

CITY OF BEULAH

February 22, 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 Auston Biles, David Czywczynski, Eric Hoffer, Sean Cheatley, Jason Isaak and Ben Lenzen present. Gary Miller and Amanda Mohl absent.

Also Present: City Attorney Scott Solem, Economic Development Beaver Brinkman, Water Superintendent Gary Bovkoon, Police Chief Frank Senn, City Assessor Heidi Hamelton, City Engineer Charlie Hankins, City Auditor Heather Ferebee, Dave Just, Steven Finsaas, Roger and Mary Kay Gazur, Dale Schwalbe, Ryan Tolosky, Jennifer Gooss, Chris Renner, Bruce Neuberger, Dennis Neuberger, Dave Knoll, Editor Alyssa Meier.

Lenzen moved to dispense with the reading of the minutes of the last regular meeting on February 8 and approve as furnished to the Council by email. Isaak seconded. Roll call vote found Lenzen, Isaak, Hoffer, Biles, Cheatley and Czywczynski in favor.

PUBLIC INPUT

A request was presented by Grace Evangelical Free Church to purchase four city lots in the amount of \$14,900. The four lots are currently on the auction list for March 8. The lots are zoned commercial which would be \$1.00 per square foot and the request to purchase is below the required minimum. Prince of Peace is also interested in purchasing some lots and are asking for more time. Lenzen moved to hold the request on the purchase of the lots by Grace Evangelical Free Church until after the auction and the council will consider the request if the lots are not sold at the auction. Isaak seconded. Dave Just commented the congregation met and they agreed to offer \$20,500 for the lots. Isaak stated there are two different entities interested in a couple of the same lots. It was stated that it is a typo and the churches are interested in different lots. The churches are able to bid on the lots at the auction. The total minimum would be \$34,700 at \$1.00 per square foot for the four lots requested. The council will address the offers below the minimum after the auction. Roll call vote found Lenzen, Isaak, Biles, Hoffer, Cheatley and Czywczynski in favor.

Prairie Hills 2nd lot purchase request by Steve Finsaas. The lot is next to his house, and he has met the minimum of \$.50 per square foot for a residential lot. Cheatley moved to approve the sale of lot BB14488680609 to Steve Finsaas for \$5,236. Czywczynski seconded. It was stated that Finsaas would assume all the remaining specials on the property. Roll call vote found Lenzen, Isaak, Biles, Hoffer, Cheatley and Czywczynski in favor.

Roger Gazur - Planning and Zoning Commission Vacancy

Gazur stated that at the February 8 council meeting the mayor refused to appoint him to the vacant position on the P&Z Commission. He commented that the mayor's reasoning was premised on a building permit for a storage facility and the advice of the city attorney's office. Gazur read the passage from the P&Z minutes authorizing the building permit and noted that the minutes reported that the entire P&Z Commission voted in favor of the permit. He also read the passage from the Council minutes that set out the approval was an oversight by the city, the city was undertaking steps to remedy it and that it was not a deliberate act on Gazur's part. There is nothing in the official record to indicate that P&Z deliberately violated the ordinance. He stated the city attorney's advice to the mayor is not supported by the official record. He believes he is the most qualified nominee and that there is no reason not to appoint him; he requested to be appointed to the P&Z Commission. Gooss stated he based his decision on what he understood Gazur to say at the meeting when he expressed that he pushed through the permit. Gooss stated he will not appoint Gazur. Gooss commented he consulted the city attorney to confirm he could push out the appointment.

Bruce Neuberger expressed his viewpoint that Gazur is taking this as a personal affront and that the mayor can appoint whoever he wants. Gazur responded that he is not taking it personally, but feels he is the most qualified candidate for the position.

Neuberger went on to state that he believes council has an agenda to get rid of the mayor based upon actions taken at the last council meeting. He asserted that he was contacted by two P&Z members through social media and as a resident of the City of Beulah it is improper to be contacted in this manner. Neuberger then personally addressed a P&Z member that was in attendance. He stated his belief that if council members can't put aside their differences and work with the mayor, there's an issue. Neuberger stated that it is his understanding that it is the mayor's role to appoint to the P&Z Board and that it is then council's duty to ratify the appointment unless the candidate is unqualified. Neuberger detailed his perception of what occurred at the last council meeting. He stated he believes Hoffer does not have the temperament to serve on the council. Czywczynski and Hoffer prepared to leave the meeting given the tone of what was being claimed but returned to their seats. Hoffer apologized to the mayor.

COUNCIL PORTFOLIOS

Council Member Hoffer

The Chicken Committee met this afternoon. Hamelton and Senn will move forward with reviewing the information being considered for a chicken ordinance. If it is recommended, it will be added to the animal ordinance. The one-armed garbage truck is in Bismarck, and it will need substantial repairs in the amount of \$35,000. It was stated that a preventative maintenance plan with all city equipment will be taking place.

Council Member Biles

In the past the City Attorney has been involved with the sale of city lots, but the city has done most of the legwork already. The city plans to contact Mercer County Abstract to confirm the

lots, which will save the taxpayers money. Solem stated he was at the abstract office today to figure out when the city got the lots back. There are a number of lots to be sold that the city did not get back for taxes and it will need to be determined if they need a quit claim deed or a warranty deed. Brinkman stated he called Mercer County Abstract to ask what will be needed for a clear title to issue a quit claim deed and they said it would be \$120 per lot. Scott Solem gave an amount of \$900 per lot. Hamelton stated the lots sales were not included in the city attorney contract so the city will be billed \$250 per hour for any additional work on city lot sales. City staff is trying to be responsible with the city's money. Solem stated the rate was \$1,200 per lot last year to account for legal fees and administrative fees as discussed with the previous mayor. Brinkman stated that the city does not need to charge an administrative fee because employees are paid by the hour. The city employees will do what they can and contact the city attorney for other issues that arise. Solem stated that \$200 per lot would cover the costs. Solem stated the abstract office will just tell the city if they own the lots and he already did that. Biles moved to approve paying \$200 per lot for the 67 lots to Solem Law Office if needed. Lenzen seconded. It was questioned if there is a legal opinion on them. Solem stated the city won't sell anything that cannot be confirmed as owned by the city. Roll call vote found Lenzen, Isaak, Biles, Hoffer, Cheatley and Czywczynski in favor.

Council Member Czywczynski

A CVB report was provided to council showing what CVB accomplished in the last year. The Pfennig Museum was taken over by them to keep it in Beulah. Sun Valley RV Park is being managed and updates have been done. \$150,000 was financed for the Civic Center improvements. The Beulah PD and Fire Department received funding assistance. Tables and chairs were purchased for the Civic Center. The objective is to promote the community. There is a new website with a company that does a great job. Brinkman stated the CVB will be bringing in financials to show how the funds have been used.

Council Member Lenzen

Lenzen commented the CVB does a great job with few resources. The Assessment Board is being contacted.

Council Member Isaak

Isaak stated he received a tour of the water and sewer infrastructure of the city. The Water Treatment Plant is in great condition. They have been looking at safety updates that are needed.

Council Member Cheatley

A police officer has resigned so there is an opening in the police department. The Public Works Department will be training an employee on the blade if he accepts.

Mayor Gooss

Gooss stated he spoke with a counselor at the school, and they would like to get a group of high school students together for community projects. There are requirements for scholarships that some civic duties need to be completed.

CITY PERSONNEL

City Auditor

Lenzen moved to approve the January Financial Reports. Biles seconded. Roll call vote found Lenzen, Biles, Isaak, Hoffer, Cheatley and Czywczynski in favor. The city received another installment of MIF (Prairie Dog Funds) in the amount of \$472,039.36. This revenue can only be used on new infrastructure.

Police Chief

Fireworks ordinance needs to be updated before July as the ordinance does not cover 2023. Changes being looked at are adding in a provision for New Year's Eve and to change from four days to two or three days during the 4th of July while keeping it at one time limit until midnight. Gooss recommended a committee of Hamelton, Senn, Gooss, Kameron Plienis and a Public Works employee meet to discuss the ordinance. A proposal could be brought to council on March 22 with a first reading on April 5.

The police vehicle that was ordered last year will be here on Friday. The cost is \$38,459.12 to Nelson Auto Center for a 2023 Ford Interceptor Utility SUV. Hoffer moved to approve the payment of \$38,459.12 by a vehicle lease. Isaak seconded. Senn will find out what the additional costs will be to set up the vehicle and it should range from \$15,000 to \$17,000. Supply issues may arise. Roll call vote found Hoffer, Isaak, Biles, Lenzen, Cheatley and Czywczynski in favor.

A request was received by Mercer County to purchase the K-9 for \$7,500. Senn commented he reached out to the businesses that donated money for the purchase of the K-9. It is the request that K-9 Raider be sold to Mercer County and that the funds be used in the purchase of another K-9. There is an officer in the department interested in moving into the program. Cheatley moved to approve the sale of K-9 Raider to Mercer County for \$7,500. Biles seconded. Isaak questioned the life of the vehicle with the dog equipment and Senn stated it is in a new vehicle with few miles on it. Roll call vote found Cheatley, Biles, Lenzen, Isaak, Hoffer and Czywczynski in favor.

City Attorney

Resolution 2023-03 for P&Z fees. P&Z has recommended the fees be accepted. Isaak moved to accept the fees as presented. Biles seconded. Roll call vote found Isaak, Biles, Hoffer, Cheatley, Lenzen and Czywczynski in favor.

Water/Wastewater Superintendent

There is a water break being investigated.

Economic Development Director

There are conceptual drawings on the walking path that will be reviewed.

Assessor/Planner Report

March 8 city property auction minimum bids amounts were proposed. Residential lots are set at \$.50 per square foot, except for Barton Estates which are \$.75 per square lot. Commercial lots are set at \$1.00 per square foot. Hoffer moved to approve the minimum bid amounts as


presented for city lots. Biles seconded. Roll call vote found Hoffer, Biles, Lenzen, Isaak, Cheatley and Czywczynski in favor. Property tax abatement that was brought to the last meeting is still being researched. Beulah was a Tree City USA in 2003 and are hoping to become part of this again. Students could help with planting trees or an Arbor Day celebration. Grants are available for planting, removal and trimming.

City Engineer

The landscape architect still needs to provide drawings for the Main Street Project. The SRF application is in progress and will be submitted. It was questioned if the project would start in 2023 and Hankins commented that it would probably not happen until 2024. It was stated that bids for the Main Street Project need to go out as soon as possible. It was questioned if the grant for storm water runoff could be used on this project. Hankins stated it would depend on if the project is considered mitigation or maintenance. Discussion followed.

Steve Finsaas of Farm Credit Services commented on the option of the Rural Community grant fund. It can be used for a K-9 and other city items. It is specific to oil producing counties.

Meeting adjourned at 8:05 pm.



Jeff Gooss, Mayor



Heather Ferebee, City Auditor