

**Hazen City Commission
Regular Meeting
May 15, 2017
Hazen City Hall**

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

Others Present: Auditor Erhardt, Editor Arens, Planner Frovarp, Shannan Senger, Mark Sweeney (Moore Eng.), PW Director Neuberger, Jo Neuberger, Buster Langowski, Lauren Donovan and Attorney Donovan.

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

Minutes: Commissioner Pillar moved to suspend the reading and approve the minutes of the May 1st meeting, as presented, second by Commissioner Wolf. Motion unanimously carried.

Agenda: Commissioner Haack moved to approve the agenda, moving item 10B (Heritage Park) to the President's Report, second by Commissioner Stern. Motion unanimously carried.

CONSULTATION WITH ATTORNEY & ENGINEER:

Street Survey/Projects – Moore Engineering: President Obenauer informed the commission that there has been no response from Bank of ND regarding the infrastructure loan application that was submitted. President Obenauer then asked Mark Sweeney for clarification of the need to chip-seal the 2014 street project or if this could be delayed until 2018. Mr. Sweeney indicated it could wait until next year but it would need to be completed soon. The commission agreed that they would take no action, at this time, and wait for a response on the infrastructure loan before proceeding with any street work project(s). PW Director Neuberger will order paint supplies to address all the city streets and curbs.

Nuisance Complaint: Planner Frovarp informed the commission that he recently sent letter to four (4) property owners about nuisance conditions. Three property owners have made progress on the condition of their property and the fourth letter was returned, today, unclaimed. Planner Frovarp also informed the commission that he was locating lot pins, at the property in question, and had provided a copy of the letter to a resident on May 11th. Planner Frovarp's question is; does the commission wish to proceed with having the city attorney prepare a complaint for legal remedy? Commissioner Pillar asked if the cost to clean up the property is treated like non-payment of utility bills and is assessed to the property tax. Planner Frovarp indicated that if the resident does not abate the complaint and the city performs the necessary clean-up the cost of the clean-up can be assessed to the property through special assessment. Attorney Donovan said there has been a limited number of nuisance cases that

have gone through the legal system and these were for residents with little ability to pay. Commissioner Pillar said the ordinance should be followed and, hearing no objections from the board, President Obenauer directed Planner Frovarp to follow the legal process to address the nuisance.

REQUEST OF CITIZENS

Dust Complaint – Enerbase/Pioneer Apartment Project: Auditor Erhardt informed the commission that a resident had come to the office with concerns of the amount of dust created from traffic to the Enerbase property and work being completed at the Pioneer Apartment project. The resident requested the commission consider a requirement for dust control when a permit is issued for such enterprises. President Obenauer stated he has also talked to a resident and that this is going to be a concern with the lack of precipitation. President Obenauer has also contacted Enerbase representatives to make them aware of the concerns and to request they make improvements to control some of the dust and mud that is transferred onto the city streets. PW Director Neuberger was instructed to conduct additional sweeping of streets in this area and the costs for the cleaning will be billed to Enerbase.

Permission to Trap along Antelope Creek – J. Jaeger: Jerry Jaeger contacted Auditor Erhardt asking the commission to consider granting permission to trap beaver along Antelope Creek. Mr. Jaeger will be using underwater traps thereby limiting the possibility of incidents involving people or pets. The commission is aware that there has been beaver damage to trees along the creek, in the past. Commissioner Pillar moved to allow Mr. Jaeger to trap along Antelope Creek so long as the trapping is conducted in compliance with ND Game & Fish Guidelines, second by Commissioner Haack. On roll call vote; Pillar, “Aye”, Haack, “Aye”, Wolf, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Site Authorization(s) – Hazen Winter Sports: Jo Neuberger, Hazen Winter Sports, appeared before the commission requesting site authorization to conduct games of chance at Box’s Bar, Bison Bar & Grill, Jimmy’s Lounge and Long Shots Bar. This is an annual process required by the ND Attorney General’s Office. Commissioner Wolf moved to approve the site authorizations for the sites requested, second by Commissioner Haack. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Pillar, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

REPORTS

President: President Obenauer addressed improvement plans for Heritage Park. There is an ad-hoc committee that has been discussing the improvements and Lauren Donovan has prepared a rendering of the ideas discussed. The committee has received permission to move the current shelter at Heritage Park to Ann Chase Park and then the canopy from the old Sakakawea Medical Center will be installed at Heritage Park along with additional paths and lighting improvements. The committee also recommends parking space be added just east of the library. The committee is working with local

businesses to raise funds for the project, which is estimated to be around \$40,000. The idea is to make the park more suitable for entertainment and vendors for different city and area events.

Commissioner Haack agreed that it would be a great idea to improve the area for events like Music in the Park as the pocket park area is no longer meeting the needs. Commissioner Wolf asked if Heritage Park is a city park, which it is, and if the park board has been contacted for funding of the improvements, which they have not. President Obenauer would like to designate \$5000 of the sales tax fund for costs of the improvements. Commissioner Wolf asked what would happen to funds if they committee raises more than is needed to complete the proposed improvements. It was discussed that any additional funds could be held for future upgrades or maintenance. Commissioner Haack moved to designate \$5000 of sales tax fund for Heritage Park improvements, second by Commissioner Pillar. On roll call vote; Haack, "Aye", Pillar, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Water/Sewer/Garbage: Commissioner Stern informed the board that PACE had completed inspection and cleaning of sewer lines and there are a couple of areas of concern that will need to be addressed in the near future. Mr. Sweeney stated he had reviewed a portion of the video and reports and they will refer to the reports should the city proceed with any type of street work in the areas of concern. President Obenauer explained that one area of concern is in the alley from city hall to west of Central Avenue.

