

CITY OF BEULAH

April 12, 2023, 6:10 pm

Beulah City Hall Council Chambers

CITY COUNCIL MEETING

The regular meeting of the Beulah City Council was called to order at 6:10 pm by Council President Ben Lenzen with Council Members Gary Miller, Auston Biles, David Czywczynski, Sean Cheatley and Jason Isaak present. Jeff Gooss, Amanda Mohl and Eric Hoffer absent.

Also Present: City Attorney Scott Solem, Assistant City Attorney Jennifer Gooss, City Engineer Charlie Hankins, Economic Development Beaver Brinkman, Water Superintendent Gary Bovkoon, Police Chief Frank Senn, Public Works Superintendent Kenny Yeager, City Assessor/Planner Heidi Hamelton, City Auditor Heather Ferebee, Renee Carlson, Nancy Hausauer, Rod Schaper, Ashley Baker, Lester Heringer, Kameron and Cassie Plienias, Beulah residents, Editor Alyssa Meier.

Cheatley moved to dispense with the reading of the minutes of the last regular meeting on March 22 and approve as furnished to the Council by email. Biles seconded. Roll call vote found Cheatley, Biles, Isaak, Miller and Czywczynski in favor.

APPROVAL OF BILLS

Isaak moved to pay bills as presented and reviewed. Miller seconded. Roll call vote found Isaak, Miller, Cheatley, Biles and Czywczynski in favor.

PUBLIC INPUT

Renee Carlson commented on the proposed ordinance for fireworks. She is requesting that fireworks be allowed for two days instead of four days. Also, the special zone provision allows fireworks for nine days. She would like a compromise or balance between those who enjoy fireworks and those who would like to enjoy a quiet holiday at their home. When she first moved here fireworks were hitting the roof of her house and she was afraid to go outside. There is also trauma to pets and that is hard when you work and your pet is left at home. Sulfur smell and debris is left behind. She addressed items in the ordinance she would like changed. Sky lanterns cannot be controlled and should be included as hazardous; change the allowed dates to July 3 and 4, allow fireworks on New Year's Eve until midnight; change rubbish to debris as it is trespassing; the Chief of Police should enforce any oversight of permits, not the City Auditor; list a fee for the permit; there are fire hazards allowing fireworks on city lots. Permits for shooting fireworks in city lots would be hard to enforce. It was questioned if it is a criminal offense or not according to the ordinance.

Nancy Hausauer addressed fireworks and questioned the selection of those on the fireworks committee. She stated fireworks cause stress and anxiety to humans including veterans who suffer from PTSD, house pets, breathing polluted air, and littering of public and private property.

She commented on the fireworks ordinance and how upset she is regarding fireworks within city limits. She questioned the comment that four days are needed for shift workers to be allowed to detonate fireworks. She commented an ordinance can be considered a form of tyranny.

Rod Schaper and Ashley Baker with the Beulah Chamber of Commerce requested the city move the Driver's License operation somewhere else or to pay the Chamber rent for the space. Biles questioned if the CVB and Chamber met to discuss the situation. Schaper stated no, that doesn't need to happen because the information is in front of council. Biles stated the council asked for the two organizations to work it out. Schaper and Baker stated there isn't anything to work out. The CVB would get a portion of the rent. It's convenient to have the driver's license business at that building for people, but the Chamber needs the rent revenue. Schaper stated they are not asking the city for permission. The city needs to decide what is best for the City of Beulah. In conjunction with Motor Vehicle, it makes sense for them to be there, but it is still a business. The Chamber would like to meet with the CVB as a quorum of both boards. The storage of the equipment and a dedicated internet line is needed. Schaper stated it is a city function, not a Chamber function. Czywczynski stated it is convenient for businesses because people purchase items while in Beulah. Isaak stated the city doesn't have rent or funds for more improvements at the Civic Center budgeted.

A letter was read from Kevin Herrmann. He is concerned that Jennifer Gooss was not appointed by council as the Assistant City Attorney and that it is considered nepotism according to NDCC for her to be involved in city business since her husband is the mayor. Jennifer Gooss stated that this was reviewed by the State Bar. Solem stated the City Attorney appoints the assistant and there is not a requirement for the assistant to be appointed by council.

COUNCIL PORTFOLIOS

Council Member Isaak

The first forestry meeting has been held.

Council Member Cheatley

Council member tablets were budgeted for 2023. Cheatley moved to approve council members be allowed to purchase a tablet and case with reimbursement up to \$500 and that the council member be allowed to keep the tablet and the budget provide this purchase option to new council members. Isaak seconded. Solem stated the tablets should remain city property. Cheatley amended the motion that once the reimbursement has been issued for the tablets, they are to be considered city property and must be turned back into the city at the end of the council member's term. Isaak seconded. Roll call vote on the amendment found Cheatley, Biles, Isaak, Miller and Czywczynski in favor. Roll call vote on the motion found Cheatley, Biles, Isaak, Miller and Czywczynski in favor.

Council Member Miller

City Cleanup will be May 6 – 13. Transfer Station summer hours will begin May 1 from 8:30 to 5:30 M-F and 9:00 to Noon on Saturdays.

Council Member Czywczynski

The Park Board has an estimate to install backflow preventors at their properties. It was questioned if the Park District can receive SRF funding. Bovkoon stated there are additional items added into the estimate. The backflow preventors are a requirement but if the Park District decides to pay the city for water, they would be excluded. The requirement is through the NDDEQ. If the Park District is not in compliance, the DEQ could require the water to be shut off. The city has spent money to get city buildings into compliance.

President Lenzen

Mayor Gooss declared a flood emergency for Beulah on April 6 due to the prediction of flooding of the Knife River. Isaak moved to ratify the Flood Emergency Declaration that was made on April 6. Miller seconded. Roll call vote found Isaak, Miller, Cheatley, Biles and Czywczynski in favor.

CITY PERSONNEL

City Auditor

Isaak moved to approve the March financial reports as presented. Cheatley seconded. Roll call vote found Isaak, Cheatley, Biles, Miller and Czywczynski in favor.

Cheatley moved to approve the site authorization for gaming for the Beulah CVB at the Beulah Municipal Golf Club from July 1, 2023 to June 30, 2024 and the site authorization for gaming for the Beulah CVB at Fanatics Sports Bar from July 1, 2023 to June 30, 2024. Miller seconded. Roll call vote found Cheatley, Miller, Isaak, Biles and Czywczynski in favor.

Isaak moved to approve the Special Event Permit for Bronson's Marketplace to serve alcohol at the Beulah Wellness Center for Yoga on Tap on April 28, 2023. Biles seconded. Roll call vote found Isaak, Biles, Miller, Cheatley and Czywczynski in favor.

Cheatley moved to approve the Special Event permit for Molco LLC to serve alcohol at the Fairgrounds beer garden for the Spring Extravaganza on May 12-13, 2023. Isaak seconded. Roll call vote found Cheatley, Isaak, Biles, Miller and Czywczynski in favor.

Farmer's Union Oil Co. of Beulah Alcoholic Beverage License Application - starting January 1, 2024. Jennifer Gooss stated gas stations are only allowed to have an off-sale license and are required to have an entirely separate area with a separate outside entrance. Gooss stated it should be denied because it does not comply with the city ordinance. Isaak moved to deny the application. Cheatley seconded. Roll call vote found Isaak, Cheatley, Biles, Miller and Czywczynski in favor.

Economic Development Director

The council requested a map for the city including five districts that will be used for the income survey of the city. It would be used to try to qualify for a community block development grant.

Czywczynski moved to allow Brinkman to continue with the survey. Miller seconded. Roll call vote found Czywczynski, Miller, Isaak, Biles and Cheatley in favor. MCED approved the BND buydown for the Buffalo Hill property for a new therapy business.

City Assessor/Planner

The Arbor Day Celebration planning is moving forward. Building permits have increased.

City Engineer

Bids for the Main Street project came in higher than the estimate and they are being reviewed. There may be items that could be eliminated to reduce the cost. Mobilization was high as well as some of the piping and landscaping. The infrastructure and the ADA compliance were not out of line. Main Street is the backbone of the city's infrastructure as everything from 7th Street south comes through the area.

The flood meeting was held last week on April 6. Water elevations are being watched. The Weather Service is lowering their estimates from last week. Senn commented on the level of the Beulah flood gauge. At 68 feet on the Beulah gauge, the bike path was covered with water. The backflow is designed to go into the softball fields which is the floodplain. It is estimated to crest at 72.5 on the gauge. The Police Dept. has been monitoring the river. Hopefully at the end of this, Beulah will be able to make better use of the gauge. 1752 is the base gauge elevation at the bottom of the channel at the bridge. The Weather Service and USGS came to service the gauge today.

Police Chief

The Beulah Lion's Club donated \$2,500 and a private citizen donated \$500 towards the SIRN radio system. Next week the police department will be going through an advanced investigation class that is being held by BCI at the Civic Center. Waylon Boyer has been hired as a Police Officer. Lenzen stated there was an incident requiring police assistance and Beulah is a very safe community because of the Beulah Police Department.

