

**Hazen City Commission
Regular Meeting
June 4, 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 (Moore Engineering), Jared Scheeler, Michelle Maas, Darrold Bertsch, Bonnie Johnson, Lauren Donovan, Gary Emter & Buster Langowski.

The meeting was called to order at 5:27 PM by President Obenauer.
President Obenauer led the Pledge of Allegiance.

Minutes: Commissioner Pillar moved to suspend the reading and approve the minutes of the May 21st meeting, second by Commissioner Wolf. Motion unanimously carried.

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

REQUEST OF CITIZENS

SMC Update – D. Bertsch: Darrold Bertsch informed the commission that, hard as it is to believe, they have been in the new hospital for more than a year. There are some minor items to be addressed and Mr. Bertsch said that, of the \$3.1 million in pledges, none have been unfulfilled. Mr. Bertsch spoke about the addition underway at Coal Country Community Health Clinic, in Beulah, and that once complete will provide for more exam rooms and other services at the clinic. Attorney Donovan asked if any hospital assets were pledged for the clinic project and Mr. Bertsch said there were none. Mr. Bertsch also spoke about Energy Capital Cooperative Child Care and the need to expand to meet demand for daycare in Hazen and Beulah. Mr. Bertsch asked about upcoming street work and President Obenauer said there is a weekly construction meeting that Mr. Bertsch or staff are welcome to attend to stay abreast of construction plans and progress.

Heritage Park Update/Event Planning: Lauren Donovan provided updated financial information, relating to the improvements at Heritage Park. The committee has raised \$52,000 in funds, materials and services. The concrete work is nearly complete, electrical work continues and additional landscaping will begin on June 5th. Commissioner Haack had a question about the abrupt end of the sidewalk toward the east end of the park and Ms. Donovan said this will be addressed with some type of extension and/or ramp. Ms. Donovan said the Eagle Scout Sign will be relocated to the east end of the park. President Obenauer said there have been many “in-kind” donations to the project too. Bonnie Johnson said there are plans to host an outdoor concert at the park on June 22nd. The entertainment will be free, and they hope to serve food and/or alcohol at the event. It was

determined that the vendor providing alcohol will need to submit a special event permit request and there will need to be some type of security to ensure alcohol is not served to underage persons.

Local Permit/Raffle – Peach Lutheran Church Women: Commissioner Pillar moved to approve the local permit request of the Peace Lutheran Church Women to conduct a raffle on November 10, 2018, second by Commissioner Wolf. Motion unanimously approved.

CONSULTATION WITH ATTORNEY & ENGINEER

2018 Street Project: Joshua Reiner, Moore Engineering, informed the commission that Kemper Construction has completed spot repairs, in the contract, and have nearly completed work on the storm sewer on the north side of 7th Street NE. Farden construction will be coming to start work on street removal and construction. Commissioner Haack asked about stump removal near Peace Lutheran Church and Mr. Reiner said the contractor will be able to remove them. Luke Arnold, Moore Engineering, reviewed the additional locations, and estimates, presented to the commission at the previous meeting. Location #1 relates to repair of a manhole cover in a parking lot west of Highway Drive. The original estimate was slightly less than \$6,000. The contractor pricing for this work is \$9,582.70. Commissioner Haack moved to proceed with the repairs, at location #1, as contained in the contractor pricing, second by Commissioner Stern. On roll call vote; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried. Location #2, repair of drainage under path by Highway Drive was approved. Location #3, repair of the improper driveway construction on 7th Street NE was approved. Location #4, repair of the private sanitary sewer connection was authorized by the property owner and will be completed and assessed to the property owner. Location #5 was addressed by the city and will not be added to the contract. Location #6, replacement of steel pipe in sanitary sewer. The original estimate for this work was \$6,300 and the contractors price, based on depth of service, proximity of utilities and time is \$22,153.92. Mr. Arnold spoke to the contractor and was told that if the work is completed in less than a day a deduct of \$3,000 will be made. Mr. Arnold said this work could be completed on a time and material basis which may save the city a small amount or, depending on the complexity of the repair, could cost more. President Obenauer said the work needs to be done and Commissioner Pillar favored the fixed price because time and material may cost more and may involve additional admin fees for engineering. Commissioner Stern said that even if it is a lump sum amount, additional time seems to always cost additional money. Commissioner Stern asked if the pipe could be lined and Mr. Arnold does not think that is suitable alternative because this reduces the size of the pipe even more than it is now. Commissioner Haack moved to approve the repair of the sanitary sewer, at a cost of \$22,153.92, second by Commissioner Pillar. Commissioner Haack asked about the length of the repair and Mr. Arnold estimated it would be around 20-25’ or slightly longer. On roll call vote: Haack, “Aye”, Pillar, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried. Location #7, storm sewer repair near city hall. The contractor has repaired the underground connection, at no cost, for plumbing materials the city provided for another area. Location #8, inlet castings replacement was approved. Location #9, repairs of sidewalks, ramps and valley gutters as requested by the school. Mr. Arnold reviewed the requests with the commission and the cost for this work is estimated to be approximately \$25,000, which will be directly assessed to the

school. Commissioner Haack moved to include the additions, requested by the school, as part of the project contract, second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye" motion carried. President Obenauer invited other commissioners to attend the weekly construction meetings and thanked Moore Engineering for their assistance in looking out for the city's interests.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Application to Re-Zone Property – T. Schutt: The commission reviewed a request to re-zone a parcel, from residential to commercial, within the city extraterritorial jurisdiction. The city planning and zoning commission held a public hearing earlier today and recommend approval of the requested zoning change, conditioned upon written approval of neighboring property owners and compliance with city setback guidelines. Mr. Schutt is proposing to construct a, 12-unit, storage facility on the property, if the zoning request is approved. Commissioner Wolf moved to approve the request to rezone the parcel located at 215 Glacier Avenue from residential to Commercial C-2, second by Commissioner Pillar. On roll call vote: Wolf, "Aye", Pillar, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

Commercial Building Permit – T. Schutt: After approval of the request to re-zone property the commission reviewed an application for building permit to construct a storage facility on the location. Commissioner Pillar moved to approve the building application, as presented, second by Commissioner Haack. Upon discussion, Attorney Donovan clarified the need for a building permit even though the property is not within the corporate city limits. On roll call vote; Pillar, "Aye", Haack, "Aye", Stern, "Aye", Wolf, "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 had nothing to report at this time.

Finance/Busing: Commissioner Wolf informed the commission that she had attended the ambulance board meeting and staff appreciation. Commissioner Wolf said that the Hazen Public Transit will provide free transportation to the polling site, in Beulah, on election day. Details are still being developed and will be provided to the newspaper for publication.

Police/Fire/Forestry: Commissioner Pillar informed the commission that he has received calls of concerns on 7th Street as children travel to, and from, the pool and to raise awareness of the public and police department. The commission will also re-visit the discussion of establishing a "school zone" for enhanced penalties of traffic offenses.

Commissioner Pillar informed the commission that Forester Doll has ordered trees and will be working with the state forester for additional assistance. The state forester was recently in town and there are many black ash trees that are affected by a fungus and will be marked for removal. This prompted discussion of replacing trees removed from the boulevard and the city does intend to complete

replacing trees, when possible. There was discussion about replacing trees on the east side of 3rd Ave NW, north of the bridge, and one issue to be addressed is the spacing of replacement trees.

HCD: Buster Langowski provided the commission preliminary designs for the ND Moves demonstration project. The installation of the temporary curb extensions and bike lanes is scheduled for July 19th.

Mr. Langowski has secured some grant funds for the project and hopes to get additional funding from donations as well as cost savings through the assistance of volunteers to complete the project.

Mr. Langowski said the “green space” at the commerce center is in tough shape with ruts that need to be filled and additional seeding of grass. Commissioner Haack suggested working with the fire department for water to get the grass established.

Mr. Langowski said the loan application, for the hotel project, is in the hands of the loan committee and he hopes to get a response within the next week. Pioneer Apartments will have a new resident in July and another individual has completed an application for housing. The committee is looking at available funds and is considering constructing garage spaces at the property. Commissioner Haack asked about the condition of the lawn at the apartments and Mr. Langowski said someone has been hired to mow and maintain the property.

CORRESPONDENCE

Mercer County Historical Society Membership: Commissioner Wolf moved to approve a \$25 business membership with the Mercer County Historical Society, second by Commissioner Stern. On roll call vote; Wolf, “Aye”, Stern, “Aye”, Haack, “Aye”, Pillar, “Aye”, Obenauer, “Aye”, motion carried.

OLD BUSINESS

Discussion: Liquor License Application – The Hub: President Obenauer asked that this be placed back on the agenda for discussion. President Obenauer said the comments he has received are about 50/50 supporting or opposing the application. The one question he gets most often is if it is necessary to sell liquor out of the convenience store, or if sales should be limited to beer. Commissioner Pillar said he has not had any comments against the application just questions about hours when alcohol will be sold to ensure appropriate age clerks are on site. Commissioner Pillar has also had questions about gauging the sale of alcohol to minors as compared to products like tobacco and compliance with the age limits. Commissioner Haack says he has two concerns; 1) if the store will remain open later, and 2) if the alcohol sales will influence younger staff and their ability to work after school. President Obenauer asked about the hours of operation and Jared Scheeler indicated there are not intentions to remain open later than they currently do. Commissioner Wolf said the only decision for the commission is if they want to approve the application and allow them to sell alcohol. Commissioner Wolf questions if the request to sell alcohol is a “want” or a “need” for the business. Commissioner Wolf estimated 90% of the comments she has received state, “Why not?” Commissioner Stern had questions regarding expected revenue and tax collections from the sale of alcohol and Mr. Scheeler stated it would be hard to say, at this time, but guesses it will be a small number. Commissioner Stern also had questions about the pricing and competition with Mr. Scheeler stating he has not “scouted” the competition. Commissioner Stern also had a question about the number of license allowed under city ordinance and

was advised that the city ordinance allows one license/one-thousand residents for “off-sale beer” and “off-sale liquor”, not including combined licenses or licenses of locations that offer dining. Commissioner Pillar asked about the time-frame of the proposed remodeling of the Hazen location and Mr. Scheeler stated the convenience store is “phase 3” and will probably be completed in November or December.

NEW BUSINESS

2018 Auditor’s Bond: Commissioner Pillar moved to approve a resolution establishing the city auditor’s bond, pursuant to ND Century Code, in the amount of \$250,000, second by Commissioner Haack. On roll call vote; Pillar, “Aye”, Haack, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

2019 City Budget: The preliminary city budget is due to the county auditor by August 10th. The commissioners were encouraged to visit with their various departments and begin providing information to the auditor to prepare the budget.

Approval of Bills: Commissioner Haack moved to approve the bills, as presented, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: BHG Inc, 2347.25; Cal Wagner, 249.75; Cardmember Service, 525.06; Chamber of Commerce, 300.00; CVB, 2860.88; D&E Supply Co, 38.63; Dakota Supply Group, 15675.63; Fastenal, 203.43; Hazen Hardware, 233.49; Hazen Parks & Rec, 20000.00; Krause’s, 125.13; Land Stewards Inc, 420.00; Marc Corp, 109.55; Matthew Bender & Co Inc, 77.81; Mercer Co Soil Conservation, 242.55; Mercer Co Historical Society, 25.00; Mercer Co Treasurer, 400.00; Pam Borlaug, 67.58; Power Plan, 2321.19; Pride Contracting Inc, 3697.00; Southwest Water Authority, 35954.77; Stein’s Inc, 100.00; Venture Marketing, 50.00; Verizon Wireless, 345.20; West Dakota Lumber, 156.21; West River Telecommunications, 1027.18. On roll call vote; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 6:58 PM CT. The next regular meeting of the commission will be Monday, June 18, 2018 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor