

**Hazen City Commission
Regular Meeting
August 7, 2017
Hazen City Hall**

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

Others Present: Planner Senger, Auditor Erhardt, Editor Arens, Attorney Donovan, PW Director Neuberger, Mike Just, Steve Gowin, Jack Dwyer, Sandra Burwick, Marie Johnson.

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

Minutes: Commissioner Wolf moved to suspend the reading and approve the minutes of the July 17th meeting, as presented, second by Commissioner Haack. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

Service Area Agreement – SW Water Association: Jack Dwyer, Sandra Burwick and Marie Johnson, representing SW Water Authority (SWWA) met with the commission to discuss a proposed Transfer of Service Area Agreement that was originally proposed in 2016. Mr. Dwyer presented an outline of information relating to terms and benefits of the agreement. President Obenauer asked Attorney Donovan for input and he indicated an agreement is not required now and that if the city annexes land serviced by SW Water Authority the city could still negotiate and enter into an agreement. Mr. Dwyer explained the compensation schedule based on a formula developed to recapture lost revenue if the city were to take over customers served by SWWA. Commissioner Stern asked about customers who are currently served by SWWA, inside city limits, and Mr. Dwyer indicated that any customer taken over by the city would be required to make payment to SWWA and the State Water Commission. President Obenauer explained that, looking at the map, he did not see the city annexing any additional area in the near future. Mr. Dwyer indicated that if there is no growth, there are no payments required. President Obenauer suggested that if property is later developed the developer could work directly with SWWA in reaching an agreement for the required payments. In response to a question of Commissioner Pillar, Attorney Donovan stated that city ordinance requires residents to connect to city services, if available. Commissioner Stern still had concerns about “future customers” and what revenue SWWA would lose if the customer had been serviced for a longer period. Mr. Dwyer explained that SWWA customers are long term customers that rarely disconnect and SWWA has large amounts of infrastructure in the ground which is protected by statute. Commissioner Stern was also

concerned with the six-month period to collect and forward the required fee. Mr. Dwyer explained that most other cities are adding this fee into the cost of the building permit. Commissioner Haack asked what happens if the city takes no action now and Attorney Donovan said the city could wait until it plans to add additional area and negotiate the agreement then. Mr. Dwyer agreed that the decision is completely up to the city and added that negotiations may be limited without the service area agreement. Attorney Donovan disagreed stating that if the agreement cannot be negotiated the matter is turned over for mediation, according to statute. Ms. Burwick indicated that the agreement helps the city to know the costs, up front, without the need of costly mediation. Commissioner Stern asked if future customers are calculated based on the number of lots developed and Ms. Burwick indicated it would be based on the number of meters connected to the system, with the fee due six months after connected to the service. Commissioner Pillar asked how the agreement may change if it is not acted on now and Mr. Dwyer indicated he felt it would be the same agreement with fees based on the formula. President Obenauer expressed concern with the rising costs of water purchased and Ms. Burwick indicated SWWA is trying to stabilize rates. Ms. Johnson indicated rates have risen this past year but SWWA has now reached their construction goals so rates should begin to stabilize. Ms. Burwick added that construction costs are paid by the state, SWWA repays these costs and as more customers are added to the system it will help stabilize the rates. Mr. Dwyer agreed that the service area agreement will help toward this end. Commissioner Stern spoke about the difficulty in attracting developers and now these additional costs could make our area less attractive. Ms. Burwick indicated that nearly all the communities they service have the service area agreement in place. Commissioner Haack was prepared to make a motion to postpone action on the agreement when President Obenauer said the city won't act on the agreement now and will wait and see.

Shared Use Path Repairs: The commission was informed that one portion of the path had been repaired and there was a question if other areas were still in need of repair. Commissioner Stern referred to an area by the little league field and PW Director Neuberger was asked to seek quotes for this work. President Obenauer asked if the city staff does any prep work and Mr. Neuberger indicated the city does minor prep work such as removing the damaged material.

Nuisances – Abandoned Vehicles: Commissioner Pillar asked that this item be placed on the agenda as our process to address such nuisances is very laborious and can become quite costly. Commissioner Pillar would like to start a conversation about the issue and perhaps the city could assist in some way by contacting a crusher to come to the area, as some people may not have the resources to take care of it. President Obenauer had a question about residents that may not wish to have their vehicle crushed. Commissioner Pillar also asked about liability if the city were to impound vehicles and store them at the county landfill. Attorney Donovan indicated he was not sure what actions would create a liability for the city and suggested the city look at updating the ordinances as they were adopted based on a model ordinance nearly forty years old. Attorney Donovan said it is still a matter of enforcement and recommended the city stay on the side of allowing officers some discretion. Commissioner Haack referred to the process of the city of Stanton hauling vehicles to the landfill and there was question as

to this process being voluntary or not. President Obenauer asked the auditor to look into an agreement with the county to use the impound area at the landfill. Mr. Gowin said he offered to help a neighbor dispose of a vehicle and it is still in the same location over a year later. Commissioner Pillar would also like to look at updating the city ordinance relating to nuisances and junk vehicles.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

Oktoberfest – Approvals/Street Closures: Mike Just, representing the Hazen Chamber of Commerce, requested approval to block a portion of Main Street for the Oktoberfest celebration in September. Mr. Just said the street would only need to be blocked off from Saturday afternoon, around 3:00 PM, until the dance concluded. President Obenauer said the city could supply barriers, if necessary. Commissioner Pillar moved to approve closure of a portion of Main Street on September 9, 2017 for the Oktoberfest Celebration, second by Commissioner Wolf. Motion Unanimously approved.

Citizen Concern – Water Collection 3rd Street NE – S. Gowin: Steve Gowin asked the commission to consider installing a concrete flume south of 3rd Street NE, near lift station #5 to alleviate water collecting and travelling east along both sides of the street. Mr. Gowin provided pictures of the area during a rain event to illustrate the issue. President Obenauer asked the auditor to provide this information to the city engineer for discussion and estimated cost.

Free/Reduced Hall Rent – Hazen Lions Club: Commissioner Haack moved to approve free use of city hall, subject to the \$50 kitchen fee, as requested by the Hazen Lions for August 27 and September 10, second by Commissioner Wolf. Motion unanimously approved.

Sewer Backup – S. Cieslak: Sheldon Cieslak appeared before the commission to discuss an incident where water backed up into his basement, through the sewer line, during a recent rain. Mr. Cieslak said this is the second time this has happened and that he has had his sewer line videoed and the pipe is in good shape. Mr. Cieslak indicated that after the first event, several years ago, he installed a stop valve in the floor drain and this time the water entered the basement through the shower drain. Commissioner Stern discussed the incident with the water/sewer staff and they could run water through the city line, without difficulty, but they would like to jet the sewer line when Mr. Cieslak is at home. President Obenauer agreed that it would be good to jet the sewer line and if necessary work with PACE to have a portion of the city main videoed. Mr. Cieslak said he does not intend to re-install carpet in the basement and that no personal items were lost from the incident.

REPORTS

President: President Obenauer had nothing to report

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

Street/Cemetery: Commissioner Haack had nothing to report.

Finance/Busing: Commissioner Wolf informed the board that the city is still looking for additional bus driver(s).

Police/Fire/Forestry: Commissioner Pillar informed the board that occasionally there are events that city law enforcement must respond to quickly and it is important to remind the public of what to do when an emergency vehicle approaches. Commissioner Pillar informed the board that Forester Doll recently had the state forester in the city looking for evidence of Dutch Elm Disease and they found very few trees with signs of the disease.

HCD: Buster Langowski absent. No report.

CORRESPONDENCE

Update Signatures – Union Bank Certificate of Deposit: The commission was informed that the certificate of deposit at Union Bank still has previous city officers and elected officials as signatures. Commissioner Pillar moved to update the signatures on the CD to the current Commission President and Auditor, second by Commissioner Haack. On roll call vote; Pillar, “Aye”, Haack, “Aye”, Wolf, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

NEW BUSINESS

Truck Purchase: PW Director Neuberger and Mr. Brousseau had located a suitable truck to replace one of the vehicles in the city fleet. There are some minor issues and the box of the truck will need to be re-lined and Mr. Neuberger has pricing with a plastic liner being slightly higher cost but more durable and will not require a release agent. Commissioner Haack said there will be no need to lower one side of the truck to accommodate the snow blower as originally thought. Commissioner Haack moved to approve the purchase of a 2006 Sterling dump truck at a cost of \$30,000 and to install a plastic box liner at an estimated cost of \$4,960, second by Commissioner Stern. On roll call vote; Haack, “Aye”, Stern, “Aye”, Pillar, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

Water Meter System – Dakota Supply Group: Commissioner Stern informed the board that the water meter reading system and transmitters are obsolete and will no longer be supported after this fall. We currently have some parts on hand but as transmitters or meters are changed out the new parts should be installed. As part of this change the reader and software will need to be upgraded at a quoted cost of \$15,712.13. Commissioner Stern moved to approve the purchase of a new meter reading device and the accompanying software, second by Commissioner Haack. Upon discussion Commissioner Pillar had questions as to when the new equipment needs to be installed on the current meters.

Commissioner Stern indicated that the new reader will read the new and old transmitters so the city can slowly move forward with replacing hardware. On roll call vote; Stern, “Aye”, Haack, “Aye”, Wolf, “Aye”, Pillar, “Aye”, Obenauer, “Aye”, motion carried.

Approval of Bills: Commissioner Stern had a question about sprinkler work on Fayette Drive and was informed that this relates to the 2016 street project. Commissioner Stern also had a question about the bill for Moore Engineering attending the Williams Builders pre-construction meeting and was informed this was to protect the city’s interest to ensure the streets were completed to city standards.

Commissioner Haack moved to approve the bills, second by Commissioner Pillar. Pre-paid and bills approved for payment are as follows: US Postal Service, 306.92; Universal Premium Fleetcard, 2561.30; Verizon Wireless, 117.00; Marco Technologies, 345.73; Payroll, 170562.37; Alan Bergstad, 450.00 Ameripride, 401.94; Bank of ND, 113177.50; BHG Inc, 760.34; Bobcat of Mandan Inc, 152.72; Cardmember Service, 164.70; Cenex, 1097.18; CVB, 2009.95; CUSIP Global, 99.00; D&E Supply, 329.04; Farmers Union Oil Co, 141.50; Fastenal Co, 449.00; Fitterer Oil Hazen, 804.36; Harlow's Bus Sales, 918.13; Hazen Hardware Inc, 229.21; Hazen Motor Co, 794.62; Hazen Motor Co Farm Equipment, 89.00; Hazen Parks & Rec, 10000.00; ITD, 10.30; J&L Automotive LLC, 257.49; J&M Hardware, 388.81; Joyce Lemer, 95.00; Lange Donovan & Kaffar PLLP, 702.50; Loren Wiest, 420.00; Mercer Co Treasurer, 4452.22; Moore Engineering, 2423.70; ND Dept of Health, 32.00; NAPA, 321.78; Peggy Rahn, 109.40; Postmaster, 116.00; Radar Shop Inc, 86.00; Railroad Mgt. Co III LLC, 194.55; Ron Muth, 450.00; SBM, 9.57; Scott Leintz, 75.01; SW Water Auth., 52549.66; The Hub, 620.35; Verizon Wireless, 201.60; West Dakota Lumber, 28.98; West River Telecommunications, 965.81; Western Dakota Energy Assn, 200.00; Dig It Up Backhoe Service Inc, 30000.00; Krause's Super Valu, 152.56. On roll call vote; Haack, "Aye", Pillar, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 7:09 PM CT. The next regular meeting of the commission will be Monday, August 21, 2017 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor