

**Hazen City Commission
Regular Meeting
May 5, 2014
Hazen City Hall**

Present: President Nygard, Commissioner Obenauer, Commissioner Brunmeier, Commissioner Stern and Commissioner Wolf

Others Present: Attorney Donovan, Editor Coleman, Planner Frovarp, Auditor Erhardt, Terry Boehm, Ron Neuberger and Buster Langowski.

Meeting Called to order at 5:30 PM CT.

Minutes: Commissioner Brunmeier moved to dispense with the reading of the April 21st minutes and approve them as presented, second by Commissioner Wolf. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

Main Street Project – Resolution-Proposed Changes: The commission was provided a draft resolution authorizing the sale of bonds for the street improvement project. Commissioner Stern questioned the 4.5% information and was advised that the average rate, per the principle and interest schedule, is an average of 2.862% with a net interest cost of 3.0692% over fourteen (14) years. Commissioner Stern was also advised that the administrative costs are not included in the schedule at this time. Commissioner Obenauer moved to approve the Resolution Authorizing Sale of \$2,300,000 Refunding Improvement Bonds, Series 2014 as presented, second by Commissioner Wolf. On roll call vote; Obenauer, “Aye”, Wolf, “Aye”, Brunmeier, “Aye”, Stern, “Aye”, Nygard, “Aye”, motion carried. The commission then discussed possible areas that could be added to the project. President Nygard said consideration could be given to areas such as; use of fabric for all of Main Street, Central Ave S from Main Street, 12th Ave NW on the east side of the Alco Store, a portion of Highway Drive near Roughrider Electric and the parking lot north of city hall. Terry Boehm said he had looked at these areas and had prepared some estimated costs for these items. The estimated cost to place fabric, to add strength and reduce cracking, on all of Main Street is \$44,000, Central Ave S - \$47,000, north parking lot - \$16,000 (pavement only), Highway Drive (near the Roughrider entrance east to the valley gutter) \$23,000 and 12th Ave NW from Main Street to the Frontage Road - \$50,000. Mr. Boehm stated 12th Ave NW is beyond simple repair and needs to be removed and replaced. Commissioner Wolf questioned if there is more than one property owner for the area along Highway Drive and Commissioner Stern said the entire city was part of the special assessment district to spread the costs

among the entire city. Mr. Boehm agreed that some of the proposed areas would have benefit to most residents and could possibly be spread among the entire district. Attorney Donovan stated that, legally, the assessment is based on the benefit to each property so, if the property benefits 90% it is assessed 90%. Commissioner Stern stated he does not like the fact that the commission made the whole city part of the assessment district and the public did not have a choice. President Nygard said the public does have the opportunity to protest and Commissioner Stern stated it would take more than 50% of the entire city to protest to stop the project. Attorney Donovan stated this board created the district and the board had the authority to include or take out parts of the city. Mr. Boehm said he didn't know how many protests were received but if a certain area protested perhaps that portion of the project could be removed by the commission. Mr. Boehm was advised that no written protests to the project were received by the board. Commissioner Obenauer believes this was a perfect project to assess city wide as most of the residents use the main roads being repaired so the benefit can be spread among a larger group and he does not feel the city can let things go too long before addressing them. Commissioner Stern then stated the board is working on behalf of the citizens and it is not up to the board to ram a project through if the citizens don't want the progress. Commissioner Obenauer agreed but stated that the citizens that have contacted him are in support of the project.

Commissioner Stern stated that at one of the previous meetings two (2) people attended to express concern over the cost and benefit of this project. President Nygard stated the process was completed according to law and he has been contacted by many citizens with overwhelming support for the project and even suggestions on other areas that should be included. President Nygard said the board is trying to keep the cost down but doing the most work and it is a question of what infrastructure to maintain or not maintain which is very tough to determine. Mr. Boehm said the changes don't have to be approved at this meeting but the sooner the better based on the cost for the items bid. President Nygard suggested that the city hall parking lot would not be a part of the project to be assessed and would be paid for with city funds. Commissioner Stern expressed concern as to how the board can keep adding to the project and that it seems unfair to the citizens. Mr. Boehm said part of the issue has to do with the fact that they had looked at most of the streets in winter and didn't get a clear idea of extent of repairs that may be needed and based on the bid prices now is a good time to consider additional areas. Commissioner Stern asked if it is legal to add to the project and Attorney Donovan stated that, after the district is established, the board can add or delete portions within a certain percentage of the total project cost. Commissioner Stern then asked about the change orders and Mr. Boehm stated his firm would prepare the change orders and present them to the board for consideration. Mr. Boehm will prepare additional cost information based on the proposed changes and the board will consider them further at the May 19th meeting.

Propane Bid Opening: After publication of notice this time was set for the opening of bids for propane for city and park district use from the period of June 1, 2014 to May 31, 2015. The following bids were received:

Farmer's Union Oil – Hazen - \$1.35/gallon in accordance with the specifications of the city

Mel Roth Oil Co Inc – Hazen - \$1.41/gallon in accordance with the specifications of the city
Commissioner Obenauer moved to accept the bid of Farmers Union Oil of \$1.35/gallon, second by
Commissioner Wolf. On roll call vote; Obenauer, “Aye”, Wolf, “Aye”, Brunmeier, “Aye”, Stern, “Aye”,
Nygard, “Aye”, motion carried.

INTRODUCTION, READING & APPROVAL OF ORDINANCES

Building Inspections/Chapter VIII Building Code Ordinance: The commission reviewed additional information with regard to revising the Building Code ordinance and developing a schedule of inspections. Planner Frovarp state he had updated the fee schedule based on cost factors used in developing valuations and advised the fee schedule may need to be reviewed and updated by future resolution. President Nygard recommended that deck size, as stated, be updated and a definition of remodeling is included in the ordinance. Commissioner Stern agreed that a remodeling definition should be included. Commissioner Wolf asked how the city would be aware of changes made within the residence/business and Planner Frovarp stated he was not certain how to police such things. President Nygard suggested additional changes including inspection of water/sewer connections prior to backfilling. Commissioner Stern suggested that the contractor or property owner is to request inspection by the city at least 48 business hours prior to continuing work. Commissioner Stern also asked if siding or roofing is included and Planner Frovarp stated they are considered maintenance and would not require inspection under the ordinance. Planner Frovarp stated that the process began by looking at ordinances from other jurisdictions which can be very restrictive. President Nygard asked Planner Frovarp to make the corrections/updates suggested at this meeting and the commission will consider a first reading of the proposed change to the ordinance at the May 19th meeting.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

EIIO Grant Application: The commission was informed that a grant application had been submitted to the Energy Infrastructure and Impact Office requesting \$566,315 for a lift station upgrade, based on the report submitted by Ulteig Engineers in 2012.

REPORTS

President: President Nygard state he will be out of the area for the next two weeks and informed the commission that there is a breakfast meeting at the gasification plant to update on projects. With regard to the 7th Street survey, it appears some trees/shrubs will need to be removed so the city can provide access to the property. President Nygard suggested the city request a utility locate before any work and that the work done is to be of minimal extent.

Water/Sewer: Commissioner Brunmeier stated parts totaling less than \$1000 had been ordered to repair the sewer "jetter" and the board should consider purchasing a replacement jetter/vac as part of the 2015 budget.

Street/Cemetery: Commissioner Stern informed the commission that interviews for public works specialist position had been conducted and there were very good applicants for the position. Commissioner Stern moved to offer full-time public works positions, at 85% of normal wage, to Samantha Yoder and Brody Brandt, second by Commissioner Brunmeier. Commissioner Obenauer stated he likes the idea of adding two (2) full-time employees and feels that one of these employees should be trained to serve as forester. Commissioner Obenauer feels there may be some misunderstanding as to how important the city trees are to the city. Commissioner Brunmeier said the people considered have many needed certifications and a lot of experience. Commissioner Stern stated both candidates have current CDL licenses as well. Director Neuberger said he was part of the interview process and approves of the offer of employment as presented. On roll call vote; Stern, "Aye", Brunmeier, "Aye", Wolf, "Aye", Obenauer, "Aye", Nygard, "Aye", motion carried. Commissioner Stern informed the commission that the stripe painter is no longer functioning properly and Director Neuberger has found models and pricing to replace it. Commissioner Stern moved to approve, up to, \$4000 for the purchase of a new paint sprayer, second by Commissioner Wolf. On roll call vote; Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", Brunmeier, "Aye", Nygard, "Aye", motion carried.

Finance/Busing: Commissioner Wolf asked the board to consider changes to the status of the library director position. Currently the position is considered part time as the McLean Mercer Regional Library pays a portion of the wage directly to the library. The position is grossly underpaid based on regional survey data and Commissioner Wolf would like the city to consider making the position full-time thus making it eligible for the city benefit package and the reimbursement of the regional library would be paid directly to the city. Commissioner Stern asked if making the position full-time would affect the city's Affordable Care Act status and was informed, based on current information, it would not. Auditor Erhardt will determine cost for such a change and report it to the commission at the May 19th meeting. The commission was also asked to review information relating to additional camera purchases for the busing department. The commission will wait for notification of the 2015 grant awards prior to making a decision on the camera purchase information.

