

CITY OF BEULAH

December 18, 2023, 6:30 pm

Beulah City Hall Council Chambers

CITY COUNCIL MEETING

The regular meeting of the Beulah City Council was called to order at 6:30 pm by Mayor Sean Cheatley with Council Members Gary Miller, Ben Lenzen, David Czywczynski and Auston Biles present. Eric Hoffer, Jason Isaak and Amanda Mohl absent.

Also Present: City Attorney Scott Solem, City Engineer Charles Hankins, Water Supt. Gary Bovkoon, Police Chief Frank Senn, Assessor/Planner Heidi Hamelton, Deputy Auditor Darla Knutson, Bruce Neuberger, Suzanne Grandy, Kameron Plienis, Roger Gazur, Beulah Residents.

Pledge of Allegiance.

A moment of silence was taken in recognition of Deputy Paul Martin's sacrifice.

Water/Wastewater Superintendent

The chlorine system has been updated.

City Assessor/Planner

The meeting last week with Talon Metals went well. Letters of support for the Main Street Grant were sent to Interstate Engineering.

Lenzen arrived.

PUBLIC INPUT

Suzanne Grandy presented a site authorization change for WARC to add Bingo to Molco Lanes. Miller moved to approve the WARC site authorization change. Biles seconded. Roll call vote found Miller, Biles, Czywczynski and Lenzen in favor.

Bruce Neuberger stated his concerns with what he perceives are deficiencies with the City Attorney RFP. He feels it should be done out of the City Auditor's office not the Economic Development Director's office and that the criteria under the RFP are subjective.

Neuberger questioned the vacant Ward 4 Council position. Biles commented that in ND Century Code 40-08-08 it does not say "shall", it says "may". The Council previously discussed and voted to leave the seat open. ND Assistant Attorney General Allyson Hicks' unofficial opinion is that without there being specific authority to the contrary it's discretionary and the council can exercise their discretion. Solem's legal opinion is that the City Council has acted within their proper discretion to not fill the vacancy.

Kameron Plienis presented a Fireworks Permit to display fireworks at Ace Hardware on December 31, 2023 at 7 pm. Plienis and Senn will meet to coordinate a site plan and road closures. Biles moved to approve the Fireworks Permit application. Miller seconded. Roll call vote found Biles, Czywczynski, Miller and Lenzen in favor.

APPROVAL OF MINUTES

Biles moved to dispense with the reading of the minutes of the last regular meeting on December 4 and approve as furnished to the Council by email. Czywczynski seconded. Roll call vote found Biles, Czywczynski, Miller and Lenzen in favor.

COUNCIL AGENDA ITEMS

Mayor Cheatley

Cheatley appointed Jason Isaak to the Assessment Portfolio. Czywczynski moved to approve the appointment. Miller seconded. Roll call vote found Czywczynski, Miller, Lenzen and Biles in favor.

Cheatley appointed Derrick Sindt to the Library Board. Biles moved to approve the appointment. Lenzen seconded. Roll call vote found Biles, Lenzen, Miller and Czywczynski in favor.

Czywczynski moved to change the January 1, 2024 Council meeting to January 2, 2024 due to the Holiday. Miller seconded. Roll call vote found Czywczynski, Miller, Lenzen and Biles in favor.

Council Member Miller

Roger Gazur was the only applicant to apply for Tolosky's expired term for the P & Z Board. The vacancy was advertised in the paper. Cheatley appointed Roger Gazur to the Planning & Zoning Board for a five-year term. Miller moved to approve the appointment. Lenzen seconded. Roll call vote found Miller, Lenzen, Czywczynski and Biles in favor. Gazur thanked the Council for their faith in him.

Roger Gazur's P & Z term ended December 31, 2022, but during the delay of appointment a motion was passed, under the former mayor, to allow Gazur to serve for an additional 30 days. Miller moved to approve compensation for Gazur for the two meetings that he acted in good faith even though it was after his term. Gazur said there's nothing in the zoning ordinance that gives the Council authority to extend the term of any expired member of P & Z Commission and personally doesn't consider it valid. He asked that the Council not approve the compensation since it was after his term. Miller withdrew his motion.

Mayor Cheatley

The fuel bids were received for 2024-2025. Downtown Gas & Auto supplied all the required documents and will be the bid winner. Farmer's Union Oil submitted a bid, but not the required invoice format. Farmer's Union Oil will be the after-hours fuel supplier. Biles moved to approve the fuel bids as presented. Lenzen seconded. Roll call vote found Biles, Lenzen, Miller and Czywczynski in favor.

CITY PERSONNEL

Deputy Auditor

Lenzen moved to approve the special event permit for Bronson's Marketplace for the Lion's Club Nite at the Races at the Beulah Civic Center on January 20, 2024. Miller seconded. Roll call vote found Lenzen, Miller, Czywczynski and Biles in favor.

City Attorney

Beulah Housing Authority's loan for the patio homes has reached its adjustment date. The Union Bank will extend the loan for another 30 years to lower the payments and save on interest. Solem stated the City didn't sign the original loan. The City will need to find out if they are obligated to cosign the new loan. The City should look over the financials before they approve cosigning. Solem stated the paperwork could be changed if the Housing Authority wants to get the loan done before the end of the year. Czywczynski moved to table the topic until a further date so Lenzen could review the financials and report back to council. Miller seconded. Roll call vote found Czywczynski, Miller and Biles in favor. Lenzen abstained.

City Assessor/Planner

Request for payment will be submitted to the ND Abandoned Automotive Program for the trailer that was removed from 1st Ave SW.

Asbestos has been removed from the apartment on Parkway Dr. but there's not enough money in the budget for demolition. The property might be up for sale and the potential buyer has been made aware of the situation. The City has not been reimbursed for the survey and abatement nor has there been any communication received from the property owner or their attorney. The City crew demolishing the property might be an option if the city's insurance covers it. A timeline needs to be set for the demolition of the property. Hamelton will report at the next meeting options for demolition of the building, cost, and if insurance would cover the City to demolish the property.

P & Z Board approved requesting sole zoning control of the second half-mile of the Extraterritorial Zone. Ordinance 414 established jurisdiction over the first mile of the ET zone. The second half-mile is considered joint jurisdiction unless the county relinquishes control. The approval would streamline the building permit process. Miller moved to allow Hamelton to go to Mercer County Commission to request sole jurisdiction over the ET zone. Lenzen seconded. Roll call vote found Miller, Lenzen, Czywczynski and Biles in favor.

P & Z Board recommended the reappointment of Gerald Bieber as extraterritorial representative for a five-year term. The appointment will need to be approved by the County Commission per Century Code. Miller moved to allow Hamelton to go to Mercer County Commission to request the reappointment of Gerald Bieber. Czywczynski seconded. Roll call vote found Miller, Czywczynski, Lenzen and Biles in favor.

The iWorQ program is working well. 172 building permits were issued in 2023.

City Engineer

The Sletten Excavating invoice in the amount of \$26,950 for repair of the Force Main Sewer Break on 7th St NE was presented. Czywczynski moved to pay Sletten Excavating as presented. Biles seconded. Roll call vote found Czywczynski, Biles, Miller and Lenzen in favor.

The City has been selected for the Lead Line Service Inventory grant. Interstate Engineering has a team that will coordinate with the city.

Flex Funding Program is available for the Main Street project. Project is 100% eligible so it could be partially or fully funded.

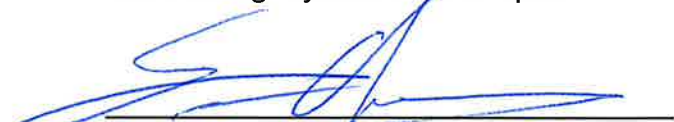
Police Chief


WRT installed cameras at City Hall. The streaming and recording are being done by the Police Department.

Electronic Communications Inc. did a site survey for door fobs at City Hall. The estimate is \$12,852.72 with no monthly fees. The City will own the equipment, but ECI will service it. The system is upgradable to 64 locks. The PD will get the rights to program and produce the cards and program access points. Access points would be on the City Hall main office door and several access points within the PD. Biles moved to go with the Electronic Communications Inc. system for door locks and fobs. Lenzen seconded. Roll call vote found Biles, Lenzen, Miller and Czywczynski in favor. COVID money remaining in the Public Building fund for City Hall will be used.

Senn requested an extension of his vacation hours into January or a payout which he would donate to Paul Martin's family since the circumstances over the past few weeks didn't allow him to take his scheduled vacation. He will be about 44 hours over the carryover limit. Czywczynski moved to extend Senn's excessive vacation hours to the end of January 2024. Miller seconded. Czywczynski said it's discretionary and not to hold Senn to thirty days because he needs his vacation. Lenzen agreed. With the tragedy, six months is not too much. Roll call vote found Czywczynski, Miller, Lenzen and Biles in favor.

The meeting adjourned at 8:34 pm.


Sean Cheatley, Mayor


Darla Knutson, Deputy Auditor