

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

Present: Eric Hoffer, Kathy Kelsch, Joel Morgan, Ben Lenzen, Clyde Schulz, Kelsey Timmer, Brant Keller

Absent: Travis Frey

Also Present: City Attorney Scott Solem, Assistant Attorney Jennifer Gooss, Economic Development Director John Phillips, City Engineer Loren Daede, City Coordinator Russell Duppong, Public Works Foreman Kenny Yeager, Water/Wastewater Foreman Gary Neuberger, Police Chief Frank Senn, Jerry Reichenberg, Marvin Bauer, Keith Bohn, Kate Johnson

Regular meeting called to order.

Pledge of Allegiance

Hearing on SID #25:

Phillips commented the Assessment Board met regarding SID #25 on Keller Drive and two issues were discussed. Phillips stated the amount assessed is based on one side even if it is a corner lot. He also stated owners believed it should be based on 27 lots but only 26 were used. It was decided the three city lots would cover the extra lot assessment and capitalized interest. Property lot owners would be assessed \$13,890 for each lot and the City lots would be assessed \$21,850 each. Timmer made a motion seconded by Schulz to approve the recommendations of the Assessment Board as presented. Phillips stated that if this is approved tonight, these assessments will be on this year's tax statement. Bjerke stated the residents came in for a street and the City should not have to subsidize the street. The City is absorbing the capitalized interest. Timmer stated it was found there are specials on Lot 15 so it was decided to split the cost between the other three lots the City owns. Kelsch questioned if the extra special assessments should be put onto Lot 15 to make it cleaner. Phillips explained why this cannot happen, that those specials are being paid by Sales Tax. Lenzen commented on raising the price of these lots when sold by the City to recoup the specials. Hoffer questioned Solem if it is legal to assess a City lot differently than others. Solem stated the assessments could be different and anyone would have the right to contest an assessment. If the City approves it, there is not an issue. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor. Keller made a motion seconded by Lenzen to close the hearing. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Hearings on the amendment of district zoning map and the replat of lots in Prairie Hills Addition, Filing No. 2 and the amendment of district zoning map and vacation of 17th Street and 18th Court.

Solem presented a petition to replat and rezone the lots within Prairie Hills Addition where the Wellness Center will be built. He also presented a petition to vacate a portion of 17th Street and 18th Court and rezone the area. In both petitions the zoning would be changed from R5 to POC. Duppong commented on the hearings held at P&Z on October 20 recommending approval of both of these petitions. Lenzen made a motion seconded by Schulz to approve the replat and rezoning as recommended by P&Z. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor. Schulz made a motion seconded by Timmer to approve the vacation and rezoning as recommended by P&Z. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and

Schulz in favor. Schulz made a motion seconded by Kelsch to close the hearings. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Lenzen made a motion seconded by Schulz to dispense with the reading of the minutes of the last regular meeting on October 17 and the special meeting on October 24 and approve as furnished to the Council by email. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Timmer and Schulz in favor. Lenzen abstained. Motion passed.

Bjerke commented on an issue with 2K Meats. There is a request that would require the City to change ordinances. Duppong stated there are some regulation enforcements causing Bohn to change operations of his butcher shop. He stated the animal currently cannot be slaughtered in the City because it is not in our zoning code. Bjerke commented the animals are currently slaughtered on the farm but that will no longer be allowed. Duppong stated P&Z recommended working with Keith Bohn. Bohn commented that federal regulation is requiring him to make this change. He explained that a large portion of his business is affected. Hoffer questioned if there is a long-term plan. Bohn stated not at this time. Kelsch questioned if he could take the animal to another property that he owns. Bohn explained it would need to be enclosed and inspected. Bohn stated the State has approved his plan as long as the City approves it. Lenzen questioned if they could be moved out of city limits. Timmer questioned if Bohn would need to get approval from neighbors to slaughter in the area. Bjerke stated there would be a hearing to change the ordinance and at that time the neighbors could voice their opinion of the change. Solem stated it is a State law that you cannot discharge a firearm within City limits. Solem stated the zoning of C2 allows for a butcher shop but not the rendering of animals. The ordinance would need to be changed and a conditional use process would need to take place. Keller questioned if there is an alternative to using a firearm. Kelsch requested Bohn to come up with another alternative for rendering the animal. Hoffer questioned if it is still city limits across the street. Bjerke clarified Bohn can go out to a farm and render the animal as long as it's for the owner. The issue is when Bohn renders an animal on a farm and it's sold to someone else. Lenzen made a motion seconded by Keller that the City would be willing to work with Keith Bohn provided he can cover all of the issues addressed. Bjerke commented legal counsel will look into this further. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor. Bjerke stated it would need to go back to P&Z.

Recess taken.

Bjerke commented the Municipal Judge has a hearing coming up that will require a court appointed attorney. Thomas Glass is available to do it for \$75 per hour. Bjerke stated it is only for this particular case at this time. Schulz made a motion seconded by Keller to approve hiring Thomas Glass for this situation as discussed. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor. Bjerke commented half of the walking bridge was purchased for \$10,000. Prior to this offer we could have acquired the bridge for nothing, but it would not have been taken apart or moved from across the Knife River. That would have cost about the same amount. He stated it is a good idea to move forward with a save the bridge campaign to set it up. Schulz stated the DOT spent a lot of money to save the bridge for walking during the construction process. Lenzen stated we probably need to put some safety measures up and Schulz stated a fence is now around it.

Motion tabled at last meeting: Morgan made a motion seconded by Frey to approve the new Transfer Station rates.

Morgan commented on Transfer Station rate increases. Bjerke stated Frey does not agree to a charge for trees. Hoffer stated he agreed with Frey, but contractors who bring in trees for disposal should be

charged. Hoffer made a motion seconded by Kelsch to amend the motion to approve the rates with no charge for a pickup load or two wheeled trailer load of tree branches, but to charge for larger trailers. Kelsch stated the tree drop off should then be moved inside the fence. Schulz stated we could keep a minimum charge and that he doesn't agree with fencing off the south lot. Schulz made a motion seconded by Timmer to amend the motion to include a minimum of half of the charge for tree branches and household garbage. Hoffer questioned if allowing an attendant to have leeway on charging a minimum or to decide not to charge at all would cause a problem. He questioned if raising rates is even going to affect anything. Schulz stated it needs to be monitored and if there is an employee not doing their job it needs to be addressed. Roll call vote on the amendment for minimum charges found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor. Roll call vote on the amendment for no charge on a pickup load of branches found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor. Roll call vote on the main motion to approve the new transfer station rates found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor. Morgan stated the Monday and Wednesday residential routes will be moved to Tuesday starting January 1, 2017. Kelsch questioned the cameras at the Transfer Station. Duppong stated one is working again and there was discussion on a new camera.

Schulz stated Beulah was awarded the Safest City in North Dakota through a National Safety Organization. KX News interviewed Senn and Schulz. Schulz stated Wellness Center fill dirt will be hauled in with construction starting in the spring of 2017. He commented West River Transit had a meeting and he mentioned some events. Vision West will have a presentation on December 12 at the Civic Center. Senn stated Unit #10 is repaired. Schulz made a motion seconded by Timmer to accept the municipal court report for October. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Timmer commented the library had 2400 checkouts last month and ten new families. The Knife River Care Center project has had good attendance. There were 120 kids who came through for Trail of Treats and 30 kids at story hour for Halloween. The library will be involved in Pokémon Go during the Holiday Walk Around. Ferebee certified the assessments to the county on November 1.

Hoffer commented on an issue at the RV Park. He commented on problems with ash trees in boulevards and the possibility of replacing them with a smaller ornamental tree. He commented on revising the cemetery ordinance and a rate increase.

Lenzen made a motion seconded by Schulz to approve payment of \$171,505.51 to Unlimited Excavating for New Energy Drive. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Lenzen made a motion seconded by Keller to approve payment of \$89,820.71 to Bechtold Paving, Inc. for SID #25 on Keller Drive. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor. Lenzen instructed Daede to put in a good word for Bechtold Paving.

Lenzen commented the Lodging Tax Committee met. They will need to meet again before items are brought to Council for approval.

Lenzen made a motion seconded by Schulz to approve payment of \$13,022.10 to Bechtold Paving, Inc. for 2016 asphalt repairs. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Kelsch commented New Life Church would like to occupy the south side of City Hall for their living manger and petting zoo on December 6 for the Holiday Walk Around. Kelsch made a motion seconded by Timmer to approve New Life to set up a living manger and petting zoo on the property on the south side of City Hall. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Keller made a motion seconded by Hoffer to approve payment of \$42,175 to Tri-State Coatings for the painting of the water tower. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Keller commented there was a delay in the bid opening for the Water Plant Improvement project and the reason was to specify the equipment and controls before the bids are opened and awarded. Next week they will take a tour of water plants in Hillsboro and Mayville. Duppong stated there will be a meeting with Moore Engineering tomorrow at 5:00 pm. The bid opening will be November 23 at 2:00 pm at City Hall. Keller commented the water ordinance will need to be updated to include the City as owner of the water meters.

Daede stated the bottom lift of the street is completed on New Energy Drive.

Solem commented Jennifer Gooss is a new attorney at Solem Law. Schulz made a motion seconded by Keller to appoint Jennifer Gooss as Assistant City Attorney. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Yeager stated they put up a barricade on 1st Ave. SW, winterized vehicles, did some leaf sweeping, mowing, weed eating, burned the woodpile, cleaned the leaves off the roof of City Hall, put the tree stand in place, replaced a cutting edge, put the snow fence up around the bridge by the pool and took a load of recycle to Minot. In the next weeks they will put the Christmas banners up, go through Christmas decorations, haul ashes and winterize the sweeper. The Christmas tree donated by Lenny Tesky will be going up on Main Street.

Duppong commented the ND Health Department approved the Water Plant Improvement plans. Garry Tesky has resigned his position on P&Z and Chris Renner is up for a new term after filling Wes Gunsch's unexpired term. He described the bus barn drainage issue. He stated extra dirt from New Energy Drive was hauled to the south side of 11th Street to try and eliminate the drainage problem. Duppong commented on grass cutting issues yet to be taken care of.

Ferebee presented a raffle permit for Beulah Post Prom at Beulah City Hall on February 7, 2017 and 50/50 raffle permits for Beulah Education Foundation at the Beulah High School Gym for boys' basketball from December 13, 2016 to February 18, 2017 and for girls' basketball from December 31, 2016 to February 9, 2017. Lenzen made a motion seconded by Keller to approve the three raffle permits as presented. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Ferebee presented a special event permit for the Nite Owl Bar to serve alcohol in their back parking lot for a pinochle tournament on December 10, 2016. Lenzen made a motion seconded by Kelsch to approve the special event permit as presented contingent on Police Chief approval. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Ferebee presented a special event permit for Bronson's Marketplace for a wine tasting at the Red, White & Wellness event at the Beulah Civic Center on January 28, 2017. Keller made a motion seconded by Hoffer to approve the special event permit as presented. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Senn commented on the Beulah PD assisting with the DAPL issue south of Mandan. This week two officers are down there. The pound received a new metal roof and the plan is to eventually take the dirt out from around the building and put down gravel for less maintenance.

Bjerke commented on the mayor summit he attended last week in Jamestown. All cities are in the same boat and he is looking forward to new recommendations for the next legislative session. He stated the occupancy and lodging tax needs to be approved by Council each year and a budget needs to be set up.

Solem commented on the Resolution confirming assessments for SID #25. The bonds have not been sold yet so the rate should be set as not to exceed 3% plus the 1.5% administration fee on top of that. Timmer made a motion seconded by Schulz to approve the resolution confirming assessments and directing certification and levy for SID #25. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Timmer made a motion seconded by Schulz to approve the resolution confirming assessments and directing certification and levy for SID #24. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Schulz made a motion seconded by Keller to approve bills as presented. Lenzen questioned the street light expenses for Barton Estates. Roll call vote found Keller, Hoffer, Kelsch, Morgan, Lenzen, Timmer and Schulz in favor.

Meeting adjourned at 9:42 pm.

Darrell R. Bjerke, Mayor

Heather Ferebee, Auditor

Check Range: 34519 to 34632, -99878, -99877

Payroll Check Range: -81902 to -80836

Employees	70,789.46
FIT	11,542.61
New York Life 457b	1,575.00
SDU	527.08
MN Child Support	575.62
FIT	13,073.49
SDU	527.08
MN Child Support	575.62
NDPERS	27,888.96
ALFAC	1188.09
North Dakota Tax Commissioner	68.37
North Dakota Tax Commissioner	2124.72
Ethanol Products LLC	1808.68

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MDU	15734.84
Loren Wiest	210.00
Tri-State Coatings	94450.00
Bechtold Paving Inc	132513.19
Unlimited Excavation	11533.27
Railroad Management Co III, LLC	194.55
Bronson's Marketplace	59.52
HAWKINS INC	601.18
USA Blue Book	188.42
Downtown Gas & Auto	3862.12
Lignite Tire	1978.74
Solem Law Office	2978.42
West River Telephone	1478.88
Verizon Wireless	530.68
SRF Consulting Group, Inc.	4051.48
Information Technology Dept	185.10
Mercer County Treasurer	6742.21
BHG, Inc.	1752.07
Farmers Union Oil Company	1788.75
Mainstay Funds	5823.08
New York Life	1751.39
Powerplan	1795.12
Swanston Equipment Corp	1559.35
Butler Machinery Company	2759.32
MDU	13.59
Danny & Anne Horn	5160.00
Beulah Public School District #27	120.00
Waste Not Recycling, LLC	1250.00
AED Everywhere	372.30
The Hub Convenience Stores	10.99
Holiday Inn Fargo	432.00
W.D. Larson Companies LTD, Inc.	528.08
Nancy Bickerstaff	7.01
MailFinance	441.87
Ecolab Pest Elim Div	150.88
Haag Signs Inc.	90.79
Sletten Excavating, Inc.	4417.44
TASER International	125.78
Best Western Ramkota Hotel	1853.00
West River Telephone	91.92
North Dakota One Call Inc	218.10
AT&T Mobility	77.00
Beulah Airport Authority	4615.38

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Beulah Senior Center	3296.70
Roughrider Electric Cooperative Inc	3367.84
Beulah Park District	43914.05
North Dakota Dept of Health	64.00
Beulah Park District	17142.81
Dakota Supply Group	3635.54
NAPA Auto Parts	738.69
Beulah Lumber Company	32.96
AmeriPride Linen & Apparel Services	327.23
Interstate Engineering, Inc	19990.28
Neofunds by Neopost	2000.00
Country Magazine	15.00
Baker & Taylor	443.01
HoffmanMedia	47.00
Southwest Business Machines	40.00
Subscriber Services	116.07
Subscriber Services	89.04
Viking Screen Prints	262.93
Midwest Tape	0.00
Knife River Corporation	1184.87
Traver Industrial, Inc.	43.24
Loren Wiest	965.00
Bryan Tomchuk	337.50
John E Reid and Associates Inc.	770.00
Myron Stern	30.55
Jason Brunmeier	45.63
The Hub Convenience Stores	8.99
Brock White Company	1827.80
Great Plains Technical Services, Inc.	2200.00
Beulah Electric	205.00
Southwestern District Health Unit	40.00
Mercer County Water Resource Dist	5808.00
ND League of Cities	2417.50
Quill Corporation	478.96
Dakota Pump & Control, Inc	860.00
Trucks of Bismarck Inc	36.06
Safeguard Business Systems	737.59
Hedahls Headquarters	14.62
Butler Machinery Company	4887.69
Productivity Plus Account	516.98
Mitch Elton	3.14
Bill Kritzberger	25.00
Paul Nelsen	15.00

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Marcie Krumwiede	23.35
Frank Senn	110.94
Uniform Center	94.98
Grafix	91.43
Beulah Airport Authority	106.18
Leland Oster	17.12
Strata Corporation	8538.19
WARC	29.72
Rebekah Kjos	90.40
Michael Frederick	44.00
Loren Wiest	350.00
US Bank	981.57
Dakota Sanitation Inc	636.00
John Phillips	430.94
Stein's Inc	241.08
J & M Hardware Inc	785.76
Postmaster	369.06