

# Cavalier City Council

## September 3, 2024

### 7:00 PM

**Roll Call:** Mayor Hinkle, council members Cluchie, Vaughn, Hunter, Koenig, Hay

**Absent:** Beard

**Guests:** Auditor Krieg, OM Walton, COP Osvold, Attorney Fleming, Recreation Director Aimee Homstad, Library Director Marie Petry, Ron Storie, Robin Hartz, David Hartz, Ryan Schumaker and Coby Stuse AE2S.

**Addition to Agenda:** Cavalier Youth Football gaming permit, Mandy Heuchert housing incentive, Main Street Floral grant requests.

Motion made to approve the regular meeting minutes from August 5, 2024. M/S/P- Cluchie, Koenig; 5:0 mc. Motion made to approve the payment of all city and CMU bills and financials as submitted for August 2024. M/S/P- Cluchie, Hunter; 5:0 mc. Motion made to approve gaming permit for Pembina County Memorial Hospital, Cavalier Dollar for Scholars, Cavalier Public School, and Cavalier Youth Football. M/S/P- Koenig, Hunter; 5:0 mc. Motion to approve housing incentive for Ron Storie in the amount of \$200 credit on his CMU account. M/S/P- Cluchie, Hay; 4:1 (Vaughn) mc. Motion to approve Storefront Improvement Grant for American Family. M/S/P- Cluchie, Koenig; 4:1 (Vaughn) mc. Motion to approve Mandy Heuchert Housing Incentive for siding. M/S/P- Vaughn, Hay; 5:0 mc. Motion to approve Energy Efficiency Grant for Main Street Floral. M/S/P- Vaughn, Koenig; 5:0 mc. Motion to approve Storefront Grant for Main Street Floral. M/S/P- Cluchie, Hay; 4:1 (Vaughn) mc. Motion to approve Energy Efficiency Grant for Worley. M/S/P- Vaughn, Hunter; 5:0 mc. Motion to approve Storefront Grant for Worley. M/S/P- Koenig, Cluchie; 4:1 (Vaughn) mc. Motion to approve Flex Pace with funds coming from JDA account and sharing Community portion with the Pembina County JDA. M/S/P- Vaughn, Koenig; Roll Call 5:0 mc. Motion to proceed with bidding on Lift Station #3 project with AE2S. M/S/P- Cluchie, Vaughn; Roll Call 5:0 mc. Motion to approve AE2S invoice #97003 in the amount of \$9225.00. M/S/P- Vaughn, Cluchie; Roll Call 5:0 mc Motion to approve AE2S invoice #96992 in the amount of \$5,646.60. M/S/P- Koenig, Hay; Roll Call 5:0 mc. Motion to approve Pay App #3 for ICS in the amount of \$370,562.01 M/S/P- Vaughn, Cluchie; Roll Call 5:0 mc. Motion to approve second reading of scooter ordinance with removing not allowing on sidewalks. M/S/P- Vaughn, Hay; Roll Call 3:2 (Cluchie, Koenig) mc.

#### 9.0305 Use of Coasters, Roller Skates and Similar Devices Restricted

Except for a motorized scooter as set out below, No person upon roller skates, roller blades or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street at a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized herein.

A motorized scooter is a footboard mounted between two tandem wheels with an upright steering bar attached to the front wheel. A motorized scooter is powered by an electric motor or a gas combustion engine and is operated with the operator standing on the foot board. A motorized vehicle that fails to meet all of the criteria of this section will be considered to be an off road vehicle or other motor vehicle and may not travel on public right of way as allowed by this section.

A motorized scooter may be operated as follows:

1. A motorized scooter may be operated on all roadway within the city of Cavalier EXCEPT MAIN ST W AND DIVISION AVENUES which are state highways, and must be operated in the same direction of travel as other vehicular traffic.
2. An operator of a motorized scooter must be 10 years old.
3. An operator of a motorized scooter under 18 years of age must wear a helmet.
4. No passengers shall be allowed on a motorized scooter. A motorized scooter shall not tow any person or object.
5. A motorized scooter shall not exceed a maximum of 15 mph.
6. A motorized scooter shall not be operated during the hours between a half hour after sunset and a half hour before sunrise unless it is equipped with at least one head lamp, one tail lamp, and brakes all in working order which conform to the standards prescribed by the North Dakota Department of Transportation.
7. A motorized scooter may be operated on bike paths within the City of Cavalier.

A violation of this section shall result in a \$10.00 fine for the first violation, \$20.00 fine for the second violation, and a \$30.00 fine for the third or subsequent violation of the section within a 12 month period.

Motion to approve second reading of fence ordinance. M/S/P- Vaughn, Koenig; Roll Call 4:1 (Cluchie) mc.

6.0802 Fences, walls, and hedges

A wall, fence or hedge, not exceeding 8.0 feet in height measured from flat, natural ground height on both sides of the fence, may only occupy the required side or rear yard. No fence wall or hedge exceeding 4 feet shall be constructed in the front yard or beyond front of the front line of the structure or within the applicable 20 foot setback from the street, whichever is farther back, and no fence shall be constructed or built upon City right of way, or public property. Fences in the side or rear yard are allowed in all residential zones provided that:

- a. The wall, fence, or hedge must be placed at least 1 foot or more away from a property line.
- b. The wall, fence, or hedge may be placed upon the rear property line if the rear property line does not abut an alleyway, or does not abut a city easement for water, power, or other utilities. A wall, fence, or hedge, may be placed no closer than five (5) feet from the rear property line which abuts an alleyway, and no fence may be placed upon property covered by a city easement.
- c. where fences shall enclose an area containing an electric, water or gas meter, a gate, with a bottom clearance of not less than three (3) inches, and latching hardware accessible from both sides, shall be provided for access. Construction of a fence which encloses an area containing an electric, water, or gas meter constitutes permission by the landowner for City of Cavalier municipal employees or other utility providers to enter the enclosed area for city purposes, such as reading meters etc.
- d. Fences must be constructed of weather resistant material consisting of new wood, metal, or vinyl. Barbed wire fences are prohibited in any residential zone, and may only be utilized in a commercial or industrial zone as part of a chain link enclosure, and must be at least 6 feet from ground level.
- e. Any fence or wall which is in a weakened or structurally deficient condition shall constitute a public nuisance, and may be abated as set forth in this code.

Auditor Krieg reminded council Thursday September 26<sup>th</sup> at 7pm is Final Budget Hearing. Motion to change all grants and incentives that preapproval is required, and #11 on housing incentive to work shall not commence before preapproval. M/S/P- Koenig, Cluchie; 5:0 mc.

**Adjournment**

Motion to adjourn 8:36 pm; Vaughn

**Approved By:**

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**Lacey Hinkle, Mayor**

**Attested To:**

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**Casey Krieg, City Auditor**