

**Hazen City Commission
Regular Meeting
September 5, 2016
Hazen City Hall**

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

Others Present: Attorney Donovan, Planner Frovarp, Auditor Erhardt, Public Works Director Neuberger, Mark Sweeney (Moore), Editor Arens, Brad & Stacy Zuern, Kevin and Maureen Mohl, and Darrell Wurl (Williams Builders).

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

Minutes: Commissioner Wolf moved to suspend the reading and approve the minutes of the August 15th 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

2016 Street Projects: Eric Schuler, KLJ, was not in attendance but provided a written update of matters relating to the street project. The only concern with the project related to settling of Wildrose Lane where the developer made water and sewer connections. Mr. Wurl, Williams Builders, advised the commission that this has been addressed and the millings have been placed on this street. Director Neuberger said they will wait about a week before the city does the striping on the Senior Center and Commerce Center parking lots.

Pioneer Addition Plat Approval: Planner Frovarp informed the commission that the planning and zoning board had met with regard to a plat to incorporate the area around the old hospital structure and unplatted area into the Pioneer Addition consisting of one block, containing two lots. The planning and zoning board, at their meeting, recommended approval of the plat as provided. This plat was created to aid in the housing project that has been awarded HIF Funding. Commissioner Pillar moved to accept the plat of Pioneer Addition to the city of Hazen, as recommended by Planning & Zoning, second by Commissioner Stern. On roll call vote; motion unanimously carried.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

Building Permit(s) w/Variance Request – Williams Builders: Planner Frovarp informed the commission that he had received eight (8) applications for building permits for construction in the Expedition Estates Development. Planner Frovarp said that four (4) of the applications do not require

approval of a variance but four (4) will require variance for the maximum lot coverage of 30%. Commissioner Pillar asked if the variance is only for the coverage percentage and does not involve and of the property setback requirements and Planner Frovarp indicated the variance was not required for setbacks. Based on the information from Planner Frovarp, Commissioner Haack asked if there will be additional variances required in the future and Mr. Wurl indicated this would be required on most lots, up to 2% overage and a few lots nearing 5% overage. President Obenauer stated this would prohibit any additions to the structure. Commissioner Wolf moved to approve the building permits and variances, as requested, second by Commissioner Pillar. Upon discussion Commissioner Haack asked if a property owner wished to construct a garden shed would it require a variance. Planner Frovarp explained that it would not require a permit if the structure was to be less than one hundred forty-four square feet. Mr. Wurl asked if the variance approval was only for these specific permits and was informed that he would need to request additional variances as new structures are permitted. Attorney Donovan suggested re-platting the property to change the need for variances and Mr. Wurl agreed that could be done or he could decrease the structure size by "eighteen inches on each side" also. Planner Frovarp stated that with the water and sewer already being installed, re-platting the property may not be a viable option. On roll call vote; motion unanimously carried.

Building Permit w/Variance Request – Zuern: Planner Frovarp informed the commission of a building permit application of Brad & Stacy Zuern to construct a 12'x12' deck on their property on 1st Avenue NW. Planner Frovarp further stated that the right-of-way along 1st Avenue is eighty feet (80'), which is larger than most other streets so Zuern's house is already within the setback. Commissioner Pillar asked if the steps from the deck would be going west to the sidewalk and Mr. Zuern stated they would like them to face the west but he would be willing to install them facing south. President Obenauer asked if the poles already installed were cemented in and Mr. Zuern was not certain of this. Planner Frovarp clarified that the requested variance is eighteen feet (18') because of the position of the house. Commissioner Pillar moved to approve the building permit and variance as requested with, the stipulation that the steps of the deck are to be constructed facing south from the deck, second by Commissioner Wolf. On roll call vote; Pillar, "Aye", Wolf, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Nay", motion carried.

Variance Request – Mohl: Planner Frovarp informed the commission that Kevin Mohl is in the process of purchasing Lots 11, 12 & 13 of North Park Subdivision and would like approval to place a manufactured home on this property. According to the city zoning ordinance, R1 zoning does not permit installation of a manufactured home (doublewide). Mr. Mohl provided conceptual drawings of the home and proposed garage indicating it is a 30'x80' home with a garage facing the west side of the property. When asked, Mr. Mohl stated they will be using a brick material and re-siding the home. Mr. Mohl stated he has contacted adjacent property owners about his plan and they have not expressed any objections. President Obenauer asked when they hoped to begin construction. Mr. Mohl indicated they would like to begin as soon as possible this fall or by the beginning of May 2017. There was discussion of placing the home on piers and Planner Frovarp stated that in other residential

zoning districts where manufactured homes are permitted it still requires a foundation. Mr. Mohl stated he would be willing to comply with foundation requirements. Attorney Donovan asked if this had been approved by Planning & Zoning and Planner Frovarp stated that variances are acted on by the city commission. Commissioner Haack moved to approve a variance to allow a manufactured home in the R1 zoning district but, it must comply with all the other zoning requirements, second by Commissioner Wolf. Upon discussion Attorney Donovan asked about manufacturing requirements for placing piers and Mr. Mohl stated he can work with the manufacturer to ensure the proper foundation is constructed. On roll call vote; motion unanimously 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 had nothing to report at this time.

Finance/Busing: Commissioner Wolf reported that Val Albrecht has retired from her position at the library and her replacement began on August 15th. Commissioner Wolf also reported that the city has hired a part-time bus driver to help with school routes for the transit program.

Police/Fire/Forestry: Commissioner Pillar reported that the fire department has obtained some new bunker gear with budgeted funds. Commissioner Pillar also reported that a full-time position for forester/public works is being published and that the state forester was in Hazen recently and only identified one (1) boulevard tree with Dutch Elm disease. Commissioner Pillar also reported that the state forester provided long term planning information to assist the city in addressing future forestry needs. Commissioner Pillar reported that with Forester Melberg working part-time additional help was approved at the seasonal wage rate.

HCD: Buster Langowski not present. No Report.

CORRESPONDENCE

Tree Removal Quote/Bid: Director Neuberger received a quote from Ternes Tree Service to remove trees that are too large for the city crew. There is one tree in the boulevard near the Salem United Methodist Church parsonage and two (2) near the parks and recreation shop that effect power to lift station #2 when branches break and fall. There were some questions as to if the tree near the parsonage was diseased or being removed for convenience. Commissioner Pillar will take a look at this tree and communicate with Director Neuberger

ND League of Cities Conference - Bismarck: This item was placed on the agenda as a reminder of the conference to be held September 15 – 17th in Bismarck. If any commissioner is interested in attending Auditor Erhardt will complete registration.

OLD BUSINESS

ND DOT State Aid Grant – FY2017: Hazen Busing has been awarded \$33,201 in State Aid funding for the transit program which will be available upon entering into an agreement with ND DOT.

Commissioner Pillar moved to accept the agreement with ND DOT for State Aid funding, second by Commissioner Wolf. On roll call vote; motion unanimously carried.

Bus Facility Change Order/Additional Equipment: Western Steel Builders provided the city a change order relating to electrical work at the bus facility. There were questions as to why some of the items were not included in the original bid and Auditor Erhardt was asked to communicate with the contractor on this matter. The city also received an estimate of \$2,250 to install six (6) pipe bollards near the overhead doors of the building. Commissioner Haack moved to approve installation of the pipe bollards as contained in the estimate, second by Commissioner Stern. On roll call vote; motion unanimously carried.

NEW BUSINESS

Equipment Purchase – Pickup/Valve Exerciser – Commissioner Stern: Commissioner Stern reported that Union State Bank had repossessed a 2008 Chevrolet 1ton pickup to be used by the street department and to also tow the sewer jet/vac trailer. Commissioner Stern moved to offer \$10,000 to purchase the vehicle from Union State Bank, second by Commissioner Haack. On roll call vote; motion unanimously carried. Commissioner Stern also had information for the purchase of an electric valve exerciser to be used by the water department. The water staff said the exerciser without the torque limiting feature would be suitable for the city's needs. Commissioner Pillar understood the exerciser with this feature is roughly \$1000 more but asked if it may be worth the extra cost to possibly reduce the possibility of damaging valves. Commissioner Stern and Mark Sweeney (Moore Engineering) will get more information for review at the September 19th meeting.

Equipment Purchase – Skid Steer/Mower – Commissioner Haack: Commissioner Haack reported that the skid steer used by the street department has been having hydraulic issues and the last time it was in for repairs Director Neuberger was asked to obtain quotes from several vendors to replace this equipment. The commission reviewed the proposals and based on the pricing and desire to keep the current attachments, Commissioner Haack moved to approve purchase of the S650 Bobcat skid-steer loader with the A91 Option Package and Air Ride Suspension at a cost of \$40,449.75 before trade allowance of \$7,800, second by Commissioner Wolf. On roll call vote; motion unanimously carried. Commissioner Haack said the street department is also looking to replace the '08 John Deere mower and Director Neuberger had received a proposal from RDO Equipment. Commissioner Haack moved to approve the purchase of a 2016 John Deere 1575 mower with rear discharge at a cost of \$24,997 after trade allowance, second by Commissioner Haack. Upon discussion Commissioner Pillar asked if the city may be in a position to receive a higher amount selling the old mower. This was discussed briefly and it was determined it may be better to trade in the mower. On roll call vote; motion unanimously carried.

2017 Preliminary Budget Notice: The commission reviewed updated budget information and a proposed notice for publication. President Obenauer stated the budget has been discussed several times and he acknowledged the changes suggested by Commissioner Stern have not been incorporated into the budget, at this time. Commissioner Wolf moved to approve the publication of the preliminary budget, as presented, second by Commissioner Haack. On roll call vote; Wolf, "Aye", Haack, "Aye", Pillar, "Aye", Stern, "Nay", Obenauer, "Aye", motion carried.

Approval of Bills and Financial Statements: Commissioner Wolf moved to approve the bills, second by Commissioner Haack. Pre-paid and bills approved for payment are as follows: AED Everywhere, 190.80; Arntson Stewart & Wegner, 2087.80; BHG Inc, 1334.00; Bobcat of Mandan, 436.64; Butler Machinery Co, 3928.86; Cardmember Service, 344.21; CVB, 2779.24; Dacotah Paper, 301.00; Dakota Fire Extinguishers, 31.05; Dakota Pump & Control, 1983.00; Dakota Supply Group, 546.47; Dan Wettstein, 640.00; David Brousseau, 21.00; Display Sales, 911.00; Fastenal, 352.38; Hazen Hardware, 499.53; Heiman Fire Equipment, 1957.00; Intoximeters, 85.00; Kasey Lesmann, 200.00; Krause's Super Valu, 150.35; Loren Wiest, 630.00; M&A Heating, 88.28; Marc Corp, 209.88; Marco Technologies, 652.78; Menards, 30.00; Mercer Co Auditor, 96.96; Monte Erhardt, 76.68; Obenauer Plumbing LLP, 92.04; Productivity Plus Acct, 55.75; Ron Neuberger, 31.50; Roughrider Electric Coop, 1955.52; SBM Inc, 75.42; Share Corp, 184.31; Southwest Water Authority, 39267.73; Spruce it Up Lawn & Tree, 695.00; Starion Bond Services, 900.00; Sweeney Controls, 2450.00; Union State Bank, 10,000.00. On roll call vote; Wolf, "Aye" Haack, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

There being no further business the meeting was adjourned at 6:39 PM CT. The next regular meeting of the commission will be Monday, September 19, 2016 at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor