

The regular Beulah City Council meeting of December 19, 2016 was called to order at 7:00 pm at Beulah City Hall by Mayor Darrell Bjerke.

Present: Eric Hoffer, Joel Morgan, Ben Lenzen, Clyde Schulz, Kelsey Timmer, Brant Keller, Travis Frey

Absent: Kathy Kelsch

Also Present: City Attorney Scott Solem, Economic Development Director John Phillips, City Engineer Loren Daede, City Coordinator Russell Duppong, Public Works Foreman Kenny Yeager, Police Chief Frank Senn, Water/Wastewater Foreman Gary Neuberger, David Hafner, Kate Johnson

Pledge of Allegiance

Frey made a motion seconded by Schulz to dispense with the reading of the minutes of the last regular meeting on December 5 and approve as furnished to the Council by email. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Bjerke commented January 2 is a holiday because the 1st is a Sunday. He questioned if we should have Council on the 2nd or 3rd. Bjerke stated we will meet Monday, January 2.

Timmer commented there is one Library Board position open and we have received one application. The board will meet the first Wednesday in January to make a decision.

Hoffer commented he sent out the revised cemetery ordinance for Council to review. The increase in lots would be from \$75 to \$200.

Lenzen made a motion seconded by Keller to approve the payment of \$15,621.92 to Bituminous Paving, Inc. for SID #23. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Lenzen made a motion seconded by Timmer to approve the payment of \$12,071.45 to Bituminous Paving, Inc. for SID #24. Frey questioned if the bonds have been sold. Ferebee stated they have been sold and we should receive the funds tomorrow. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Lenzen made a motion seconded by Timmer to approve the payment of \$854.46 to Bechtold Paving, Inc. for 2016 asphalt street repairs. Daede commented there weren't as many areas to patch this year. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Lenzen stated one of our concrete contractors gave a good bid but some of the work they did was incomplete. Daede commented the work was good, but they were not paid for the area that was incomplete. He stated they won't be invited back to bid next year.

David Hafner commented he is in the process of trying to purchase a lot. He requested letters regarding the property from the City which he was not given. He also contacted our City Attorney. Hafner was hoping he would have enough time to take care of the building. Duppong commented

Hafner requested letters that were sent out on the dilapidated property. There is a legal issue right now and we are working with the owner of the property. Hafner is a prospective buyer at this time and we don't have information we can give him. The owners would need to sign off on the records. Senn stated according to open record laws, Hafner would need to get the information from the legal office, not the point of origin. Hafner requested the dates the letters were sent and signed for. Duppong commented he will contact our attorney for what can be given out. He stated if Hafner purchased the property he would take over everything that comes with it.

Keller commented there was a motion tabled at the last meeting for water meter rates. Keller made a motion to amend seconded by Frey to approve the monthly rates based on meter size: \$3 for 5/8" – 1" meters; \$7 for 1½" – 2" R2 meters; \$15 for 1½"– 2" C2 meters; and \$20 for 3" C2 meters. Keller stated the majority of accounts will be charged \$3/month, with only 21 accounts currently listed as having larger meters. Frey questioned how the rates were figured out. Ferebee stated the rates are in ratio to the \$3/month rate. The \$20/month charge would cover a meter that currently costs \$1,661. Frey stated he wanted to be sure we covered replacement cost and inflation. Bjerke commented the rates need to cover the current loan and meter replacement 15-20 years down the road. Roll call vote on the amendment found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor. Roll call vote on the main motion found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Keller made a motion seconded by Hoffer to write off \$421.50 of unpaid bills for delinquent water accounts that are uncollectible. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Keller commented on the Moore Engineering invoice. The amounts line up with budgetary numbers. He stated the invoice would be paid with Surge fund revenue. Keller made a motion seconded by Timmer to pay Moore Engineering \$343,013.28 for services received on the Water Plant Improvement project. Frey questioned the process of using the surge money to apply towards the portion the City is to cover in order to receive the grant funding. Discussion followed. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor. Keller commented we will approve the Moore Engineering contract at the next Council meeting.

Morgan commented the Transfer Station would now be closed on Saturdays for winter hours.

Frey commented there was an Employee Relations meeting today and it was decided a job offer would be made to Brett Koch for the Water/Wastewater Operator position. He stated they are looking at an Employee Handbook rewrite to include FMLA and other items not currently included. He commented we currently observe eight holidays and discussed adding a couple of extra holidays which will be reviewed during the handbook update. Frey commented on P&Z and stated they are looking at an avenue to pay for a land use plan.

Schulz made a motion seconded by Frey to accept the municipal court report for November. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor. Schulz commented there are two vacancies on the Pool Board. He commented on meetings for JDA, the Pool Board and the Park Board. The Buy Local Campaign was at the Civic Center last week and he commented on some ways to promote spending locally. Schulz made a motion seconded by Timmer to approve paying the bill to Solem Law for Municipal Code revision services. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor. Discussion followed on

whether sales tax is collected on online sales in North Dakota. Lenzen stated it is voluntary in North Dakota.

Solem arrived. He stated the Midco franchise agreement is not very good. He commented the new agreement reduced liability insurance, eliminated one free channel, and dictates who the City could have a franchise with. Solem commented on the Moore Engineering amendment to the contract. He stated we should go through some of the numbers with Kent Ritterman so we know exactly what the extra amounts are for and take action on it at the next meeting. Solem stated they are finishing up the financial paperwork on SID #24 & #25.

Yeager commented they have been widening streets, plowing snow and sanding. In the next two weeks they will continue to widen streets, sand, change oil in loaders and take recycle to Minot. They have two double garbage routes this month. Starting January 3 the Monday and Wednesday residential garbage routes change to Tuesdays. Lenzen commended Public Works on snow removal.

Duppong commented P&Z has two applicants for the P&Z Board. He stated he is putting permits together for the assessor. Duppong commented Public Works is doing a great job with cleaning up areas that had issues. He stated 2K Meats has a plan in place and we will see how it works. Hoffer questioned if he has a way to kill the animal before it comes to town. Duppong stated he does and the process is temporary for now. He covered other issues brought to P&Z including a building that will have a mixed use. There will be a barber shop up front and a residence in the back.. He commented on problems with the train blocking the tracks for up to 42 minutes.

Schulz made a motion seconded by Frey to approve the November Financial reports. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Ferebee presented a special event permit for the Main Bar to serve alcohol at the Beulah Civic Center on January 14, 2017 for a wedding dance. Lenzen made a motion seconded by Keller to approve the special event permit as presented. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Phillips commented that it has been stated that tax relief will be maintained. He stated EDND also feels internet sales tax is important. Construction continues on the apartment complex and is on schedule for a mid January opening.

Phillips requested the JDA funding allocation and presented information on how JDA was formed. The allocation would be \$52,000 minus the custodial payroll expenses for the USDA building. He also presented projects currently being worked on. JDA is not exempt from property tax with the exception of the USDA building since it's federal. Schulz made a motion seconded by Keller to dispense the allocation to JDA. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Phillips presented financials and requested the funding allocation of \$20,000 for the Beulah Municipal Airport Authority. He commented on a proposed automated fuel system due to a lack of staff for fueling. Schulz made a motion seconded by Lenzen to approve the allocation of \$20,000 as presented. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Senn commented they are still supporting DAPL which should be reimbursed. He stated they had the Chief's meeting last week. There are concerns on marijuana for medical use and the law that goes along with it. He commented on cultivation and sale of marijuana. There is no provision in the law that would prevent a political subdivision from being more strict. He would like to write an ordinance that would cover the City. Senn commented on jail provisions that are to go into effect in January and may cost the County a large amount that would pass down to the City. He commented on vehicle towing. Lenzen thanked Senn for tagging cars and stated that it helps Public Works by not having to go around vehicles.

Bjerke commented the next meeting will be January 2 and the Employee Appreciation banquet has been scheduled for January 27.

Lenzen made a motion seconded by Schulz to approve two invoices for SID #24 & #25. Roll call vote found Keller, Hoffer, Morgan, Lenzen, Frey, Schulz and Timmer in favor.

Meeting adjourned at 8:53 pm.

Darrell R. Bjerke, Mayor

Heather Ferebee, Auditor