

The regular Beulah Planning and Zoning meeting of January 16, 2020 was called to order at 5:00 pm by Jerry Reichenberg at the Beulah City Hall.

Present: Jerry Reichenberg, Dale Schwalbe, Roger Gazur, Gerald Bieber, Gary Miller, Chris Renner and Russell Duppong

Absent: Dalton Zeiszler

Also Present: Steve Perry, Amy Nash (Beulah Beacon)

Gazur made a motion seconded by Bieber to approve the October 17, 2019 Planning and Zoning Minutes. Roll call vote found Dale Schwalbe, Roger Gazur, Gerald Bieber, and Chris Renner, in favor. Motion carried.

## **OLD BUSINESS**

### **Mercer County Zoning Meeting Update**

Miller reported that a fracking sand mining permit was being reviewed by the County Commission. It is anticipated that it will provide up to twenty jobs for new or current residents with-in Mercer County. The Commission will be reviewing correction and change recommendations to the proposed permit tonight. It was recommended that others attend to help understand the process and the benefits in mining sand for fracking oil wells.

### **Dilapidated Buildings**

Duppong gave a brief report that the Eric Bornsen Floodway mitigation grant is in process with City Legal. The grant was submitted before December 20, 2019 with confirmation by the NDDES.

### **District Code Review**

Reichenberg opened the floor to discussion. Duppong provided an update including all the information with-in the current ordinance through the amendment process. It was requested to have the changes outlined to prepare for budgets and to make changes to the current zoning ordinance that have received preliminary approval.

## **NEW BUSINESS**

### **Stephen Perry Front Yard Setback Variance Request**

Reichenberg opened the floor to Stephen Perry to explain his request for a front yard variance to allow the North West Corner of a garage to set 5.3ft within the 30ft setback requirement. Perry explained that it was his understanding that his foundation contractor had gotten a permit to ensure he was placing the foundation legally with-in his property. The framing contractor subsequently informed Mr. Perry that he would need to confirm all permits were in order before he would start framing the new garage. It was determined that no permit applications had been submitted for the project. Mr. Perry was instructed to have a site plan and construction submitted for review. After the review it was found that front yard setback was 5.3ft with-in the 30ft allowed, being 24.5ft from the front yard property line. A setback variance application was submitted. Mr. Perry complied with all application requirements except he was unable to discuss the matter with his Home Owner Association. After review by the Planning and Zoning Commission, Mr. Perry will need to submit a letter from the Home Owner Association to show there were no concerns prior to P & Z presenting the variance recommendation to the Beulah City Council. Mr. Perry agreed to submit a letter of statement from the Home Owner Association. Gazur made a motion seconded by Renner to make recommendation to the City Council to approve the variance request once a letter is received from the Home Owner Association

setting out their concerns if any. Roll call vote found Dale Schwalbe, Roger Gazur, Gerald Bieber, and Chris Renner, in favor. Motion carried.

### **Mercer County Emergency Service is requesting an Address changes to East County Road**

Duppong explained that the City of Beulah was contacted by Carmen Reed that Mercer County is changing its 911 addressing. The County Road East/ County Road SE will need to have City Addresses with-in the City limits. County Road East will be changed to East County Road from Chaffee Road South to the Knife River.

### **Meeting Schedule Changes Back to One Meeting a Month**

Reichenberg opened discussion on the proposal for P & Z to having one meeting per month rather than two meetings since building activity has slowed. While the first Thursday of each month at 7:30 pm was the historical day to have a Planning and Zoning meeting upon review it was recommended to have it scheduled for the third Thursday of each month at 5:00 pm since many of the current Planning and Zoning members and staff had fewer conflicts with that date and time. Special meetings may be scheduled if needed. The meeting will take place once a month. Gazur made a motion seconded by Schwalbe to recommend to the Beulah City Council that the third Thursday at 5:00 pm be established as the monthly meeting day for the P & Z Commission with the understanding that the monthly meeting will be held even if there was no business on the agenda so the general public has access to meet with the Planning and Zoning Commission if needed. Roll call vote found Dale Schwalbe, Roger Gazur, Gerald Bieber, and Chris Renner, in favor. Motion carried.

Reichenberg opened the floor to Gazur who was concerned that the P & Z Commission needs something in place to have a scheduled meeting if there is business or no business to be reviewed. This would allow for the public to access the P & Z Commission at least one a month. Reichenberg agreed that at least the one meeting a month if there was business or no business to take care, so the Public could access the Commission. Reichenberg felt that this could be handled by the P & Z Commission key positions (Chairman and Sectary) where filled, if someone was missing. It was explained that a Vice Chair, the City Engineer and City Office Staff are the one that fill in when this has occurred in the past. Many of the concerns is that information needs to be prepared, an agenda, minutes, and the News Paper needs to be attended, with a quorum to have the meeting to do business.

### **Planning and Zoning Commission Member Resignation and 2020 Appointments**

Dalton Zeiszler submitted his resignation due to his reduced availability. Dale Schwalbe's 2020 term expired. Both openings need to be posted in The Beacon. Schwable was informed he can resubmit his application if he wanted to be considered for either opening.

### **Wellness Center Shed and Fence Permits 7582 and 7585**

Reichenberg opened the floor to Duppong who explained that that the shed was already placed on a foundation without any permits. After discussion, both permits were tabled until more information is submitted for review to ensure all codes and regulations have been addressed. If the items cannot be corrected, they may have to remove the structure to a location with proper permits.

### **Permit 7581 Fire Wall Explanation**

Reichenberg opened the floor to Gazur who asked about a bathroom remodel with a fire rated protected wall on the Duplex on 6<sup>th</sup> Ave NW. Duppong explained that since the wall was special construction it was rated to ensure that it was returned to the original construction to maintain the fire rated wall as required by the code in which it was designed and constructed.

## ND State Building Codes

Reichenberg opened the floor to Duppong who explained changes from the ICC 2015 to the ICC 2018 with the ND State Code Amendments. The 2018 Existing Building Code was also adopted with amendments, with some of the other codes will be updated later this year.

## Michel Woods Permit 7584

Reichenberg opened the floor to Duppong. Duppong explained that the permit was written during his absence. The garage has a concrete footing and wood foundation and a wood floor truss system. It was asked if the floor could handle a vehicle and it was explained that was unknown. The use was asked and it was informed for private use. It was then asked if we could contact Mr. Wood and find out his intent and if a vehicle could be driven into the structure.

## Permit: 7575 and 7587

7575	Gloria Bowers	517 Chaffee Row	Remove Asphalt Shingles and Replace with Steel Roofing
7576	Joe Huntimer	1200 7th St NE	Remove and Replace Asphalt Shingles on House
7577	Scott Schaner	2219 3rd Ave NE	Remodel Basement
7578	Kyle Marion	1524 1st Ave NE	Install a backyard wood fence
7579	Beulah Lodging	2100 2nd Ave NW	Remove & Replace Face of Existing Sign and small directional sign
7580	Christopher Askay	104 3rd St NE	Install mailbox
7581	Carla Wilson	318 6th Ave NW	Remodel Bathroom Second Floor (Fire Wall Duplex)
7582	Wellness Center	1900 Central Ave N	Fence (More Information Was Requested Tabled)
7583	J & M Industrial LLP	1900 Hwy 49 N	Signage for Ace Hardware
7584	Michael Woods	2217 1st Ave NE	Detached Garage/Workshop
7585	Wellness Center	1900 Central Ave N	Construct Storage Shed (More Information Was Requested Tabled)
7586	Arco (Hwy Express)	200 Hwy 49 S Two	(2) 2' x 6' Subway Business Signs
7587	Double R Estates	217 2nd Ave NE	Install Mailbox

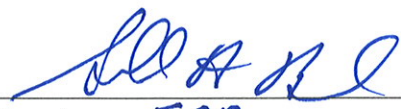
Gazur made a motion seconded by Schwalbe to approve Building Permit Numbers 7575 thru 7587 with permits 7582 and 7585 being tabled until more information was submitted. Roll call vote found Dale Schwalbe, Roger Gazur, Gerald Bieber, and Chris Renner, in favor. Motion carried.

The next Planning and Zoning Meeting will be scheduled on February 20, 2020 at 5:00 pm.

Gazur made a motion seconded by Schwalbe to adjourn the meeting, Roll call vote found Dale Schwalbe, Roger Gazur, Gerald Bieber, and Chris Renner, in favor. Motion carried.

The meeting was adjourned.

  
Chairman

  
Secretary EDD