

# CITY OF HILLSBORO

Commission Members:  
Terry Sando, President  
Levi Reese, Vice President  
Dave Sather & Mike Kress

19 S Main, PO Box 400  
Hillsboro, ND 58045  
Phone: (701) 636-4620 Fax (701) 636-4621

Auditor: Ashley Frederick  
Public Works Director: Jim Anderson  
City Attorney: John Juelson

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## **REGULAR CITY COMMISSION MEETING**

**May 2, 2022, 6:30PM at MSCC**

### **A G E N D A**

1. **Open with Pledge of Allegiance**
2. **Reading of Minutes** – April 18, 2022, Regular Meeting Minutes. & April 18, 2022, Tax Equalization Meeting Minutes.
3. **Presentation of Bills**
4. **City Commissioners Reports**
5. **Report of City Officers**
  - 5.1 Superintendent
  - 5.2 Attorney
  - 5.3 Auditor
  - 5.4 Sheriff's Office
  - 5.5 City Engineer
6. **Old Business**
  - 6.1 City Wide Street Paving Project - update if any
  - 6.2 Building Permit Process - update
  - 6.3 HBC Ticket #2021002 – 206 4<sup>th</sup> Ave SE – Update if any
  - 6.4 HBC Ticket #2021004 – 105 4<sup>th</sup> St NE – Progress Report
  - 6.5 HBC Ticket # 2021007 – 322 1<sup>st</sup> Ave NW – Has a buyer - Home Inspection 04/07/22
  - 6.6 HBC Ticket # 2021005 – 13 S Main St. – New deadline June 30th
  - 6.7 ND Community Foundation - updates
  - 6.8 Railroad Park - update
  - 6.9 Mural on MSCC – Contest Update if any
  - 6.10 1881 Extraction Document – update
  - 6.11 Petition to Rezone RW Block 1 Lots 3 & 4 – update
  - 6.12 HBA Tent Contribution – Wire Transfer Approval
7. **New Business**
  - 7.1 Flooding Emergency Disaster Declaration Approval
  - 7.2 Hillsboro Sanford Hospital Auxiliary – App for Local permit for Raffle
  - 7.3 Outdoor Drinking Ordinance needs to be updated for Patio Seating Establishments
8. **Citizens Addressing the Commission**
9. **Adjournment**

**NEXT REGULAR MEETING:  
Monday, May 16, 2022, 6:30 PM  
MAIN STREET COMMUNITY CENTER**

**DATE: 04/18/2022**

**TIME: 6:30 PM**

**THE HILLSBORO BOARD OF CITY COMMISSIONERS HELD A SPECIAL MEETING AT MAIN COMMUNITY CENTER AT THE ABOVE DATE AND TIME FOR THE 2021 TAX EQUALIZATION.**

Commissioners present: Sando, Reese, Kress, Geray, and Sather

Commissioners absent: None

Property Owners addressing: Levi Reese

Commissioner Sando opened the meeting at 6:32 PM.

Deputy Tax Director Mooney presented special adaptive housing exemptions

*Commissioner Reese made a motion to except the Property Tax Exemption list as presented by the County Assessors. Commissioner Kress seconded.*

***In a roll call vote***

***Yes- Geray, Kress, Sather, Reese, and Sando***

***Motion Carried***

Notice of increase – Michelle Mooney the County Assessor mailed out 166 notices of increase for residential homes.

Commissioner Reese removed himself from the Commission table to talk in the crowd as a resident because his property is being tremendously affected. He would request we hold off on updating the tax roll until the full city assessment has been completed.

*Commissioner Sather makes a motion for Commissioner Reese to return to the Commission table to vote. Commissioner Kress seconded.*

***In a roll call vote***

***Yes- Geray, Kress, Sather, and Sando***

***Motion Carried – Commissioner Reese returns to the table.***

*Commissioner Reese makes a motion to approve if the full assessment is complete by the next tax roll season. If the full assessment is not done within a year, those being assessed would get an incentive. Commissioner Sather seconded.*

***In a roll call vote***

***Yes- Sather, Kress, Reese, Geray, and Sando***

***Motion carried.***

*Commissioner Reese made a motion to proceed on looking at taking legal action against the Meyer group. Commissioner Sather seconded.*

***In a roll call vote***

***Yes- Sather, Reese, Kress, Geray, and Sando***

***Motion carried.***

**Commissioner Sando concluded the Tax Equalization meeting at 7:17pm.**

**No motion or second was held.**

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Ashley Frederick  
City Auditor

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Terry Sando  
Commission President

DATE: 04/18/2022

TIME: 6:30 PM

**THE HILLSBORO BOARD OF CITY COMMISSIONERS HELD A REGULAR MEETING AT MAIN COMMUNITY CENTER AT THE ABOVE DATE AND TIME.**

Commissioners present: Sando, Reese, Kress, Sather, and Geray

Commissioners absent none

Commissioner Sando opened the meeting with the Pledge of Allegiance at 6:30 PM.

**Tax Equalization Meeting** Start 6:32PM Ended: 7:15 PM (Please see separate Tax Equalization Meeting Minutes)

**Reading of the Minutes:**

*Commissioner Reese moved to approve the April 4, 2022, Regular City Commission Meeting Minutes.*

*Commissioner Geray seconded. Motion carried.*

**Presentation of Bills**

<u>AP to be approved on</u> <u>04/04/2022</u>	<u>4/4/2022</u>	<u>Amount</u>	<u>Check #</u>
<u>Aramark</u>	<u>Rug &amp; mops</u>	<u>\$93.74</u>	<u>25474</u>
<u>Cardmember Service</u>	<u>March Statement</u>	<u>\$3,364.69</u>	<u>25475</u>
<u>Krista &amp; Darlene Dahl</u>	<u>Refund of Credit Balance</u>	<u>\$376.72</u>	<u>25476</u>
<u>ECRW District</u>	<u>Water raw</u>	<u>\$8,844.53</u>	<u>25477</u>
<u>Electric Pump</u>	<u>Service call</u>	<u>\$596.00</u>	<u>25478</u>
<u>Halstad Telephone Co</u>	<u>Phones &amp; Internet</u>	<u>\$933.44</u>	<u>25479</u>
<u>Hawkins</u>	<u>Chemicals &amp; parts</u>	<u>\$7,496.98</u>	<u>25480</u>
<u>Lowry</u>	<u>Construction Documents</u>	<u>\$561.25</u>	<u>25481</u>
<u>MEI Engineering</u>	<u>System Electrical Map</u>	<u>\$1,077.76</u>	<u>25482</u>
<u>MFOA</u>	<u>Membership</u>	<u>\$30.00</u>	<u>25483</u>
<u>Millers Fresh Foods</u>	<u>Supplies shop</u>	<u>\$7.18</u>	<u>25484</u>
<u>Missouri River Energy</u>	<u>Meter count fee</u>	<u>\$474.40</u>	<u>25485</u>
<u>Naastad Brothers</u>	<u>Water leak - curb stop</u>	<u>\$1,202.50</u>	<u>25486</u>
<u>O'Day Equipment</u>	<u>Tank Monitor Alarms Call</u>	<u>\$459.00</u>	<u>25487</u>
<u>Olsen Hardware</u>	<u>Supplies</u>	<u>\$290.56</u>	<u>25488</u>
<u>Payment Services Network</u>	<u>March Service</u>	<u>\$397.34</u>	<u>757e</u>
<u>PowerPlan</u>	<u>Parts</u>	<u>\$393.73</u>	<u>25489</u>
<u>Linda Rapisarda</u>	<u>Refund of Credit Balance</u>	<u>\$12.30</u>	<u>25490</u>
<u>RMB Environmental Lab</u>	<u>Water testing</u>	<u>\$160.00</u>	<u>25491</u>
<u>Team Lab</u>	<u>Fine Road Patch</u>	<u>\$847.50</u>	<u>25492</u>
<u>The Printers</u>	<u>Advertising</u>	<u>\$85.00</u>	<u>25493</u>
<u>Trail County Treasurer</u>	<u>Sheriff contract - April</u>	<u>\$17,254.08</u>	<u>25494</u>
<u>Sonia Trinidad</u>	<u>Armory Cleaning March</u>	<u>\$266.00</u>	<u>25495</u>
<u>USA Bluebook</u>	<u>Water testing supplies</u>	<u>\$612.44</u>	<u>25496</u>
<u>Valley Plains Equipment</u>	<u>Parts</u>	<u>\$135.44</u>	<u>25497</u>
		<u>\$45,972.58</u>	

Commissioner Sather moved to pay bills except for Railroad check as presented. Commissioner Kress seconded. None voted no. Motion carried

**Disconnects- April 2022:**

*Commissioner Reese made the motion to approve the disconnects. Commissioner Geray seconded. Motion Carried.*

**City Commissioners Reports:**

Commissioner Geray: Nothing to report.

Commissioner Kress: Nothing to report.

Commissioner Sather:

- Purchased a 4 door F550 Rescue Truck
- Purchased a new battery-operated Jaws of life.
- Purchased a Ogier for grain bin rescues.
- Changing the parade route this year to start at the east end of Caledonia all the way to Goose Riverbank.
  - Only issues are a few cables that need to be moved.

Commissioner Reese:

- Would like the city to apply for a beautification grant.
- 3K would come from our beautification fund.

*Commissioner Reese made the motion to approve using the 3k out of the beautification fund.*

*Commissioner Kress seconded.*

***In a roll call vote***

***Yes- Geray, Kress, Sather, Reese, and Sando.***

***Motion carried.***

- Would like to start the process of hiring lifeguards for the summer. With paid training starting now.

*Commissioner Reese made the motion to move forward with hiring lifeguards with paid training.*

*Commissioner Sather seconded.*

***In a roll call vote***

***Yes- Kress, Sather, Reese, Geray, and Sando.***

***Motion carried.***

Commissioner Sando:

- Façade grants available.

City Attorney Juelson: Nothing to report

City Attorney Frederick: Talked about the maps to be sent out to the Citizens for input on the City wide Paving project.

*Commissioner Reese made a motion to have City Auditor Frederick to send out the letters, 4 quadrant maps, 11x7 map in manilla envelopes and advertise for residents to sign up for the assessment group.*

*Commissioner Sather seconded.*

***In a roll call vote***

***Yes- Geray, Kress, Sather, Reese, and Sando.***

***Motion Carried.***

**Old Business:**

**City Wide Paving Project:**

- Set up another meeting with City Engineer Swanson and Taylor.
- Commissioner Sather will set up this meeting.

**Building Permit Process:**

- Planning and zoning will take care of east of the interstate.
- On the building permits, City Hall will not take payment until it has been signed off by planning and zoning.
- Midwest Inspections will take care of brand-new builds only.
- Commissioner Kress will sit down with City Auditor Frederick to come up with a step-by-step list.

- Commissioner Kress will then take it back to planning and zoning.
- Then back to the Commission.
- Tabled until further notice.

**HBC Ticket # 2021002- 206 4<sup>th</sup> Ave SE:** Sheriff returned the paperwork, waiting game right now.

**HBC Ticket # 2021004- 105 4<sup>th</sup> St NE:**

- Property owner came and asked for more time.
- Commissioner Geray said it would be a good idea for Commissioner Reese should take pictures and circle what needs to be moved.
- For full discussion visit our website under the YouTube tab.

*Commissioner Reese a motion to have Attorney Strom to get a court order to move forward with the cleanup process as set forth by the Beautification Committee. Everything in front of the garage to the alley needs to be moved. Commissioner Kress seconded.*

***In a roll call vote***

***Yes- Reese, Sather, Kress, Geray, and Sando.***

***Motion Carried.***

- Commissioner Kress and Commissioner Reese will meet with property owner at her home and point out what needs to be moved.

**HBC Ticket # 2021007- 322 1<sup>st</sup> Ave NW:** Home inspection was on 4/7/2022. No update on the results of that inspection.

**HBC Ticket # 2021005- 13 S Main St:** deadline June 30<sup>th</sup>

**ND Community Foundation:** No Updates

**Railroad Park:**

- Needed a \$600 check to BNSF to move forward with the process. Commissioner Reese would like to send them a bill for \$10K/year for maintenance since the 1920's
- Commissioner Sando would like to bypass the leasing agent.
- Commissioner Reese would like to make a motion.
  - Motion Dies

**Mural on MSCC:** Met with the HBA, and the Kiwanis group. All in favor of the project. Moved the date to the end of May.

**1881 Extraction Document:** No Update.

**New Business:**

**2022 City Wide Cleanup Date:**

- Monday May 2 is this year's cleanup day.

**Combat Veterans Motorcycle Association 42.2- App for Local permit for Raffle:**

*Commissioner Reese moved to approve the local permit raffle. Commissioner Kress seconded.*

***In a roll call vote***

***Yes- Kress, Reese, Geray, Sather, and Sando***

***Motion Carried.***

**2022 Summer Library Request: - \$3997.70:**

*Commissioner Sather makes the motion to approve the summer library budget request of \$3997.70.*

*Commissioner Reese seconded.*

***In a roll call vote***

***Yes- Sather, Reese, Geray, Kress, and Sando***

***Motion Carried.***

**Petition to Rezone Riverwalk Block 1 Lots 3 & 4:**

- They want to put apartments there.
- Commissioner Sando feels this need to go to the County.
- City Attorney Juelson requested that this goes to Planning and Zoning.
- There is a lot of information that needs to be clarified.

*Commissioner Reese made a motion to send this to planning and zoning. Commissioner Sather seconded.*

***In a roll call vote***

***Yes- Geray, Reese, Sather, Kress, and Sando***

***Motion Carried.***

**HBA Tent Contribution Request:**

- \$18K- \$22K
- Can come out of the Sales Tax Fund for the Retention and Attraction.

*Commissioner Sather makes a motion to use \$4500 out of sales taxed dollars.*

*Commissioner Kress seconded the motion.*

*Commissioner Reese amended Commissioner Sather's motion to state that the City of Hillsboro will buy the tent, store it, and insure it under the city's insurance policy. The city will invoice the other entities for their portion of the tent. HBA will be responsible for maintenance and rentals of the tent. Commissioner Kress seconds the Amended motion.*

***In a roll call vote, the Amendment was approved as follows***

***Yes – Kress, Sather, Reese, and Sando***

***Abstain – Geray***

***Amended Motion Carried.***

***The motion as Amended came before the commission for a vote.***

***In a roll call vote***

***Yes- Reese, Kress, Sather, and Sando.***

***Abstain- Geray.***

***Motion as amended Carried.***

**Citizens/Businesses Addressing the Commission –**

- Mike Beltz
  - \$416K estimated Prairie Dog Funds
  - Based on oil income on a Biennium basis.
- Chuck Putnam
  - Concerns about the commissioners.
- Rick Nelson
  - Some concerns about the way the meetings are run.

**Adjournment:**

*Commissioner Sather moved to adjourn the meeting at 9:45pm. Commissioner Kress seconded. Motion carried.*

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Ashley Frederick  
City Auditor

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Terry Sando  
Commission President

**The next regular meeting of the Hillsboro Board of City Commissioners  
will be at 6:30 PM on Monday May 2, 2022, at Main Street Community Center.**

**EOM to be approved on 05/02/2022****PAID on 04/29/2022**

James P. Baumgartner	Payroll	\$4,299.51	25526
Jay J. Alfson	Payroll	\$4,113.36	500481e
James M. Anderson	Payroll	\$4,885.78	500482e
Zachary Anderson	Payroll	\$3,720.20	500483e
Julie H. Bjorklund	Payroll	\$3,667.06	500484e
Ashley D. Frederick	Payroll	\$3,453.27	500485e
Bryan D. Hall	Payroll	\$386.86	500486e
Jonthan E. Hams	Payroll	\$4,472.74	500487e
Sara Myers	Payroll	\$2,805.07	500488e
Taxes Federal	Payroll taxes	\$10,853.12	764e
Blue Cross Blue Shield of ND	Dental & Vision Ins	\$1,184.30	765e
Bell State Bank & Trust	Profit Sharing Plan	\$2,915.55	766e
Microsoft Online	Apr 2022 Services	\$336.00	767e
ND Pers	Health Ins	\$12,679.60	768e
<b>Total Accounts Payable</b>		<b>\$59,772.42</b>	

AP to be approved on 05/02/2022	5/2/2022	Amount	Check #
Aramark	Shop Supplies	\$93.74	
Boeddeker Septic Pumping	Water valves & shop drain	\$400.00	
Border States	Electric parts	\$25,857.10	
Border States	Materials	\$127.24	
Bruce Bowersox	P&Z	\$200.00	
Business Essentials	Office Suplies	\$195.70	
Cardmember Service	April Statement	\$327.73	
Core & Main	Parts	\$9,702.30	
Electric Pump	Service call/replacement	\$23,717.01	
Ferguson	Parts	\$104.46	
Hawkins	Chemicals	\$55.00	
Hillsboro Economic Dev	Sales Tax	\$6,695.05	
Hillsboro Economic Dev	Lodging Tax	\$18.78	
Hillsboro Park Board	April Rev Share	\$1,706.42	
Hillsboro Public School	Library Program	\$7,994.70	
Mavis Johnson	Refund meter deposit	\$111.01	
Mike Kress	P&Z	\$200.00	
Mike Lessard	P&Z	\$200.00	
Mike Willison	P&Z	\$200.00	
Miller's Fresh Foods	Supplies	\$16.67	
NDLC	Webinar	\$30.00	
RMB	Water testing	\$70.00	
RoenJo Junk Haul and Removal	Man Hours	\$225.00	
Simon Mau	Mowing Contract	\$1,333.33	
Sorum Oil Co.	Fuel	\$2,471.08	
Sunbelt Solomon	Transformers	\$1,095.92	
Traill County Treasurer	Sheriff Contract May	\$17,254.08	
Verizon	Phones	\$336.05	
Waste Management	Rolloffs	\$1,220.15	



**City of Hillsboro**  
**Emergency Declaration**  
**May 2, 2022**

Whereas the city of Hillsboro is threatened with damage to streets, homes, businesses, and other public facilities caused by potentially excessive spring runoff occurring in March, April and May 2022, and;

Whereas the impact of these damages threatens the health, well-being and public safety of citizens in Hillsboro;

Whereas the cost of cleanup, repair and replacement of such damaged facilities may be far more than available city resources.

Now, therefore, be it resolved that the city of Hillsboro declare an emergency and orders the activation and utilization of the city emergency operation plan, its procedures, attachments, and appendices to monitor the situation, develop a detailed damage assessment, alleviate hardship, and initiate appropriate relief actions and mitigation measures by departments and agencies of local government to limit the hardships and impact of this emergency upon the citizens of the city of Hillsboro.

Dated this 2nd day of May 2022.

Commission President: \_\_\_\_\_  
Terry Sando

Attest: \_\_\_\_\_  
Ashley Frederick, City Auditor

ORDINANCE No. 529

AN ORDINANCE AMENDING TITLE 8 OF THE 2020 REVISED ORDINANCES OF THE CITY OF HILLSBORO.

Be it ordained by the City Commission of the City of Hillsboro, State of North Dakota:

Section 8.0629 of Title 8 of the 2020 Revised Ordinances of the City of Hillsboro is hereby adopted to read as follows:

SECTION 8.0629

8.0629 Outdoor Drinking Facilities ~~(Beer Gardens)~~

1. Outdoor drinking facilities shall be operated by an attached establishment maintaining a current City on-sale beer ~~and-or~~ liquor license.

a. There shall be two types of Outdoor Drinking Facilities:

i. Beer Gardens

ii. Patio

~~a-b.~~ The establishment shall abide by all rules and regulations as set forth by the North Dakota Century Code and any city ordinance involving the sale of alcoholic beverages.

~~b-c.~~ No person other than the business owner or an employee of the business shall serve any alcohol consumed on-site.

~~e-d.~~ The square footage of the outdoor drinking facility shall not exceed one-half (½) of the establishment's current square footage and may not extend more than a combined total of fifty (50) feet parallel to the street beyond the sidewalks of the attached establishment, as determined by the Planning and Zoning Commission.

~~e.~~ The ratio of outdoor seats to indoor seats shall not exceed one (1) outdoor seat for each two (2) indoor seats.

~~e-f.~~ The property owner shall daily maintain all areas adjacent to and including areas where tables and chairs are located in a clean and sanitary manner including the provision of appropriate trash receptacles.

i. This shall include sweeping any adjacent right-of-way where the outdoor drinking facility is located and the immediate clearing of any food debris, broken glass and other trash. Materials associated with the bar shall be removed from the right-of-way by sweeping and picking up or vacuuming.

ii. Debris shall not be swept, washed, hosed, or blown into the adjacent streets and/or parking areas.

~~f-g.~~ The outdoor drinking facility shall have a minimum of two (2) exits to include the adjacent bar facility. The exits shall be clearly marked with signs at each exit. These signs will be no smaller than eight and one-half (8½) inches by eleven (11) inches and displayed at a height of five (5) feet from ground level.

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- i. The exit must remain unobstructed and clearly visible from all areas of the ~~beer garden~~outdoor drinking facility.
- ii. The exit mechanism must be easily operated and cannot require a key to exit.

h. Fence/Buffer

- i. ~~The outdoor drinking facility~~A Beer Garden shall be enclosed by a privacy fence at least eight (8) feet tall and shall be constructed in such a way as that no person may crawl through or under it or any beverages may be passed to the other side.
- ii. A Patio shall have a buffer zone provided between the Patio and unlicensed outdoor area. The area surrounding a patio or deck area must be fenced or otherwise enclosed to not allow entrance from outside the patio.

i. Lighting and Age Restrictions

- ~~i. The outdoor drinking facility~~Beer Gardens must be properly lit as to ensure no dark areas within where persons under the age of twenty-one (21) may confine themselves.
- ii. Outdoor drinking facilities shall follow the age requirements as set forth in Section 8.0620.

~~g-j.~~ Outdoor music/entertainment

- i. All live outdoor music and entertainment, including, but not limited to, live bands or disc jockeys, must end at or before 1:30 a.m., and may only be held two (2) times per year at each establishment through permits issued by the City.
- ii. Music played in the outdoor drinking facility through jukebox speakers or otherwise shall be allowed from 12:00 noon to 9:00 p.m., and shall be subject to the noise violation penalties listed in the following section.

k. All outdoor drinking facilities must close by 1:30 a.m. Hours of Operation:

- i. Beer Gardens may be open when the bar is open until 1:30 a.m.
- ii. Patios may be open when the kitchen is open and available to serve food and shall close one hour after the end of food service by the kitchen.
- iii. All outdoor drinking facilities shall close by 1:30 a.m.

4-2. Penalties:

- a. Noise Violations
  - i. 1st of night — Bar is warned
  - ii. 2nd of night — Outdoor drinking facility is closed for the night
- b. Other Violations
  - i. Failure of a licensee to comply with the conditions for issuance of an outdoor drinking facility license, as determined by law enforcement, may, after notice and opportunity to be heard, result in immediate suspension or revocation of the license or refusal to renew the license. Violation

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hereof shall be an infraction punishable by a penalty of one thousand dollars (\$1,000.00) per violation. Each day of a violation shall be considered a separate offense.

- ii. The termination or suspension of an establishment's liquor license, for any reason, shall cause the outdoor drinking facility license to also terminate or be held in suspension.
- iii. The outdoor drinking establishment must be inspected and approved of by law enforcement.

1. Approval Procedure:

- a. The establishment shall provide a drawing of proposed locations of tables, chairs and partitions to designate the proposed outdoor drinking area.
- b. The City Commission will review the application.
- c. The establishment will provide any information requested by the City to ensure compliance with conditions and regulations of outdoor drinking area.
- d. The outdoor drinking facility license shall expire at the same time as all other liquor licenses.
- e. The establishment shall pay for the outdoor drinking facility license at the amount of one hundred fifty (\$150.00) per year. This amount will be added to the current cost of the establishment's annual liquor license and will be due at the time of the establishment's license renewal.

\_\_\_\_\_  
Terry Sando, President of Board of City  
Commissioners

ATTEST:

\_\_\_\_\_  
Ashley Frederick, City Auditor

First Reading Date: May 2, 2022

Second and Final Reading: \_\_\_\_\_, 2022

8.0629 **Outdoor Drinking Facilities** (~~Beer Gardens~~)

1. Outdoor drinking facilities shall be operated by an attached establishment maintaining a current City on-sale beer and liquor license.
  - a. There shall be two Types of Outdoor Drinking Facilities
    - i. **Beer Gardens**
    - ii. **Patio**
  - b. The establishment shall abide by all rules and regulations as set forth by the North Dakota Century Code and any city ordinance involving the sale of alcoholic beverages.
  - c. No person other than the business owner or an employee of the business shall serve any alcohol consumed on-site.
  - d. The square footage of the outdoor drinking facility shall not exceed one-half ( $\frac{1}{2}$ ) of the establishment's current square footage and may not extend more than a combined total of fifty (50) feet parallel to the street beyond the sidewalls of the attached establishment, as determined by the Planning and Zoning Commission.
  - e. The ratio of outdoor seats to indoor seats shall not exceed one (1) outdoor seat for each two (2) indoor seats.
  - f. The property owner shall daily maintain all areas adjacent to and including areas where tables and chairs are located in a clean and sanitary manner including the provision of appropriate trash receptacles.
    - i. This shall include sweeping any adjacent right-of-way where the outdoor drinking facility is located and the immediate clearing of any food debris, broken glass and other trash. Materials associated with the bar shall be removed from the right-of-way by sweeping and picking up or vacuuming.
    - ii. Debris shall not be swept, washed, hosed, or blown into the adjacent streets and/or parking areas.
  - g. **Fence/Buffer**
    - i. ~~The outdoor drinking facility~~ **A Beer Garden** shall be enclosed by a privacy fence at least eight (8) feet tall and shall be constructed in such a way as that no person may crawl through or under it or any beverages may be passed to the other side.
    - ii. **A Patio shall have buffer zone provided between the patio and unlicensed outdoor area. The area surrounding a patio or deck area must be fenced or barrier, so as to not allow entrance from outside the patio.**
  - h. **Age**

i. ~~The outdoor drinking facility~~ **The Beer Gardens** must be properly lit as to ensure no dark areas within where persons under the age of twenty-one (21) may confine themselves.

ii. **The Patio shall follow the age requirements set forth in section 8.0620**

i. Outdoor music/entertainment

i. All live outdoor music and entertainment, including, but not limited to, live bands or disc jockeys, must end at or before 1:30 a.m., and may only be held two (2) times per year at each establishment through permits issued by the City.

ii. Music played in the outdoor drinking facility through jukebox speakers or otherwise shall be allowed from 12:00 noon to 9:00 p.m., and shall be subject to the noise violation penalties listed in the following section.

j. **Hours of Operation**

i. **Beer Gardens may be open when the bar is open until 1:30 am**

ii. **Patio may be open when kitchen is opened to serve food and close one hour after the close of food that is prepared in the kitchen.**

iii. **All outdoor drinking facilities must close by 1:30 a.m.**

2. Penalties:

a. Noise Violations

i. 1st of night - Bar is warned

ii. 2nd of night - Outdoor drinking facility is closed for the night

b. Other Violations

i. Failure of a licensee to comply with the conditions for issuance of an outdoor drinking facility license, as determined by law enforcement, may, after notice and opportunity to be heard, result in immediate suspension or revocation of the license or refusal to renew the license. Violation hereof shall be an infraction punishable by a penalty of one thousand dollars (\$1,000.00) per violation. Each day of a violation shall be considered a separate offense.

ii. The termination or suspension of an establishment's liquor license, for any reason, shall cause the outdoor drinking facility license to also terminate or be held in suspension.

iii. The outdoor drinking establishment must be inspected and approved of by law enforcement.

3. Approval Procedure:

a. The establishment shall provide a drawing of proposed locations of tables, chairs and partitions to designate the proposed outdoor drinking area.

b. The City Commission will review the application.

c. The establishment will provide any information requested by the City to ensure compliance with conditions and regulations of outdoor drinking area.

d. The outdoor drinking facility license shall expire at the same time as all other liquor licenses.

e. The establishment shall pay for the outdoor drinking facility license at the amount of one hundred fifty (\$150.00) per year. This amount will be added to the current cost of the establishment's annual

liquor license and will be due at the time of the establishment's license renewal.



**APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT**  
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 9338 (09-2021)

Applying for (check one)  
 Local Permit       Restricted Event Permit\*

Games to be Conducted       Raffle by a Political or Legislative District Party

Bingo     Raffle     Raffle Board     Calendar Raffle     Sports Pool     Poker\*     Twenty-One\*     Paddlewheels\*

*Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit allowed per year.*  
**LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS.**

Name of Organization or Group of People permit is issued to <i>Hillsboro Sanford Hospital Auxiliary</i>	Dates of Activity <i>5/23/22 - 9/22/22</i>	If raffle, provide drawing date <i>August 22, 2022</i>	
Organization or Group Contact Person <i>Nancy Gehrke</i>	Title of Position <i>Treasurer</i>	Telephone Number <i>701-430-3163</i>	
Business Address <i>Box 609</i>	City	State	ZIP Code
Mailing Address (if different) <i>PO BOX 456</i>	City <i>Hillsboro</i>	State <i>ND</i>	ZIP Code <i>58045</i>
Site Name (where gaming will be conducted) <i>Hillsboro Sanford Medical Center</i>			
Site Address <i>12 3rd St SE</i>	City <i>Hillsboro</i>	ZIP Code <i>ND</i>	County <i>Trail</i>

Description and Retail Value of Prizes to be Awarded

Game Type	Description of Prize	Retail Value of Prize
<i>Raffle</i>	<i>Homemade Quilt</i>	<i>500<sup>00</sup></i>

Total (limit \$40,000 per year)	<i>\$500.00</i>
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Intended Uses of Gaming Proceeds  
*Use To Supplement or Purchase items for Residents at Medical Center*

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)  
 Yes     No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1-June 30? (If yes, the organization or group does not qualify for a local permit or restricted event permit)  
 Yes     No

Has the organization or group received a local permit from any city or county for the fiscal year July 1-June 30? (If yes, indicate the total retail value of all prizes previously awarded)  
 No     Yes - Total Retail Value:  (This amount is part of the total prize limit of \$40,000 per year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be used for political purposes.)  
 Yes     No

Organization or Group Contact Person			
Name <i>Nancy Gehrke</i>	Title <i>Treasurer</i>	Telephone Number <i>701-430-3163</i>	E-mail Address <i>rngehrke@rvu.net</i>
Signature of Organization or Group's Top Official <i>Nancy Gehrke</i>		Title <i>Treasurer</i>	Date <i>4-26-22</i>



**Information required to be preprinted on a standard raffle ticket:**

1. Name of organization;
2. Ticket number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of the merchandise prize or eight thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time of the drawing or drawings and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on the same day of the week or month, print the day and time of the drawing;
8. Location and street address of the drawing;
9. If a merchandise prize requires a title transfer involving the Department of Transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning prize is restricted to a person of a minimum age, a statement that a person must be at least "-" years of age to buy a ticket or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or six thousand dollars.

**PRIZE RESTRICTIONS:**

A single cash prize cannot exceed \$8,000

The retail value of a merchandise prize cannot exceed \$8,000.

The total of all cash prizes and retail value of all merchandise prizes for all games cannot exceed \$40,000 per year.

If the value of the planned cash and merchandise prizes exceed \$40,000, the organization or group must reduce the prizes to this limit or a nonprofit corporation may apply for a state gaming license with the Office of Attorney General.

**LOCAL PERMIT AND RESTRICTED EVENT PERMIT DIFFERENCES:**

	<u>Local Permit</u>	<u>Restricted Event Permit</u>
Number of events per year	Limited by prizes	One
Must file an information report	Yes if political party	Yes
May pay employees compensation	Yes	No
Must use chips as wagers	No	Yes
Use of net income	Unrestricted	Restricted
Games allowed	Bingo Raffles Sports Pools	Bingo Raffles Sports Pools Poker Twenty-One Paddlewheels

Compared to a "Local Permit", an organization or group with a "Restricted Event Permit" may conduct three more game types, but is restricted to one event per year, must file a "Report on a Restricted Event Permit" with the city or county and Office of Attorney General, and disburse net income to eligible uses. These uses are described by North Dakota Century Code 53-06.1-11.1(2) and North Dakota Administrative Code 99-01.3-14-02. Refer to the backside of the "Report on a Restricted Event Permit" form for a general list of eligible uses.

For a Restricted Event Permit, one method to ensure that the total of all cash prizes and retail value of all merchandise prizes do not exceed \$40,000 is to charge each player a standard amount at the start of the event for a certain number or value of chips. If a player loses all of the player's chips, the player may re-buy chips. The player would play games and, at the end of the event, the organization would auction merchandise prizes to the players. The player who bid the highest number or value of chips for a prize would win that prize. For those players who have chips but did not successfully bid on a prize, the organization may redeem the chips for a predetermined cash value per chip. For this method, the value of the players' chips redeemed for cash is not a prize.