City Attorney

First reading of Ordinance No. 454 regarding an update to the firework ordinance. Jennifer Gooss presented the changes from the prior ordinance: fireworks are not prohibited from noon until midnight July 2-5 and December 31; special firework discharge zone permit was added; amusement parks and fairs in language from NDCC so that should remain unchanged; rubbish is more encompassing as it includes debris, but it can be changed; malicious discharge penalty was added; Class B Misdemeanor cannot be changed to a lower charge. The reason for nine days was questioned. Gooss stated there would be four days allowed, but they would be allowed by special permit from June 27 to July 5 in hourly increments. Cassie Plienis stated the city does not currently allow fireworks on New Year's Eve. They operate Memory Fireworks and they would like to turn this into a community event on New Year's Eve. This would not include the sale of fireworks on New Year's Eve. Isaak moved to have the first reading of Ordinance No. 454. Biles seconded. Roll call vote found Isaak, Biles, Cheatley, Miller and Czywczynski in favor.

Public Works Superintendent

The Transfer Station loader will be back soon. The one-armed garbage truck transmission is good. The packer parts have arrived so it should be back in two weeks. Crews are sweeping and fixing potholes.

The meeting adjourned at 8:12 pm.


Ben Lenzen, Council President


Heather Ferebee, City Auditor

The following bills were approved and paid in March:

Check Range: 42783 to 42875, -99704

Payroll Check Range: -74110 to -74040, 42854

Employees	91118.18	American Library Association	175.00
HEALTH INS	37337.13	Penworthy	827.95
METLIFE	1070.39	Findaway	19.99
NDPERS 457	297.50	Modern Marketing	300.37
FIT	14447.20	Uniform Center	87.00
NDPERS Main	5149.36	Core & Main LP	532.32
NDPERS Main 2020	3409.25	Mercer County Treasurer	6941.35
NDPERS PD	3992.37	NAPA Auto Parts	1310.54
FIT	14271.92	Lignite Tire	200.00
NDPERS 457	497.50	Beulah JDA	11180.48
NY Life Insurance Company	4113.98	Beulah Airport Authority	11180.48
Principal Life Insurance Co	336.15	Aramark	421.08
Postmaster	404.00	Bronson's Marketplace	98.68
Marco Technologies LLC	159.66	US Bank	242.68
Mark A. Kaffar	900.00	Farmers Union Oil Company	4889.82
Downtown Gas & Auto	5332.47	West River Telephone	1516.88
Millennium Express	32.46	Information Technology Dept	342.70
AE Operations, LLC	3448.25	Neuberger Oil Co.	175.00
Hawkins Inc.	5923.71	Advanced Business Methods	3096.48
MDU	11062.06	Powerplan	4501.19
The Union Bank	37337.38	North Dakota Dept of Health	75.00
WARC	45.00	Beulah Lumber Company	219.98
Petty Cash	25.50	NDDEQ	127.08
Nicholas Blohm	52.89	Waste Management	768.50
Mitchel Berry	50.00	Roughrider Electric Coop	3502.27
Kenneth Hausauer	5.00		

American Express	1304.02	IAPE	65.00
Aramark	53.68	Interstate Engineering, Inc	1802.18
Solem Law Office	7293.92	Marco Technologies LLC	159.66
Quadient Finance USA, Inc.	1000.00	NDDEQ	25.00
Zoom Video Communications	62.43	William Elmore	53.99
Baker & Taylor	312.15	Mercer County Sheriff's Dept	75.00
Lucky's Towing & Repair	900.00	Office of the State Auditor	365.00
MicroMarketing LLC	156.67	Radisson Hotel Bismarck	172.80
Cengage Learning	267.64	City of Beulah	335.12
Mercer County Sheriff's Dept	100.00	Petty Cash	186.73
Uniform Center	249.96	Postmaster	406.31
West River Telephone	102.62	NDDEQ	420.00
Starion Bond Services	75017.50	Mercer County Recorder	220.00
Starion Bond Services	62167.50		
J & M Hardware Inc	485.53		
Starion Bond Services	52692.50		
AT&T Mobility	777.12		
Element Fargo	854.00		
Roger Bosch	25.00		
Lester Heringer	200.00		
The Beacon	173.25		
Butler Machinery Company	237.16		
Clay's Plumbing & Heating	5510.56		
Mid-States Organized Crime	100.00		
The Beacon	2504.90		
Amber Russell	26.74		
Kathy Hanna	27.16		
McJunkin Corporation	6.18		
Beulah Park District	34607.81		
Beulah Park District	5775.07		
Beulah Senior Center	1110.59		
Beulah Airport Authority	1554.83		
AT&T Mobility	43.23		
William Elmore	119.38		
Joe Green Lawn Care	33250.00		
Connor Kahnle	75.00		
Darla Knutson	122.30		
Heather Ferebee	122.30		
Granville Brinkman	68.12		
Steven Kuntz	104.80		