Police/Fire: Commissioner Obenauer informed the commission that the newly hired police officer is on his own and he has heard good things about having him on staff. Commissioner Obenauer also informed the board about recent MCED meetings and the fact that housing is a priority among industry partners of the region and the need for the city to grow to meet these demands. Commissioner Stern asked about the status of the "Basin" land and President Nygard provided historical information as to the property. Commissioner Brunmeier asked about the hotel/motel status and Mr. Langowski advised that a market study is being completed and MCED is pursuing funding for housing needs from industry sources.

The commission recessed at 6:40 PM.

The commission reconvened at 6:43 PM with all members present.

CORRESPONDENCE

HCD Transfer – Flex Pace Payment: The commission was informed that sales tax funds totaling \$12,189.58 had been transferred to the HCD General Fund to make a budgeted Flex Pace Payment to Bank of ND.

OLD BUSINESS

Truck Parking: The matter of truck parking in designated areas has been discussed at previous meetings and Commissioner Obenauer stated the need to pursue this and that the old grass dump site would be a good location to utilize if it could be graveled or scoria placed at the location.

Commissioner Stern agreed there is a need to complete this and stated he has made contact with a company to crush asphalt for the location which could then be removed if the location is developed. Director Neuberger stated he had talked to Fischer Sand & Gravel and they will only come to the area to crush twenty thousand (20,000) ton or more and Mr. Neuberger is not sure we have that quantity available to crush. Planner Frovarp stated the current ordinance requires a sign to prohibit parking in certain areas so the ordinance may have to be amended to designate parking areas.

NEW BUSINESS

nCourt Systems – Credit Card Acceptance: The commission was provided information relating to a company called nCourt which sets up systems for the city to accept credit card payments for various funds due to the city. The system is provided without cost to the city and fees for the service are charged directly to the card holder using the system. Commissioner Wolf moved to pursue an agreement with nCourt to accept and process credit card payments for city services, second by Commissioner Stern. On roll call vote; Wolf, “Aye”, Stern, “Aye”, Brunmeier, “Aye”, Obenauer, “Aye”, Nygard, “Aye”, motion carried.

Arbor Day Proclamation: Commissioner Brunmeier moved to proclaim May 17, 2014 as Arbor Day in the City of Hazen and to provide for a free tree give-away, second by Commissioner Wolf. Auditor Erhardt advised the commission that trees for the give-away had been ordered in the fall of 2013 by Forester Quinn and are available at the Soil Conservation office. On roll call vote; Brunmeier, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, Stern, “Aye”, Nygard, “Aye”, motion carried.

Approval of Bills: Commissioner Brunmeier moved to approve payment of bills, second by Commissioner Wolf. The pre-paid and bills approved to be paid are as follows: Ameripride Lines & Apparel Services, 347.84; Balco Uniform Co Inc, 288.43; BHG Inc, 2463.97; Cardmember Service, 13.51; Cenex, 3251.82; Dan Wettstein, 320.00; Fastenal Co, 177.25; Great Lines, Inc, 365.50; Hawkins Inc, 5.00; Hazen Hardware Inc, 227.45; Hazen Motor Co, 277.49; Hazen Welding, 1037.60; J&L Automotive LLC, 382.50; Krause’s Super Valu, 87.74; Kurt Milbradt, 100.00; Lange & Donovan PLLP, 570.00; Matthew Bender & Co Inc, 60.43; Mercer County Treasurer, 4300.02; Mike Sommer, 5.00; Monte Erhardt, 90.15; Obenauer Plumbing LLP, 77.18; Peggy Rahn, 95.25; Ronald Glatt, 7.12; Roughrider

Electric Cooperative Inc, 165.00; SBM Inc, 274.45; Shannan Fink, 16.95; Southwest Water Authority, 21262.90; Steve Frovarp, 19.21; Taser International, 195.66; Tiffany Palmer, 9.44; Titan Machinery, 159486.00; Union Bank, 6650.00; Verizon Wireless, 251.53; West Dakota Lumber, 21.50. Motion unanimously carried.

There being no further business the meeting was adjourned at 7:00 PM CT. The next regular meeting of the commission will be May 19, 2014 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Mark Nygard,

Attest: _____
Monte J. Erhardt, Auditor