked to Director Neuberger about having asphalt crushed and he has not found a contractor to do this work.

**Finance/Busing:** Commissioner Wolf had nothing to report.

**Police/Fire:** Commissioner Obenauer informed the commission that the newly hired police officer began working today. Commissioner Stern asked if the board is supposed to approve new hires and was informed that the board is advised of hiring decisions made by department heads, in cooperation with the portfolio commissioners.

### **NEW BUSINESS**

**ND DOT Transit Agreement:** Commissioner Brunmeier moved to approve the transit agreement with ND Department of Transportation for funding for the purchase of a new transit bus, second by Commissioner Wolf. On roll call vote; Brunmeier, "Aye", Wolf, "Aye", Obenauer, "Aye", Stern, "Aye", Nygard, "Aye", motion carried.

**101 Things to Do Advertisement:** Commissioner Wolf moved to approve a ¼ page advertisement in the 101 Things to Do publication, second by Commissioner Brunmeier. 30,000 copies of the events guide are planned to be inserted into regional newspapers after May 22, 2014. The city participated in 2013 by purchasing a ¼ page ad for \$150.00, same as proposed in 2014. On roll call vote; Wolf, "Aye", Brunmeier, "Aye", Stern, "Aye", Obenauer, "Aye", Nygard, "Aye", motion carried.

**Approval of Bills:** Commissioner Wolf moved to approve payment of bills, second by Commissioner Brunmeier. The pre-paid and bills approved to be paid are as follows: AED Everywhere, 109.00; Black Hills Ammunition, 454.50; Black Mountain Software, 100.00; Chief Law Enforcement Supply, 219.28; Convention & Visitors Bureau, 2124.52; D&E Supply Co, 243.06; Discovery Benefits Inc, 25.00; Duckwall Alco Stores Inc, 25.99; Hazen Fire Department, 1407.50; IAAP, 100.00; Interstate Battery, 49.98; Michael Todd & Co Inc, 656.37; Mike Froelich, 18.56; Montana Dakota Utility, 4850.44; ND State Auditor's Office, 165.00; Northland Financial, 302.00; Olson Electric, 340.12; Pride Contracting Inc, 1715.00; Rather & Mehrer PC, 5200.00; Ron Muth, 140.00; SBM Inc, 7.98; Sensus USA, 1524.60; Stein's Inc, 79.74; Steve Frovarp, 26.56; Team Laboratory Chemical Corp, 195.50; US Postal Service, 269.51. Motion unanimously carried.

There being no further business the meeting was adjourned at 6:21 PM CT. The next regular meeting of the commission will be May 5, 2014 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: \_\_\_\_\_  
Mark Nygard,

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