

## **CITY OF BEULAH**

**July 12, 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 Sean Cheatley, Auston Biles, David Czywczynski, Jason Isaak, Ben Lenzen, Gary Miller, Amanda Mohl and Eric Hoffer present.

Also Present: Assistant City Attorney Jennifer Gooss, City Engineer Charlie Hankins, Economic Development Beaver Brinkman, Public Works Supt. Kenny Yeager, Water Supt. Gary Bovkoon, Police Chief Frank Senn, City Assessor/Planner Heidi Hamelton, City Auditor Heather Ferebee, Amy Prince, Justin Feil, Kameron Plienis, Alex Dschaak, Jim Black, Roger Gazur, Alyssa Meier.

Lenzen moved to dispense with the reading of the minutes of the last regular meeting on June 28 and approve as furnished to the Council by email. Isaak seconded. Roll call vote found Lenzen, Isaak, Biles, Cheatley, Mohl, Miller, Hoffer and Czywczynski in favor.

### **APPROVAL OF BILLS**

Biles moved to approve the bills as presented and reviewed. Lenzen seconded. Roll call vote found Biles, Lenzen, Cheatley, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

### **PUBLIC INPUT**

Jim Black questioned the Beulah Waterpark hours. Family members visited over the Fourth of July holiday but the pool ended up being closed over the weekend and holiday. When family returns, they would like to enjoy Beulah's amenities. The hours need to be seriously addressed. Amy Prince, the Pool Manager, stated that there were weather and staffing issues over the Fourth of July. Biles commented the Pool Board could have a booth at the high school job fair. The Pool Board has advertised at the school, online and in the paper for open positions. Discussion followed.

### **COUNCIL PORTFOLIOS**

#### Council Member Hoffer

Bovkoon ordered chopper blade parts for one of the lift pumps. Aeration system of the north lagoon is working much better.

#### Council Member Biles

Biles documented his concerns regarding public posts on Facebook made by Mayor Gooss. He stated his statements are as a Council member, not in support of either candidate. He questioned statements that were brought up on social media posts that need the city's attention. The latest post listed six points: employee training and retention, development spending based on

quantifiable growth, documentation of equipment and building maintenance, reallocation of money for projects, focus on key diversification goals, and focus on business development. He stated the subcommittees are not mentioned in the posts. Biles commented Gooss is making it seem like those are thoughts and focuses on how the city should move forward based on his opinion. Those not given credit were the Employee Relations and Equipment committees, JDA, P&Z, and the city employees. Many of these groups work outside business hours and are volunteers. The mayor has not attended many of these meetings. Biles wants to thank all of these committees for what they do as they don't get the recognition they should. He stated recent posts are highlighting city issues as a political platform rather than bringing them to the City Council's attention. The vote of no confidence was not a personal attack, but a Council decision that they were not being included in a diplomatic way to better the city. Social media is not the platform to be used in working out discrepancies that should be handled by the Council in person. By not bringing them to Council, Gooss is single handedly saying that diplomacy of City Council or any subcommittee is second to public opinion. Biles stated Gooss is confusing his current position with his current situation and trying to address both on the same public post.

Biles commented on the statements made by Gooss on Facebook regarding the spending of money, studies being done, maintenance of equipment, and road repairs. Biles questioned why committees have not been set up to work on tasks instead of posting issues on Facebook. He commented on the use of out of context statements. He stated there is a communication breakdown between the mayor and the Council. Council has been asking for focus since last year. As per NDCC, the mayor is the CEO of Beulah, but the city has no vision, mission, or strategic goals to steer the Council or subcommittees for the future. Biles stated a recent post refers to what the mayor has done. He recommended the mayor not use the achievements of others for his own personal gain. Council has done everything they can to work with the mayor. Biles commented he came to Gooss and asked him to stop attacking the council and to stop including the entire council as a group if he is speaking of a certain member or members and also requested the city attorney speak with Gooss. Biles stated that he is putting Gooss on notice that he has crossed the line into harassment as he continually posts statements about a select few but is referring to the Council as a whole.

Gooss commented he is not going to get into campaign speeches at a council meeting. He stated that Biles did not tell the truth. A financial chart was emailed to the Council which shows the financial information. He commented on the decrease in the cash balance in the General, Highway, and Sales Tax funds over the last few years. He stated Biles proved the entirety of his campaign. He noted that nobody interrupted Biles as he read off a speech regarding politics. He commented on the time spent by Lenzen, Isaak, Ferebee and himself reviewing the budget and cutting expenses. Biles stated that this isn't a political speech, it is to explain that they need communication and to bring to attention that Gooss is putting things on social media that he is not discussing with Council. Gooss commented that Biles is attempting to make this a political campaign. Gooss stated Biles should know his place, just as Gooss knows his place. Gooss commented that according to NDCC, he must post items that are factual.

Hoffer addressed the budget stating the expenses have not changed much, but a downturn of revenue, including coal severance and coal conversion, was involved. At the time when the cash

reserves were being depleted, it was questioned whether the Council should raise property taxes. It was the decision that the resources should be depleted first and not raise property taxes. The city raised the mill levy last year and will need to raise it again due to inflation. He requested credit be given to the council before and the council now as they haven't just been spending money. He commented on the amounts spent in the last few years and that they weren't out of the ordinary. There are just lower revenues. The vast majority of studies are partially funded by grants and most studies are required for larger grants.

Gooss commented on the bike path grant. The city will still need to come up with the \$200,000 to fund it. He commented that funds need to be spent on roads that need to be fixed. The city shouldn't deplete the resources. Back and forth discussion continued. Gooss requested the meeting get back to city business.

Czywczynski stated the bike path has a grant for 80% of \$1.1 million and a study is required for the project. The city does not have the money to fix the roads, so the city will need to borrow money to fix them. Gooss stated the city does not have \$200,000 for a bike path or money for studies. Biles stated they have looked at rerouting the bike path to save money. Gooss requested the council review the engineering costs. Gazur commented that if the streets can't be repaired anymore, they need to be replaced. That money would come from a special assessment district.

Biles questioned if the city has a request for proposal process in place. Hankins stated that if public funds are used for the project, and the project exceeds \$200,000, multiple bids are required. Gooss commented that there may not be a formal process, but projects of lesser amounts are normally brought to Council. Biles stated the city should have a set of guidelines for an RFP. Jennifer Gooss stated that she doesn't believe it should be a policy that three bids are required, but that it just be required to attempt to get bids.

#### Council Member Miller

Miller questioned where legal is on the house on West Main Street and if the building can be torn down. Jennifer Gooss stated a letter was sent out. A notice and order to abate would be the next step.

#### Council Member Mohl

The pool has a huge water issue. The issue is caused by leaks and a ground water problem. Plienis commented the cracks in the pool need to be addressed. Associated Pools quoted \$200,000 for replastering the pool. A PVC liner is about the same price but more durable. An eco-finish bed lining is approximately \$500,000. Hankins stated there is highly expansive soil under the pool. That is evident with the cracking they are seeing. Mohl stated monitoring wells and sump pumps could be installed. Plienis stated the pool will need to be drained before it can be dewatered. Miller questioned if drain tile can be put around the pool. Hankins stated there is a high water table in that area. Gooss stated Beulah really appreciates Kameron Plienis and everything he does for the pool as a volunteer. Jennifer Gooss stated they plan to apply for a grant that would cover up to \$150,000 when they decide on the project. It was requested that Hankins meet with the Pool Board to figure out an estimate for dewatering and to assist with putting together a bid package.

### Mayor Gooss

A \$500,000 CD came due which includes Prairie Dog funds. The total amount of Prairie Dog funds of \$1,477,122 will be moved to an Elite Money Market account at the Union Bank. The average earnings would be 4% and the city can draw off the money. Lenzen moved to approve moving the money to the money market account as presented. Hoffer seconded. The minimum balance required for the account is \$100,000. Roll call vote found Biles, Lenzen, Cheatley, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

Cheatley left the meeting.

## **CITY PERSONNEL**

### City Auditor

Hoffer moved to approve the June Financial Reports. Miller seconded. Roll call vote found Biles, Lenzen, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

Miller moved to approve the revised dates for the Peddler's Permit for Merili's Books to sell educational books door to door from July 13-15, 2023. Mohl seconded. Roll call vote found Biles, Lenzen, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

Hoffer moved to approve the Mobile Food Vendor License applications for Davis Enterprises DBA Mini Donuts and Davis Enterprises DBA Fry Bread Taco. They will be at the Mercer County Fair. Isaak seconded. Roll call vote found Biles, Lenzen, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

Lenzen moved to approve the local permit for a raffle and a sports pool for the Beulah Lion's Club at the Beulah Rodeo Grounds on August 19, 2023. Hoffer seconded. Roll call vote found Biles, Lenzen, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

Isaak moved to approve the local permit for a raffle for the Northern Lights Gymnastics Academy at 1400 7th St. NE on November 1, 2023. Miller seconded. Roll call vote found Biles, Lenzen, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

Hoffer moved to approve the Special Event permit for Sportsman's Bottle Shop to serve alcohol at the Demolition Derby at the Beulah Rodeo Grounds on August 19, 2023. Lenzen seconded. Roll call vote found Biles, Lenzen, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

Hoffer moved to approve the Alcohol license for Farmer's Union Oil Company of Beulah to sell alcohol starting March 1, 2024. Miller seconded. Roll call vote found Biles, Lenzen, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

Isaak moved to approve the Fireworks Permit application for Kameron Plienis to display fireworks at the Beulah Water Park on August 13, 2023 contingent on the Fire Chief's approval. Hoffer seconded. Roll call vote found Biles, Lenzen, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

Public Works Superintendent

Crews have been painting curbs, sweeping and mowing. They have moved out of the Public Works Building for the Fair.

Water/Wastewater Superintendent

Flushing is taking place. Sewer manholes are all cleaned. A lift station component lost its program and was able to be reprogrammed.

Economic Development Director

The developer who purchased six lots is applying for four new house permits. Surveys were sent out and a public meeting was held tonight. ND State Tax Commissioner sent out a letter stating Mercer County's sales tax receipts were up 60.5% for the first quarter of 2023.

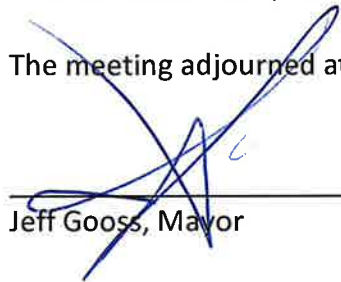
Police Chief

Unit #18 had the equipment installed and is in operation. Unit #14 is being looked at for computer issues.

City Attorney

Lenzen moved to approve Resolution 2023-06 Setting the Auditor Bond. Hoffer seconded. Roll call vote found Biles, Lenzen, Mohl, Isaak, Miller, Hoffer and Czywczynski in favor.

The meeting adjourned at 7:57 pm.

  
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Jeff Gooss, Mayor

  
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Heather Ferebee, City Auditor

**The following bills were approved and paid in June:**

Check Range: 43061 to 43169, -99698

Payroll Check Range: -73892 to -73706, 43137

Employees	175721.25	Unemployment	353.43
HEALTH INS	39338.62	NY Life Insurance Company	4113.98
METLIFE	1194.39	Principal Life Insurance Co	336.15
NDPERS 457	747.50	Downtown Gas & Auto	6165.07
FIT	15985.74	Beulah JDA	1225.60
NDPERS 457	647.50	Beulah Airport Authority	1225.60
FIT	15569.24	American Express	1855.14
NDPERS Main	7778.98	US Bank	1529.77
NDPERS Main 2020	4817.78	Marco Technologies LLC	159.66
NDPERS PD	5994.62	The Union Bank	37337.38
FIT	21377.33	Marlin Block	115.30
NDPERS 457	647.50	Austin Lovejoy	115.30
SIT	3977.32		

City of Beulah	99.00	Beulah Beacon	1984.76
Ginger Volk	200.00	AT&T Mobility	776.72
Waylon Boyer	15.12	AT&T Mobility	43.23
Lignite Tire	129.00	Jeff Quinn	500.00
Bronson's Marketplace	196.70	Beulah Public School Dist	50.00
AE Operations, LLC	5198.00	Brady, Martz & Assoc	15600.00
Hawkins Inc.	6139.57	Coal Country CHC	624.00
MDU	11630.23	Butler Machinery Co	22378.06
Neuberger Oil Co.	1760.00	Baker & Taylor	233.38
Uniform Center	345.07	MicroMarketing LLC	75.03
Titan Machinery	1402.01	Cengage Learning	269.89
Hirshfield's Bismarck	1670.00	Solem Law Office	235.00
Recreation Supply Co	419.85	J & M Hardware Inc	24.97
Pro Forms	79.16	Beulah Beacon	400.00
Bryan Tomchuk	180.00	Bronson's Marketplace	49.04
Lucky's Towing & Repair	750.00	Jessie Mann	7.48
ND Secretary of State	36.00	Justin Feil	318.27
North Dakota Dept of Health	75.00	Pro Forms	213.94
Mercer County Treasurer	10872.45	Saber Shred Solutions, Inc.	602.40
NAPA Auto Parts	811.15	SPEE-DEE Delivery Service	24.79
North Dakota One Call Inc	72.80	Recreation Supply Co	920.28
NDDEQ	31.78	Hawkins Inc.	3748.83
Waste Management	854.25	Associated Supply Co Inc	434.78
Roughrider Electric Coop	4501.44	Core & Main LP	584.56
West River Telephone	1713.54	HACH	173.98
Information Technology Dept	343.05	RMB Environmental Lab	875.00
Brad Oswald	32.55	USA Blue Book	864.79
Billie Jo Weltikol	6.58	Beulah Park District	32077.42
Robert Mohl	50.00	J & M Hardware Inc	1056.99
Frontier Precision, Inc.	1650.00	USA Blue Book	311.95
Granville Brinkman	68.12	Beulah Park District	7012.72
Quill LLC	109.44	Beulah Senior Center	1348.60
ND Rural Water Systems	260.00	Beulah Airport Authority	1888.04
Sanford Health Occup Med	805.00	Solem Law Office	7222.64
Powerplan	129.16	Mark A. Kaffar	900.00
Amy Prince	317.68	Pro Forms	919.77
National League of Cities	897.00	Dakota Pump & Control	3378.00
West River Telephone	70.40	Shandy Kraft	2150.00
Beulah Lumber Company	98.79	Alexandra Dschaak	110.88
Aramark	640.39	J & J Nelson Spraying LLC	800.00

Susan Stuart	125.00
Dakota Fire Extinguishers	194.32
Hawkins Inc.	6538.47
Solem Law Office	1148.34
Mercer County Sheriff's Dept	35.00
IAPE	65.00
Interstate Engineering, Inc	2820.00
Interstate Engineering, Inc	12595.40
Farmers Union Oil Company	3083.78
WARC	1475.11
Stein's Inc	98.72
Beulah Public School Dist	50.00
Postmaster	410.28
Heidi Hamelton	165.50
ANGEL'S LANDSCAPING	2100.00
NDAAO	210.00
Granville Brinkman	379.80
J & J Nelson Spraying LLC	150.00
Branch Management Tree Serv	3650.00