Street/Cemetery: Commissioner Haack informed the board that the street crew is in the process of ordering paint for striping and curbs. Commissioner Haack also said that one, of the two sand spreaders, is in bad shape and he would like PW Director Neuberger to get pricing to replace it. PW Director Neuberger said they may be able to use the motor from the current spreader as it is in good operational condition.

Finance/Busing: Commissioner Wolf informed the board that the Bus Advisory Board met on April 27th to discuss the bus bids. Commissioner Wolf also said an open house for the bus facility has been scheduled from 4:00 to 7:00 PM on May 25th. The busing open house reminded President Obenauer of the open house held at the new daycare center.

Police/Fire/Forestry: Commissioner Pillar informed the board that he met with the police department in response to the nuisance letter received at the last meeting. Commissioner Pillar reviewed the processes to enforce the ordinance and he reviewed a list of incidents, a page long, that the police department handled in the past year as they actively try to enforce the ordinance. Commissioner Pillar spoke about the issues relating to the restoration of a vehicle and how it is a long process and some people are very passionate about it. Commissioner Pillar informed the board that the fire department recently had their air cylinders inspected and they will be conducting further training at the old hospital after the auction is held. Commissioner Pillar also informed the board that the Arbor Day tree give-away was successful and that nearly all the 130 trees available were given to residents. Commissioner Pillar was also pleased to report that the City of Hazen has once again been acknowledged as a Tree City USA for 2016.

HCD: Buster Langowski informed the commission that the slab for the additional structure of the Pioneer Apartments is complete and they hope to have walls framed by the end of this week.

CORRESPONDENCE

Sales Tax Administration Agreement – State Tax Commissioner: The commission reviewed an agreement from the State Tax Commissioner’s office relating to administration of the city sales tax. This is an annual agreement with a cost of \$35/year or 3% of the tax collected, whichever is less. Commissioner Haack moved to approve the agreement, second by Commissioner Stern. On roll call vote; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

Crushing – Doboszinski & Sons Inc: The commission received a written work order from Doboszinski and Sons Inc for crushing of asphalt and concrete approved at the previous meeting. No further action taken.

OLD BUSINESS

Award Bus Bid: The commission was informed that ND DOT transit section had reviewed the bus bids received on May 1st and approves the awarding of the bid to the apparent low bidder, Harlow’s Bus Sales Inc at the bid price of \$86,100. Commissioner Wolf moved to provide Notice of Intent to Purchase to Harlow’s Bus Sales Inc, second by Commissioner Haack. Upon discussion Auditor Erhardt informed the commission that the 1997 Ford Bus will be advertised for sale and the proceeds of the sale will be used as matching funds for the purchase of the new bus. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Pillar, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

NEW BUSINESS

Propane Bids: The commission reviewed the advertisement for bids for propane for the various city, park and library locations. Commissioner Pillar moved to approve advertising for bids for propane, as presented, second by Commissioner Wolf. Upon discussion Commissioner Stern asked about the propane for the RV parks and was advised that propane for them is billed directly to the park board. On roll call vote; Pillar, “Aye”, Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

Tire Proposal – Transit Van: The commission reviewed proposals for the purchase of four (4) tires for the transit van. Motion by Commissioner Wolf to purchase tires from J&L Automotive LLC at the quoted price of \$383.40, complete, second by Commissioner Stern. On roll call vote; Wolf, “Aye”, Stern, “Aye”, Pillar, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

Approval of Bills: Commissioner Pillar moved to approve the bills and financial statements, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: Ameripride Linen & Apparel, 512.74; Angie Leintz, 74.90; Avenet LLC, 700.00; Cenex, 515.97; Comfort Inn-Bismarck, 327.60; Dakota Pump & Control, 830.00; Discovery Benefits Inc, 20.00; Ecolab, 119.22; Fitterer Oil LLC,

53.60; Hazen Motor Co, 282.55; High Plains Concepts, 2956.15; Hillary Bertoch, 228.00; ITD, 10.30; M&T Fire & Safety Inc, 175.00; Marc Corp, 190.26; Mercer Co Highway Dept, 14932.50; Mercer Co Treasurer, 4210.11; MDU, 5060.81; Monte Erhardt, 85.40; Moore Engineering, 7272.50; My-Lor Inc, 81.45; ND Dept of Health, 16.00; NAPA, 597.43; ND One Call Inc, 192.55; PACE Construction, 6962.70; Preble Medical Services, 140.00; Roughrider Electric Coop Inc, 3594.11; SBM Inc, 10.90; Shannan Senger, 275.51; Sletten Excavating, 8973.53; Steve Frovarp, 51.36; Sue’s Café, 70.40; Sunset Law Enforcement, 759.39; Swanston Equipment Corp, 79.07; The Hub, 335.86; Union Bank, 6237.50; USA Blue Book, 120.73; Verizon Wireless, 198.31; West River Telecommunications, 956.67. On roll call vote; Pillar, “Aye”, Stern, “Aye”, Haack, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 6:26 PM CT. The next regular meeting of the commission will be Monday, June 5, 2017 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor