

**Hazen City Commission  
Regular Meeting  
September 19, 2016  
Hazen City Hall**

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

**Absent:** Commissioner Haack

**Others Present:** Attorney Donovan, Planner Frovarp, Auditor Erhardt, Public Works Director Neuberger, Mark Sweeney (Moore), Eric Schuler (KLJ), Editor Arens, Lance Schmidt (Midco), Kevin and Maureen Mohl, Greg McCarthy and Buster Langowski.

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

**Minutes:** Commissioner Pillar moved to suspend the reading and approve the minutes of the September 5<sup>th</sup> meeting, as presented, second by Commissioner Wolf. Motion unanimously carried.

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

**CONSULTATION WITH ATTORNEY & ENGINEER**

**2016 Street Projects:** Eric Schuler, KLJ, informed the commission that the concrete crew has been moving from location to location to complete contracted work that has been delayed by the weather. Bechtold and PCS plan to be back in the city to complete the Fayette sidewalk and then complete work on valves and manholes with the final work of seeding to be done after that. President Obenauer expressed concern of the project being completed as contained in the contract. Mr. Schuler stated that the project is supposed to be substantially completed by September 30<sup>th</sup>, with final completion on October 15<sup>th</sup>. Mr. Schuler stated that Bechtold Paving is aware of these timelines. Mr. Schuler presented change order #2 for work on Wildrose Lane which resulted in a change of \$-27.28. Commissioner Pillar asked if this related to work only on Wildrose Lane and Mr. Schuler stated it was. Mr. Schuler also presented pay estimate #3 in the amount of \$814,103.52, for work completed to date. Mr. Schuler stated the surveyor's also replaced multiple lot pins on Fayette Drive and while doing this they discovered that one property owner's driveway is actually located on the neighbors adjoining property. President Obenauer asked how this situation could be resolved and Planner Frovarp said by either cutting out the portion of the driveway or purchasing several feet from the adjoining property owner. Attorney Donovan asked if the building inspector verifies pin location prior to the driveway being poured and Planner Frovarp stated all the pins were present at one time and they may have been disturbed during home or driveway construction. Planner Frovarp also stated the pins were located when the house was constructed but not when the driveway was completed. Commissioner

Pillar moved to approve Change Order #2 (\$-27.28) and Pay Estimate #3 (\$814,103.52) to Bechtold Paving, second by Commissioner Stern. On roll call vote; Pillar, "Aye", Stern, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

**Moore Engineering:** Mark Sweeney (Moore Engineering) presented task order for general engineering and for GIS Mapping Services for the commission to review. The mapping task order is only to include the creation of the maps to include parcel boundaries and utilities available on CAD drawings and through the Vanguard assessment software. Mr. Sweeney added this task order does not include options for web-service, software purchase for holding the information on a local machine. The estimated cost for web-service on Moore Engineering servers is \$4000-\$5000 annually. Commissioner Pillar would like to see a task order with the web-service included. Commissioner Stern stated that a couple of years ago the city engineer had a similar plan under their services that was without cost to the city and would be part of the general services. Mr. Sweeney questioned the information to be contained on the maps and the quality. Planner Frovarp state the map creation was going to be at some cost but he was not certain. President Obenauer would like to review this previous information again and added, free services generally only include a fraction of the detail of purchased services. Commissioner Pillar said he would still like to see the task order with the service on Moore's servers because if it is on a local machine we need staff to update and maintain the system and information. Commissioner Stern said it should be stored in one place and Mr. Sweeney said on their servers the cost would include storage, maintenance and upkeep with access provided to whoever the city authorizes. President Obenauer would like Attorney Donovan to review the general engineering task order for action at the next meeting.

Mr. Sweeney also informed the commission that the city has funding opportunities through several state revolving loan programs and asked if the commission would like Moore Engineering to update our information to be on the list for possible projects in the future. By submitting the information, the city is not obligated to complete the proposed project but it does ensure the city's project is eligible for funding. Commissioner Pillar asked if this is an annual process and was advised that it is. There was also discussion on updating the potential program from water main replacement to consideration of additional water storage capacity to assist with some of the water pressure issues around the city. Mr. Sweeney will update the city project and submit the information prior to the deadline.

## **REQUEST OF CITIZENS**

**Free/Reduced Hall Rent – St Paul Church – Benefit:** Commissioner Wolf moved to approve the request for free use of city hall as requested by St. Paul's Church, subject to the kitchen fee, second by Commissioner Pillar. Motion unanimously carried.

## **INTRODUCTION, READING & APPROVAL OF ORDINANCES**

**Midco Franchise Ordinance – 2<sup>nd</sup> Reading/Approval:** The commission reviewed an updated franchise ordinance for Midcontinent Communications. The ordinance has been reviewed by Attorney Donovan

and Lance Schmidt (Midco) stated they try to keep these ordinances/agreements very similar among all the cities they serve, with exception of the franchise fees the city may assess. Commissioner Wolf moved to approve the second reading and adopt the Midcontinent Franchise Agreement with an effective date of November 1, 2016, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried. Mr. Schmidt also informed the commission that he will be meeting with Auditor Erhardt to review the public access equipment to assist in determining proper equipment to get the system operating correctly. Mr. Schmidt also spoke about the upgrade too digital and directing citizens to contact Midco for any concerns as this process proceeds.

### **APPROVAL OF APPLICATIONS AND BUILDING PERMITS**

**Hazen Pioneer Apartments – Parking Variance:** Buster Langowski informed the commission that, according to ordinance, there are supposed to be certain number of, off street, parking spots for multi-unit, residential structures. The Hazen Pioneer Apartments LLC is requesting a variance to allow twenty-five (25) off-street parking spots, rather than thirty-six (36), for the proposed Hazen Pioneer Apartments. Planner Frovarp indicated the project is proposed to have sixteen (16) one-bedroom apartments and two (2) two-bedroom apartments so he feels that the residents will be able to park off-street. Greg McCarthy stated the final agreement could direct residents to use the off-street spaces. Commissioner Pillar moved to approve the parking space variance as requested by Hazen Pioneer Apartments, second by Commissioner Wolf. On roll call vote; Pillar, "Aye", Wolf, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

**Petition to Vacate Easement - Mohl:** The commission received a petition to vacate a portion of a public easement signed by Kevin and Maureen Mohl. The easement is located on lots 11 & 12, Block 3 of the North Park Addition. Mr. Mohl received approval from the commission to place a manufactured home on lots 11-13 and he would like to place the home across lots 11 & 12. Mr. Mohl stated there is an easement around the perimeter of his lots and between lots 13 & 14. Planner Frovarp stated the easement was established for installation of a street light in the future and Mr. Mohl stated that he had contacted Roughrider Electric and they would not be opposed to an easement between lots 10 & 11 if approved by the city. Mr. Mohl has no objection to relocating the easement and stated it could be located between lots 12 & 13 also. There was discussion on future use of the easement and if the easement could be contained solely on Mr. Mohl's property. Attorney Donovan stated the only action for the commission, at this time, is if they wish to accept the petition and schedule public hearing on the matter, after publication. Commissioner Pillar would like to incorporate vacating the easement and establishing a new easement, if possible, at the time of the hearing. Commissioner Wolf moved to accept the petition to vacate easement, as presented, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

### **REPORTS**

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

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

**Street/Cemetery:** Commissioner Haack absent. No Report.

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

**Police/Fire/Forestry:** Commissioner Pillar had nothing to report at this time.

**HCD:** Buster Langowski informed the commission that, with regard to Hazen Pioneer Apartments, there is consideration of demolishing the old structure in an attempt to reduce project cost and to increase efficiency. They are awaiting estimates for this change. With this proposed change to the project, there are items to be removed from the building and Mr. Langowski is requesting permission to utilize city equipment and staff to assist in removing items from the lower level of the building. A tentative groundbreaking for the project has been scheduled and they are still hoping to get the footings and foundation for the new building constructed this fall. Mr. Langowski stated there are concerns with the sewer line and it has been scheduled for video investigation to determine if it can be re-lined or if it must be replaced. Commissioner Stern asked if there may have been a better place to construct this project with the building and parking concerns. Mr. Langowski said the quick answer is no because the foundation and slab are in good condition. Mr. McCarthy added that the ND Housing Finance Agency also preferred this location because of the proximity too downtown and they are only concerned with the benefit to the community.

## **OLD BUSINESS**

**Equipment Purchase – Valve Exerciser:** Commissioner Stern contacted the water/sewer staff about the purchase of a valve exerciser and it was determined they do not need the torque limiter on the device. Commissioner Stern moved to spend, up to, \$8000 for the valve exerciser and a generator sufficient to operate it, second by Commissioner Pillar. On roll call vote; Stern, “Aye”, Pillar, “Aye”, Wolf, “Aye”, Obenauer, “Aye”, motion carried.

## **NEW BUSINESS**

**Bus Facility Change Order – Electric Service:** The commission was provided proposed change order #2 for the bus facility to trench electrical service from the transformer to the building and make the necessary connections. This was not included in the original bid as it was expected the service would be installed by the electrical supplier. The cost of the change order is \$3,878.00. There is also a change request for connection to the water cooler/fountain in the office at a cost of \$372.00. Commissioner Wolf moved to approve the change order with respect to the trenching and electric service connection in the amount of \$3878.00, second by Commissioner Stern. On roll call vote; Wolf, “Aye”, Stern, “Aye”, Pillar, “Aye”, Obenauer, “Aye”, motion carried.

**Asphalt Crushing:** President Obenauer informed the commission that Neenan Company will have a crusher coming to the area when the former hospital building is removed in February or March. President Obenauer just wanted to make the commission aware of this as they may wish to work with

the crusher to address crushing city material. Commissioner Stern asked if there was a proposed cost/day for crushing and President Obenauer said he has not been provided a cost as yet. Commissioner Pillar asked if it would be a cost share on mobilization or just the crushing and this also has not been determined at this time. Commissioner Stern asked what will be done with the material from the hospital and President Obenauer stated it is currently planned to be used onsite. Commissioner Pillar suggested offsetting cost of crushing by providing material from the city, if it is needed.

**Approval of Bills and Financial Statements:** Commissioner Pillar moved to approve the bills and financial statements, second by Commissioner Wolf. Pre-paid and bills approved for payment are as follows: August Payroll, 134547.04; Verizon Wireless, 116.06; US Postal Service, 273.39; Union State Bank, 34452.81; Universal Fleetcard, 3408.49; Dakota Transit Assn, 300.00; Ameripride Linen & Apparel Service, 776.79; Arntson Stewart & Wegner PC, 6083.52; Bechtold Paving, 814103.52, Bobcat of Mandan, 32902.99; Cenex, 158.49; Chamber of Commerce, 515.00; Coal Country CHC, 506.00; D&E Supply, 96.56; D’Andreas, 29.98; Dakota Communications, 51.50; Dakota Fire Extinguishers, 75.90; Dakota Supply Group, 661.08; Discovery Benefits Inc, 20.00; Fastenal Co, 136.12; Fitterer Oil LLC, 16.50; Hazen Motor Co, 2234.94; Hazen Welding, 272.00; Information Technology Dept, 10.30; Joyce Lemer, 56.00; Kadrmas Lee & Jackson Inc, 36643.40; Lange Donovan & Kaffar PLLP, 1357.50; Loren Wiest, 70.00; MARC Corp, 1068.64; Mercer Co Auditor, 15.80; Mercer Co Recorder, 62.00; Mercer Co Treasurer, 5189.37; MDU, 4271.87; Monte Erhardt, 42.68; ND Dept of Health, 32.00; NAPA, 842.00; ND One Call Inc, 37.10; Peggy Rahn, 645.74; Power Plan, 672.23; Preble Medical Services, 106.00; Purchase Power, 20.19; RDO Equipment, 24628.00; Ron Muth, 310.00; Rough Rider Industries, 1168.00; Roughrider Electric Coop Inc, 2226.71; SBM Inc, 150.34; The Hub, 560.38; Verizon Wireless, 198.50; West River Telecommunications, 844.54; Western Steel Builders, 103566.80. On roll call vote; Pillar, “Aye”, Wolf, “Aye”, Stern, “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, October 3, 2016 at 5:30 PM CT in the Commission Room of the Hazen City Hall. There will be a special meeting of the commission on Monday, September 26, 2016 at 5:00 PM CT in the Commission Room of the Hazen City Hall.

Approved: \_\_\_\_\_  
Jerry Obenauer, President

Attest: \_\_\_\_\_  
Monte J. Erhardt, Auditor