

**Hazen City Commission
Regular Meeting
August 18, 2014
Hazen City Hall**

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

Absent: Commissioner Brunmeier

Others Present: Attorney Donovan, Editor Coleman, Planner Frovarp, Auditor Erhardt, Mark Johnson (Ulteig), Doug Edwards, Darren Mund, Dan Frei, PW Director Neuberger, Jesse Flath, Tim Johnson, Al Mautz, Gary Emter and Darrold Bertsch.

Meeting called to order at 5:30 PM CT by President Obenauer.

Minutes: Commissioner Wolf moved to dispense with the reading of the August 4th minutes and approve them as presented, second by Commissioner Haack. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

Elbowoods Drainage: Planner Frovarp advised the board that there are concerns with a culvert the city placed approximately thirty feet (30') south of the property pin separating city owned lots 32 and 33 of block 2, North Park Addition. The current drainage affects lot 32 and lots 21 and 22 which are privately owned. The recommendation is to relocate the culvert to the property line of lots 32 and 33 to reduce the effect of the drainage on the east side of Elbowoods Drive. Commissioner Haack asked if this is work that can be performed by city staff and Director Neuberger said they could. Commissioner Haack thought it would be a good idea to complete this work if it will move the drainage more along the property lines of all the lots and President Obenauer agreed that it would make the city lot more saleable. Commissioner Stern asked if Mr. Johnson had the opportunity to look at the matter and Mr. Johnson advised there may be other alternatives if curb and gutter are installed but this appears to be the best short, and possibly long-term, solution to the matter. Director Neuberger said he had talked to Doug Edwards, owner of Lots 21-22, and he would be willing to assist the city crew in completing this work. President Obenauer asked if the culvert is properly sized and Mr. Johnson indicated it should be okay but cautioned about disrupting traffic as the work is completed. Mr. Edwards suggested a detour could be used if necessary. Commissioner Haack moved to approve the movement of the culvert using city staff, assisted by Mr. Edwards, as discussed, second by Commissioner Wolf. ON roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Resolution/Notice – Elbowoods Special Assessment: The commission reviewed a resolution directing assessment for the Elbowoods water/sewer project in an amount not to exceed \$590,722.30. Commissioner Stern moved to approve the resolution directing assessment of Water and Sewer Improvement District No. 2013-1, second by Commissioner Wolf. Upon discussion Auditor Erhardt said the commission needs to determine if any general revenue or sales tax funds will be used to buy-down the project. On roll call vote; Stern, “Aye”, Wolf, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried. With regard to the pledging of general revenue or sales tax revenue, Commissioner Stern suggested this not be done as the water/sewer utility is not available for public to use, similar to a street project. No further discussion.

REQUEST OF CITIZENS

SMC Capital Campaign: President Obenauer referred to the presentation before the commission at the August 4th meeting and suggested any action by the city will set the bar for other requests and pledges. Darrold Bertsch said other presentations are scheduled and it would be helpful to be able to share information of the city’s pledge at these meetings. Commissioner Stern asked about funds pledged to the hospital which were used for the electronic records process and said he thought there was a limit on what amount can be pledged. Commissioner Haack is in agreement that a pledge should be considered as a parent of small children the hospital is a valuable asset to the city. Commissioner Wolf also agreed that some amount should be pledged but she does not want to see the city tighten its belt by affecting employee wages or benefits. Attorney Donovan stated cities typically do not have power to gift money but our Home Rule Charter provided for an ordinance allowing gifting up to a certain limit because it is tax money that is being gifted. Commissioner Stern said this is a very important matter questioning how it will be handled if other businesses are going to request money. President Obenauer said that is a possibility but felt the gift to the hospital is different from a request from a business and the hospital is suitable for a large donation. Commissioner Stern said he has no argument about giving the money only as to the amount, suggesting the city consider \$25,000/year for a five year period or \$125,000 total. President Obenauer stated he thinks that amount is too low and feels the board must seriously consider \$250,000 as long as it does not affect the employee wages or benefits. Commissioners Haack and Wolf would both like to look at the budget in more detail before making a decision. President Obenauer postponed action on this matter until the budget is discussed later in the agenda.

Senior Housing Site Control Release Letter – MCR Inc: The commission received a letter from Mr. Armstrong with Multifamily Capital Resources Incorporated with regard to releasing site control for the proposed Senior/Workforce Housing project. It was determined that the project could not proceed as initially planned so the property was being released back to the city for other suitable use. Commissioner Wolf moved to accept the letter releasing site control as presented by Mr. Armstrong, second by Commissioner Haack. On roll call vote; Wolf, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

REPORTS

President: President Obenauer asked the commission to consider ways to improve the junk car/nuisance ordinance stating it needs to be clarified and enhanced and he is looking at examples of similar ordinances from other cities to fix the ordinance, which will not happen overnight. President Obenauer would like the issue studied; publicized to get more public input and then update the ordinance to ensure proper enforcement. Commissioner Stern suggested the armory location could be used as an impound lot and President Obenauer agreed it could be a good use of the location suggesting that the commission develop and have something ready to enforce after the spring clean-up. Commissioner Stern would like to see the current ordinance enforced until the changes have been made and approved. President Obenauer agrees the current ordinance is not being enforced properly and Commissioner Wolf asked if people understand the current ordinance and perhaps the city should begin by educating the public. Darren Mund questioned what the ordinance says and Commissioner Stern advised that it allows parking for no more than a continuous forty-eight (48) hour period. President Obenauer said some people play the game of moving the vehicle a little bit every other day. Commissioner Stern would like the ordinance posted on the city website. President Obenauer then apologized for the way the previous meeting was handled and stated the car in question has been moved onto the driveway of the property owner. President Obenauer asked Mr. Johnson to address the concerns with regard to the Elbowoods project. Mr. Johnson stated there is nothing wrong with the culverts and Tand had a crew do some raking and re-seeding. Mr. Johnson said that much of the work appears to have been wiped out by the recent rains and he is working with Tand Construction to get a cost to hydro-seed portions of the ditch.

Water/Sewer: Commissioner Brunmeier was not present but asked Auditor Erhardt to present some information to the board for consideration. The first matter relates to charging a fee for delivery and pick-up of rental/additional trash dumpsters. The recommendation is for \$35.00/pickup or delivery and a flat fee for regular pick-up of the dumpsters, in addition to current rates. Commissioner Stern would like this information presented as a resolution to amend the fee schedule and presented at the next meeting. Commissioner Brunmeier would also like the commission to consider blocking the alley to westbound traffic behind the post office, causing traffic to go south to 1st Street SW. President Obenauer stated he has visited with some of the property owners in this area and this isn't necessary. The matter can be discussed further when Commissioner Brunmeier is present.

Street/Cemetery: Commissioner Stern questioned the responsibility for mowing along the shared use path going to the golf course. Planner Frovarp and Auditor Erhardt advised the city has the responsibility up to the railroad crossing. Commissioner Stern stated the grass/weeds have not been mowed between the path and the new fence.

Finance/Busing: Commissioner Wolf advised the commission that school begins Thursday and all bus routes are full.

Police/Fire: Commissioner Haack said he has talked to Chief Dahl and the stop signs on 3rd Street appear to be having some effect on traffic speeds and they have increased patrolling in this area. Commissioner Haack also informed the board that Chief Dahl will be gone the rest of the week to attend the MOCIC Conference in South Dakota. Commissioner Haack said there is also an investigation into a house fire on Fayette Drive. Commissioner Haack advised the board that a letter was sent to all the public works employees to see if anyone was interested in serving as city forester on a part-time basis. The only interested person was Samantha Yoder and Commissioner Haack moved to offer the forester position to Samantha Yoder, on probationary status until January 1, 2015 and at the current rate of pay until the end of the probationary period, second by Commissioner Wolf. Commissioner Stern asked what her title would be and who will be supervising. Commissioner Stern was advised that she will be a public works/forester with supervision from Director Neuberger and the commissioner holding the forestry portfolio. Commissioner Stern then asked if there will be a need to fill the public works spot while Ms. Yoder is conducting forestry business and Director Neuberger said it would not be necessary due to the hiring of seasonal staff. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. Commissioner Haack presented a proposal of Charlie Hoffer to remove five (5) Dutch Elm diseased trees at a cost of \$2,300. Commissioner Haack moved to accept the proposal of Mr. Hoffer, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

OLD BUSINESS

Drainage – Shared Use Path near Northstar Baseball Field: Commissioner Haack had contacted three (3) contractors for proposal to complete the drainage work under the shared use path near the newly renovated Northstar Baseball Field and had received a proposal from one contractor. Commissioner Haack moved to accept the proposal of Winkler Construction in the amount of \$1,150 to complete the drainage work as previously discussed, second by Commissioner Stern. Upon discussion Commissioner Stern asked if the proposed location is a natural low spot and Commissioner Haack said that it was, as reviewed by members of the park board. Commissioner Stern also asked if water from the west would drain through this area and it was determined that there would be very little water to drain from the west as it currently backs up to the west due to the current drainage conditions. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

RV Park – Hazen Park Board: Members of the Hazen Park Board were in attendance to discuss development of the property originally purchased to relocate the Lewis & Clark RV Park (L&C). The board members stated that the L&C RV Park is located on property owned by the city and if they intend to invest in developing the new RV Park they would like the property deeded to the park district. Mr. Mund stated the park board does not want to be left in limbo like when the Annabelle development was being discussed. Tim Johnson said the park board is looking to upgrade the RV Park and they would also like to upgrade recreation systems on this proposed site. President Obenauer asked what the park district would do if the property is not deeded over and Gary Emter suggested the

city develop an RV Park. Commissioner Stern asked if, once the road is completed, the city will have covered a couple hundred thousand dollars and suggested if the property is deeded the city's share of expense would be done. There were discussions that if the city was to ever develop the property North and West of the RV Park the infrastructure would have to be adequate to handle it. Mr. Flath said the city would recover some of the cost from increased sales and tax collection. Commissioner Stern stated he just does not want the city to be responsible for the water/sewer/power installation. President Obenauer agreed the only other cost the city should consider would be to size the lift station large enough to handle any future development. Mr. Johnson asked about responsibility for maintenance and it was discussed the park board is currently responsible for maintenance at the L&C RV Park. There was also discussion on the current RV Park playground and the fact that it was actually constructed to serve the entire subdivision, not solely for the RV Park, which is why the city has reserved other lots for a playground should the RV Park area be further developed. Commission Haack asked if there are any laws as to the size requirements for the park subdivision and Mr. Johnson indicated there are guidelines but no laws. Mr. Flath suggested the park district is looking at two separate problems and should concentrate on developing the new park at this time and address the L&C situation at a later time. Al Mautz said they are only asking for the part of the property that is within the design saying the city could keep the rest. Planner Frovarp suggested that if only a portion is deeded the property would need to be re-platted to accomplish this. Commissioner Stern asked about the cost to survey the lot and Mr. Johnson said a survey is not necessary as the lot has been previously surveyed and platted. Commissioner Stern would like to see the entire property deeded to the park district but still has concerns about any additional costs to the city. President Obenauer asked about the lift station and Mr. Mautz suggested the city may not even consider developing the area near the RV Park for many years but the proper size infrastructure would at least be in place when the time comes. Commissioner Stern again stated he would like to see the entire property deeded to the park district and Commissioner Haack agreed it should be the entire piece. Commissioner Haack moved to deed the entire platted property to the Hazen Park District and the city to be responsible for the road construction and cost for the lift station installation only, second by Commissioner Wolf. Upon discussion Commissioner Haack was informed the lift station is estimated to cost \$125,000 plus the \$101,000 estimated for the road. Commissioner Stern stated the property directly north of the proposed RV Park is not suitable for housing development. On roll call vote; Haack, "Aye", Wolf, "Aye", Stern, "Nay", Obenauer, "Aye", motion carried.

FEMA – Flood Maps: Planner Frovarp advised the board that he had been contacted by Michael Baker from FEMA about finalizing the county flood maps. Planner Frovarp was advised there were changes to the appeal process and what may be appealed so the final flood maps may not be in use for another twelve (12) months, unless appealed which would make this timeframe longer.

NEW BUSINESS

Meeting Date 9/1: The next regular meeting date is to be on Labor Day; Commissioner Wolf moved to change the next regular meeting to September 2, 2014 at 5:30 PM CT, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Temporary Clerk of Court Appointment: There is a case to be held in municipal court on August 19th and Planner Frovarp served as signatory on the complaint so he cannot serve as Clerk of Court for this hearing. The City Commission or Municipal Judge has authority to appoint someone as temporary clerk of court. Commissioner Haack moved to appoint Auditor Erhardt as temporary clerk of court for the hearing to be held on August 19th, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

2015 Preliminary Budget Discussion: The 2015 preliminary budget was discussed and Auditor Erhardt advised the commission that he has received the insurance renewal information which includes an increase in premiums of 24% from the previous year and the current consumer price index is 2.5% from the previous year. Commissioner Stern said there are a couple of items every year that are included in the budget for HCD and the Park Board. Commissioner Stern suggested that the additional funds are necessary these entities should consider increasing their mill levy. Commissioner Stern also said the donation to HCD was to only be for a period of ten (10) years. Commissioner Stern and Auditor Erhardt will research and verify this information. Commissioner Haack asked about the policy on purchasing vehicles and equipment and if every opportunity to save funds on these purchases has been explored. President Obenauer said the city tries to purchase items locally whenever possible, unless the cost is so disparaging. Commissioner Stern asked about the need to purchase two (2) large vehicles or if the police department could use a car and a Tahoe. Commissioner Haack asked when this changed and it was discussed that this changed in the late 1990's. With regard to the SMC Capital Campaign request, President Obenauer advised Mr. Bertsch that there would be no decision made tonight and the commission would research the donation limits discussed earlier. Mr. Bertsch told the board that he appreciates their consideration of the request and understands it is a hard decision.

Approval of Bills and Financial Reports: Commissioner Wolf moved to approve the bills and financial reports, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: Ameripride Linen & Apparel Services, 365.49; Cenex, 3255.12; D&E Supply Co, 155.54; Discovery Benefits, 25.00; Fastenal Co, 146.07; Great Lines, Inc, 1525.50; Hazen Motor Farm Equipment Co, 144.06; Hazen Welding, 42.50; Hiway Express, 71.90; Information Technology Dept, 75.00; Interstate Power Systems Inc, 175.23; Joyce Lemer, 21.00; Krause's Super Valu, 56.70; Mercer County Treasurer, 4203.63; Montana Dakota Utility, 4312.01; Municipal Government Academy, 30.00; ND Department of Health, 32.00; NAPA, 1493.24; ND One Call Inc, 39.60; Northland Financial, 302.00; Peggy Rahn, 84.47; Power Plan, 448.54; Ron Muth, 350.00; Roughrider Electric Coop Inc, 2328.02; Safety Vision, 4014.99; Sanitation Products Inc, 268.49; SBM Inc, 36.96; Stein's Inc, 83.08; Steve Frovarp, 42.94; Tand Construction LLC, 32471.28; Ulteig Engineers Inc, 7043.00; Verizon Wireless, 166.49. Motion unanimously approved.

There being no further business the meeting was adjourned at 7:24 PM CT. The next regular meeting of the commission will be Tuesday, September 2, 2014 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor