

**Hazen City Commission  
Regular Meeting  
May 6, 2019  
Hazen City Hall**

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

**Absent:** Commissioner Wolf

**Others Present:** Attorney Donovan, PW Director Brousseau, Editor Arens, Planner Senger, Auditor Erhardt, Ryan Tunge, Schroeder (Moore Engineering), Ted Billadeau (Mayo Const.), Adam Sailer, Myron & Marie Carlisle, and Buster Langowski.

President Obenauer opened the public hearing on property condemnation, regarding the property located at 1025 1<sup>st</sup> Ave NE, Hazen, at 5:30 PM CT. There were no comments from the public, in support or in opposition, to the condemnation proceedings. Planner Senger explained that the process has been nearly a year and the property owner has been served several notices and orders. Attorney Donovan said the city building inspector and Custer District Health officers have viewed the property and recommend removal. No other comments were received, and the public hearing was closed at 5:32 PM CT.

The regular meeting, of the commission, was called to order at 5:32 PM by President Obenauer. President Obenauer led the Pledge of Allegiance.

**Minutes:** Commissioner Haack moved to suspend the reading and approve the minutes of the April 15<sup>th</sup> and April 22<sup>nd</sup> meetings, as presented, second by Commissioner Pillar. Motion unanimously carried.

**Agenda:** Commissioner Pillar moved to approve the agenda, with addition of item 9D, condemnation action, second by Commissioner Stern. Motion unanimously carried.

**CONSULTATION WITH ATTORNEY & ENGINEER**

**Street Project – Moore Engineering:** Jon Schroeder, Moore Engineering, informed the commission that the contractor has mobilized, as of today, and they will be begin addressing correction work and additional items. The “punch list” items are expected to take a week, to week and a half, and the chip seal will be completed in June or July.

**Sewer Issues – 5<sup>th</sup> Street NW:** Mr. Schroeder reviewed the request for proposals to install a manhole on 3<sup>rd</sup> Ave NW, to address sewer issues on 5<sup>th</sup> St NW. The city received one quote from Land Stewards Inc, in the amount of \$6,200, installation only. The manhole would cost slightly more than \$3,200 so, Mr. Schroeder said the total cost would likely range from \$10 to \$15 thousand. There was talk about completing the work so the contractor could do the street patch but, this will not work now. Mr. Billadeau said it may be possible to do the patch later this summer when they are near Hazen on another project. Commissioner Pillar asked why there seemed to be so many chips from the chip-seal

and Mr. Schroeder said that there is likely a small amount that did come up, over the winter, but most of the streets look very good. Mr. Billadeau said they put down the chips thicker in town than on a highway project. Commissioner Stern asked about the rough, "pitted" surface on the bike path north of Hwy 200. Mr. Schroeder said it may have to do with the mix, using a higher percentage of recycled asphalt product and he will look at it after the meeting. President Obenauer asked the board how they would like to proceed on the manhole and Mr. Schroeder said they would need some lead time to have the manhole constructed. Commissioner Stern moved to accept the proposal of Land Stewards Inc for installation of the manhole, in the amount of \$6,200.00, second by Commissioner Pillar. Upon discussion Commissioner Stern asked where Land Stewards' main location is and he was informed they are out of Center, ND. President Obenauer confirmed that Moore Engineering will order the manhole casting. On roll call vote; Stern, "Aye", Pillar, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried. Mr. Billadeau asked to address "additional items" of the project and the estimated costs. There are areas where manholes and valves need to be adjusted as well as some minor milling and patching, that was not included in the project. The total cost of these additional items is \$5,246. There was also discussion about using recycled chips for the municipal parking lots and it was determined that screening them would be more costly than purchasing additional chips/rock for this work. The commission also was given an estimated cost of \$5,110 to complete additional sidewalk work near the hospital. President Obenauer will contact the hospital for a decision on this work, which will be billed directly to the hospital. The commission was informed the estimated cost to remove the asphalt and install concrete in the alley, at the post office, would be \$70,460, without any subgrade or base work. Commissioner Pillar moved to approve four (4) additional work items (2<sup>nd</sup> Ave/3<sup>rd</sup> St NE; 8<sup>th</sup> Ave NW; Divide Ave; and 1<sup>st</sup> St SW) at a cost of \$5,246, second by Commissioner Haack. On roll call vote; Pillar, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. Commissioner Haack, referring to the alley repair, said he did not want to see it "band-aided". President Obenauer spoke about who would benefit from the work and Attorney Donovan said the alley is used by many residents in town. There were concerns about the base and the utilities that are in the alley. Commissioner Stern asked about paving it and Mr. Billadeau said it would take special paving equipment because of the smaller size of the alley. Commissioner Stern also asked about the alley being so flat and Mr. Schroeder said it would require some type of inverted crown to ensure proper drainage. Mr. Billadeau suggested having the engineer "shoot" some elevations. President Obenauer said there is at least one more paved alley that needs to be addressed and suggested combining the work.

**SW Water Transfer of Service Agreement Discussion/Update:** Attorney Donovan explained that the 2013 legislature gave water districts more authority to make agreements to cover construction costs for areas that are defined as within their service territory. The original agreement presented to the city set the service boundary as the incorporated city boundary as of 2010 and this has been changed to the incorporated city boundary as of 1/1/2016. The city has been involved in on/off negotiations on the agreement since 2016. The need for the agreement will become more important if the city plans to develop, and annex, property into the city boundary, and if a satisfactory agreement cannot be reached the matter would go to mediation. Attorney Donovan said the city currently has no means to collect transfer of service fees, as defined in the contract, up-front and there are conflicting statutes

that allow cities to sell water outside of their boundaries. There was discussion relating to the property owned by Mr. Meissner and his ability to connect to city services and what would happen if the property were annexed into the city. Attorney Donovan said the city would be required to come to an agreement with the authority if the property is annexed, and added, the authority does want to serve the property. Commissioner Stern would like the city to start the process to annex the property and then deal with the authority on the agreement. There are additional, small amounts of land, that were part of the original property that should also be annexed. There was also discussion as to the city's responsibility if the authority were to provide water and, somewhere in the future, there are issues with the service. President Obenauer agreed that there are other areas that would also be prime candidates for annexation and asked Auditor Erhardt to prepare documents to begin the annexation process. The commission asked that Planner Senger contact Mr. Meissner to have him seek costs for connection to SW Water. Attorney Donovan said the city will have to look at modifying ordinances to address transfer service fees, up front, when dealing with annexation and development of future properties.

#### **REQUEST OF CITIZENS**

**Property Concerns – M. Carlisle:** Myron and Marie Carlisle appeared before the commission with concerns as to the condition of their property after curb stops had been installed in 2018 and from repairs that were made earlier this year. Mr. Carlisle said that, in May 2018, Land Stewards Inc were contracted by the city to install curb stops and he stated they did a “fairly decent” job of restoring the property to its previous condition but, he did work with another company to assist in completing landscape work. This winter there was a break and the area had to be re-excavated and Sletten Excavating performed the work because Land Stewards were unavailable at the time of the break. Mr. Carlisle said the area disturbed was larger and when he spoke to Mr. Sletten's crew they informed him they were done but, the excavation had not been filled back in completely. Sletten Excavating was contacted by Mr. Carlisle, and city staff, and agreed to come back with topsoil and equipment to finish the work. When there was an issue with the spigot at the property in 2018, the city informed Mr. Carlisle that a curb stop could be installed, or the line could be capped. Commissioner Stern asked if Mr. Carlisle just wanted some black dirt and Mr. Carlisle said he would like the property back to where grass will grow. Commissioner Pillar asked if it would be acceptable for the contractor to bring in dirt and grade it out and Mr. Carlisle said yes, and a timeframe for when the work would be done. Commissioner Haack said the timeframe may be hard to determine based on the saturated condition of the area and if additional moisture is received. Commissioner Stern said that it sounds like there is a plan in place and President Obenauer asked city staff to work with Mr. Sletten and keep Mr. & Mrs. Carlisle informed.

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

**Commercial Building Permit – J. Meissner:** Planner Senger presented a building permit for construction of a commercial building, as requested by Josh Meissner on the property south of Hiway 200, north of Antelope Creek. Commissioner Pillar moved to approve the requested building permit,

second by Commissioner Haack. Upon discussion, Commissioner Stern said he was contacted by resident with concerns that, if the property elevation is changed, it may raise water levels on surrounding properties. There was discussion that no one could remember the area being flooded in the past and Planner Senger informed the board that the city does have some control of water flows in this area. On roll call vote; Pillar, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

**Building Permit w/Variance Request – R. Bailey:** Planner Senger presented a building permit, and variance request, as submitted by Reba Bailey, to construct a deck on the front of the house located at 302 4<sup>th</sup> Street NE. The requested variance is a seven-foot (7') front yard variance and would be like other properties on this block. Commissioner Stern moved to approve the building permit, and variance request, second by Commissioner Haack. Upon discussion, Commissioner Pillar talked about a requested variance when the board directed the applicant to change the direction of the steps and it was determined this request was not comparable. On roll call vote; Stern, "Aye", Haack, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

**Building Permit w/Variance Request – E. Dillman:** Planner Senger presented a building permit, and variance request, as submitted by Ed Dillman, to construct a 9'x14' storage shed on his property at 801 3<sup>rd</sup> Street NW. The requested variance is a three-foot (3') side yard variance within the fence on the property line. Commissioner Haack moved to approve the building permit, and variance request, second by Commissioner Pillar. On roll call vote; Haack, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

**Condemnation Action:** Action regarding the condemnation proceedings and public hearing held prior to the commission meeting. There have been many communications with the property owner to clean, or remove, the mobile home from the property and no action has been taken. Planner Senger has been in contact with a salvage company and they deal more with automobile removal and recommended the mobile home be removed or destroyed and hauled away. Planner Senger has been in contact with the Mercer County Regional Landfill and was informed they would have wheels/tires available if the city were to try and pull it away; and the cost would be \$200. If the mobile home is destroyed and hauled the city would be charged the disposal fees based on weight. There was discussion on tearing it down and hauling it away and Director Brousseau said a lot would depend on what they found when the skirting is removed, and they try to jack it up. There are concerns of it falling apart. Brousseau suggested contacting a local building mover for an estimate to remove it. Commissioner Pillar moved to condemn the property and remove the mobile home, with cost of removal to be assessed to the property owner, second by Commissioner Haack. Upon discussion, it was determined that the property owner would be given until May 31 to remove any personal property. On roll call vote: Pillar, "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 has started clean-up week. The new tractor and attachments have been delivered. Director Brousseau said the land plane has

been used around the lagoon and on the road to Lift Station #1. Director Brousseau informed the commission that crack sealing of city streets has been completed.

**Finance/Busing/Library:** Commissioner Wolf absent. No report.

**Police/Fire/Forestry:** Commissioner Pillar informed the board that the fire department is moving forward with approved repairs and concrete work at the fire hall. Regarding forestry, Commissioner Pillar informed the board that Arbor Day trees have been ordered and they will be slightly larger trees, than the past, for the same cost. The forester will be concentrating on replacing boulevard trees this spring, while conditions are favorable.

**HCD:** Buster Langowski had to leave to attend another meeting. No report.

**President:** President Obenauer had nothing to report, at this time.

## **CORRESPONDENCE**

**101 Things to Do BHG Circular:** Commissioner Haack moved to approve a one-quarter (1/4) page, full color, advertisement in the 101 Things to Do Circular, at a cost of \$210, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

**Request for Duplicate Warrant – Sletten Excavating:** Commissioner Pillar moved to approve a request for duplicate check, in the amount of \$3,776.37, as requested by Sletten Excavating, second by Commissioner Haack. On roll call vote; Pillar, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

## **OLD BUSINESS**

**FY 2020 Transit Grant:** The commission reviewed the fiscal year 2020 transit grant application. The grant request is \$227,511 for operating expenses (50/50), and \$14,314 for administrative expenses (80/20). Commissioner Haack moved to approve the FY2020 Transit Grant Application, as presented, second by Commissioner Pillar. On roll call vote; Haack, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

## **NEW BUSINESS**

**Spraying Quotes:** The commission was informed that requests for quotes for spraying city property were sent to local vendors on April 3, 2019 and one vendor had returned a quote. Commissioner Pillar moved to accept the spraying quote of Donald Ballensky, Spruce It Up Lawn & Tree, in the amount of \$3,150, second by Commissioner Stern. On roll call vote; Pillar, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried. President Obenauer would like Mr. Ballensky to quote additional cost to spray the berm between the city parking lot and the railroad, to eliminate any weeds.

**Network/Surveillance Upgrade:** The commission reviewed a proposal from West River Telecom install network and surveillance equipment at the city shop and city hall. The total cost is \$1,720 which can be reduced if the city staff installs network cable and purchases their own network switch. Commissioner Haack moved to approve the network/surveillance equipment upgrade, not to exceed \$1,720, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

**Arbor Day 2019 Proclamation:** Commissioner Pillar moved to proclaim May 29, 2019 as Arbor Day in the City of Hazen, ND, second by Commissioner Haack. Motion unanimously approved. The annual tree giveaway will be held at the nursery, during the late afternoon/evening, on this day.

**Census 2020 Complete Count Committee Resolution:** The commission was provided information on the importance of the 2020 census and the federal funding that is tied to the census. Many municipalities, and counties, are creating “Complete Count Committees” to educate and encourage participation in the 2020 census. Commissioner Haack moved to approve a Resolution Establishing a Complete Count Committee for the 2020 Census, second by Commissioner Stern. Upon discussion, there were questions about the information provided during the census and concerns of how it is used. The census is prescribed in the constitution to determine the number of people living at a specific location, on a specific date, only. On roll call vote; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Obenauer, “Aye”, motion carried.

**Approval of Bills:** Commissioner Stern had question about a couple of the bills. Commissioner Pillar 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: Hazen Fire Dept, 1602.50; James Wolff, 434.00; Mandate Machinery, 87.50; Power Plan, 294.96; Purchase Power, 217.98; Sensus USA Inc, 1949.94; US Postal Service, 270.95; Universal Premium Fleetcard, 4484.90; Payroll, 129365.11; AED Everywhere, 61.70; Ameripride, 333.93; Axon Enterprises Inc, 1364.00; Bee’s Café, 35.00; BHG Inc, 1635.29; Cenex, 782.91; Chris Waller, 25.00; Christy Metz, 108.50; CVB, 1421.61; D&E Supply, 141.90; Dakota Pump & Control Inc, 1015.00; Deere Credit Inc, 27277.37; Donovan & Kaffar PLLP, 1700.00; Ecolab, 123.39; Fastenal, 92.42; Hazen Hardware Inc, 347.38; Hazen Welding, 275.00; ITD, 10.30; Jesse Folkerts, 25.00; Krause’s Super Valu, 347.03; Mandate Machinery, 1072.20; Marc Corp, 1454.70; Marco Tech LLC, 367.97; Material Testing Services LLC, 854.00; Menards, 13.95; Mercer Co Recorder, 20.00; MDU, 2317.69; Moore Engineering, Inc, 4312.50; NAPA, 213.24; New Pig Corp, 70.93; ND One Call Inc, 37.20; Pride Contracting Inc, 8112.33; Scott Leintz, 50.00; Share Corp, 157.13; SW Water Auth, 26146.34; Stein’s Inc, 261.38; Swanston Equipment Corp, 578.64; The Hub, 127.94; Verizon Wireless, 322.52; WRT, 1042.12. On roll call vote; Pillar, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 7:35 PM CT. The next regular meeting of the commission is scheduled for Monday, May 20, 2019 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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