

**Hazen City Commission
Regular Meeting
August 6, 2018
Hazen City Hall**

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

Absent: Commissioner Pillar

Others Present: PW Director Brousseau, Auditor Erhardt, Attorney Donovan, Editor Arens, Luke Arnold (Moore Engineering), Greg McCarthy, Mike Quinn and Buster Langowski.

The meeting was called to order at 5:29 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 July 13th, July 16th, and July 24th meetings, second by Commissioner Haack. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

2018 Street Project: Luke Arnold, Moore Engineering, informed the commission that paving has been completed. Work on curb, gutter and sidewalks will continue and PCS, the concrete contractor, will be out of town most of this week and part of the next. Crack sealing, prior to chip seal, will begin in the next couple of weeks and the chip seal will be completed after Labor Day and after Harvest Fest. Mr. Arnold said a meeting with the contractor, to discuss the patching work, was held this morning and there are questions about the process(es) employed and responsibility for patching. President Obenauer referred to an exhibit presented at the meeting which details an additional 5000 tons of asphalt which puts the project approximately \$277,000 over budget. Mr. Arnold said there are many issues to look at and they will continue to communicate with the contractor to resolve this issue. President Obenauer would like representatives of Mayo present for the next regular meeting. President Obenauer then addressed the estimate for crushing of salvage material and concrete removed as part of the project. The estimate to complete this work is \$147,000 for 10,000 cubic yards of milled asphalt and an additional 4,000 cubic yards of concrete, which will be blended to create a final product. The city would then have material for city needs and some material for sale to residents and the public. This amount does not appear to include any of the concrete removed from the west Hazen shared use path. Commissioner Stern asked if this cost would be included in the special assessment and there was discussion about paying this cost with sales tax funds to reduce the burden on the residents. There was also discussion about determining where the city's asphalt/concrete mix was used to determine benefit to property owners for assessment. No further action taken at this time. Commissioner Stern asked about the plan to rehab much of the west Hazen shared use path and

now it has been removed. Mr. Arnold explained that there would have been negligible savings to rehab rather than replace so it was determined to replace the areas that were badly damaged. Commissioner Stern had received a concern as to removing the stop sign at the three-way intersection of 3rd Street NW and 4th Ave NW. President Obenauer apologized for not bringing the matter to the full board but he discussed it with Commissioner Haack and Police Chief Wolff and determined it would be more beneficial at the intersection of 3rd Street NW and 5th Ave NW, near the park. Mr. Langowski agreed that the stop sign move was good and it is more effective at the park intersection. Commissioner Stern said there was a request to keep a sign at the other location as well. Commissioner Stern also asked about the drainage near the park at this intersection and PW Director Brousseau said there are concerns of hitting utilities at the location, but they are still planning to clean out the waterway to better address the drainage concerns.

REQUEST OF CITIZENS

Free/Reduced Hall Rent – Coal Country CHC: Commissioner Wolf moved to approve the free/reduced hall rent, as requested by Coal Country CHC, to serve as a backup location for the Soberque event scheduled at Heritage Park on September 20th, second by Commissioner Haack. Motion unanimously approved.

Local Permit – Calendar Raffle – Hazen Pre-School: Commissioner Haack moved to Local Permit #2018-10 as requested by Hazen Pre-School to conduct a calendar raffle, second by Commissioner Stern. Motion unanimously approved.

Ordinance Enforcement – M. Quinn: Mr. Quinn presented a list of major topics, or questions, that he would like the commission to address. Mr. Quinn is concerned with enforcement, or lack thereof, relating to the city's junk and nuisance ordinances. Mr. Quinn said he has seen progress around the city but, while one group of people is working to make improvements to the city there is another group of people that refuse to act to keep their property, and boulevard, free of junk vehicles. Mr. Quinn stated he first addressed the commission on this issue five years ago and he is concerned that the junk is reducing the value of properties in the city. President Obenauer asked if it matters more if the vehicles are parked on the street and Mr. Quinn said there is no issue if the vehicle is licensed and the ordinance should be updated to reflect the need to license vehicles if they are to be kept on a resident's property. Mr. Quinn feels the commission is choosing sides and he would like them to respond to his question(s). Commissioner Stern agrees that residents should be required to follow all the ordinances. Commissioner Wolf also said the ordinances need to be enforced but, this will take time as the junk didn't appear in a day. Mr. Quinn said he would like to see the city at least, "hold the line" so additional junk does not accumulate. Mr. Quinn also addressed vehicles parked along Highway 200 in west Hazen and the oxbow south of Highway 200. Mr. Quinn stated that, one of the reasons he chose to live in Hazen was because of the nice Main Street and he feels the city needs to step up and enforce the ordinances. Mr. Quinn would also like the commissioners to respond to the questions he presented.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

Building Permit w/Variance Request – J. Meissner: Mr. Meissner did not appear for the meeting. No action taken on permit application

REPORTS

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

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

Street/Cemetery: PW Director Brousseau presented cost information for a flatbed for the 2008 pickup and tire changing equipment for the shop. Commissioner Stern asked if the flatbed on the red pickup could be used and Director Brousseau said it is in rough shape and he isn't certain it would fit on this vehicle. Commissioner Haack moved to purchase the tire changer and flatbed for the 2008 pickup, second by Commissioner Wolf. Upon discussion there was additional equipment to go along with the tire changer. Commissioner Haack moved to amend his original motion to include the tire spreader and small tire adapter, second by Commissioner Wolf. Roll call vote on the motion to amend; Haack, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", amendment approved. Roll call vote on the motion, as amended; Haack, "Aye", Wolf, "Aye" Stern, "Aye", Obenauer, "Aye", motion carried.

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

Police/Fire/Forestry: Commissioner Pillar absent. No report.

HCD: Buster Langowski reported that a new tenant has moved into Hazen Pioneer Apartments. Mr. Langowski also reported that the ND Moves project will be in place until August 16th and, with in-kind labor, the project is estimated to have cost nearly \$4000 before applying the grant funds received. Mr. Langowski requested drone images of the project and they have been emailed to various city leaders.

OLD BUSINESS

Survey Monument Proposal: The commission reviewed a proposal of Ken Link and Greg Johnson to replace survey monuments that have been previously removed or were removed as part of the street project. Commissioner Stern asked if some of the cost of replacement will be the responsibility of the contractor and it was determined they would be assessed a portion of the cost, as previously discussed. Mr. Arnold asked if the proposal was a local surveyor and if the cost was substantially lower than submitted by Moore Engineering and was informed the answer to both questions is yes. Commissioner Stern moved to accept the agreement presented by Mr. Link and Mr. Johnson at a budgeted cost of \$5,500, second by Commissioner Wolf. Upon discussion the commission was informed that Mr. Link and Mr. Johnson have current certifications. On roll call vote; Stern, "Aye", Wolf, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

2019 Preliminary Budget: The commission reviewed the 2019 preliminary budget and was informed that the budget includes estimates for a new garbage truck and tractor and mower, as previously discussed. Commissioner Haack moved to submit the preliminary budget, as presented, to the County Auditor, second by Commissioner Stern. On roll call vote; Haack, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

NEW BUSINESS

City Measure – Sales Tax Cap: The commission reviewed proposed language for a measure to remove the sales tax cap of \$25 currently in place on a single purchase. President Obenauer explained that as part of our Home Rule Charter the city assesses sales tax that is used to fund community development, the pool repairs and city projects. This sales tax is capped at \$25 for a single purchase, and if an individual pay more than the \$25, they may request a refund from the State Tax Department. This comes into effect for larger projects or purchases. Mr. Langowski said that Hazen Community Development relies heavily on the sales tax collected and that many communities, throughout the state, are putting similar questions on the ballot. No further action was taken, and this matter will be placed on the next regular meeting agenda.

BC/BS Renewal: The commission was informed of the new rates for the city group insurance package and advised that the premiums, effective October 1, 2018, have decreased nearly 4.5%. Commissioner Haack moved to renew the Blue Cross/Blue Shield group insurance for 2019, second by Commissioner Stern. On roll call vote; Haack, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

Approval of Bills and Financial Statements: Commissioner Wolf moved to approve the bills as presented, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: Select Accounts, 9.00; US Postal Service, 273.80; Universal Fleetcard, 3520.32; Verizon Wireless, 117.06; Payroll, 135647.85; AED Everywhere, 373.10; Bank of ND, 111897.50; Ben Bohrer, 202.00; BHG Inc, 1065.43; Black Mountain Software, 100.00; Cal Wagner, 376.52; Calmer Fahlsing, 103.66; Cardmember Service, 169.04; Cenex, 949.06; CVB, 2243.30; D&E Supply Co, 157.62; Dakota Supply Group, 99.34; Donald Sorter, 7.52; Ecolab, 123.39; Farmers Union Oil, 147.33; Fastenal, 30.80; Hazen Hardware Inc, 222.91; Hazen Public Library, 1401.13; Hazen Welding, 47.50; ITD, 10.30; J&L Automotive LLC, 600.80; J-S Sanitation, 62.00; Joyce Lemer, 159.00; Kenny Klein, 100.00; Krause’s, 187.19; Lange Donovan & Kaffar PLLP, 2231.25; Lignite Tire, 362.50; Marco Technologies, 474.29; Menards, 33.48; Mercer County Treasurer, 4407.96; Monte Erhardt, 81.75; Moore Engineering, 67643.00; NAPA, 158.45; ND One Call Inc, 49.30; Pride Contracting, 18349.50; Railroad Management Co III LLC, 214.01; Sioux Valley Environmental Inc, 345.00; Southwest Water Authority, 44598.14; Taha Borman, 92.10; The Hub, 36.03; Tyler Dishman, 39.82; US Postal Service, 116.00; Verizon Wireless, 344.68; West Dakota Lumber, 2090.00; West River Telecommunications, 1023.44; Western Dakota Energy Assn, 200.00. On roll call vote; Haack, “Aye”, Stern, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business the meeting was adjourned at 6:44 PM CT. The next regular meeting of the commission will be Monday, August 20, 2018 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor