

**Hazen City Commission
Regular Meeting
August 8, 2024
Hazen City Hall**

Present: Commissioner Folkerts, Commissioner Haack, Commissioner Stern, and Commissioner Wiedrich.

Absent: President Obenauer

Others Present: PW Director Brousseau, Attorney Donovan, Chief Wolff, Jerod Klabunde & Mallory DiFelice (Moore Engineering), Auditor Erhardt, Jack Schwab, Lauren Donovan, Antoinette Heier, and Delon Bohrer.

The meeting was called to order at 5:33 PM by Vice-President Haack.

Vice-President Haack led the Pledge of Allegiance and said the prayer.

Minutes: Commissioner Stern moved to suspend the reading and approve the minutes of the July 15th and July 25th meetings, as presented, second by Commissioner Folkerts. Motion unanimously approved.

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

CONSULTATION WITH ATTORNEY AND ENGINEER

Engineer's Report: Jerod Klabunde reviewed the engineer's report with the commission which did not include any action items. Regarding Expedition Estates, the contractor is finishing underground work, and the lines will be televised and pressure tested, along with televising of the sanitary lines on 11th Ave SW to determine what work, if any, will need to be completed on them. Commissioner Haack had a question about the barricades and was advised they were in place because there were still some open trenches in the area. Mr. Klabunde reminded the commission that once the work is complete, and testing is done, the city will be asked to accept the underground infrastructure. Regarding the alley improvements north of Main Street between Central Avenue and 1st Avenue West. The construction has begun and is approximately fifteen percent (15%) completed. Progress on the project has been slow because of work done alongside the alley, next to buildings, but should progress more rapidly as the alley concrete is poured. Regarding the meter replacement project. Work is progressing and scheduling of appointments to replace the meters seems to be slowing the process, but work is expected to be completed by the end of September. Meter replacements are estimated to take approximately twenty (20) minutes per residence. Regarding the updated lift station controls. Work to update the SCADA systems of two (2) lift stations is expected to be completed in August and the contract was awarded to Skeel's Electric. Regarding the sewer improvement project. Moore Engineering is about eighty percent (80%) done with the plans and specifications for the project which will include spot repairs and relining of a large amount of sanitary sewer lines. Mr. Klabunde indicated that there may be a need to complete additional televising as part of the project and the project is intended to be bid on in September with an October contract award and some spot repairs to be

completed in 2024, conditions permitting. Mr. Klabunde asked the commission to consider dates to hold a public meeting on the project so the public can be made more aware of the project scope and area. Regarding various asphalt patching around the city. When the paving work is done in Expedition Estates, this year, areas identified for patching will be completed. The engineer requested quotes to perform some patching with concrete and has not yet received any. It was the consensus of the board to wait until later this fall for those quotes and address those areas in 2025.

REQUEST OF CITIZENS

Local Permit-Raffle – Hazen Area Dollars for Scholars: Commissioner Wiedrich moved to approve local permit #2024-15 for a raffle drawings to be conducted by Hazen Area Dollars for Scholars weekly through the end of 2024, second by Commissioner Folkerts. Motion unanimously approved.

Local Permit- Bingo – Chalk Fest and Update on Event: Lauren Donovan advised the commission that they would like to include bingo during the event to raise funds to defray costs. Commissioner Wiedrich moved to approve local permit #2024-16 for bingo to be conducted during Chalk Fest on August 15th, second by Commissioner Folkerts. Motion unanimously approved. Ms. Donovan thanked the city staff for good communication and work in cleaning the street and getting supplies (barricades) ready for the event and then thanked the commission for allowing the street to be closed for a longer period of time. Commissioner Folkerts asked about installation of a Wi-Fi port/antennae on the outside of the library and communication with library staff to inform that such work was being done. Ms. Donovan said in the past the library facilities were used for event goers to wash their hands, however, this year portable wash stations were going to be set up to address this issue.

Deputy Martin Memorial Update – J. Schwab: Jack Schwab presented photos of the proposed items to be used in memorial to Deputy Paul Martin. One item is an automobile hood that will be displayed at the county government center. The second item is the monument to be placed recognizing Deputy Martin's ultimate sacrifice to the residents of Mercer County. The final items are commemorative benches, powder-coated and maintenance free, to be placed in each city within Mercer County. The commission agreed that a suitable location, in the City of Hazen, would be designated to honor Deputy Martin with the commemorative bench and Commissioner Folkerts thanked the committee for their work on the project.

Harvest Fest Update – Chamber/CVB: Antoinette Heier, Chamber/CVB Director, met with the commission to update them on annual Harvest Fest activities scheduled September 5th through the 8th. Ms. Heier shared copies of the poster of activities and updated the commission on the updated parade route to keep traffic off the portion of Main Street to be closed for the event, when requested. Ms. Heier said the committee will be meeting on August 12th to finalize details for the event which includes a concert by Hairball on September 7th with a beer garden, serving no hard alcoholic beverages. Concert attendees will have two (2) located to provide proof of age and will be given the appropriate wristband to verify the eligibility to be served alcohol. Ms. Heier said the event will require additional garbage containers on the street and there was some concern about the condition of the sidewalk at the south intersection of Central Ave and Main Street. Ms. Heier discussed the location of food trucks, bleachers, and access to the concert area. Hazen Busing and West River Transit will be providing transportation services for the event.

INTRODUCTION, READING, AND APPROVAL OF ORDINANCES

Procurement Ordinance Revision 1.0205 (2nd Reading): The commission reviewed the procurement of goods or services ordinance to change the amount that a department supervisor may purchase without board approval from \$1000 to an amount of \$2000 due to increased cost of regularly purchased items, which was unchanged from the first reading on July 15th. Commissioner Wiedrich moved to approve the

second reading, and adopt the revision of ordinance #1.0205 to state, "Purchases of goods or services totaling less than or equal to \$2000 may be made without obtaining competitive quotes or advance approval of the Commission. However, all such purchases shall be approved, in writing, by the appropriate City Department Head or supervisor and by the Commission before payment is made," second by Commissioner Stern. On roll call vote: Wiedrich, "Aye", Stern, "Aye", Folkerts, "Aye", Haack, "Aye", motion carried.

Water Service Ordinance Revision 15.0208 & 15.0210 (2nd Reading): The commission reviewed proposed changes to the water meter ordinances as part of the meter replacement project, which were unchanged from the first reading on July 15th. Commissioner Stern moved to approve the second reading, and adopt the revision of ordinance 15.0208 to state, "15.0208 Water Service – Meter Required Water Meters It is unlawful for any person to use water from any premises without the consent of the owner, or to use water from the municipal water system except when drawn through a meter ~~installed~~ provided by the municipality at owner's expense. The water meter and reading equipment shall remain under the ownership of the City and shall be metered electronically.

A water meter and/or its reading equipment that becomes inoperable must be reported to the city for repair. If damage to the water meter, or reading equipment, is due to negligence, tampering, freezing, or intentional destruction by the property owner or occupant, the property owner will be charged for the repair or replacement of the water meter and/or reading equipment" and revision of 15.0210 to state, "The standard meter is a ~~5/8~~ 3/4-inch. Any meter larger than ~~5/8~~ 3/4-inch will be reviewed on a case-by-case basis. A ~~3/4~~ one-inch (1") meter may be granted if the property has a lawn sprinkler system already installed," second by Commissioner Folkerts. On roll call vote: Stern, "Aye", Folkerts, "Aye", Wiedrich, "Aye", Haack, "Aye", motion carried.

Forestry Ordinance Revision – 22.0112 & 22.0203 (1st Reading): The commission reviewed proposed changes to the city forestry ordinance to include cost-share, with residents, for the planting of boulevard trees and updating the list of allowed boulevard trees. The proposed change would provide, up to, \$100/tree to be reimbursed to property owners who initiate replacement of a boulevard tree (removed by the city and not replaced within twelve months), up to thirty (30) trees/year. Resident Delon Bohrer said he is interested in having some boulevard trees replaced and questioned if \$3000/year was sufficient to replace boulevard trees that have been removed with more to be removed in the future. Commissioner Wiedrich moved to approve the 1st reading of the proposed changes to forestry ordinances 22.0112 and 22.0203, second by Commissioner Folkerts. On roll call vote: Wiedrich, "Aye", Folkerts, "Aye", Stern, "Aye", Haack, "Aye", motion approved.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

Building Permit – ET Zone – S Seibel: The commission reviewed an application for a building permit for an accessory use building within the city extra-territorial zone presented by Stan Seibel. The proposed location is on the property he owns NW of Elm Road. The proposed building will be of frame construction with sixteen-foot (16') sidewalls. Commissioner Folkerts moved to approve the building permit, as requested, contingent upon review and approval, by the city engineer, of a Floodplain Development Permit, second by Commissioner Wiedrich. On roll call vote: Folkerts, "Aye", Wiedrich, "Aye", Stern, "Aye", Haack, "Aye", motion carried.

Real Estate Purchase Option – Lots 1-3, Blk 1, North Star 4th Addition: The commission reviewed an option to purchase real estate completed by Nathan and Kathy Busche for the purchase of Lots 1-3, Block 1, North Star 4th Addition in the total amount of \$15,000 for the lots. Commissioner Stern indicated that he thought these lots were not going to be offered for sale and Auditor Erhardt indicated he could find no record of the lots being excluded from city lot sales. Commissioner Wiedrich moved to approve the option to purchase real estate, as presented in the amount of \$15,000, second by Commissioner Folkerts. Upon discussion, Commissioner Stern indicated that he believed this proposed amount for the lots was

low and it was determined that, based on commercial lot values, this would be an amount equal, or greater than, sixty percent (60%) of the value used for property tax calculations. Commissioner Folkerts spoke of the potential for business on the properties and Commissioner Wiedrich indicated that daycare and early childhood development were needed in the city. On roll call vote: Wiedrich, "Aye", Folkerts, "Aye", Stern, "Nay", Haack, "Aye", motion carried.

REPORTS

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

Street/Cemetery: Commissioner Haack informed the board that the angle blades and snow gates will be ready by the end of the month. PW Director Brousseau said the city will start to paint crosswalks in the next week, starting around the school and then working down to Main Street. PW Director Brousseau said that staff worked after the storm to clean up branches while he was absent from work.

Finance/Busing/Library: Commissioner Folkerts informed the board that Hazen Busing had the vehicles and facilities inspected. There was a deficiency in the facility fire exits and accumulated vehicles and debris behind the city shop. Exactly what this means for the program will be addressed in the written report still to be completed but could include delayed funding for the program. Commissioner Folkerts met with Ms. Heier of the Chamber/CVB and Ms. Heier spoke of an internet/social media personality that will be in Hazen on August 20th. Ms. Heier would like the city to collaborate with her to ensure businesses address weeds, snow removal, storefronts to help make the community special. Commissioner Haack suggested contacting the school because in the past different school groups would go out to help families and businesses that needed a little extra help. Commissioner Folkerts some of the issue comes to enforcement of city ordinances relating to weeds and vegetation on private properties.

Police/Fire/Forestry: Commissioner Wiedrich reported the calls for service of the police department for the month of July indicated Officer Beyer responded to twenty-four (24) calls for service, Officer A. Melberg responded to twenty-three (23) calls for service, Officer S. Melberg responded to fifty-six (56) calls for service, and Chief Wolff responded to ninety-eight (98) calls for service, and indicated that Officer Beyer was on vacation leave part of the month. Commissioner Wiedrich asked if the new sidearms had been issued to the officers and Chief Wolff indicated that the sidearms were reviewed by Officer Beyer and holsters are being ordered. Commissioner Wiedrich would like each officer to have a choice in the holster to be purchased. Regarding the new police vehicle, Chief Wolff advised that it is one to one and a half months out, due to incorrect electronics and equipment. Commissioner Wiedrich spoke about the lack of tickets issued by the department and the fact that one officer had issued the only speeding tickets in April, May and June and suggested posting in locations in the extra-territorial area to slow people down and reduce the need for engine brake use coming into the city. Commissioner Haack suggested a meeting within the department and Commissioner Wiedrich indicated that such meetings have gone nowhere.

HCD: No report.

President: President Obenauer absent. No report.

OLD BUSINESS

Fireworks Ordinance Discussion: Delon Bohrer again appeared before the commission to continue discussion of the fireworks ordinance. Mr. Bohrer appeared at the July 15th meeting and expressed

concern for the length of time fireworks can be discharged, the ability of people to discharge fireworks from the public roadways and damage to his boat tarp. Mr. Bohrer spoke of how from July 3rd to July 5th there was constant noise and again suggested designating an area for the discharge of fireworks. Mr. Bohrer said he does not want to shut down discharging fireworks but would like the time to discharge them shortened. Commissioner Folkerts spoke of the current ordinance authorizing a fine for violating the fireworks ordinance of no more than \$500 and suggested that the penalty structure be like other offenses that have a specific fine for the first, second, third and subsequent offenses, suggesting starting with a \$50 fine for the first offense. Commissioner Folkerts indicated that the board works for the benefit of all the residents and that he has not received many direct concerns on this issue. Mr. Bohrer would like to see the prohibition of discharging from a public street remain regardless of any other changes to the ordinance. No further action taken.

NEW BUSINESS

2025 Preliminary City Budget and Hearing Date: The commission reviewed the proposed 2025 preliminary budget which is \$9,599 more than the previous year. There was also discussion on scheduling the hearing to approve the final budget which must be no earlier than September 7th or later than October 7th. Commissioner Wiedrich moved to approve the preliminary budget, as presented, and to schedule the hearing on the final budget for October 7th, 2024, at 6:00 PM in the commission room of city hall, second by Commissioner Stern. On roll call vote: Wiedrich, "Aye", Stern, "Aye", Folkerts, "Aye", Haack, "Aye", motion carried.

PUBLIC COMMENTS

No public comments were received at this time.

Approval of Bills: Commissioner Wiedrich moved to approve the bills, as presented, second by Commissioner Folkerts. Pre-paid and bills approved for payment are as follows: US Postal Service, 395.85; 7 Arrows Tree Service, 2100.00; Bank of ND, 32645.19; Bank of ND, 87422.50; Cenex, 4119.88; Christy Metz, 164.00; CVB, 4944.03; Credit Bureau of Bismarck, 161.66; D&E Supply Co, 185.39; Dakota Pump & Control, 1412.00; Elan Financial Services, 824.80; Farmer's Union Oil, 262.50; Fastenal, 33.94; Fireside Office Solutions, 10.80; Fitterer Oil Hazen 384.98; Freedom Truck Center, 291.60; Hazen Mercantile Inc, 381.95; Hazen Star, 1779.56; Hazen Welding, 1610.00; ITD, 33.30; J-S Sanitation, 260.00; Jim Block, 41.00; Kandi McConnell, 78.00; Krause's, 204.64; Loren Wiest, 975.00; Marco Technologies LLC, 366.53; Matt LeMasters, 300.00; Matthew Bender & Co Inc, 164.61; Mercer Co Auditor, 233.25; MDU, 4513.55; Monte Erhardt, 101.43; Moore Engineering Inc, 34063.83; ND DEQ, 100.00; ND Dept of Health, 50.00; NAPA, 11.68; ND One Call Inc, 62.35; OK Tire Store, 202.62; Peggy Rahn, 272.58; Pro Forms, 1876.24; Railroad Management III LLC, 379.14; Roughrider Electric Coop Inc, 55.00; Sakakawea Medical Center, 916.13; Sletten Excavating, 3771.00; SW Water Authority, 62486.15; Stamps.com, 249.85; The Hub, 1148.92; Tractor Supply Co Inc, 152.91; US Postal Service, 154.00; Universal Premium Fleetcard, 1648.98; USA Blue Book, 186.84; Verizon Wireless, 429.96; Vestis, 408.71; West Dakota Lumber, 14.99; West River Telecommunications, 955.27. On roll call vote: Wiedrich, "Aye", Folkerts, "Aye", Stern, "Aye", Haack, "Aye", motion carried.

There being no further business, the meeting was adjourned at 7:34 PM CT. The next regular meeting of the commission is scheduled for Monday, August 19, 2024, at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor