

**Hazen City Commission  
Regular Meeting  
May 21, 2018  
Hazen City Hall**

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

**Others Present:** PW Director Brousseau, Planner Senger, Auditor Erhardt, Attorney Donovan, Editor Arens, Joshua Reiner, Luke Arnold & Jerod Klabunde (Moore Engineering), Jared Scheeler, Michelle Maas, Sara Koenig, Antoinette Heier, Justine Wiedrich, Jasmine Busche, Sue McCarthy, Brad & Jeanette McLaughlin, Heather Cline, Jo Neuberger.

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

President Obenauer led the Pledge of Allegiance.

President Obenauer opened the public hearing on a request for “off-sale beer” and “off-sale liquor permit application of The Hub. President Obenauer asked if there was anyone present that wished to speak for, or against, the application. No comments were received from the public, and President Obenauer then asked Mr. Scheeler if he wished to address the commission. Mr. Scheeler informed the commission that The Hub is going to be renovating their Hazen location and are hoping to be able to sell off-sale beer and liquor. Mr. Scheeler assured the commission that all employees complete education courses to address sale of products to minors, such as tobacco and alcohol. Mr. Scheeler is also researching technology to swipe identification to gain access to the beverage area, which will be separate from the regular retail portion of the business. President Obenauer asked about sales of alcohol at other Hub locations and Mr. Scheeler said they have researched the process in Dickinson but it was not feasible based on their ordinance and bid process. Mr. Scheeler said they may also seek a permit from the city of Beulah in the future. Commissioner Wolf asked what they intend to sell, and Mr. Scheeler said they would like to sell beer and wine, at a minimum. President Obenauer stated he has received mixed response from city residents and Mr. Scheeler said the key is the responsibility of the business to ensure public trust. Michelle Maas, local Hub manager, stated only persons over the age of 21 will be allowed to have access to the alcohol area. President Obenauer informed Mr. Scheeler that the commission would not be deciding at this time to allow them more time to review and gather information. Commissioner Haack asked if the sale of alcohol, in addition to other commodities, was “needed”, and Mr. Scheeler said the intent is to make them a full convenience store but, it was not needed. President Obenauer closed the public hearing at 5:39 PM and reconvened the regular meeting of the commission.

**Minutes:** Commissioner Wolf moved to suspend the reading and approve the minutes of the May 7<sup>th</sup> meeting, second by Commissioner Haack. Motion unanimously carried.

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

### **CONSULTATION WITH ATTORNEY & ENGINEER**

**2018 Street Project:** Jerod Klabunde was introduced as the new project manager, replacing Mark Sweeney, who will be moving from North Dakota in the near future. Mr. Klabunde assured the commission that there will be no changes to the key personnel on the project. Luke Arnold presented Pay Estimate #1 for preliminary work of the contractor. Commissioner Wolf moved to approve Pay Estimate #1, of Mayo Construction, in the amount of \$119,352.60, second by Commissioner Pillar. On roll call vote; Wolf, "Aye", Pillar, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried. The commissioner then addressed an invoice of Moore Engineering which includes 34% of the construction contract administration for the project. Commissioner Haack moved to approve payment of Invoice #18418, Moore Engineering, in the amount of \$22,989.35, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. The commission reviewed Bank of ND Requisition #1 for all costs of the street project up to this date, including pay estimate #1 and the current engineering invoice. Commissioner Pillar moved to approve BND Requisition #1, in the amount of \$565,997.26, second by Commissioner Stern. On roll call vote; Pillar, "Aye", Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried. Mr. Arnold then updated the commission on other matters relating to the project, such as conditions under the pavement and the need for increased quantities as curbs are sawed and removed. Mr. Arnold would like the commission to consider how pro-active they wish to be in addressing increased quantities or in fixing areas that need additional attention. President Obenauer suggested caution when looking at these items and that the weekly construction meetings are important to understand what is happening on the project. Mr. Arnold discussed items such as curb ramps or sidewalk repairs and a threshold for additional work. Commissioner Pillar agreed that consideration and discussion at the weekly meetings is important and President Obenauer said communication on the project has been great.

Joshua Reiner, Moore Engineering, addressed several areas of additional work, as reviewed with city staff. This work is in eight (8) different areas of the city and involves underground and pavement issues. Moore Engineering provided estimates, based on bid quantity pricing, and is awaiting written proposed unit pricing from the contractor. One additional item relates to the private sanitary service, discussed by the commission previously. Auditor Erhardt was directed to contact the property owner to determine if he has made an agreement with a private contractor or if the work is to be completed under the project and be assessed back to the property owner. Estimates, as presented by Moore Engineering, for all the locations are \$30,596.93. Commissioner Stern had a question about installation of a larger hood or grate on a storm sewer location and Mr. Arnold advised that this will not cause any additional issues with flow capacity. Commissioner Haack moved to proceed with the additional repairs, less locations #4 & #5, and using option #2 at location #8, second by Commissioner Pillar. Upon discussion the commission asked that a decision on the private sanitary issues for location #4 be decided within the week. On roll call vote; Haack, "Aye", Pillar, "Aye", Stern, "Aye", Wolf, "Aye",

Obenauer, "Aye", motion carried. Mr. Arnold said he will prepare a change order for these items. Mr. Arnold also asked if the city would consider allowing additional area for work along the bike path, north of Highway 200. Commissioner Pillar said the specs were written and bid was accepted based on this information. Mr. Arnold said the advantage to the city would be having this work completed in a more timely manner. No further action taken.

## REQUEST OF CITIZENS

**Harvest Fest Parade Route – Hazen Chamber:** Justine Wiedrich and Antoinette Heier appeared on behalf of the Hazen Chamber to discuss the proposed parade route for the annual Harvest Fest event in September. The proposed route begins at the proposed hotel location with the parade travelling east on Main Street to 4<sup>th</sup> Ave NE, then to 4<sup>th</sup> Street NE and back west along 4<sup>th</sup> Street and 3<sup>rd</sup> Street back to west Hazen. The commission asked the Chamber to coordinate placement of barricades with the police and public works department. Ms. Wiedrich said they would like to have no parking on Main Street during the parade. The Chamber was also directed to work with Moore Engineering to ensure there is no interference with the street project.

**Dogs at Large/Leash Ordinance – S. Koenig:** Sara Koenig appeared before the commission to discuss issues she has experienced, over the last couple of years, with dogs-at-large. Ms. Koenig feels it is unfair to responsible owners who keep control of their pets while others allow them to run loose and they can be aggressive to other animals or people. Ms. Koenig said that, under city ordinance, pet owners can be fined for allowing their pets to run at large and the city needs to be more aggressive in enforcing the ordinance. Commissioner Wolf said this is an issue in many areas of the city, not only in Ms. Koenig's neighborhood. President Obenauer agreed that enforcement is part of the problem and Ms. Koenig said that once enforcement is done people will take notice. Planner Senger said it can happen, by accident, that a pet gets away from the owner and often law enforcement knows who the dog belongs to so, they pick it up and return it. Jeanette McLaughlin related similar experiences and would also like to see increased enforcement of the ordinance and fines. Ms. Koenig said no one wants to be a bad neighbor. President Obenauer said the commission will work with the Chief of Police to step up enforcement of the ordinance.

**Girl Scout Project – Dog Park – J. Busche:** President Obenauer said he had been contacted about developing a dog park, in the city, and added it has been discussed at meetings in the past. President Obenauer then invited Jasmine Busche to address the commission. Ms. Busche stated she is working to develop a gold award project, through Girl Scouts of the USA, and feels that a dog park would be an ideal project. The goal of the dog park is to properly socialize dogs, in the community, so they become less aggressive and safer to residents. Ms. Busche proposed using property near the tree nursery, along 10<sup>th</sup> Street. There is a cul de sac there for parking and some residents already utilize the open space to exercise their pets. Ms. Busche will seek funding from area businesses and would like to work with the city, park and school for maintenance of the facility. Commissioner Pillar asked about the proposed size of the park and Ms. Busche said this is not determined but, the dog park in Dickinson is one-half acre. President Obenauer said there are many things to consider such as; future maintenance, regulations and asked if this is something that future members could maintain.

Commissioner Stern said that, when the dog waste stations were discussed, there was also discussion about a dog park in North Star II park. Ms. Busche said this area would be much smaller and President Obenauer added that the trees are better established, for shade, in this area. Commissioner Haack said he has visited with Ms. Busche about the park and he sees pros, and cons, to the idea with concerns about rules and the liability for an aggressive dog at the park. Commissioner Pillar said the irresponsible owner is less likely to take their dog to the park and he would like to see more information from other locations that have the dog parks. Heather Cline said that the owner is required to be at the park, with their dog, so they are responsible for any incidents. Planner Senger suggested a social media survey to determine community interest in a dog park and President Obenauer suggested Ms. Busche meet with the park board to discuss the matter with them.

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

**Site Authorization – Hazen Winter Sports:** Commissioner Pillar moved to approve site authorizations for Hazen Winter Sports to conduct games of chance at: Bison Bar & Grill, Box’s Bar, Jimmy’s Lounge and Long Shots, second by Commissioner Haack. On roll call vote; Pillar, “Aye”, Haack, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

**Building Permit w/Variance Request – Mathisen:** Planner Senger presented a building permit application of Harold Mathisen to install a new landing and steps on the front of their residence at 410 2<sup>nd</sup> Ave NE. The new steps will require a one-foot (1’) variance. There was discussion about the distance from the residence to the street and it was determined there will be twenty-six feet (26’) from the steps to the curb. Commissioner Haack moved to approve the building permit, and variance request, second by Commissioner Stern. On roll call vote; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

**Demolition Permit – Excavation Solutions LLC:** Planner Senger informed the commission that there is a vacant trailer on property of Josh Peterson that has sustained water damage. Mr. Peterson is working with a contractor to demolish the structure and Excavation Solutions LLC has applied for a permit to complete the demolition. Commissioner Haack moved to approve the demolition permit, as presented, second by Commissioner Wolf. On roll call vote; Haack, “Aye”, Wolf, “Aye”, Pillar, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

### **REPORTS**

**President:** President Obenauer informed the commission that he has received complaints of dust from businesses south of the railroad track, specifically identifying Enerbase. President Obenauer has contacted Enerbase representatives but, the city has the road leading to Riverside Park and other businesses south of the tracks. President Obenauer suggested the city put material on the road, to the park, to limit the dust. President Obenauer added, there is a possibility the health department could get involved in this matter.

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

**Street/Cemetery:** Commissioner Haack informed the commission that PW Director Brousseau is looking at ways to recycle sand that is used on the streets in the winter. In the last two years the city

has expended more than \$6000 for sand placed on the streets in winter, which is then swept and discarded in the spring. PW Director Brousseau has contacted Hazen Welding about constructing a portable sand screen/sifter (grizzly) to remove debris from the swept sand and then use the sand again the next winter. Commissioner Haack moved to approve expending, up to, \$1,500 for a grizzly at the city shop, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Pillar, "Aye", Wolf, "Aye", Obenauer, "Aye" motion carried.

Commissioner Haack informed the board that the city has received one payment, in excess of \$800, for the metal material collected in the roll-off dumpster.

PW Director Brousseau informed the commission that the public works department has begun working "summer hours" from 6:00 AM to 3:00 PM. PW Director Brousseau would like the commission to consider advertising the international dump truck for sale, on bids, since the sterling truck was purchased to replace this vehicle. The truck will be advertised "as is."

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

**Police/Fire/Forestry:** Commissioner Pillar informed the commission that the fire department has had thirteen (13) runs in the last two weeks, involving structure fires and car accidents, and they have been doing training on high-angle rescue training. Commissioner Pillar will follow-up with the police department regarding the dog-at-large concerns.

**HCD:** Buster Langowski absent. No report.

## **CORRESPONDENCE**

**DOT Grant Amendment – ADA Improvement:** Auditor Erhardt informed the commission that ND DOT has extended the FY2018 grant to include the ADA improvements at the bus facility. No action is necessary from the commission.

## **NEW BUSINESS**

**Spraying Quote(s):** Auditor Erhardt sent letters, to five vendors, requesting quotes for spraying of city property and only one quote was received from Don Ballensky. Commissioner Haack moved to accept the quote of Don Ballensky in the amount of \$3,150, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Pillar, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried. President Obenauer asked about spraying of alleys and PW Director Brousseau said the city has sprayed the cemetery and is working on road ditches.

**Propane Bid(s):** Invitation to bid was sent to vendors on May 3<sup>rd</sup>. Bids were received from the following: Fitterer Oil Co Hazen LLC - \$1.02/gallon for up to 35,000 gallons; Farmer's Union Oil Co - \$0.87/gallon for up to 35,000 gallons. Commissioner Haack moved to accept the bid of Farmer's Union Oil Co, second by Commissioner Pillar. On roll call vote: Haack, "Aye", Pillar, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

**Approval of Bills:** Commissioner Wolf moved to approve the bills, as presented, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: Avenet LLC, 750.00; Cal Wagner, 106.15; Coal Country CHC, 260.00; D&E Supply Co, 275.45; Dakota Communications, 51.50;

Dakota Supply Group, 619.38; Fastenal Co, 769.36; Global Safety Network, 142.90; Grand Forks Fire Equipment Co, 374.66; Joyce Lemer, 49.00; Marco Technologies, 345.73; Mayo Construction, 119352.60; MDU, 5435.36; Moore Engineering, 23544.35; My-Lor Inc, 21.26; New Pig Corp, 122.68; Roughrider Electric Coop Inc, 55.00; Select Account, 13.50; Stein's Inc, 123.72; Tammy Rahn, 36.75; The Hub, 95.92; Union Bank, 11,100.00; US Postal Service, 274.29; Universal Premium Fleetcard, 3700.94; Verizon Wireless, 117.24; Warren Hinrichs, 990.00; Western Steel Builders, 436.00. On roll call vote; Wolf, "Aye", Stern, "Aye", Haack, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 7:12 PM CT. The next regular meeting of the commission will be Monday, June 4, 2018 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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