

**Hazen City Commission
Regular Meeting
July 6, 2020
Hazen City Hall**

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

Others Present: PW Director Brousseau, Attorney Donovan, Auditor Erhardt, Jerod Klabunde (Moore Engineering), Editor Arens, Macee & Kayla Smith, Joel Andersen, Ken Link, and Buster Langowski appeared in person or via teleconference call.

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

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

Minutes: Commissioner Wolf moved to suspend the reading and approve the minutes of the June 15th and June 23rd meetings, as presented, second by Commissioner Stern. Motion unanimously approved.

Agenda: Commissioner Pillar moved to approve the agenda, with addition of recognition item #4.1, second by Commissioner Haack. Motion unanimously approved.

The commission recognized Macee Smith, Hazen, winner of the 2020 ND League of Cities “Mayor for a Day” essay contest winner. Ms. Smith was selected from more than 450 submissions in the annual city government week contest. The commission approved presentation of a financial award, \$100 Hazen Bucks, for Ms. Smith’s achievement.

CONSULTATION WITH ATTORNEY & ENGINEER

Engineer’s Report/Agenda: Jerod Klabunde, Moore Engineering, discussed matters with the commission as follows:

- 1) The contractor has been provided a list of corrective items and has requested a meeting, on-site, to review the items prior to closing out the project. Mr. Klabunde said the city is retaining \$5,000, plus the amount for the extra concrete work. The contract is expected to be closed, with final payment approved in July 2020.
- 2) Mr. Klabunde would still like to have the sanitary line, to the new manhole at 5th St NW, televised and suggested if there are any other concerns to have them televised at the same time for the most efficient use of city funds.
- 3) Mr. Klabunde has requested information relating to the soil testing at Expedition Estates and has not received information as of this meeting. There is a chance additional testing may be conducted in the subdivision prior to commencing repairs.
- 4) Mr. Klabunde has received the report of the soil borings at the proposed water storage site and the findings indicate consistent soil that will provide solid footings in the six to ten-foot range. The site is within proximity to electrical power and the SW Water distribution line. Mr. Klabunde will work on information to prepare a legal description for the easement/purchase option agreement.

Commissioner Pillar asked about the footing depth and Mr. Klabunde indicated ten feet is common for a structure of this type and size. Mr. Klabunde addressed a letter from the State Water Commission about de-obligating funds for use on other projects. Mr. Klabunde recommends a response that the project development will continue, at a slower pace and construction will likely commence in 2021. Commissioner Pillar suggested the response include information about the obligation of funds for the soil borings and to pursue acquisition of the site, and to include a proposed construction schedule. Mr. Klabunde informed the commission that the funds have been committed for the project and, while funds may be “shuffled” around for all projects, the city can request its share of committed funds for work completed, so far.

5) Mr. Klabunde informed the commission that he will assist the city, if requested, as the ND STREET project is developed, in cooperation with ND DOT. The city’s flood control study is listed as a high-priority project on the state’s 2021-2023 Draft Water Development Project Inventory and additional discussion will be necessary in the future.

Temporary Access Easement & Option to Purchase – Water Tank Project: This matter was postponed until the July 20th meeting to allow Mr. Klabunde time to prepare a detailed map to prepare a legal description for the easement and purchase option.

Ratification of Home Rule Charter Amendment & Joint Powers Agreement w/Hazen Parks & Rec:

The commission reviewed a draft document ratifying the results of the sales tax question, on the June ballot, and to amend the home rule charter. Commissioner Pillar moved to approve the Ratification of Home Rule Charter Amendment document, as presented, second by Commissioner Wolf. On roll call vote: Pillar, “Aye”, Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

The commission reviewed a proposed Joint Powers Agreement with Hazen Parks & Recreation relating to collection, distribution, and, semi-annual, reporting of the sales tax dollar expenditures.

Commissioner Haack moved to approve the Joint Powers Agreement, second by Commissioner Stern. On roll call vote: Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

REQUEST OF CITIZENS

Peace Lutheran Church – Grading Plan/Manhole – K. Link: Ken Link, on behalf of Peace Lutheran Church, met with the board to discuss the church’s plan to remove, and regrade, a portion of the parking lot and drive. The grading plan will require lowering a city manhole. The first request is for permission to lower the manhole, if possible and not cost prohibitive. The second request is to remove a portion of the street gutter and regrade this on a gradual slope to private drive on Central Avenue. Mr. Link informed the commission this will likely be bid this fall or winter, with construction planned for 2021. The commission would like this work coordinated with the city engineer to ensure the work is completed within city guidelines. Commissioner Stern said that, if the city engineer signs off on the work, it should be okay, and Commissioner Pillar agreed it is important to get the conversation started with the city engineer. Mr. Klabunde asked Mr. Link to provide a sketch of the grading plan for review.

Mr. Link believes the manhole is roughly ten to eleven feet deep and asked if the city had any recent video of the line. Commissioner Pillar moved, based on mutual agreement, and upon engineer approval, the project may proceed, second by Commissioner Haack. On roll call vote: Pillar, "Aye" Haack, "Aye" Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

INTRODUCTION, READING & APPROVAL OF ORDINANCES

Governing Ordinance – 1.0202 – Special Meetings & Re-organization Meetings Amendment:

Commissioner Wolf moved to approve the first reading of the amendment of Ordinance 1.0202, Special Meetings and Re-Organizational Meetings, second by Commissioner Stern. Upon discussion Commissioner Stern recommended correcting the regular meeting time contained in 1.0201, Regular Meetings, to 5:30 PM CT. Motion unanimously approved.

