

**Hazen City Commission  
Regular Meeting  
June 17, 2019  
Hazen City Hall**

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

**Others Present:** Planner Senger, Attorney Donovan, PW Director Brousseau, Editor Arens, Auditor Erhardt, Jerod Klabunde (Moore Engineering), Dan Frei, Chris Harvey, Nathan and Jasmine Busche.

The meeting was called to order at 5:29 PM by President Obenauer.

President Obenauer led the Pledge of Allegiance. Commissioner Pillar led the prayer.

**Minutes:** Commissioner Haack moved to suspend the reading and approve the minutes of the June 3rd meeting, as presented, second by Commissioner Wolf. Motion unanimously carried.

**Agenda:** Commissioner Pillar moved to approve the agenda, with addition of 7A Drone Ordinance discussion, second by Commissioner Stern. Motion unanimously carried.

**CONSULTATION WITH ATTORNEY & ENGINEER**

**Engineer's Agenda-Project Update – Moore Engineering:** Jerod Klabunde, Moore Engineering, informed the commission that the chip seal is the only remaining work from the contract, and it is anticipated this will be completed after the July 4<sup>th</sup> holiday. Mr. Klabunde said there is still some correction work, including turf establishment, that needs to be addressed and the contractor has been contacted. The only remaining extra work items are chip sealing of the municipal parking lots and an area by the ambulance bay (which will be invoiced directly to the ambulance service). There was discussion of the benefit to chip sealing the parking lots and Commissioner Pillar was concerned about the "best bang for the buck" in completing the work. Mr. Klabunde said he had not studied each lot in detail but, patching can be done where necessary and the seal coat and chip seal would extend the life of the lots at least five years, with Commissioner Stern indicating even the seal coat alone may be of benefit. Commissioner Pillar moved to proceed with the chip sealing of parking lots (at an estimated cost of \$32,355), included the area at the ambulance bay (estimated cost \$1,541), pending review by the city engineer, second by Commissioner Haack. On roll call vote; Pillar, "Aye", Haack, "Aye", Stern, "Aye" Wolf, "Aye", Obenauer, "Aye", motion carried.

Mr. Klabunde will be contacting Mr. Link about the survey monuments that were affected by the project and determine what, if any, underlying issues there may have been as to why some were removed.

The commission reviewed project Change Order #4 which was to include additional work around town and for the sidewalk installation near the hospital (to be billed to the hospital), which had been discussed and approved by the commission at an earlier meeting. Commissioner Haack moved to approve Change Order #4, in the amount of \$12,197, second by Commissioner Wolf. Upon discussion, Commissioner Stern had a question about which work was covered and the information was reviewed

by Mr. Klabunde. On roll call vote; Haack, "Aye", Wolf, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

The commission reviewed contractor's Pay Estimate #8, in the amount of \$51,062.13, and a recommended payment of \$12,996.38. Commissioner Wolf moved to approve Pay Estimate #8, in the amount of \$12,996.38, second by Commissioner Pillar. On roll call vote; Wolf, "Aye", Pillar, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Mr. Klabunde reviewed the engineering invoice with the commission, and this will be included in the approval of bills later in the meeting.

Mr. Klabunde informed the commission that the sanitary manhole will be constructed in the next couple of weeks and they will work with the contractor, approved to install it when delivered.

Regarding issues at Expedition Estates, Mr. Klabunde spoke to the project manager and they will be making the corrections starting later this week or early next week. President Obenauer asked if someone from Moore Engineering would be available to oversee the work, and Mr. Klabunde said they can, adding there is not a lot of work to be done.

**Bank of ND Loan Requisition #8:** The commission reviewed a loan requisition request for work on the street project since December of 2018. Commissioner Pillar moved to approve BND Loan Requisition #8, in the amount of \$70,581.14, second by Commissioner Haack. On roll call vote; Pillar, "Aye", Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

#### **REQUEST OF CITIZENS**

**Local Permit-Raffle – Hazen Area Dollars for Scholars:** Commissioner Wolf moved to approve local permit #2019-06, as requested by Hazen Area Dollars for Scholars, to conduct a raffle, second by Commissioner Stern. Motion unanimously approved.

**Request Free/Reduced Hall Rent – M&M Pet Rescue:**

**Request Free/Reduced Hall Rent – Hazen Senior Center:** Commissioner Haack moved to approve the requests for free/reduced hall rent of M&M Pet Rescue and the Hazen Senior Center, subject to the basic kitchen fee of \$50, second by Commissioner Pillar. Motion unanimously approved.

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

**Drone Ordinance:** Chris Harvey, Hazen Public School, met with the commission regarding the proposed drone ordinance. Mr. Harvey worked with the school district to implement a drone policy and the school does offer a course relating to drone use. Mr. Harvey indicated that the FAA has implemented rules regarding unmanned aircraft (drones), and these are sufficient to cover hobby and business uses. Mr. Harvey realizes there may be privacy concerns and informed the commission that drones do not record audio. The space at Hazen is considered uncontrolled airspace and it can be difficult to determine if an aircraft is above a specific property. Dan Frei questioned the need for an ordinance if FAA guidelines are followed. President Obenauer assured Mr. Harvey that the city does not want to adopt an ordinance for the sake of adopting an ordinance and Commissioner Haack said the city does not want to adopt an ordinance that will affect the educational uses of the school. Commissioner Pillar said there is still time to do research, before the second reading of the proposed ordinance, and the commission will be provided a copy of the school district's policy.

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

**Conditional Use Permit-Dog Park – J. Busche/HPR:** Planner Senger informed the commission that the Planning/Zoning board met earlier this date and recommend approval of a conditional use permit for the development of a dog park as proposed by Jasmine Busche. The only stipulation of the Planning/Zoning Board was that the conditional use be put in place for a period of two (2) years, and if the park is not being utilized for the intended purpose, the property reverts back to previous use and the conditional permit is dissolved. If the park is being used for the intended purpose, a dog park, the conditional permit will automatically continue. There was discussion about the park board conducting normal park maintenance and the Girl Scouts have proposed additional improvements as part of the award program. Commissioner Haack moved to approve the conditional use permit, as recommended by the Planning/Zoning Board, second by Commissioner Stern. On roll call vote; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried. Nathan Busche informed the commission that work to install the fence at the park will likely commence after July 4<sup>th</sup> and the area will be staked for review prior to installation.

## **REPORTS**

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

**Street/Cemetery:** Commissioner Haack informed the board that the city has first option to purchase a new tar kettle, with larger capacity, for crack sealing. The proposed equipment is being traded in at Swanston Equipment, is two years old and has never been used. There was discussion about what type of materials can be used in it and the commission would like more information on any issues or warranty. PW Director Brousseau said the John Deere loader is being rebuilt, and there appear to be no other issues.

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

**Police/Fire/Forestry:** Commissioner Pillar informed the board that the fire department will be doing a controlled burn of the city building on 1<sup>st</sup> Ave NE on Tuesday evening and they have informed all surrounding property owners.

Regarding forestry, Commissioner Pillar informed the board that approximately forty (40) boulevard trees have been planted, to replace trees removed in past years, and the forestry staff will begin pruning along pathways and streets soon. Commissioner Pillar suggested posting the forestry ordinance on social media.

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

**President:** President Obenauer informed the board there is a lot of interest for private purchase of the city crushed asphalt/concrete material. There was discussion on keeping enough material for city use and being selective with private sales to keep the material local. Commissioner Stern has concern about the material forming together over time and it was discussed it is less likely because of the concrete content.

## **CORRESPONDENCE**

**Fireworks Display – Hazen Chamber:** The commission reviewed a letter from the Hazen Chamber regarding cost of the upcoming fireworks display and requesting financial support. The commission asked that cost information be provided at the July 1<sup>st</sup> meeting and a decision regarding financial support will be made at that time.

**Sales Tax Administration Contract – ND Tax Commissioner:** The commission reviewed a proposed agreement with the State Tax Commissioner’s Office regarding administration of the city sales tax dollars. The agreement is an annual agreement and referred to costs of \$35 per permit per year or 3% of sales tax collected. Commissioner Pillar moved to accept the agreement with the State Tax Commissioner regarding sales tax administration, second by Commissioner Stern. Upon discussion, Commissioner Stern asked about the language, in the agreement, that \$309/month will be collected. Auditor Erhardt was directed to contact the State Tax Commissioner’s office for clarification and share the information with the commission. The agreement may then be signed by the President and Auditor. On roll call vote; Pillar, “Aye”, Stern, “Aye”, Haack, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

**NEW BUSINESS**

**2019 Auditor’s Bond:** Commissioner Wolf moved to approve the 2019 Auditor’s Bond in the amount of \$250,000 (lesser of 25% of average money subject to auditor’s control or \$250,00) pursuant to 40-13-02 NDCC, second by Commissioner Haack.

**Board Appointments/City Appointments/Portfolio Assignments:** The commission reviewed information as to necessary board and city appointments, as well as the portfolio assignments. There was discussion about changing some of the portfolios so President Obenauer asked commissioners to consider what portfolio they would like, share the information with the auditor and the matter will be discussed again at the July 1<sup>st</sup> meeting. Auditor Erhardt was also directed to determine if Custer Health can be appointed to serve as health officer for the City of Hazen.

**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: Ameripride, 333.93; Cenex, 1363.24; Christy Metz, 309.12; Donovan & Kaffar PLLP, 1770.00; Fastenal, 388.27; Fitterer Oil LLC, 58.15; Hach Co, 149.25; Harlow’s Bus Sales Inc, 171.33; Hazen Motors, 406.45; High Plains Concepts, 4442.50; ITD, 10.30; Mayo Construction Co Inc, 12996.38; Michael Todd & Co Inc, 236.49; Millennium Express, 13.80; MDU, 4279.73; Moore Engineering, 13012.50; ND Chiefs Assoc, 60.00; ND Dept of Health, 32.00; ND Dept of Environmental Quality, 15.00; NAPA, 299.98; ND One Call Inc, 67.20; Pride Contracting, 1200.00; Purchase Power, 217.98; Roughrider Electric Coop Inc, 4997.29; Samantha Melberg, 190.00; Spruce It Up Lawn & Tree, 900.00; Stroup Insurance, 150.00; The Hub, 642.42; Tractor Supply Credit Plan, 185.71. 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 6:44 PM CT. The next regular meeting of the commission is scheduled for Monday, July 1, 2019 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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