

**Hazen City Commission
Regular Meeting
June 6, 2016
Hazen City Hall**

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

Absent: Commissioner Brunmeier

Others Present: Attorney Donovan, Planner Frovarp, Auditor Erhardt, Kelsey Timmer (KLJ), Adam Schoenherr (Ulteig), Mark Sweeney (Moore), Dave Patience (Swenson-Hagen), Editor Arens, Dan Pillar, Myron Stern, Gaylen & Pamela Jensen, Jason Bohrer, Ken Link, Chana & Gordon Boutilier.

Meeting was called to order at 5:29 PM CT by President Obenauer.

Minutes: Commissioner Wolf moved to suspend the reading and approve the minutes of the May 16th meeting, as presented, second by Commissioner Haack. Motion unanimously carried.

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

Jason Bohrer, Lignite Energy Council presented information of the lignite industry and the Clean Power Plan. Mr. Bohrer's presentation provided background data and statistics of the coal industry relating to the direct and indirect jobs created, the amount of energy created by coal fired generating stations. Mr. Bohrer discussed some of the issues of the Clean Power Plan based on the concept of identifying a problem, determining the cause, and then moving forward with a solution, which this plan does not effectively address. President Obenauer asked about scenarios where certain plants may only operate at peak times and Mr. Bohrer said this is driven by economics and the fact that with all the wind energy on the market, up to a certain point, it is cheaper than power from some of the older plants. Ken Link asked about the various percentages of CO2 emission reductions and Mr. Bohrer stated the initial plan addressed the reductions better on a state by state basis but the final rule lumps the states into regions; second the proposed rule did not create incentives for renewable energy. Mr. Bohrer would like to see the state invest in new technology to continue to use our resources to provide economical electricity into the future and to plan for future in accomplishing this task.

CONSULTATION WITH ATTORNEY & ENGINEER

2016 Street Projects: The commissioners were provided a copy of the notes from the pre-construction meeting held on May 26th and the contractor hopes to begin work on the project by mid-June. As part of the financing process the city must acknowledge receipt of information relating to the "Municipal Advisor Rule," underwriting rules to be followed by Dougherty and Company LLC, as well as approving

the commitment letter and terms for the Bank of North Dakota loan of \$710,665. Commissioner Haack moved to approve the commitment to Bank of ND and the bond acknowledgments as presented by Dougherty and Company LLC, second by Commissioner Wolf. Upon discussion Commissioner Stern asked about the loan and was advised the loan is only for new street construction and the lower interest will be part of the assessment for the benefited properties. Attorney Donovan also questioned the August 31, 2016 expiration date for the loan commitment and was advised that this will be sufficient. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Commerce Center Parking Lot - Estimate: Eric Schuler provided estimated cost to complete the parking lot repairs at the Commerce Center using concrete material. The estimated cost of \$92,000 seemed high and the commission would like to know the cost to complete repairs with asphalt rather than concrete. Adam Schoenherr, Ulteig, estimated the cost for asphalt to be around \$20,000, which is about 1/3 the cost of concrete. President Obenauer indicated that Riverbend Machinery would consider in-kind contribution to the repairs. Commissioner Stern would like to see the repairs completed now so a portion of the project could be special assessed. Commissioner Haack said he was not opposed to asphalt so long as the subgrade is properly prepped to reduce the possibility of damage in the near future. The commission would like to get a firmer estimate for asphalt repairs before proceeding and Attorney Donovan suggested that the commission review contracts for the inclusion of any type of in-kind contribution.

REQUEST OF CITIZENS

Street Closure – Prairie Rose Car Club Event: Myron Stern appeared before the commission on behalf of the Prairie Rose Car Club to request permission to close a portion of 12th Ave SW for the car show on September 11, 2016. The club is anticipating a slightly different type of event and would like to have an area for overflow due to the popularity of the event and the growing participation. If necessary, the street would be closed from the south entrance to Krause's Super Valu to the north corner of Bluegrass Lane from 11:00 AM to around 5:00 PM. Commissioner Stern asked if there is a concern that the street may not be completed, or still under construction at that time and Mr. Stern did not feel it will be a concern. Commissioner Wolf moved to approve the street closure as requested by Mr. Stern, second by Commissioner Stern. Motion unanimously carried.

Street Light – Elbowoods Drive: Planner Frovarp has been in contact with regard to placing a street light on the north portion of Elbowoods Drive and the estimated cost, based on the best location, is \$2,200. Commissioner Haack asked if the location is near the fence on the north boundary and Planner Frovarp stated that is the best, and most economical, location. Commissioner Haack moved to proceed with installation of the street light at a cost of \$2,200, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Neighborhood Issues/Concerns – G. Boutilier: Gordon and Chana Boutilier appeared before the commission with concerns of rubbish and other debris in their neighborhood. Mr. Boutilier said that the property owner next to him recently moved a different trailer home onto the property and there

are tires, wood and other debris flying around and on to his property and that the provided garbage can is rarely used. Planner Frovarp said that a letter was sent to the property owner on June 3 and they have ten (10) days to remedy the problem or the city will take further action. Mr. Boutilier said he has been picking up garbage since they moved in. Chana Boutilier asked the timeframe of the city process and Planner Frovarp explained that if it is not cleaned up by June 13 the city would have to file a complaint and follow the process through municipal court. President Obenauer assured the Boutilier's that the city will follow-up on the matter. Mr. Boutilier than asked why the trailer that was moved in did not have to be set on piers and Planner Frovarp explained that according to HUD regulations piers are required for a new mobile home, not a previously occupied home. President Obenauer thanked the Boutilier's for coming to the meeting and for the tidiness of their property.

Right-of-Way Tree/Shrub Planting - K. Kaley: Planner Frovarp informed the commission that Kevin Kaley has requested approval to plant a hedge in the alley right-of-way near his property at 202 11th Street NW. Planner Frovarp spoke to the city forester about the request and there was no objection but Planner Frovarp suggested there be some type of agreement with regard to care and removal of the shrubs if it is necessary. President Obenauer said he had no objection and feels it would be okay if they are kept cleaned and trimmed but, was concerned about the possibility of the trees holding snow on the street. Commissioner Stern and PW Director Neuberger will meet with Mr. Kaley to determine where the shrubs will be located to limit any impact in times of snowfall. Dan Pillar asked if the city had any guidelines regarding where snow fences are installed and if these guidelines may assist in locating the shrubs. PW Director Neuberger said there are no guidelines for the snow fences and the locations used have been determined over many years through trial and error.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Drainage Easement/Final Plat Approval – Williams Builders: Dave Patience, Swenson & Hagen, appeared before commission to present the final plat for Expedition Estates and to request a storm water and drainage easement on the east side of the Lewis & Clark Subdivision. Mr. Patience said the proposed drainage easement will not conflict with any plans for the hotel and that Williams Builders would like to start the process of developing the area for single family and twin homes. Planner Frovarp reviewed revision from the original plat to the proposed plat and stated that the alley where the drainage easement is proposed becomes landlocked. Commissioner Stern questioned if the railroad bed serves as drainage and Mr. Patience said it is a natural drainage way but they will not go into this area as it is privately owned. Commissioner Stern also asked about the amount of drainage and Mr. Patience stated it will actually amount to less water through the railroad bed unless it backs up once in the main street ditch. Commissioner Haack moved to approve the final plat of Expedition Estates and the storm water and drainage easement, as requested by Mr. Patience, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Vacate Easement – Jensen: The commission received an estimated cost of \$1,200 from Lange, Donovan and Kaffar PLLP, to complete the process to vacate a utility easement on city and private property. The city would consider sharing this cost with the private property owner to resolve this matter and this is acceptable to them. Commissioner Wolf moved to approve a sharing the legal and publication costs 50/50 to vacate the utility easement in Block 1, North Star 4th Addition, second by Commissioner Haack. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried. Mr. Jensen thanked the commission and stated that this will be a benefit to both.

Building Permit – TSC Renovations: The commission reviewed an application for building permit for renovations of the former Alco building. Planner Frovarp explained this will be interior remodeling to move a wall and for electrical work. Commissioner Haack moved to approve the building permit, as requested, second by Commissioner Stern. Upon discussion Commissioner Stern asked about the permit fee and was advised that the fee is \$2,346 for this permit, based on the estimated cost. Motion unanimously carried.

REPORTS

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

Water/Sewer: Commissioner Brunmeier absent. No report.

Street/Cemetery: Commissioner Stern said there were questions about crack sealing at the previous meeting and he has discussed this with PW Director Neuberger. The crew keeps a hand-written map of the areas completed and the map for 2015 has been misplaced. President Obenauer had concerns about the record keeping and was also considered about the use of the county storage tank for the sealing oil and the fact that the city is at the mercy of the county as to how long the tank is available. Commissioner Stern will look into the cost for the city to maintain its own tank for crack sealing material.

Finance/Busing: Commissioner Wolf reported that the footings and foundation for the bus facility have been poured and weather has slowed progress a little bit. Commissioner Wolf said plans for Oktoberfest entertainment are being finalized and there will be a request to close a portion of the street by Heritage Park.

Police/Fire/Forestry: Commissioner Haack informed the commission that it has been discussed and the diseased trees that were removed, at the recommendation of the State Forester, at city hall will not be replace at this time. The city will plant grass and look into placing flower planters in this location.

NEW BUSINESS

Transit Grant Contract Amendment: The commission reviewed a proposed amendment to the contract for the bus facility grant extending the completion of the contract to December 30, 2016. Commissioner Wolf moved to approve the contract amendment, second by Commissioner Stern. Motion unanimously carried.

Reschedule July 4th Meeting: The first meeting for the month of July is scheduled for the July 4th holiday. The commission agreed to reschedule this meeting to July 5th, at 5:30 PM CT.

Approval of Bills and Financial Statements: Commissioner Stern moved to approve the bills, second by Commissioner Wolf. Upon discussion the auditor informed the commission that NDDOT Transit Section had reviewed and had no objections to the bus facility pay request of Western Steel Builders. Pre-paid and bills approved for payment are as follows: Jeff Bannister, 2293.60; State Fire & Tornado, 7.85; US Post Office, 266.22; Universal Premium Fleetcard, 3336.26; Verizon Wireless, 116.00; Payroll, 135737.82; AED Everywhere, 80.00; Alex Air Apparatus, 498.61; Ameripride Linen & Apparel, 416.01; Avenet LLC, 650.00; BHG Inc, 1908.45; Bob Gobar, 17.50; Cardmember Service, 80.78; Central Landscape, 67.00; Chuck Dahl, 119.00; CVB, 1681.73; D&E Supply Co, 71.83; Dakota Transit Assn, 270.00; Dan Wettstein, 320.00; Fastenal Co, 158.01; Hazen Hardware, 272.71; Hazen Motor Co, 547.88; Hazen Motor Farm Equipment, 28.50; Hazen Welding, 958.69; Hiway Express, 681.73; Information Technology Dept, 10.30; Jacqueline Percival, 96.21; Kandi McConnell, 63.00; Kasey Lesmann, 100.00; Krause’s Super Valu, 127.57; Kurt’s Small Engine Repair, 121.92; Loren Wiest, 280.00; M&T Fire and Safety, 72.00; Mainstay Suites, 80.00; Matthew Bender & Co, 75.83; Mel Roth Oil, 311.50; Mercer County Treasurer, 7122.32; Monte Erhardt, 128.56; ND Dept of Health, 32.00; NAPA, 400.68; Northern Safety Co, 208.39; Obenauer Plumbing LLP, 279.10; Pam Borlaug, 70.20; Paul Lorenzano, 79.02; Peggy Rahn, 21.00; Promiseland Designs, 30.00 Ron Muth, 310.00; SBM Inc, 156.37; Southwest Water Authority, 34143.31; Spruce It Up Lawn & Tree, 695.00; Steve Frovarp, 36.18; The Attic, 483.50; The Sherwin-Williams Co, 225.84; Ulteig Engineers, 254.75; Verizon Wireless, 199.35; West Dakota Lumber, 14.00; West River Telecommunications, 820.87; Western Steel Builders, 91035.77. On roll call vote; Stern, “Aye”, Wolf, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 7:09 PM CT. The next regular meeting of the commission will be Monday, June 20, 2016 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor