

The regular Beulah City Council meeting of May 16, 2016 was called to order at 7:00 pm at Beulah City Hall by Mayor Darrell Bjerke.

Present: Brant Keller, Roger Gazur, Alan Kok, Travis Frey, Kirby Morgenstern,  
Ben Lenzen

Absent: Clyde Schulz, Kathy Kelsch

Also Present: City Attorney Scott Solem, City Engineer Loren Daede, City Coordinator Russell Duppong, Economic Development Director John Phillips, Water/Wastewater Foreman Gary Neuberger, Police Chief Frank Senn, Larry Schnaidt, Rick Mitzel, Kate Johnson, Cindy Zahn, Brandi Schaper

#### Pledge of Allegiance

Gazur made a motion seconded by Kok to open the hearing on the re-plat of the Schnaidt property. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Duppong explained the area of Sandy's Addition. The zoning classification would remain C2. Gazur made a motion seconded by Kok to approve the re-plat as presented for Lots 1 & 2 of Sandy's Addition. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Gazur made a motion seconded by Frey to close the hearing. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Frey made a motion seconded by Gazur to open the hearing on the LSS Housing bond resolution. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Solem stated a preliminary resolution was passed approving this project. Phillips stated a pre-construction meeting is planned for May 20 with a possible ground breaking on June 6. Essential service worker and affordable housing is available in this 24-unit complex. Phillips presented two resolutions: LSSH Resolution Authorizing Issuance of Bonds and LSSH Bond Certificate Resolution. Gazur made a motion seconded by Frey to approve the two LSS Housing resolutions as presented. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Gazur made a motion seconded by Keller to close the hearing. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Gazur made a motion seconded by Kok to dispense with the reading of the minutes of the last regular meeting on May 2 and approve as furnished to the Council by email. Roll call vote found Kok, Frey, Lenzen and Morgenstern in favor. Gazur and Keller abstained. Motion passed.

Cindy Zahn of WARC presented two site authorizations: Site Authorization for Mercer County WARC at the Nite Owl Bar for July 1, 2016 – June 30, 2017. Site Authorization for Mercer County WARC at the Main Bar for July 1, 2016 – June 30, 2017. Gazur made a motion seconded by Lenzen to approve both site authorizations as presented. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Bjerke stated City Assessor Soojin Lee has resigned as of June 3.

Lenzen commented the curb has been put in on 3<sup>rd</sup> Ave. Lenzen made a motion seconded by Kok to approve a payment of \$436.70 to Brandoz Concrete for 2015 Street Repairs. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Kok commented on the shingle replacement for the Chamber Building and presented the bids. Kok made a motion seconded by Keller to accept the bid from Jensen Roofing to repair the roof of the Chamber Building. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Kok thanked Yeager and Public Works for replacing the cemetery memory name plates. He stated the Beulah Police Department assisted Hazen with an armed robbery. Kok commented Senn started his extensive training program in Dickinson.

Keller commented Knutson and Neuberger have now met with three different companies and Keller will meet with them to discuss the options. He stated there was a water main break last week. Gazur commented on the Water Commission's cost share reimbursement agreement on the water plant improvement project and has concerns regarding the sponsor's responsibilities. He stated we need to ensure all applicable permits are in place, Duppong stated it is all being worked on right now. Gazur commented on the written certification needed on jurisdiction and the water service agreement needed if the project is located in extraterritorial jurisdiction. Duppong noted the Water Commission stated this is a different situation since the Southwest Water agreement won't be completed in time.

Gazur commented there has been an inquiry regarding offering City benefits to a Library employee. He stated Ferebee will be setting up an Employee Relations meeting to discuss this topic. Public Works inquired about hiring additional summer help due to sick leave in the department and that has been done. Bjerke commented on the slope mower the City is renting.

Frey commented he was at Sanitation Products in Fargo. He looked at alternative dumpsters and went to the Friday department meeting to discuss this with employees. He stated he spoke with Sanitation Products regarding an additional backup truck and they have a used one available. Frey commented he would like the employees who pick up the new truck to demo this one. He stated he spoke with Yeager and he said there is a lot of cardboard put in dumpsters. Frey stated it would be nice if that would go to the transfer station instead of filling up dumpsters. He will do some background research before budget time.

Morgenstern stated City cleanup went well. He will work on getting some diseased trees taken down. Sun Valley RV Park is full right now.

Daede commented Brandoz Concrete turned in the documents needed and they are starting right away with 2016 Street Repairs. 3<sup>rd</sup> Avenue is progressing. Bituminous should be in this week to seal the street in Barton Estates. He stated we need level indicators put in at the South Lagoon.

Duppong commented Spoiled Rotten Salon needs a variance for a sign placed at the business and he described the area. Gazur made a motion seconded by Kok to approve a variance allowing the sign as presented. Duppong will work with her on the placement in the yard so it doesn't block the view of the sidewalk from the driveway. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Fiber Optic cable from West River has started in the Murray Addition. He stated as far as the water plant, the copper wire needs to stay in place and we will need to look at another system. FEMA will be here next week to review some items. There is a P&Z meeting

this Thursday with a re-plat hearing for Schlecht's. Duppong stated there are four buildings that have not responded in the dilapidated building project. Frey questioned why the County was concerned with the Schlecht property. Duppong stated it is a small strip of land and this will clean up the property by combining it into one piece.

Solem commented on Street Improvement District #25 which consists of Lots 1-13, Block 1 and Lots 1-15, Block 2, Sun Valley Builders Addition. Kok made a motion seconded by Lenzen to approve the Resolution creating and defining the district. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Keller made a motion seconded by Gazur to approve the Resolution directing the preparation of the engineer's report and cost estimate. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Gazur made a motion seconded by Frey to approve the Resolution approving the engineer's report and directing the preparation of detailed plans and specs. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Frey made a motion seconded by Morgenstern to approve the Resolution approving preparing the specifications and estimates. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Lenzen made a motion seconded by Gazur to approve the Resolution ratifying advertisement for bids for SID #25. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Gazur made a motion seconded by Kok to approve the Resolution of necessity. Solem stated there will be a protest hearing at the second meeting in June. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Solem stated they are trying to set up a meeting with the City of Bowman to discuss the contract they have with Southwest Water. The City lot sale will be on Wednesday and he questioned if the highest bid could be accepted by pre-authorization so the purchaser would not need to wait until the next Council meeting. Gazur stated as long as the bidder meets the criteria there are no just grounds to refuse it. Gazur made a motion seconded by Kok to authorize the City Attorney to draw up a purchase agreement for the successful bidder as per the requirements of the bidding process. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Ferebee presented a Special Event Permit for the Main Bar to serve alcohol in the Civic Center parking lot for the Lion's Club Cook-off on June 4, 2016. Lenzen made a motion seconded by Morgenstern to approve the special event permit as presented with the requirement that the area be partitioned as specified by the Chief of Police. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor. Ferebee presented two site authorizations: Site Authorization for Garrison Area Improvement, Inc. at Fanatics Sports Bar & Grill for July 1, 2016 – June 30, 2017. Site Authorization for Hazen Winter Sports at the Nite Owl Bar for July 1, 2016 – June 30, 2017. Kok made a motion seconded by Keller to approve both site authorizations as presented. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Phillips commented on the June 6<sup>th</sup> ground breaking for the 24-unit apartment complex. He stated they are working with some new business prospects for Main Street and that they are still working on the childcare facility.

Senn commented they are still moving forward on the QRU. One of the police vehicles has been towed to Bismarck for repairs.

Bjerke commented on the second meeting in Dickinson with Southwest Water and commented on their wanting full rights outside city limits. There will be more meetings in the future to come up

with a better agreement. Gazur commented the County Tax Equalization meeting will be June 1 and he will attend that meeting to present the two adjustments made by the City of Beulah. He stated he is not there to support those two properties per se but to argue for the methodology the City has used to determine if an adjustment is necessary.

Gazur made a motion seconded by Kok to move into executive session at 8:25 pm for legal counsel. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Gazur made a motion seconded by Lenzen to close executive session at 8:45 pm. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Gazur made a motion seconded by Frey to authorize the City Attorney to prepare a response to the legal counsel of R.S. Giulio regarding his recommendation. Roll call vote found Keller, Kok, Gazur, Lenzen, Frey and Morgenstern in favor.

Bjerke commented on the nominees willing to serve on the Lodging Tax advisory board. He stated he will send out the names before the next meeting. Lenzen volunteered to be on the advisory board from the City.

Bjerke commented on the agreement with Southwest Water and stated there shouldn't be any lost revenue to Southwest Water for the area outside of Beulah especially since they didn't size their pipes to sustain Beulah. Discussion followed.

Meeting adjourned 8:55 pm.

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Darrell Bjerke, Mayor

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Heather Ferebee, Auditor