

**Hazen City Commission
Regular Meeting
September 4, 2017
Hazen City Hall**

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

Others Present: Planner Senger, Auditor Erhardt, Editor Arens, Attorney Donovan, Mark Sweeney (Moore Eng.).

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

Minutes: Commissioner Pillar moved to suspend the reading and approve the minutes of the August 21st meeting, as presented, second by Commissioner Haack. Motion unanimously carried.

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

CONSULTATION WITH ATTORNEY & ENGINEER

2018 Street Projects: Mark Sweeney, Moore Engineering, presented requests for proposals for televising the sanitary sewer and for geo-tech services on streets that are to be reconstructed as part of the proposed 2018 project. Mr. Sweeney indicated there are about seven (7) firms that televise sanitary lines and a handful of firms that perform geo-tech services. President Obenauer said this was discussed at the August 23rd meeting and suggested this type of work be done to ensure proper repairs of underground utilities as part of the street reconstruction. Commissioner Pillar moved to direct Moore Engineering to seek quotes for televising of sanitary sewer and geo-tech services, second by Commissioner Haack. Motion unanimously approved.

The commission next considered a proposed resolution to create the special assessment district of the project. Commissioner Stern asked if the district will include the "basin" land as it was not clearly marked on the map illustration and he was informed that it will include this property. Commissioner Haack asked about Expedition Estates and was informed this is also on the map. Commissioner Wolf moved to approve the resolution creating the assessment district, to include all property within the corporate city limits, second by Commissioner Stern. On roll call vote; Wolf, "Aye", Stern, "Aye", Pillar, "Aye" Haack, "Aye", Obenauer, "Aye", motion carried.

The commission then considered a proposed resolution directing Moore Engineering to prepare an engineer's report and cost estimate. Mr. Sweeney indicated that much of the report was completed after the street survey was conducted this spring. Commissioner Stern asked if the two locations of concern with sanitary sewer were in the report and Mr. Sweeney will review it. Commissioner Wolf

moved to approve a resolution directing preparation of engineer's report and cost estimate for the 2018 street project, second by Commissioner Haack. ON roll call vote; Wolf, "Aye", Haack, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

Building Permit w/Variance Request – R. Preslicka: Planner Senger received an application for a building permit from Ruby Preslicka to construct a deck at 1033 Gall Drive. Planner Senger explained that the deck construction is nearly complete and is located too close to the property line. Ms. Preslicka intends to put a fence, on the property line, in the future. Planner Senger spoke to the adjoining property owner and he has no objection to the installation of the fence. Commissioner Haack asked if the construction was completed by a contractor and was advised that the property owner had done the work. Planner Senger indicated there are options to locate the deck in another way that won't put it within the property set-back. Commissioner Stern asked if the deck was attached to the dwelling and Planner Senger said there are no immediate plans to attach it. The property owner was just not aware of the setback requirements. Commissioner Pillar wanted to clarify that the ramp at the property was there prior to the addition of the deck and that the deck needs to be re-built off the setback but the fence can be constructed on the property line. Commissioner Stern moved to approve the building permit and variance, as requested, second by Commissioner Wolf. On roll call vote; Stern, "Nay", Wolf, "Nay", Haack, "Nay", Pillar, "Nay", Obenauer, "Nay", motion failed. Planner Senger will notify the applicant.

REPORTS

President: President Obenauer informed the board that there was a recent fundraiser for the Heritage Park project that raised \$3900, after expenses.

Water/Sewer/Garbage: Commissioner Stern had nothing to report. President Obenauer ask about the storm sewer inlet near St. Mathews Church and Commissioner Stern said he will look at it.

Street/Cemetery: Commissioner Haack informed the board that the city received a verbal quote for concrete repairs on 3rd Street, near 5th Ave NW. The city is asked to remove the asphalt and the contractor will install half-inch rebar, 18" OC, and 4500 PSI concrete at a cost of \$2772. Commissioner Haack moved to approve concrete repairs of the area on 3rd Street NW at a cost of \$2772, second by Commissioner Stern. Upon discussion Commissioner Stern asked about work on the road base and was informed that this will likely be completed by city staff in coordination with the contractor. On roll call vote; Haack, "Aye", Stern, "Aye", Pillar, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Finance/Busing: Commissioner Wolf informed the board that she had met with the auditor and busing director to review the 2018 budget.

Police/Fire/Forestry: Commissioner Pillar informed the board that he, and President Obenauer, went around the city looking at potential nuisance vehicles. Commissioner Pillar said they were looking at vehicles with expired registrations, broken windows, flat tires or other damage as criteria for a

nuisance vehicle. Commissioner Pillar will work with Planner Senger to look at how other jurisdictions handle this type of nuisance and address it according to our current ordinance. Commissioner Pillar said they did talk to some residents, about their vehicles, and how some of the vehicles can be utilized by the fire department for training purposes. Commissioner Pillar said he reviewed records at the police department and there were about a dozen vehicles identified as a nuisance about a year ago and the majority of these had been taken care of.

Commissioner Pillar informed the board the Forester Doll contacted him about the City of Hazen receiving formal recognition as a Tree City USA recipient at an upcoming NDSU football game.

HCD: Buster Langowski absent. No report. Commissioner Wolf informed the board that the hotel project is still moving forward and they are still researching information for sale of the commerce center.

CORRESPONDENCE

Ambulance Board Representative: The board received a letter from Judy Brunmeier resigning as city representative on the ambulance board. President Obenauer would like the commissioners to consider serving on the board or make a recommendation at the next meeting.

Eagle Scout Recognition: The commission reviewed and approved a letter recognizing the achievements of three scouts that have attained the rank of Eagle Scout. The board congratulates Ben Harvey, Levi Randle and Camden Sailer on their achievement.

OLD BUSINESS

Asphalt/Gravel Crushing: The commission reviewed information of the crushing that was completed, as of 9/1/2017, in the amount of \$80,587.50 and 9,366 tons of material. President Obenauer has been in contact with Mr. Joy of Doboszinski & Sons to try to determine how much product is still available to be crushed. President Obenauer would like to see them continue crushing the entire pile since they are here rather than leaving a portion and working to have it crushed in the future. Commissioner Pillar asked if Mr. Joy has any idea how much additional cost there may be and the timeframe for them to finish crushing. President Obenauer said they intend to finish crushing by the end of the week. Commissioner Stern said if there is thirty thousand ton, as estimated, the cost could rise quickly and suggested capping the amount of additional funds to be used. Commissioner Haack moved to continue crushing additional material up to an expense of \$50,000, second by Commissioner Stern. Upon discussion President Obenauer said the board should try to determine a public sale price for the material and have city crew load material to keep track of the amounts used and sold. On roll call vote; Haack, "Aye", Stern, "Aye", Pillar, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

Nuisance Ordinance: Planner Senger informed the commission that she has sent out many letters residents for nuisance issues and presented a spreadsheet of information to the commission. Planner Senger explained that most of these letters related to grass/weed nuisance with only a couple dealing with rubbish or junk on property. President Obenauer asked if this letter was the beginning of the

twenty-day (20) timeframe for abatement of the nuisance and Planner Senger explained that this would not begin the timeframe for abatement as this was more of a cordial letter asking the property owner to address the situation. Planner Senger said she is preparing letters declaring property a nuisance which will be mailed to start the process, according to ordinance, and the owner has time to abate the nuisance or the city will abate it and invoice the property owner the cost of labor and equipment. Commissioner Pillar would like to see how this ordinance compares to other jurisdictions. President Obenauer said there is also a concern with nuisance property, weeds, in the alleys and Commissioner Stern said the city does try to take care of these areas. Commissioner Wolf said estimates that 90% of people with alley access use it and take care of it. Commissioner Haack said there also alleys that have changed over time with grass and trees encroaching on them. Planner Senger said she will begin mailing nuisance letters advising people of the need to abate the nuisance and President Obenauer suggested wording in the letter to contact the city commission if there are concerns. Commissioner Pillar commends Planner Senger on the good work.

Preliminary Budget Notice: The commission reviewed the preliminary budget notice for the 2018 budget which includes a total estimated expenditure of \$5,168,519.00. Commissioner Pillar pointed out that the heading of the notice needs to be corrected. Commissioner Pillar moved to direct the auditor to publish the preliminary budget notice, second by Commissioner Stern. Upon discussion, the auditor informed the commission that he is still waiting for final property valuation from the county to determine applicable tax levies. On roll call vote; Pillar, "Aye", Stern, "Aye", Haack, "Aye", Wolf, "Aye", Obenauer, "Aye", motion carried.

NEW BUSINESS

Flexible Spending Account: Auditor Erhardt informed the commission that changes to billing for the city Flexible Spending Account he wishes to cancel the program with Discovery Benefits and pursue a plan administered by Noridian Insurance. Since the flexible spending accounts are governed by federal rules the biggest issue is a matter of service and the proposed plan has a good rating. Commissioner Haack moved to approve changing the Flexible Spending Account plan to Noridian Insurance (Select Account), second by Commissioner Wolf. On roll call vote; Haack, "Aye", Wolf, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Approval of Bills: Commissioner Wolf moved to approve the bills, second by Commissioner Pillar. Pre-paid and bills approved for payment are as follows: Union State Bank, 37452.81; BHG Inc, 677.90; Cardmember Service, 61.97; Chamber of Commerce, 400.00; D&E Supply Co Inc, 38.63; Dakota Fire Extinguishers, 322.50; Fastenal Co, 45.39; Fitterer Oil Hazen LLC, 451.98; J&L Automotive LLC, 74.64; Krause's Super Valu, 145.27; Marc Corp, 203.44; Monte Erhardt, 40.50; Moore Engineering Inc, 690.00; ND Planning Assn, 100.00; Obenauer Plumbing LLP, 1019.65; Pam Borlaug, 66.34; Power Plan, 344.05; SBM Inc, 101.98; Shannan Senger, 80.25; Stein's Inc, 74.15; Trucks of Bismarck Inc, 26.32; Wester

Dakota Energy Assn, 150.00. On roll call vote; Wolf, "Aye", Pillar, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 6:29 PM CT. The next regular meeting of the commission will be Monday, September 18, 2017 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor