

**Hazen City Commission
Regular Meeting
July 2, 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, & Jerod Klabunde (Moore Engineering), Pete Christianson-Ted Billadeau-Pete Lewis (Mayo Construction), Adam Sailer, Kevin Mohl, 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 18th and June 26th meetings, second by Commissioner Haack. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

2018 Street Project: Representatives of Mayo Construction reported that Central Avenue has received the first lift of asphalt from Main Street past 3rd Street and work continues to start paving areas that are currently gravel.

(The commission next addressed agenda item 6B-Mobile Home Park Concerns)

Josh Reiner, Moore Engineering, informed the commission that the contractor is running into areas, that are being milled four inches (4"), that are soft. There are a couple of options to remedy this situation; the first being removal and reconstruction, and the second being cement treatment for stabilization. Jerod Klabunde, Moore Engineering, told the commission that they have found approximately fifteen (15) blocks that will require additional attention and possibly more as work continues. Commissioner Haack has observed many of these spots and had questions of cost for the cement stabilization. Mr. Klabunde said the good thing is; there is going to be some cost saving on the asphalt mix required so, the additional cost, approximately \$300,000, for the cement stabilization will not push the project over budget. Commissioner Pillar asked about the benefit of cement stabilization compared to reconstruction and Mr. Billadeau (Mayo) said the cement stabilization ends up being a better product in the long run and Mayo has considerable experience with cement stabilization. Commissioner Stern had question about which areas appear to need this work and Mr. Lewis (Mayo) said it is generally in the older area of the city. Mr. Klabunde recommends proceeding with the cement stabilization and Mr. Lewis agreed the process and result will be much better for the city and the residents. Commissioner Haack moved to proceed with the cement stabilization treatment, where

necessary, second by Commissioner Pillar. On roll call vote; Haack, "Aye", Pillar, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried. Mr. Klabunde apologized for bringing this up last minute but, there is always some uncertainty when milling beyond certain depths.

Mr. Reiner brought up other areas that were brought to the engineer's attention. These include: paving of the east parking lot at the fire station, for two areas (red (east of the station) & blue (north of the current parking lot and west)), estimated cost \$30,000. The alley between Main Street and 1st Ave, from 1st Ave SW to 2nd Ave SW (between the Post Office and WRT). This will require a full reconstruct at an estimated cost of \$30,000. Paving of the area near the All Seasons Arena and the baseball storage building, at an estimated cost of \$57,000 (total). President Obenauer said the parking lot at the fire hall is in poor condition but, wondering if concrete may be better where the truck accesses the garbage dumpster. President Obenauer would also like to share the estimated cost for the alley reconstruction with the adjacent property owners. Attorney Donovan had a question if these areas were asked to be included in the special assessment and it was determined that the requests are part of the assessment. Mr. Reiner also discussed the storm sewer inlet on 4th Ave NE, near Cenex. The structure at this inlet is in very poor shape and should be replaced. Three of the corners are cracked and Mr. Billadeau said the pipe itself is okay it was just not set correctly. The estimated cost to replace the inlet is \$15,000. Commissioner Pillar moved to approve the repairs at the fire station as part of the project, second by Commissioner Wolf. Upon discussion it was clarified to include both sections of the proposed repairs. Commissioner Stern asked when the addition to the building is proposed to be constructed. The fire department has requested design drawings for the addition and is seeking grant funds to do the construction in 2019. There was expressed concern of damage to the asphalt if there is construction. On roll call vote: Pillar, "Aye", Wolf, "Nay", Haack, "Nay", Stern, "Nay", Obenauer, "Nay", motion denied. Commissioner Stern moved to approve repairs at the fire station, red area, as part of the project, second by Commissioner Haack. On roll call vote; Stern, "Aye", Haack, "Aye", Pillar, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Survey Monument – Proposal – Moore Engineering: The commission reviewed a proposal, of Moore Engineering, to replace corner/lot monuments that are missing or were removed as part of the project. Mr. Klabunde has a current list of eleven locations, involving four subdivisions and a seven-block area. Work by a professional land surveyor, including travel and office time would be approximately \$7,000 to \$9,000. President Obenauer asked how it works for the monuments that were removed by the contractor and Mr. Klabunde said the contractor would be contacted to request they pay for those. Commissioner Haack would like to have Moore Engineering contact Mayo about the monuments prior to the commission acting. There were questions about what would be done if they didn't agree to pay and Commissioner Haack said he would still like to contact the contractor prior to acting. Mr. Klabunde said the city does have some leverage with payments for work continuing through the project but, they city also understands this is work that must be done.

Mr. Klabunde reminded the commission of meetings of the State Water Commission, in July, and suggests someone from the city try to attend the local meeting.

REQUEST OF CITIZENS

Transient Merchant License Application – Smart Home Pros Inc: The commission reviewed a transient merchant license application, bond and payment submitted by Smart Home Pros Incorporated. The company wishes to work door-to-door offering Vivint Home Automation solutions. Commissioner Haack moved to approve the transient merchant license, second by Commissioner Stern. Upon discussion Commissioner Stern asked how many applications were submitted and was informed that one application was submitted naming two (2) sellers that would be in the area. The company, and these individuals, has received a state transient merchant license. On roll call vote: Haack, “Nay”, Stern, “Nay”, Pillar, “Nay”, Wolf, “Nay”, Obenauer, “Nay”, motion denied.

Mobile Home Park-Concerns – A. Lindemann: Adam Sailer, appearing on behalf of Austin Lindemann, had a couple of questions regarding trailers being moved in to his area of the city. The first question related to placement of trailers over the water and/or sewer lines. The second question relates to city requirement for condition or criteria for moving a trailer or obtaining a building permit. Attorney Donovan said a moving permit is required from the county tax equalization office but, the city does not have defined criteria for condition of a mobile home being moved in. Commissioner Wolf thought there was a case, in the past, when the city did impose restrictions on what type of trailer a property owner was moving in. Mr. Sailer said the trailer in question is being moved from one location, on the same street, to another. Planner Senger said, she was told, the trailer being moved was going to be “fixed up.” Mr. Sailer said the trailer being moved is in better condition than the trailer it will be placed by and, if the other trailer were removed, there would be no objection. Mr. Sailer also said that he has no intention to stop this trailer moving but, would like the city to consider some type of conditions for future homes being moved into the city. Attorney Donovan stated the placement of utilities will influence placement of a mobile home. President Obenauer said he is concerned that the area will begin to look like a junk yard and Mr. Sailer said his concern is about property values of the area. Kevin Mohl said the city of Bismarck does have quality requirements the city may want to reference. (the commission returned to discussion of the 2018 street project)

Street Improvement/Grading-Park Place – K. Mohl: Kevin Mohl appeared before the commission requesting the city improve Park Drive to improve access to his property. Mr. Mohl is not proposing constructing the cul-de-sac but merely fill an area that is currently lower than the rest of the street. Mr. Mohl has done string line survey of the area and estimates a need of 70 yards of fill material to address the issue. Mr. Mohl will have a private contractor spread the material and will ensure the natural drainage is maintained. Commissioner Stern asked if this is like the solution Moore Engineering developed and added that he just doesn’t want to see all the fill put in and then it is removed in a few years if/when the street is further developed. There was no objection to the city providing fill material, when available, and allowing Mr. Mohl’s contractor to complete work spreading it.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS:

Liquor License – The Hub: The commission again reviewed the application for Off-Sale Beer and Liquor License as requested by The Hub. Commissioner Wolf moved to approve the application, and license, as requested, second by Commissioner Pillar. Upon discussion Commissioner Wolf said that she understands the desire to limit the license to only beer but, they may be limited by space and sales.

Commissioner Wolf feels if the commission puts limits on the license it is only setting them up to fail. President Obenauer wanted to make sure security is in place and Commissioner Wolf said the state and local law enforcement perform compliance checks. Commissioner Wolf also said the public is likely to watch closely as well. Commissioner Stern reminded everyone that this is an annual license which the board acts on every December. President Obenauer does not favor sale of hard liquor and commented that there is a limit on groceries available at a convenience store. Commissioner Wolf said the limit on groceries is set by the business, as to what they can sell. On roll call vote: Wolf, "Aye", Pillar, "Aye", Stern, "Aye", Haack, "Nay", Obenauer, "Nay", motion carried. Commissioner Wolf said the commission must make sure they do what they proposed.

REPORTS

President: President Obenauer informed the board that PW Director Brousseau will look at what may be causing leaking at city hall.

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

Street/Cemetery: Commissioner Haack informed the board that he, and Public Works Director Brousseau, are looking at options for the old dump truck and he will bring information to the board once they have more.

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 had nothing to report at this time. President Obenauer said he, and Forester Doll, are going to drive around the city looking for evidence of Dutch Elm Disease.

HCD: Buster Langowski said the ND Moves demonstration project is scheduled to be constructed on July 19th. Mr. Langowski is working with public works and chamber representatives to get everything in place.

CORRESPONDENCE

Noise Ordinance Letter: The commission received a letter from a resident regarding enforcement of city noise ordinances and loud vehicles. Commissioner Wolf said there is likely going to be some noise by a commercial business. Commissioner Pillar reviewed the police statistical report and said there are several instances in the past month that law enforcement has addressed noise complaints from vehicles and residences.

OLD BUSINESS

2019 Budget: The commission reviewed some very preliminary budget numbers and additional meetings, if necessary, will be scheduled so the budget can be forwarded to the county auditor by the August 10th deadline.

Approval of Bills: Commissioner Pillar moved to approve the bills, as presented, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: Select Account, 9.00; US Postal Service, 276.97; Universal Premium Fleetcard, 3428.83; Verizon Wireless, 117.24; Payroll,

141594.59; Alan Bergstad, 400.00; BHG Inc, 1353.83; Cardmember Service, 82.04; CVB, 2994.24; Dakota Fire Extinguishers, 45.24; Dakota Fluid Power, 755.08; Dakota Pump & Control Co, 6065.00; Garden Mill, 3079.66; Hazen Hardware Inc, 151.56; J-S Sanitation Service, 31.00; Krause's 130.35; Mandate Machinery Inc, 180.92; Marc Corp, 1055.39; Marco Technologies LLC, 345.73; Mike Froelich, 100.00; ND League of Cities, 1920.00; ND Dept of Health, 25.00; Ron Muth, 120.00; Sarah Holen, 85.67; SW Water Authority, 50871.92; West Dakota Lumber, 41.00; Western Steel Builders, 4381.00. On roll call vote; Pillar, "Aye", Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 6:50 PM CT. The next regular meeting of the commission will be Monday, July 16, 2018 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor