

**Hazen City Commission
Regular Meeting
November 6, 2023
Hazen City Hall**

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

Others Present: Attorney Kaffar, PW Brousseau, Editor Arens, Auditor Erhardt, Mike & Bonnie Krause, Marla & Travis Hagemeister.

The meeting was called to order at 5:30 PM by President Obenauer.

President Obenauer led the Pledge of Allegiance and said the prayer.

Minutes: Commissioner Wiedrich moved to suspend the reading and approve the minutes of the October 16th meeting, as presented, second by Commissioner Stern. Motion unanimously approved.

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

CONSULTATION WITH ATTORNEY & ENGINEER

Engineer's Report: The commission reviewed the written engineer's report and project cost estimates. Commissioner Pillar had a request for more information regarding the solar lights that could be installed in Expedition Estates. The cost estimates provided to the commission are preliminary numbers which will be explained in greater detail by the engineer. President Obenauer asked about the gate to be installed on the water tower access road and was advised that the city will be doing this and will need to purchase the necessary gate.

Regarding Expedition Estates, President Obenauer acknowledged Travis & Marla Hagemeister and referred to an email from the engineer stating that underground work for the year is completed, and the developer will be resolving the issue with gravel, or crushed asphalt, prior to winter. The auditor was directed to follow-up with the engineer, and developer, and share the information with the Hagemeister's.

Resolution of Necessity – Alley Project #2023-01: The commission reviewed a proposed Resolution of Necessity to proceed in setting a date/time for property owners to protest to the project of repairing the alley north of Main Street between Central & 1st Ave W. Commissioner Wiedrich moved to adopt the Resolution of Necessity for Hazen Improvement Project District #2023-01, second by Commissioner Pillar. The hearing on the resolution is scheduled for 5:30 PM on December 18th, 2023, in the Commission Room of City Hall. On roll call vote: Wiedrich, "Aye", Pillar, "Aye", Haack, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

REQUEST OF CITIZENS

Heritage Park – B. Krause: Bonnie Krause reported that the benches purchased for Heritage Park have arrived and two (2) have been set up at the park. Fundraising provided all the necessary dollars to purchase the benches and the Chalk Fest Committee has now received grant funds of \$5000 for

additional park equipment. The plan is to purchase some picnic tables, of similar construction, and place them in the park. It is estimated that the grant funds will be enough to purchase three (3) or four (4) tables. President Obenauer asked that the committee keep in mind that city staff is responsible for mowing around any items placed in the park. Ms. Krause also said that the lighting in the park has been completed but, when asked by President Obenauer, stated there has been no work to extend the sprinkler system farther east in the park. Attorney Kaffar suggested coming up with a way to secure the benches and tables to the ground, so they do not disappear.

Snow Removal – G. McCarthy: Greg McCarthy appeared before the commission regarding the city's snow removal procedures and the possible liability to the city. Mr. McCarthy stated that he doesn't want to sound negative, but he is genuinely concerned that the city could be considered negligent in some of the snow removal procedures that inhibit pedestrian paths and sidewalks. Mr. McCarthy encouraged the city to actively enforce sidewalk ordinances and asked that the city try not to place snow on the sidewalks as this can make pedestrians walk on the street which can be dangerous. Enforcement of the ordinance would also relate to areas where the property owner has not constructed a sidewalk as indicated in city ordinance and referred to a park area that has no sidewalk access or where one property may have a sidewalk but the next one will not have a sidewalk. President Obenauer spoke about how different areas of town may have a different boulevard depth anywhere from a few inches, from the curb to fifteen feet (15') or more. President Obenauer said the procedure was changed last year in response to idea from the city staff and suggestions from residents. Mr. McCarthy agreed that snow removal on city streets is challenging, especially early snow when there is no place to dispose of it. Mr. McCarthy again thanked the commission and staff for the work they did. Mr. McCarthy spoke about his area and suggested pushing the snow beyond the sidewalk and depositing it farther into the boulevard. PW Director Brousseau said this can also be a challenge because of the chance of displacing sod and sprinklers of the property owner. President Obenauer said the city is trying to do better and save community funds.

REPORTS

Water/Sewer/Garbage: Commissioner Pillar informed the board that the garbage truck was taken to Bismarck for repairs which are expected to be under warranty. The old garbage truck is operational.

Street/Cemetery: Commissioner Haack informed the board that the Freightliner dump truck radiator needs to be replaced as it has been repaired a few times and is again leaking. PW Director Brousseau has located a replacement radiator at I-State Truck. Commissioner Haack moved to approve the purchase of the new radiator at an estimated cost of \$2788, second by Commissioner Wiedrich. On roll call vote: Haack, "Aye", Wiedrich, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. It was reported that snow from the streets had been hauled to the grass dump site.

Finance/Busing/Library: Commissioner Stern had nothing to report at this time.

Police/Fire/Forestry: Commissioner Wiedrich informed the board that Officer Anthony Melberg withdrew his resignation and has returned to his former position. Chief Wolff had received quotes to purchase tires for the '21 Tahoe. Commissioner Wiedrich spoke about Goodyear tires that are made from soybean products and emergency response agencies can receive up to \$1000 reimbursement for these tires. Currently funding for the program is approved but the funds have not yet been allocated and likely

won't be available until late December. Commissioner Wiedrich moved to approve the purchase of Firestone Destination AT2 tires from Fitterer Oil at a cost of \$806.13, second by Commissioner Stern. Upon discussion, Commissioner Pillar asked about the quotes and was advised that pricing ranged anywhere from \$700 to \$1400 based on the tire selected. Commissioner Haack commented that he liked the tire selected as it has a little more aggressive tread design for winter use. On roll call vote: Wiedrich, "Aye", Stern, "Aye", Haack, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

Commissioner Wiedrich reported that the police department reports 156 calls for service in October with Officer Beyer responding to 13 calls, Officer A. Melberg responding to 12 calls, Officer S. Melberg responding to 72 calls, and Chief Wolff responding to 59 calls.

HCD: Buster Langowski absent. No report.

President: President Obenauer informed the board that Talon Metals had a press release regarding funding from the federal government and that they will proceed with plans to build a battery metals plant in Mercer County. The project will employ as many as 150 full-time staff, and this is a great opportunity for Mercer County and the cities within the county.

President Obenauer reported that office staff has been fielding many calls during snow events and would like to see the city work on better communications. As part of this process, the public works staff prepared some general guidelines for snow removal processes, based on examples of other cities, and this will be shared with the public.

OLD BUSINESS

Permit/Code Enforcement Software - iWorq: President Obenauer informed the board that he participated in a demonstration of permitting and code enforcement software with the auditor. While the software is good, there is a question of need for the city when we are issuing less than thirty (30) building permits, on average, and issuing approximately fifty (50) ordinance violation notices. All commissioners were provided information on the iWorq software and President Obenauer asked them to think about it more and it is a matter that can be revisited in the future.

Water Plant Listing Agreement: The commission reviewed an exclusive right to sell listing agreement of Century 21 Morrison Realty (Broker Heather Stromme) regarding the sale of the water treatment plant. Since the property had been advertised for bid and no acceptable bids were received, the city now has the option to enter into a listing agreement to sell the property. Commissioner Wiedrich moved to accept the exclusive right to sell listing agreement, as presented, second by Commissioner Haack. Upon discussion, Commissioner Stern was advised that the broker compensation, under the agreement, is 6%. On roll call vote: Wiedrich, "Aye", Haack, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

NEW BUSINESS

Drug/Alcohol Second Chance Policy: The commission reviewed a proposed "second chance" drug and alcohol testing policy which was recommended as part of the federal transit drug and alcohol program audit conducted this year. When asked, Attorney Kaffar indicated that generally he doesn't agree with zero tolerance policies as they can limit the company's options and tend to do more harm than good.

Commissioner Wiedrich moved to adopt the proposed second chance drug and alcohol testing policy, as presented, second by Commissioner Haack. Upon discussion, Commissioner Haack was advised that the city can still take disciplinary action based on the nature of the result and Commissioner Pillar feels the second chance policy addresses concerns of co-worker's safety while still being effective against a habitual offender. On roll call vote: Wiedrich, "Aye", Haack, "Aye", Pillar, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried.

Random Drug Testing Program: The commission reviewed the 2024 Random Drug & Alcohol Testing Program Contract as provided by the ND League of Cities in cooperation with Global Safety Network. The 2024 program costs are unchanged. Commissioner Wiedrich moved to enter the 2024 Random Drug & Alcohol Testing Program contract, as presented, second by Commissioner Stern. On roll call vote: Wiedrich, "Aye", Stern, "Aye", Haack, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

PUBLIC COMMENTS

Travis Hagemester had questions about the lighting project for Expedition Estates and was advised that this is preliminary information to be discussed further with the city engineer. Commissioner Stern believed that the lighting of the subdivision was part of the plan by the developer. The auditor will review and provide information to the board.

Approval of Bills: Commissioner Wiedrich moved to approve the bills presented, second by Commissioner Stern. Pre-paid and bills approved for payment are as follows: Black Hills Ammunition, 619.50; OK Tire Store, 16677.08; US Postal Service, 355.38; Aramark, 376.07; Bank of ND, 141524.09; Chelsea Olander, 79.68; CVB, 3626.19; Core & Main LP, 372.88; D&E Supply, 66.09; Dakota Fluid Power Inc, 1474.20; David Brousseau, 13.00; Elan Financial Services, 714.37; Environmental Equip & Services Inc, 76.01; Fitterer Oil Hazen LLC, 353.15; Hazen Arts Council, 300.00; Hazen Mercantile Inc, 50.25; Hazen Star, 1668.28; Hazen Welding, 422.20; JP Cooke Co, 78.95; Jim Block, 52.00; Krause's, 100.95; Lexipol LLC, 333.72; Marco Technologies LLC, 343.38; Meissner Contracting, 3750.00; Mercer Co Treasurer, 6428.25; Mike Lemer, 13.00; MDU, 4209.12; NDPA, 55.00; ND One Call Inc, 41.05 Roughrider Electric Coop Inc, 55.00; Safeguard Business Systems, 190.23; Samantha Melberg, 26.00; SW Water Authority, 31344.63; Stamps.com, 22.49; Stein's Inc, 224.68; Tractor Supply Credit Plan, 26.98; Universal Premium Fleetcard, 1210.66; Verizon Wireless, 326.55; West River Telecommunications, 1077.38. On roll call vote: Wiedrich, "Aye", Stern, "Aye", Haack, "Aye", Pillar, "Aye", Obenauer, "Aye", motion carried.

There being no further business, the meeting was adjourned at 6:47 PM CT. The next regular meeting of the commission is scheduled for Monday, November 6, 2023, at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor