

**Hazen City Commission  
Regular Meeting  
July 15, 2024  
Hazen City Hall**

**Present:** President Obenauer, Commissioner Folkerts, Commissioner Stern, and Commissioner Wiedrich.

**Absent:** Commissioner Haack

**Others Present:** PW Director Brousseau, Attorney Donovan, Chief Wolff, Auditor Erhardt, Delon Bohrer, and Buster Langowski.

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 Stern moved to suspend the reading and approve the minutes of the July 1<sup>st</sup> meeting, 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:** The commission reviewed the written engineer's report which did not include any action items. It was reported that the alley project north of Main Street has started. Letters to residents for scheduling of meter replacements were sent to the property addresses and those returned will be re-addressed and sent to ensure residents are aware of the need to schedule meter replacement. President Obenauer indicated Union Bank is considering some work on their parking lot and was advised they can contact Quality Asphalt directly about having this work done when they are in town completing asphalt repairs.

**REQUEST OF CITIZENS**

**Local Permit-Raffle & Street Closure Request – Prairie Rose Car Club:** Commissioner Folkerts moved to approve local permit #2024-13 for a raffle to be conducted by Prairie Rose Car Club on September 7<sup>th</sup> and to approve street closure of 12<sup>th</sup> Ave SW, this same date, for the Harvest Fest Car Show, second by Commissioner Stern. Motion unanimously approved.

**Street Closure Request-Amendment – Touch-a-Truck Event:** The commission reviewed a request to amend the street closure area for the Touch-a-Truck event on July 18<sup>th</sup> as more businesses/parties wish to participate. The closure will include Main Street from 1<sup>st</sup> Ave E to 2<sup>nd</sup> Ave West and 1<sup>st</sup> Ave from the alley north of Main Street by IBEW to the alley at the US Post Office. Commissioner Folkerts moved to approve the amended street closure request, second by Commissioner Stern. Motion unanimously approved.

**Fireworks Discharge in City Concern – D. Bohrer:** Delon Bohrer appeared before the commission to express concerns about the discharge of fireworks in the city for the Independence Day holiday. Mr. Bohrer indicated that his neighbor was discharging fireworks in the intersection of 2<sup>nd</sup> Ave W and 3<sup>rd</sup> Street starting around 10:30 PM and continuing to minutes after the allowed times on July 2<sup>nd</sup>, July 3<sup>rd</sup>, and July 4<sup>th</sup>, with the 3<sup>rd</sup> and 4<sup>th</sup> being until midnight. Mr. Bohrer said there was a large amount of debris in the street and on his property with damage to his boat tarp. Mr. Bohrer referred to city ordinance

which states, "The discharge of fireworks is prohibited in any public area including public roadways, public parks, or other recreational area, as well as any property on which public buildings are situated." Mr. Bohrer said he contacted the police department and Chief Wolff came to video the debris and damage. Mr. Bohrer would like the commission to consider changing the ordinance to prohibit aerial fireworks or limit further the times fireworks may be discharged. Mr. Bohrer commented that one person discharging fireworks can annoy many city blocks and that, in the past, the fire department discharged fireworks for a city display within a "safe zone" and many of the new fireworks are approaching this size with Commissioner Wiedrich indicating the displays done by the fire department were commercial fireworks with the smallest shell being three inches (3"). Mr. Bohrer also spoke about bottle rockets being illegal, but the new, larger aerial fireworks are still allowed. There was discussion about the ordinance being amended in 2021 to further limit the discharge of fireworks and that enforcement can be difficult. Attorney Kaffar indicated that Mr. Bohrer has a right of recourse for damages through a small claims action and Mr. Bohrer said it would be extremely hard to prove who discharged the fireworks for such a claim. President Obenauer asked if Mr. Bohrer would like to stop the discharge of fireworks completely and Mr. Bohrer said his main concern is the large aerial fireworks that even shake windows when discharged. Mr. Bohrer again stated that aerial fireworks have grown too much, and should the city continue to allow anything that can be sold to be discharged and should residents be allowed to discharge them from the street. President Obenauer asked the commissioners to review the current ordinance and bring any recommended changes to the next meeting where this matter will again be on the agenda.

## **INTRODUCTION, READING, AND APPROVAL OF ORDINANCES**

**Procurement Ordinance Revision 1.0205:** The commission reviewed a proposed change to 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 either \$1500 or \$2000 due to increased cost of regularly purchased items. Commissioner Wiedrich moved to approve the first reading of the proposed 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", Obenauer, "Aye", motion carried.

**Water Service-Water Meter Revision 15.0208 and Water Service-Meter Required Revision 15.0210:** Based on recommendations of Mr. Dauenhauer, of the water department, the commission reviewed proposed changes to the water meter ordinances as part of the meter replacement project. Commissioner Stern moved to approve the first reading of the proposed 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. All meters 2 inch or larger must be compound meters. The city will provide the water meters at the expense of the property owner," second by Commissioner Wiedrich. On roll call vote: Stern, "Aye",

Wiedrich, Aye”, Folkerts, “Aye”, Obenauer, “Aye”, motion carried.

## REPORTS

**Water/Sewer/Garbage:** Commissioner Stern reported that Kenny Klein has resigned his position with the city and the position has been advertised with two (2) applications having been received. Interviews will be scheduled.

**Street/Cemetery:** Commissioner Haack absent, no report. PW Director Brousseau had nothing to report.

**Finance/Busing/Library:** Commissioner Folkerts informed the board that he met with the library director and auditor about his portfolio assignment and will be meeting with the transit and chamber director when possible. Commissioner Folkerts also advised that preliminary budget information has been provided which includes a 3% cost-of-living increase for staff and 4.5% increase for insurance benefits.

**Police/Fire/Forestry:** Commissioner Wiedrich informed the board that the fire department calls for services include: an assist for an individual on a roof, two (2) lift assist calls, two motor vehicle accidents, a grass fire, and a deck fire. Commissioner Wiedrich informed the board that PW Director Brousseau toured the city with the state forester on July 10<sup>th</sup>. PW Director Brousseau said the state forester advised what to watch for in the trees that may be diseased and pointed out several more trees that should be removed before they affect other trees in their vicinity. Commissioner Wiedrich moved to accept a proposal of 7 Arrows Tree service for removal of a tree at 241 W Main Street in the amount of \$1000, second by Commissioner Folkerts. Upon discussion Commissioner Stern was informed that this is the second tree in this area and that this company had been approved to remove the first tree at a previous meeting. On roll call vote: Wiedrich, “Aye”, Folkerts, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried. Commissioner Wiedrich said that the city ordinances are being reviewed in the hope of changing the forestry ordinance to adopt a program like other cities where cost of boulevard trees is shared with the property owner. This is proposed to ensure the property owner is invested and willing to maintain the trees planted. Attorney Kaffar indicated that the Mercer County Water Resource board has funding available for forestry projects and the city need only make a request, as has been done in the past. Chief Wolff informed the commission that the police department received an electronic tablet as part of an initiative through Avel eCare to assist with mental health incidents. The service is free to the department and provides access to health and counselling services.

**HCD:** Buster Langowski informed the commission that he will be participating in his last HCD Board meeting on 7/23 and that local people have been contacted regarding his open position and that the position will be advertised. Mr. Langowski stated he will assist with the transition for the position. President Obenauer asked about sale of the commerce center and Mr. Langowski stated that an RFP was published regarding listing the property, but no proposals had been received.

**President:** President Obenauer had nothing to report at this time.

## PUBLIC COMMENTS

No public comments were received at this time.

**Approval of Bills:** Commissioner Wiedrich moved to approve the bills and financial statements, as presented, second by Commissioner Folkerts. Pre-paid and bills approved for payment are as follows:

Benjamin Bohrer, 100.00; Cenex, 2339.22; Coal Country CHC, 440.00; Dakota Fire Extinguishers, 263.55; Danielle Keith, 150.00; Donovan & Kaffar PLLP, 1887.50; Fitterer Oil LLC, 482.80; Further, 6.50; Global Safety Network, 76.05; HCD, 2610.62; Hazen Motor Co, 2015.08; ITD, 28.30; J&M Hardware, 64.98; J-S Sanitation, 208.00; Krause’s Super Valu, 84.57; Linde Gas & Equip Inc, 229.40; Mercer Co Treasurer, 6074.10; MDU, 4358.47; ND Dept of Health, 50.00 NAPA, 268.74; Power Plan, 1276,17; Roughrider Electric Coop Inc, 2823.53; Stamps.com, 138.42; Stein’s Inc, 183.00; USA Blue Book, 142.42; West River Telecommunications, 955.27. On roll call vote: Wiedrich, “Aye”, Folkerts, “Aye”, Stern, “Aye”, Obenauer, “Aye”, motion carried.

There being no further business, the meeting was adjourned at 6:34 PM CT. The next regular meeting of the commission is scheduled for Monday, August 5, 2024, at 5:30 PM CT in the Commission Room of the Hazen City Hall.

Approved: \_\_\_\_\_  
Jerry Obenauer, President

Attest: \_\_\_\_\_  
Monte J. Erhardt, Auditor