Chapter Nineteen – Taxation – Article I – City Sales & Use Tax Amendment: Commissioner Haack moved to approve the first reading of the amendment(s) of Ordinance 19.0102, 19.0103, 19.0111, 19.0114 relating to the collection of city sales tax for distribution to Hazen Parks & Rec for maintenance and improvements, second by Commissioner Wolf. On roll call vote: Haack, "Aye", Wolf, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Building Permit w/Variance Request – J. Andersen: The commission reviewed an application for building permit, and variance request, for construction of an addition and attached garage at 321 1st Ave NW, as submitted by Joel Andersen. The permit will require a side-yard variance of six-feet (6'). This will position the structure in the same location of current structures that will be removed when the new structure is completed. Commissioner Wolf moved to approve the building permit, and variance, as requested, second by Commissioner Stern. Upon discussion, Commissioner Stern asked about the size of the lot and was advised the lot is 50'x140, less a small portion. On roll call vote: Wolf, "Aye", Stern, "Aye", Haack, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

Building Permit w/Variance Request – G. Jensen: The commission reviewed an application for building permit, and variance request, for construction of a potter's shed at 15 10th Street NE, as submitted by Gaylen Jensen. The commission reviewed a photo of the proposed shed and were advised it was before them as a variance as the city ordinance requires accessory use buildings, "the siding, roof covering, roof pitch, and eave overhang shall match the residence." Commissioner Stern moved to approve the building permit, and variance, as requested, second by Commissioner Pillar. On roll call vote: Stern, "Aye", Pillar, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Building Permit – Commercial/Recreational – Western Steel Builders fbo Hazen Winter Sports: The commission reviewed an application for building permit to construct a refrigeration building at the All Seasons Arena, as submitted by Western Steel Builders for the benefit of Hazen Winter Sports.

Attorney Donovan asked if the school had been consulted about the structure, since they hold title to the land, and was advised that the school board had approved the proposed construction.

Commissioner Pillar moved to approve the building permit, as requested, second by Commissioner

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

REPORTS

Water/Sewer/Garbage: Commissioner Pillar informed the board that asphalt repairs, at various locations of water/sewer repairs, has been completed with good results. PW Director Brousseau informed the commission that the garbage truck is in Fargo for service on a tipper leak and other hydraulic issues.

Street/Cemetery: Commissioner Haack had nothing to report at this time. PW Director Brousseau informed the commission that street marking painting is nearly complete. Commissioner Haack then said the double-line on Main Street, from 1st Ave to 2nd Ave W, will be completed after the majority of construction is completed at WRT.

Finance/Busing/Library: Commissioner Stern had nothing to report at this time.

Police/Fire/Forestry: Commissioner Wolf informed the board that law enforcement continues to enforce the junk vehicle ordinance and another vehicle was removed today.

HCD: Buster Langowski had nothing to report at this time.

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

OLD BUSINESS

Board Appointments – P/Z & Forestry: The commissioner was informed that Leland Opp and Casey Stern are willing to accept appointments to the planning/zoning board and that Forester Froelich is still searching for candidates for the forestry board. Commissioner Wolf moved to appoint Leland Opp and Casey Stern to the planning/zoning board, second by Commissioner Pillar. On roll call vote: Wolf, "Aye", Pillar, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried. Commissioner Stern abstained from the roll call vote.

NEW BUSINESS

Sidewalk/Driveway Repair Estimates/Quotes: The commission received quotes to replace a portion of curb/gutter, sidewalk, and driveway from a water main repair on Elbowoods Drive. Winkler Construction provided a quote of \$1350 and Meissner Contracting provided a quote of \$1200. PW Director Brousseau, responding to a question, informed the commission that both contractors do quality work, in a timely manner. Commissioner Pillar moved to accept the low bid of Meissner Contracting in the amount of \$1200, second by Commissioner Stern. On roll call vote: Pillar, "Aye", Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

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: Stamps.com, 50.00; US Postal Service, 276.88; Payroll, 125224.68; BHG Inc, 1568.91; Cardmember Service, 195.48; Cenex, 321.72; CVB, 2062.09, Fitterer Oil LLC, 167.38; Further, 9.75; Global Safety Network, 214.35; Harlow's Bus Sales, 5534.20; HCD, 2808.01; Hazen Fire Dept, 68.80; Hazen Hardware, 463.03; Hazen Motor Co,

58.80; Hazen Motor Farm Equipment, 526.98; Hazen Parks & Rec, 7500.00; Hazen Welding, 11.00; High Plains Concepts, 887.73; Hirshfield's, 2880.66; Joshua Erhardt, 212.50; Krause's, 89.37; Marco Technologies LLC, 393.54; Mercer Co Treasurer, 4699.80; Moore Engineering Inc, 3112.25; ND Dept of Health, 32.00; NAPAS, 172.59; Nelson International, 612.15; OK Tire, 65.28; Paul Ahwley, 88.63; Roughrider Electric Coop Inc, 55.00; Scott Leintz, 36.00; SW Water Authority, 69246.10; Stein's Inc, 100.00; Stroup Insurance, 2608.00; The Hub, 522.52; Tractor Supply Credit, 223.72; Union State Bank, 100.00; Universal Premium Fleetcard, 1743.79; Verizon Wireless, 323.30; West River Telecommunications, 1121.54. 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 6:31 PM CT. The next regular meeting of the commission is scheduled for Monday, July 20, 2020 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor