

**Hazen City Commission
Special Meeting
June 17, 2025
Hazen City Hall**

Present: President Obenauer (telephonically), Commissioner Folkerts, Commissioner Stern, and Commissioner Wiedrich.

Absent: Commissioner Haack

Others Present: Attorney Kaffar, Chad Neff (Memory Fireworks, telephonically), and Auditor Erhardt.

President Obenauer called the special meeting to order at 8:49 PM.

APPROVAL OF APPLICATIONS AND BUILDING PERMITS

Fireworks Sales Permit/Property Rental Agreement – Memory Fireworks: Attorney Kaffar prefaced the discussions of the commission by indicating they have options as to their plan of action on this matter, including approval of the permit, if ok'd by the fire chief, or enter a cease & desist order. There was previous correspondence indicating that Memory Fireworks is aware of the fourteen-day deadline prior to the approved date of sales for an application to be presented to the city and that no sales can be conducted prior to inspection by the city fire chief. President Obenauer indicated there are not a lot of options and the city has been very lenient, in the past, regarding the deadlines. President Obenauer questioned if the approval on June 16th may have been premature and asked the other members of the board for input on how they wished to proceed. Commissioner Wiedrich commented that he may be partly to blame as he saw the matter on the agenda and assumed it would be inspected before any action of the commission. Commissioner Wiedrich then referred to a plan of correction for retail fireworks sales directed to Chief Beery in 2023 along with a letter signed by Shannon and Braun Knutson assuring the commission that they plan to abide by all city and county laws relating to fireworks sales including an example of rules followed for retail sales in Burleigh County. Chad Neff, Memory Fireworks, provided some background for the past issues relating to available building for fireworks sales and the fact that Memory Fireworks has been searching for a site in, or between, Hazen and Beulah to construct a permanent sales building without any success. President Obenauer asked about using tents for sales locations and Mr. Neff advised that they have one in Bismarck but it hard to secure against theft and susceptible to severe weather. President Obenauer asked about sales tax collections from fireworks sales and was advised, based on sales stated by Mr. Neff, that the city received \$1080 from sales tax in 2024. Commissioner Stern said he also felt that he was misinformed about the permit application when it was presented to the commission. Commissioner Folkerts also was not clear on the fire chief's approval of the application and that the history of Memory Fireworks' application process has not been good. Commissioner Folkerts said the rules are in place for the safety of the residents and that the company should not mistake the city's kindness as weakness. Attorney Kaffar asked about timing for the fire chief's inspection and was advised that he will complete the inspection later this week. Mr. Neff said that the company is considering purchasing the building, but he was not able to go on record as to the terms of any offer and that Memory staff had completed cleanup work in the building as well as replacing a lock on the east doors. President Obenauer thanked Mr. Neff for the work completed and stated the city would compensate them for any repair expenses. Commissioner Stern expressed concern about some of the displays by Memory Fireworks being outside of the acceptable hours of the city ordinance. Commissioner Wiedrich moved to rescind the approval of the

fireworks sales permit of June 16, 2025, second by Commissioner Folkerts. Upon discussion, Commissioner Wiedrich expressed concern that his entire time on the commission this has been an issue, and it is time for the city to put its foot down and enforce the rules regarding the time applications are presented and acted on. On roll call vote: Wiedrich, "Aye", Folkerts, "Aye", Stern, "Aye", Obenauer, "Aye", motion carried. When asked about the approved rental agreement, Attorney Kaffar indicated the agreement is invalidated and the city should consider compensation for the cleaning and repairs of the building. Attorney Kaffar also spoke about the recurring issues and suggested that, if the fire chief is willing to conduct an inspection, the city could consider delaying sales as the main concern is the public's safety.

President Obenauer commented on the fact that there will be no fireworks sales in Hazen this year and hoped the process is better next year. Mr. Neff addressed the commission asking that they consider assessing a fine and/or takeaway sale days to allow for operation this year. Mr. Neff said something of this type may get the attention of the owners as they are last-minute people, adding that he and three (3) other staff people worked eight hours and nine hours in the past days to clean and make repairs to the building. President Obenauer asked for any other comments and Commissioner Wiedrich moved to impose a fine of \$5000 for non-compliance with city ordinance and to delay sales of fireworks to July 1st, second by Commissioner Folkerts. Upon discussion, Commissioner Stern said everyone is expected to follow the rules, but this appears to show that if someone has the money it is okay. Attorney Kaffar commented that this proposed motion treats this company the same as anyone else that violates the rules and is fined for their actions and that this sends a message to anyone trying to sidestep the rules. Commissioner Wiedrich moved to amend the motion to include, "pending review of the fire chief", second by Commissioner Folkerts. Upon discussion, Commissioner Stern stated that the fine means nothing to a person having money to pay it. Commissioner Wiedrich indicated that he does not want to prohibit them from selling fireworks and that this is a poor way to conduct business. Commissioner Wiedrich also feels that the fine and delayed sales put the burden on them that they may not want to sell fireworks and that if this happens next year, they won't get approved. Roll call vote on the amendment: Wiedrich, "Aye", Folkerts, "Aye", Stern, "Nay", Obenauer, "Aye", amendment carried. Roll call vote on the motion, as amended: Wiedrich, "Aye", Folkerts, "Aye", Stern, "Nay", Obenauer, "Aye", motion carried. The auditor will contact the fire chief to inform him of this action and to assist in coordinating the inspection required. Mr. Neff commented on replacing lights in the building and President Obenauer indicated that city staff will complete this work using bulbs provided by Memory Fireworks.

There being no further business, the meeting was adjourned at 9:34 PM CT. The next regular meeting of the commission is scheduled for Monday, July 7, 2025, at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: _____
Jerry Obenauer, President

Attest: _____
Monte J. Erhardt, Auditor