

**Hazen City Commission
Regular Meeting
May 5, 2025
Hazen City Hall**

Present: President Obenauer (telephonically), Commissioner Folkerts, Commissioner Haack, Commissioner Stern, and Commissioner Wiedrich (5:40 PM).

Others Present: PW Director Brousseau, Myra Savelkoul, Attorney Kaffar, Police Chief Wolff, Jo Neuberger, Lauren Donovan, Marti Raad, Marianne Schmitt, and Auditor Erhardt.

President Obenauer called the meeting to order at 5:30 PM.

President Obenauer led the pledge of allegiance and said the prayer.

Minutes: Commissioner Haack moved to suspend the reading and approve the minutes of the April 21st Equalization and Regular meetings, as presented, second by Commissioner Stern. Motion unanimously approved.

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

CONSULTATION WITH ATTORNEY AND ENGINEER

Engineer's Report: Jerod Klabunde, Moore Engineering reviewed the engineer's report with the commission. Regarding Expedition Estates, Mr. Klabunde commented on the meeting with Mr. Williams and that correspondence was sent requesting scheduling information. Mr. Klabunde informed the commission that the paving of the remaining area of Otter Creek Loop will be completed by the end of May and other minor items, such as some valve adjustments and to ensure seeding has achieved 75% coverage remain on the list of items to be addressed. This does not include any work to be completed on the sewer main under 11th Ave SW. Regarding the alley project, this should be completed soon as there is only a small amount yet to be done along with some minor repairs. Mr. Klabunde reminded the commission that project funds are retained until all work is completed. Regarding the sanitary sewer project, work is scheduled to start with spot repairs on May 12th, and the contractor was made aware of community events to avoid work in areas of close proximity to the event. Mr. Klabunde addressed the condition of 7th Street west of 4th Ave NE and provided some cost estimates to repair the street with concrete or asphalt. Estimated cost to make concrete repairs is \$572,400 and to make the repairs with asphalt \$930,150. Mr. Klabunde commented on the good concrete bids the city receives from a local contractor. There was discussion about including repairs to 4th Ave NE, west of Cenex. There was concern about the cost that would be assessed to only a few property owners depending on the size of the special assessment district. Mr. Klabunde stated he could do some life cycle costs and prepare a recommendation for the assessment district identifying the properties to be included and then work toward meeting property owners to share information on the proposed project. This matter will be discussed at a future meeting. Mr. Klabunde would like to take about thirty (30) minutes to review the capital improvement plan at a future meeting as well, indicating the repairs of 7th Street are part of the plan.

Sanitary Sewer Improvement Resolution, Loan Agreement, and Certifications: The commission reviewed documents, prepared by bond counsel, necessary to proceed with the loan, bonding and other matters relating to the sanitary sewer project. Commissioner Wiedrich moved to approve the

documents, as presented, second by Commissioner Folkerts. On roll call vote: Wiedrich, "Aye", Folkerts, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. The documents approved are Financing Resolution, Loan Agreement, Closing and Non-Arbitrage Certificate, Lobbying and Litigation Certificate, W9, and Bond.

REQUEST OF CITIZENS

Local Permit-Calendar Raffle – North Stars Baseball: The commission was advised that necessary information to consider the raffle permit of North Stars Baseball had been received. Commissioner Wiedrich moved to approve local permit #2025-07 of North Stars Baseball to conduct a calendar raffle during the month of July, second by Commissioner Haack. Motion unanimously approved.

Local Permit-Raffle – Mercer Co Peace Officers Association: Commissioner Wiedrich moved to approve local permit #2025-08 as requested by the Mercer County Peace Officers Association to conduct a raffle on July 1, 2025, to raise funds for the Cops & Kids Fishing Derby, second by Commissioner Haack. Motion unanimously approved.

Chalk Fest: Lauren Donovan and Marti Raad appeared before the commission regarding Chalk Fest being eligible for the Cenex Hometown Throwdown award of \$100,000 and encouraged everyone to vote online. The commission viewed the promotional video for the contest. When asked what would be done with the funds, if received, the commission was informed that there are no specific plans yet but that some funds could be used for the benefit of the park. President Obenauer asked who had submitted the application and was advised that Cenex Manager Doll informed the committee of the contest and the committee submitted the application.

INTRODUCTION, READING, AND APPROVAL OF ORDINANCES

Chapter 18 – Floodplain Ordinance Updates: The commission reviewed the Model "D" floodplain ordinance, based on the state template, which includes changes to the elevation above base flood levels for non-residential construction. Commissioner Haack moved to approve the first reading of the Floodplain Ordinance as presented, second by Commissioner Stern. On roll call vote: Haack, "Aye", Stern, "Aye", Folkerts, "Aye", Wiedrich, "Aye", Obenauer, "Aye", motion carried.

Chapter 9 – Fireworks Ordinance Discussion: The commission resumed discussion on the fireworks ordinance. President Obenauer said his biggest concern was that in the last several years the vendor has made application to sell fireworks at the last hour and hoped this would not be the case in the future and that he was in favor of leaving the ordinance as is. There was discussion about the penalty and that it seemed excessive. However, it was pointed out that it simply states the maximum penalty is \$500 with no minimum penalty, which is in officer or court, discretion. Attorney Kaffar indicated that a mandatory court appearance can be good or bad and that specific, graduated, fines can be more beneficial for enforcement. Commissioner Haack moved to amend the penalty section of the ordinance to state that any resident that violates section 9.0507 is subject to a penalty of \$100 for the first offence, in a calendar year, \$250 for a second offense, in a calendar year, and \$500 for a third, and any subsequent offenses, in a calendar year; and that the maximum penalty under 9.0508 be increased to \$1000, second by Commissioner Wiedrich. On roll call vote: Haack, "Aye", Wiedrich, "Aye", Folkerts, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. President Obenauer then spoke about the debris that accumulates on the street with Chief Wolff commenting that this could be cited as a littering violation. Resident, Marianne Schmitt, appeared before the commission and commented that she was present for discussion on this ordinance three (3) years ago and feels that four (4) days of fireworks is too much, especially when it affects those living around you. Ms. Schmitt also commented on the 10:00 AM starting time being too early and that, like the fines, enforcement is hard because you need to catch

the person in the act. Ms. Schmitt commented on the portion of the ordinance that prohibits shooting fireworks from a public street, which is largely unenforced, and Commissioner Folkerts agreed that appears that portion of the ordinance is ignored. Commissioner Folkerts moved to strike “public roadways, from section 9.0507 of the ordinance, second by Commissioner Stern. On roll call vote: Folkerts, “Aye”, Stern, “Aye”, Haack, “Aye”, Wiedrich, “Aye”, Obenauer, “Nay”, motion carried. Ms. Schmitt asked about limiting the number of days fireworks can be discharged and there was discussion about the fact that one day may not work for some people, including shift workers, and President Obenauer commented on his reluctance to limit personal rights. Commissioner Haack was advised that, for the last several years, there has only been one permitted sale location in the city and Commissioner Folkerts commented that consistent enforcement will hopefully have a positive effect. Commissioner Stern commented that he would like the city to follow state law, regarding the number of days allowed to discharge fireworks, and that it was changed a few years ago to aid residents with pets but, he still hears dogs barking all the time with little action to address it.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

Site Authorizations – Hazen Winter Sports: The commission reviewed site authorizations of Hazen Winter Sports (HWS) presented by Jo Neuberger who indicated this is her 26th or 27th year conducting gaming. Commissioner Wiedrich moved to approve site authorizations for HWS to conduct games of chance at Bison Sports Bar, Box’s Bar, Jimmy’s Lounge and Long Shots Bar, second by Commissioner Folkerts. On roll call vote: Wiedrich, “Aye”, Folkerts, “Aye”, Haack, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

REPORTS

Water/Sewer/Garbage: Commissioner Haack commented that this was day one of cleanup week. Commissioner Stern informed the board that there are issues with the international garbage truck transmission which is being diagnosed by Freedom Truck Center who will provide a quote as information is determined. Preliminary thoughts on the problem include solenoid issues or clogged transmission filters and that the commission would like to see if the transmission can be repaired without having to replace it. Commissioner Wiedrich would like to see it repaired, new fluids and testing. PW Director Brousseau said the old truck is in service and working well. Commissioner Stern moved to expend up to \$3,000 on transmission repairs pending further information, second by Commissioner Haack. On roll call vote: Stern, “Aye”, Haack, “Aye”, Folkerts, “Aye”, Wiedrich, “Aye”, Obenauer, “Aye”, motion carried. Commissioner Stern spoke about an issue with unacceptable debris in dumpsters rented for home cleanup. PW Director Brousseau stated the dumpsters are intended for household debris, not construction debris, which often ends up in the dumpsters. Commissioner Haack moved to no longer offer dumpster rental, effective immediately, second by Commissioner Stern. On roll call vote: Haack, “Aye”, Stern, “Aye”, Folkerts, “Aye”, Wiedrich, “Aye”, Obenauer, “Aye”, motion carried. Dumpsters currently rented will be allowed to remain.

Street/Cemetery: Commissioner Haack had nothing to report at this time.

Finance/Busing/Library: Commissioner Folkerts reported that open transit positions have been/or will be advertised and the 2013 bus may need to be looked at for replacement in the future. Unsure if any of the other employees are interested in stepping into the director/lead driver position.

Police/Fire/Forestry: Commissioner Wiedrich informed the board that the fire department was involved in controlling a large grass fire, along with several other departments over the weekend. Regarding the SCBA replacement, this is still being researched with initial cost estimates around

\$165,000 and grant opportunities are also being researched. Regarding the police department, the April calls for service include, Sgt. A. Melberg responded to sixty-eight (68) calls for service, Officer S. Melberg responded to fifty-five (55) calls for service and Chief Wolff responded to fifty (50) calls for service. Officer Beyer turned his badge and keys into the office concluding his service with the department. Chief Wolff explained that Mr. Blekestad has received his limited officer's license and continues field training with formal training at the academy to begin on June 2. Regarding the vehicle purchase, it is still in process with some of the upfit parts arriving damaged but is still hoped to be delivered by the end of June or early July. The commission reviewed a proposed amendment to the police department policy relating to towing, impound and fees for impound. The amendment states, "Towing charges for impounded vehicles vary and will be assessed based on vehicle size/type. Actual fees charged by the towing company as well as an impound fee of \$100 must be paid prior to the release of any vehicle held in impound. Vehicle storage fees will also accrue at a rate of \$10/day for days 1-14, \$30/day starting on day 15. The storage fee is charged on the second day of storage and includes the day of release. All fees must be paid prior to release of the vehicle and the registered owner, or an agent (with written authorization of the owner) may pick up an impounded vehicle." Commissioner Wiedrich would like to see the fees imposed on day 2, rather than day one. Commissioner Wiedrich moved to approve the policy with the proposed change, second by Commissioner Haack. Upon discussion, Commissioner Folkerts asked about these fees when they exceed the vehicle value and was advised that this situation is referenced in the nuisance vehicle ordinances. On roll call vote: Wiedrich, "Aye", Haack, "Aye", Folkerts, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

HCD: Myra Savelkoul informed the commission that she, and other city officials, had attended the tourism conference in Minot which included very valuable information. Ms. Savelkoul said the tour of downtown Minot, with stops at various spots of interest. Ms. Savelkoul got some great ideas for the visitors' guide and stated she is still working on hotel prospects.

President: President Obenauer stated he was glad to be able to participate in the meetings and that he continues treatment tomorrow, May 6.

OLD BUSINESS

Main Street Improvement – Sidewalk, Shade Structure: The commission reviewed proposals for concrete repairs at the SW corner of Central Ave/Main Street. The proposals were from; Meissner Contracting in the amount of \$16,537, Winkler Construction in the amount of \$20,800; and S-R Concrete in the amount of \$31,055. The commission was provided pricing for a 20'x30' fabric canopy to be installed at the site for an estimated \$9,600 w/out shipping. Commissioner Wiedrich moved to accept the proposal of Meissner Contracting at \$16,537 and to purchase the 20'x30' canopy from Grondahl Recreation Inc, second by Commissioner Folkerts. On roll call vote: Wiedrich, "Aye", Folkerts, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. A request to complete the work by July's all class reunion will be relayed to the contractor.

NEW BUSINESS

City Staff Wage Review/Discussion: The commission reviewed information as to wages of the staff as compared to other municipalities of similar size. The information also included tax levy base, state funding received, and other market information to arrive at recommended wages for the various departments and staff. Commissioner Wiedrich indicated that he liked the proposal but had a question about the transit driver's wage and was advised this was based on the job duties. President Obenauer also liked the proposal and said he voted for the police department wage change, earlier

this year but did not like the timing of it. There was additional discussion about the information and getting more financial data and Commissioner Stern suggested approving rate changes effective July 1, with the amount, based on hours through the end of the year, being paid, in a lump sum, at the beginning of 2026. Commissioner Wiedrich moved to approve the proposed wage adjustments, as presented with adjustments on July 1 to be paid after January 1, 2026, second by Commissioner Stern. Upon discussion, Attorney Kaffar recommended that it be clarified an employee must still be employed by the city on December 31, 2025, to qualify for the lump sum payment. Commissioner Wiedrich moved to amend the motion to include that the employee must still be employed by the city on December 31, 2025, to qualify for the increase, second by Commissioner Stern. Roll call vote on the amendment: Wiedrich, "Aye" Stern, "Aye", Folkerts, "Aye", Haack, "Aye", Obenauer, "Aye", amendment passed. On roll call vote on the motion, as amended: Wiedrich, "Aye", Stern, "Aye", Folkerts, "Aye", Haack, "Aye", Obenauer, "Aye", motion carried.

PUBLIC COMMENTS

No public comments were received.

Approval of Bills: Commissioner Folkerts moved to approve the bills as presented, second by Commissioner Wiedrich. Pre-paid and bills approved for payment are as follows: ND Post Board, 45.00; Cenex, 2331.55; CVB, 2620.61; Cory Beery, 300.00; Credit Bureau of Bismarck, 35.00; D&E Supply Co, 241.28; Dakota Supply Group, 4315.89; Duramax Holdings LLC, 7758.00; Elan Financial, 571.18; Fastenal, 70.80; Global Safety Network, 152.10; Hazen Mercantile, 177.08; Hazen Motor Co, 182.73; Hazen Star, 266.48; ITD, 33.30; Krause's, 81.45; Marco Technologies LLC, 393.15; Meissner Contracting, 6550.00; Mercer Co Highway Dept, 15800.00; Mercer Co Treasurer, 6106.50; Moore Engineering Inc, 7048.50; ND Dept of Health, 54.00; NAPA, 254.05; ND One Call Inc, 73.70; OK Tire Store, 782.46; Ronnie Blekestad Jr, 100.00; Rough Rider Industries, 1000.00; Roughrider Electric Coop, 55.00; Samantha Melberg, 283.00; SW Water Authority, 29220.86; Uniform Center, 1127.87; Verizon Wireless, 423.37; Vestis, 429.09; West River Telecommunications, 926.56. On roll call vote: Folkerts, "Aye", Wiedrich, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

There being no further business, the meeting was adjourned at 7:24 PM CT. The next regular meeting of the commission is scheduled for Monday, May 19, 2025, at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor