

CITY OF BEULAH

April 26, 2023, 6:00 pm

Beulah City Hall Council Chambers

CITY COUNCIL MEETING

The regular meeting of the Beulah City Council was called to order at 6:00 pm by Mayor Jeff Gooss with Council Members Gary Miller, Ben Lenzen, Auston Biles, Eric Hoffer, David Czywczynski, Sean Cheatley, Amanda Mohl and Jason Isaak present.

Also Present: City Attorney Scott Solem, Assistant City Attorney Jennifer Gooss, City Engineer Charlie Hankins, Water Superintendent Gary Bovkoon, Police Chief Frank Senn, Public Works Superintendent Kenny Yeager, City Auditor Heather Ferebee, Cal Oldenburg, Mike Saunders, Rod Schaper, Ashley Baker, Renee Carlson, Nancy Hausauer, Kameron and Cassie Plienis, Roger Gazur, Beulah residents, Editor Alyssa Meier.

Gooss commented on Public Input. The time for the public to speak on city business needs to be done during the Public Input section at the beginning of the meeting. When going through the council portfolios, the council will not be calling on the public. During the meeting people will only be able to listen to council discussion.

Lenzen moved to dispense with the reading of the minutes of the Board of Equalization meeting on April 12 and the minutes of the last regular meeting on April 12 and approve as furnished to the Council by email. Isaak seconded. Roll call vote found Lenzen, Isaak, Cheatley, Biles, Mohl, Hoffer, Miller and Czywczynski in favor.

PUBLIC INPUT

AE2S proposals for a Sewer System Study and Odor Study. Hoffer stated that it is recommended to have a study completed before the lagoon dredging. The wastewater facility assessment is a needed study to find out how it works and have a plan moving forward. The odor study is more of a want versus a need, if the funds are available. The cost is \$26,600 for the wastewater study, and there is \$15,000 of grant money available. Cal Oldenburg of AE2S stated he is the operator who comes down once a week to the Water Plant. He commented the aeration system at the lagoons has fallen into disrepair with two air leaks and several diffusers needing repairs. There is too much sludge in the lagoons and that could cause odor. They will also look at the hydraulics in the collection system. Moving forward they would create a maintenance schedule. Mike Saunders of AE2S commented the assessment should be completed before the odor study. The approval could be contingent on receiving the grant. Bovkoon agrees we need to know the retention time of the water and whether the sludge removal would solve the problem. Hoffer moved to approve the wastewater facility assessment study contingent on the grant. Isaak seconded. Roll call vote found Hoffer, Isaak, Cheatley, Biles, Mohl, Lenzen, Miller and Czywczynski in favor.

Rod Schaper and Ashley Baker questioned if a decision has been made regarding the Driver's License location. Baker researched other cities and the DOT does not pay other cities either. The DOT has equipment in cabinets that could be moved. Czywczynski stated the CVB would like to

leave it at the Chamber building and plan to meet with Chamber on May 2. Baker stated that the city brought it to Beulah, so the city should make the decision. Discussion followed. Cheatley moved to relocate the driver's license division back to the Civic Center. Biles seconded. It was requested that the city try to move them within 60 days. Roll call vote found Cheatley, Biles, Lenzen, Isaak, Mohl, Hoffer, Miller and Czywczynski in favor.

Gazur commented on the proposed chicken ordinance and stated it should include a rider that the neighbors who are directly adjacent would need to approve of them having chickens. It was stated that there are neighbors who don't like each other, so that neighbor is controlling what you can do on your property. There is a 25-foot setback from an adjacent property dwelling.

Hausauer questioned the fireworks ordinance and if the city has considered changing from four days to two days for allowing fireworks. Gooss stated there was a lot of discussion on that, but they were taking into consideration where the weekend falls. Hausauer questioned if a designated area has been decided on for detonation of fireworks. Gooss stated that was reviewed as well as other issues like dumpsters. It was questioned where a firework show on New Year's Eve would be. Kameron Plienis commented it is possible it could be in the parking lot of a business in town with the permission of the Fire Chief. It would be away from residential houses. Hausauer commented on debris from people shooting fireworks. Gooss stated it would be considered a malicious discharge that can be cited by the officer. Hausauer stated the officer won't be able to cite it if they don't see them do it. Senn stated the citizen has a right to file a citizen complaint. Carlson stated that July 3 & 4 should be sufficient to celebrate Independence Day. Discussion followed. The word malicious will be changed to reckless under the penalty section.

City Attorney

Second reading of Ordinance No. 454 regarding fireworks. Miller commented he wasn't in agreement for groups and individuals to be able to get a permit to shoot fireworks from June 27 to July 5. He also would like July 5 removed as an allowed day for fireworks. Cheatley commented the Fire Chief would like the designated area to be the softball complex. It was stated it cannot be in the ordinance since the city does not own it. The application could require that the Fire Chief sign off on it. It was discussed that the fireworks should only be allowed for the three days of July 2-4 and firework litter be picked up by July 5. A deposit would also be added to the application. Jennifer Gooss stated the council could designate a location each year based on moisture and water access. The permit application should state that if there is a burn ban the permit is null and void. Changes to the ordinance will be: add "with approval of city council" under number 4, language change to "permits may be issued for display/discharge of fireworks in scheduled hourly increments between June 27 – July 5" under number 4b, change malicious to reckless discharge under number 5, and remove fireworks to be allowed on July 5, so they are only allowed July 2 – 4, with rubbish being cleaned up by July 5. Biles moved to approve the second reading of Ordinance No. 454 with the changes discussed. Cheatley seconded. Roll call vote found Biles, Cheatley, Lenzen, Isaak, Mohl, Hoffer, Miller and Czywczynski in favor.

Resolution #2023-04 – Fireworks Fees:

Sale of fireworks permit for \$100, Public display of fireworks permit of \$100, Special fireworks discharge zone permit of \$25, and Reckless discharge fine for \$100 or \$200. Hoffer moved to

approve Resolution #2023-04. Cheatley seconded. Roll call vote found Hoffer, Cheatley, Biles, Lenzen, Isaak, Mohl, Miller and Czywczynski in favor.

COUNCIL PORTFOLIOS

Council Member Isaak

Arbor Day Celebration will be May 10 at 1:00 at the Energy Wellness Center. The Tree Board met last week with the ND Forest Service. Hamelton is working on a grant to remove trees from Main Street through Tree City USA. The maximum that could be received is \$23,500.

Council Member Miller

Text Amendment Application information that P&Z is working on was presented to council. The dates of the hearings will be published in the paper.

Council Member Mohl

The Pool Board has accepted the propane bid from Cenex of \$1.17; Schirado Lawn Care for \$55 per week; and J&J Nelson Spraying for \$2,880. Amy Prince was hired as the Pool Manager and Katie Weidner as Assistant Manager. The Pool Board now has an opening. Lifeguard and office positions are still available. Early bird pool passes will be available for purchase at City Hall until May 26. They are still waiting on a repair to the stairs by the slide.

Council Member Hoffer

The draft of the chicken ordinance was presented. Hoffer requested a vote for direction on whether chickens will be allowed in the city or not. Hoffer moved to pass the ordinance to legal to get it ready for a first reading. Isaak seconded. Council discussed feedback from residents on whether or not chickens should be allowed and most of the feedback was to not allow chickens. It was questioned if council does not move the chicken ordinance forward, what would happen if it ends up on the ballot. Jennifer Gooss stated if it is voted in, the council cannot make any changes. The only way to change the ordinance would be by another election. The chicken coop would need a building permit. The costs for a permit are \$50 for the initial fee and then \$10 annually. It was stated if the fee is \$10 per dog, it should be per chicken. An annual inspection of the coop would be the reason for the annual fee. Discussion followed. Roll call vote found Hoffer, Isaak, Cheatley, Czywczynski, Lenzen and Mohl in favor. Miller and Biles opposed. First reading will be scheduled for next meeting.

Council Member Biles

The loader is repaired and at the Transfer Station. The one-armed garbage truck should be back next week.

Council Member Czywczynski

Sweeping of streets is taking place. There is also some heaving in streets happening now.

Council Member Lenzen

The Assessment Committee is meeting tomorrow at 9:30 am.

CITY PERSONNEL

City Auditor

Cheatley moved to approve the local permit for a 50/50 raffle for Coal Country Animal Rescue at the Main Street Bar on May 20, 2023. Hoffer seconded. Roll call vote found Hoffer, Lenzen, Isaak, Cheatley, Biles, Mohl, Miller and Czywczynski in favor.

Lenzen moved to approve the local permit for a raffle for Mercer County 4-H at the Fairgrounds on July 14, 2023. Hoffer seconded. Roll call vote found Lenzen, Hoffer, Isaak, Cheatley, Biles, Mohl, Miller and Czywczynski in favor.

City Engineer

Main Street project bids were opened and BEK Consulting out of Dickinson was the low bidder of the three bids received. The base bid is \$7,837,127.50, with an alternate of \$511,403 for a total of \$8,348,530.50. Discussion was held on what to eliminate from the project. Hankins is requesting approval to accept the low bid so they can issue a notice of award and enter into a value engineering phase on the project. Hankins stated that approximately \$1,000,000 can be removed from the project. Jennifer Gooss stated the city has the right to remove items from the bid. Discussion followed on the cost of items in the bid. Hoffer moved to award the low bid to BEK Consulting at the base bid of \$7,837,127.50 assuming Interstate Engineering will work with the contractor on value engineering. Cheatley seconded. Isaak questioned where the funds will come from for the increase in cost. Hankins stated the city is at the low end of utility rates and after this project and future projects the city will be near the middle in comparison to other cities. Hoffer commented that infrastructure is not in good condition, and it needs to be repaired. The cost is not going to go down. Roll call vote found Hoffer, Isaak, Cheatley, Biles, Mohl, Lenzen, Miller and Czywczynski in favor.

Police Chief

Body cams arrived for beta testing and the video is impeccable. Marcie Krumwiede and Frank Senn attended Sex Offender Registration training. A touchscreen computer and stand were donated for use in the PD. BCI and other agencies came in for an Advanced Criminal Investigation class at the Civic Center last week. They are still waiting on equipment for the new vehicle.

Public Works Superintendent

A Transfer Station burn permit has been applied for.


Water Wastewater Superintendent

Membrane replacement went very well this week. Lift #2 still needs to be repaired.

The meeting adjourned at 8:27 pm.



Jeff Gooss, Mayor



Heather Ferebee, City Auditor

4/26/23