

**Hazen City Commission
Regular Meeting
August 5, 2019
Hazen City Hall**

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

Absent: Commissioner Wolf.

Others Present: Planner Senger, Attorney Donovan, Editor Arens, Auditor Erhardt, Mike Quinn, Archie Rosenow, and Wayne Jensen.

The meeting was called to order at 5:28 PM by President Obenauer.

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

Minutes: Commissioner Haack moved to suspend the reading and approve the minutes of the July 22nd meeting, as presented, second by Commissioner Pillar. Motion unanimously carried.

Agenda: Commissioner Pillar moved to approve the agenda, adding State Aid Agreement to item 12A, second by Commissioner Stern. Motion unanimously carried.

CONSULTATION WITH ATTORNEY & ENGINEER

Braun Intertec Proposal – Asphalt Release Response: The commission reviewed a proposal for services of Braun Intertec regarding taking samples and testing related to the release of asphalt from the chip seal work this summer. Attorney Donovan pointed out a discrepancy of the estimated costs in the proposal. One cost is \$4,800 and the other cost is estimated at \$4,000. Commissioner Pillar moved to accept the proposal of Braun Intertec, as to the scope of services to be provided for sampling, second by Commissioner Stern. Upon discussion, there was a question as to the timing of the proposal and it was determined that the work has been completed and reports have been forwarded to the ND Department of Environmental Quality. Auditor Erhard will contact Braun to clarify the cost estimates. On roll call vote; Pillar, “Aye”, Stern, “Aye”, Haack, “Aye”, Obenauer, “Aye”, motion carried.

INTRODUCTION, READING & APPROVAL OF ORDINANCES

Drone Ordinance – Discussion/Approval: The commission discussed the proposed drone ordinance and Commissioner Pillar said that the majority of regulations for drone activity is already “on the books” under federal and state guidelines so, there is no real benefit to the city in adopting an ordinance that will be difficult to enforce. Commissioner Haack moved to approve the drone ordinance, as presented, second by Commissioner Stern. Upon discussion, there were questions about some of the provision regarding line of site and the taking, or broadcasting, of images. Attorney Donovan said if the proposed language is voted down there is no ordinance. On roll call vote; Haack, “Nay”, Stern, “Nay”, Pillar, “Nay”, Obenauer, “Nay”, motion defeated.

Abandoned (Junk) Vehicle Ordinance – Discussion/Approval: The commission discussed the proposed abandoned (junk) vehicle ordinance. President Obenauer said there has been much discussion on this matter with positive and negative concerns about the city’s intention and President Obenauer wanted

to make it clear that this is not about one individual. Commissioner Pillar said that some of the motivation to change the ordinance, which is similar to ordinances in many other cities, was to reduce the timeframe for action and to provide an avenue for a true hobbyist to complete their work. Commissioner Pillar equates the hobbyist permit to a building permit, in that, you cannot build a house, or other structure, without obtaining a permit. Archie Rosenow expressed a concern of the limited duration of the hobbyist permit and Commissioner Pillar suggested extending the time the permit is valid. Mike Quinn said the city has been looking at updating the ordinance for many years and this appears to be a good ordinance that doesn't need changes. Mr. Rosenow would just like the car hobbyist to receive the same respect as the boater/camper hobbyist who can park on the streets, whereby he has all his material located on his property. Commissioner Stern had a question about extending enforcement to the extra-territorial jurisdiction. President Obenauer would like to see the start enforcement in a certain area of the city and Commissioner Pillar agreed the city must start somewhere, adding that law enforcement was documenting violations and making attempts to enforce the ordinance. There was also discussion on the what was covered under the ordinance, and this is a direct reference to the ND Century Code definitions, which includes trailers and other equipment. Commissioner Stern expressed concern that most people will not go to the century code and Commissioner Pillar feels the reference to the code, rather than including each definition, is better because it eliminates the need for frequent changes when the legislature updates the code. Mr. Quinn said he knows Mr. Rosenow is an active hobbyist and is working on his vehicles and Mr. Rosenow would like to see a list of the alleged violators. Commissioner Pillar would like to amend section 12.213 – B6 to remove the language "one time only" when referring to renewal of the hobbyist permit. Commissioner Stern suggested, at least, 360 days or a year for the permit. Commissioner Pillar moved to approve the proposed ordinance, with changes of the wording (as stated) and to extend the hobbyist permit to 365 days, second by Commissioner Stern. Upon discussion, it was suggested that Commissioner Wolf, who hold the police portfolio, work with the police department to relay the information and to pursue enforcement in a reasonable manner, offering services to those who need assistance. On roll call vote; Pillar, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

APPROVAL OF APPLICATIONS & BUILDING PERMITS

Site Authorization – Gaming – Hazen Winter Sports: Jo Neuberger appeared before the commission requesting site authorization to conduct electronic gaming at the Bison Bar & Grill. The establishment is going to be under new management, and they would like to offer gaming to their patrons. Commissioner Haack, moved to approve the site authorization for HWS at the Bison Bar & Grill, second by Commissioner Pillar. On roll call vote; Haack, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

REPORTS

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

Street/Cemetery: Commissioner Haack had nothing to report, at this time.

Finance/Busing/Library: Commissioner Stern informed the board that he met with Peg Rahn to learn more about the transit program and he hopes to attend the next library board meeting, later this month.

Police/Fire/Forestry: Commissioner Wolf absent, no report. President Obenauer informed the board that he spoke to the city forester and was informed that there are three different species of bugs attacking ash trees, not ash borers.

HCD: Buster Langowski absent, no report.

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

CORRESPONDENCE

NDIRF Broker/Agent: The commission reviewed information about changes to the state fire and tornado property insurance program. The property insurance is now under the ND Insurance Reserve, for administration, and municipalities are being asked to provide written notification of the agent for the program. The city has been contacted by Heritage Insurance and Stroup Insurance regarding the notice of agent of record. Commissioner Stern moved to appoint Stroup Insurance, Mike Just, as agent of record for the fire and tornado fund, second by Commissioner Pillar. On roll call vote; Stern, "Aye", Pillar, "Aye", Haack, "Aye", Obenauer, abstained, motion carried.

OLD BUSINESS

2020 City Budget: The commission was informed that the proposed amount for the insurance benefit had been adjusted, as requested, and an additional \$3,400 was added to the transit equipment line for a pressure washer. Overall the proposed levy request is \$528,930, for all funds, with \$370,390 being requested for the general fund. As part of the approval the commission is required to set a date for the public hearing on the budget. Commissioner Haack moved to approve the budget as presented, with the changes and set the date of the public hearing as September 16, 2019 at 6:00 PM CT, second by Commissioner Pillar. On roll call vote; Haack, "Aye", Pillar, "Aye", Stern, "Nay", Obenauer, "Aye", motion carried.

NEW BUSINESS

FY2020 Transit Grant & State Aid Contracts: The commission was informed that the FY2020 transit grants have been approved and the city will receive \$103,206 in federal funds and \$27,415 in state aid funds for the fiscal year beginning July 1st. Commissioner Pillar moved to approve the transit grant contracts, as presented, second by Commissioner Stern. Upon discussion Attorney Donovan asked if the match percentages had changed and he was informed they had not. Commissioner Stern asked how this award compared to previous years and was informed that it is very similar to the amounts received. On roll call vote; Pillar, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

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: Universal Premium Fleetcard, 3214.74; Payroll, 138120.84; Ameripride, 667.86; Bank of ND, 100617.50; BHG, 909.58;

Cardmember Service, 202.81; Cenex, 662.60; D&E Supply, 38.81; Donovan & Kaffar PLLP, 1200.00; Hazen Fire Dept, 768.73; Hazen Hardware, 80.67; Hazen Welding, 387.43; Hirshfield's, 909.71; J&L Recovery LLC, 75.00; J-S Sanitation, 124.00; Krause's, 116.98; Land Stewards Inc, 6200.00; Main Street Initiative, 300.00; Moore Engineering, 30474.20; ND Dept of Environmental Quality, 25.00; ND Safety Council, 300.00; Railroad Management Co III LLC, 235.41; Roughrider Electric Coop Inc, 378.02; Shannan Senger, 205.32; Solar Traffic Systems Inc, 1228.10; SW Water Authority, 54276.42; Stein's Inc, 100.00; Swanston Equipment, 28500.00; The Hub, 609.48; US Postal Service, 120.00; Verizon Wireless, 325.59; West River Telecommunications, 2586.81. On roll call vote; Pillar, "Aye", Stern, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 6:34 PM CT. The next regular meeting of the commission is scheduled for Monday, August 19, 2019 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor