

**Hazen City Commission  
Regular Meeting  
June 18, 2018  
Hazen City Hall**

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

**Absent:** Commissioner Pillar

**Others Present:** PW Director Brousseau, Planner Senger, Auditor Erhardt, Attorney Donovan, Editor Arens, Joshua Reiner, Jon Schroeder, & Jerod Klabunde (Moore Engineering), Michelle Maas, Bill Lemer, Toby Lemer, Jack Jensen, Jack Jensen Jr., and Buster Langowski.

The meeting was called to order at 5:30 PM by President Obenauer.

President Obenauer led the Pledge of Allegiance.

**Minutes:** Commissioner Wolf moved to suspend the reading and approve the minutes of the June 4<sup>th</sup> meeting, second by Commissioner Haack. Motion unanimously carried.

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

**CONSULTATION WITH ATTORNEY & ENGINEER**

**2018 Street Project:** Josh Reiner, Moore Engineering, presented Pay Estimate #2, which had been adjusted by the engineer for work contained in the change order, which had not been completed. The adjustments related to work on the castings by the school and on the sanitary sewer near highway drive. Commissioner Haack moved to approve Pay Estimate #2, to Mayo Construction, in the amount of \$546,917.13, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Mr. Reiner updated the commission on the progress of the project including; the fact that most of the curb and gutter is complete on areas north of Highway 200; a few ADA ramps are still being constructed. There is a need to complete additional spot repairs, after the milling revealed problem areas. Work on 8<sup>th</sup> Ave NE will begin on June 19<sup>th</sup> and contractor representatives have contacted the ambulance service. There is a possibility that paving could start later in the week of June 25<sup>th</sup>.

President Obenauer questioned if they will put the base lift on the reconstruct streets or begin on the milled streets and Mr. Reiner had no definitive answer at this time. Discussion regarding the milled product informed the commission that the contractor may use up to 25% of the milled material for new asphalt. At the June 14<sup>th</sup> construction meeting there was discussion on milling and overlaying 2<sup>nd</sup> Ave NW. The estimated cost to complete this work is \$41,085, based on bid quantity pricing.

President Obenauer feels this should be done to bring the street back into better condition and

Commissioner Haack stated he is in favor of the work. Commissioner Stern and Commissioner Wolf

agree it should be done. Commissioner Haack moved to approve mill and overlay of 2<sup>nd</sup> Ave NW, north of 10<sup>th</sup> Street, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Commissioner Wolf moved to approve Moore Engineering invoice in the amount of \$58,166.70, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

Commissioner Stern moved to approve Bank of ND Requisition #2, once it has been revised to reflect the adjustment of Pay Estimate #2, second by Commissioner Haack. On roll call vote; Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Jerod Klabunde, Moore Engineering, informed the commission that there is a conflict for engineering staff regarding the Thursday construction meeting. The weekly construction meeting will be rescheduled for 1:00 PM CT, on Friday, June 22<sup>nd</sup>.

Mr. Klabunde also spoke about the fact that there are survey monuments that are being displaced with the installation of ADA ramps, curbs and sidewalks. City ordinance requires that the monuments are re-set. Moore Engineering will provide this service, at an additional cost, unless the city has a local engineer that is familiar with the city boundaries. Mr. Klabunde was directed to prepare an estimate of the cost for this service. Planner Senger asked if other locations could be added to this service, as there are monuments that have been removed in other areas of the city, as well.

Project Excess Material: President Obenauer discussed the large amount of salvage material being removed from the reconstruct areas and a suitable location to stockpile it. Delmar Schramm had contacted the city, and the contractor, and requested material. Bill Lemer then spoke to the city and contractor offering to purchase the material. Mr. Schramm also agreed to purchase the material with the contractor keeping track of loads delivered to the various parties. Attorney Donovan advised the commission that, since the material is property of the city, they should approve a motion to dispose of the material to private interests and determine the price. Commissioner Wolf moved to approve the sale of the salvage material at a cost of \$1/yard, second by Commissioner Stern. Upon discussion, President Obenauer recognized Jack Jensen who expressed concern about material being used to fill in an area that acts as storage in times of high water. Attorney Donovan said this would be a matter for the water board to address or to be handled by private parties if the water trespasses onto property. Mr. Klabunde said that if the dirt is being placed into the flood plain a complaint should be filed with the water board. On roll call vote; Wolf, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

## **REQUEST OF CITIZENS**

**Local Permit/Raffle – Common Thread Quilters Guild:** Commissioner Stern moved to approve local permit #2018-06 as requested by the Common Thread Quilters Guild to conduct a raffle on November 10, 2018, second by Commissioner Wolf. On roll call vote; Stern, "Aye", Wolf, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

## **REPORTS**

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

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

**Street/Cemetery:** Commissioner Haack informed the board that PW Director Brousseau has been in contact with the Mercer County Water Board about installing a winch system on the flap gate near The Hub. Director Brousseau said the city staff currently uses the payloader to access the gate to remove debris and he would like to install a winch system that will allow the gate to be opened so debris can flow through. Commissioner Stern asked if this could potentially cause other problems with the water levels and Director Brousseau said it shouldn't as the water into the oxbow is regulated by a slide gate near 9<sup>th</sup> Ave NW. The estimated cost for the winch system is \$2500. Director Brousseau was advised to present the estimate to the water board prior to the city taking action.

Commissioner Haack informed the board that the plastic liner in the Freightliner truck has cracked and is coming apart. Director Brousseau has obtained estimates to repair the liner, transfer the box from the International truck. The estimate for this work included options that will not be required. Director Brousseau was asked to get an estimate for the work, to transfer the box from the International truck to the Freightliner.

Commissioner Haack is also requesting state bid pricing to replace the public works pickup this year. This will be discussed at a future meeting.

**Finance/Busing:** Commissioner Wolf informed the board that the bus service was utilized by three individuals to travel to Beulah to vote in the primary election.

**Police/Fire/Forestry:** Commissioner Pillar absent. No report.

**HCD:** Buster Langowski presented an agreement, with ND DOT, necessary for the ND Moves demonstration project. Clean-up and cost for the project will be the responsibility of the city. There are concerns with the use of striping tape or paint and how it will affect the chip seal, later this year. The striping is less of a concern than if the curb extensions are completely covered with paint. The question of the painting is being reviewed by DOT and engineering staff. Regarding the proposed contract, Attorney Donovan said the document does not come to an agreement and it imposes all the liability for the demonstration project on the city. This does not appear to be approval as to substance. President Obenauer would like to move forward on the project. Mr. Langowski said the city has not expended any money yet and the project will likely cost a minimum of \$1500 to complete. Commissioner Haack moved to approve signatures of the Commission President and City Auditor on the agreement and forward it to ND DOT, second by Commissioner Stern. Upon discussion Commissioner Stern had a question of the project cost initially estimated at \$10,000. Mr. Langowski explained that the original cost included purchasing delineators rather than renting them. President Obenauer indicated that Hettinger had done a similar project on their own. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

## **OLD BUSINESS**

**Discussion: Liquor License Application – The Hub:** President Obenauer asked that this item be placed on the agenda for any further discussion or questions. The board will act on the application at the July 2<sup>nd</sup> meeting. Michelle Maas, The Hub, said it is discussed among patrons and there have been no

negative comments. President Obenauer said he spoke to the manager of Cenex in Richardton, who sells alcohol, and they have more issues with tobacco compliance than alcohol sales.

## **NEW BUSINESS**

**Repair Estimates – Flag Pole/Sidewalk:** The commission reviewed an estimate to repair the truck on the large flag pole, near the school, at an estimated cost of \$2,000. Mandate Machinery has a lift, that will reach sixty-five feet (65') which can be rented for \$300 for half-day or \$500/day. The work could then be completed by city staff. Commissioner Haack moved to rent a lift from Mandate Machinery and have city staff replace the bearing, second by Commissioner Wolf. On roll call vote: Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

The commission was informed of an estimate, of \$2000, to purchase slats for the chain-link fence at the shop and bus facility. Commissioner Wolf moved to approve purchase of one hundred ninety feet (190') of privacy material for the chain-link fence, second by Commissioner Haack. Upon discussion Commissioner Stern asked about snow accumulation concerns and it was determined this material would not hold much more snow than the trees along this boulevard. On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

The commissioner reviewed a proposal to replace a portion of the sidewalk near the Methodist parsonage, that had been removed, by the city, to repair water lines. The commission was informed that Mr. Meissner does not have a current contractor license, so no further action was taken on the proposal.

**Organizational Meeting – June 26<sup>th</sup>:** Pursuant to ND Century Code the city commission is required to hold an organizational meeting two weeks after the election. The meeting will begin at 5:00 PM CT. Attorney Donovan suggested, since the city has adopted a Home Rule Charter they could enact an ordinance to conduct reorganization at the first regular meeting in July. If any commissioner wishes to change portfolios they are asked to contact President Obenauer or the city auditor.

**Board Appointments:** Commissioner Wolf moved to approve the following board appointments, effective July 1, 2018, second by Commissioner Haack.

Library Board – 3-year term(s) – Rachel Froelich & Allison Peterson

Airport Board – 5-year term – Ron Muth

On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

**Approval of Bills:** Commissioner Haack moved to approve the bills and financial statement, as presented, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: Ameripride, 316.16; Bryan Tomchuk, 85.00; Cal Wagner, 152.37; Cenex, 1239.26; Coal Country CHC, 520.00; CUSIP Global Services, 97.00; Dakota Pump & Control Co Inc, 660.00; Dakota Supply Group, 50.21; David Brousseau, 100.00; Fastenal, 30.92; Global Safety Network, 140.40; HCD, 21626.23; Hazen Public Library, 2692.01; Hazen Welding, 172.50; High Plains Concepts, 2672.50; ITD, 10.30; Interstate Battery, 69.95; Joyce Lemer, 66.50; Land Stewards Inc, 7492.62; Lange Donovan & Kaffar PLLP, 997.50; Mayo Construction Co Inc, 546917.13; Mercer Co Treasurer, 7387.66; MDU, 4980.83; Moore Engineering Inc, 58264.20; ND Dept of Health, 32.00; ND Dept of Health, 15.00; NAPA, 180.00; ND One

Call Inc, 132.10; Pitney Bowes, 431.52; Power Plan, 636.97; Roughrider Electric Coop Inc, 3301.90; Ryan Tunge, 100.00; Share Corp, 194.51; The Hub, 1131.09; Uniform Center, 210.00; W L Construction Supply Inc, 419.99. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 6:42 PM CT. The next regular meeting of the commission will be Monday, July 2, 2018 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

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

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