

CITY OF BEULAH

July 13, 2022, 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 Gary Miller, Ben Lenzen, Amanda Mohl, Auston Biles, Sean Cheatley and David Czywczynski present. Eric Hoffer and Jason Isaak absent.

Also Present: City Attorney Scott Solem, Assistant Attorney Jennifer Gooss, City Engineer Charlie Hankins, Economic Development Beaver Brinkman, Police Chief Frank Senn, Water Superintendent Gary Bovkoon, Public Works Superintendent Kenny Yeager, City Assessor Heidi Hamelton, City Auditor Heather Ferebee, Nancy Hausauer, Adam Baker, Ashley Baker, Shane Haugen, Rod Schaper, Bryan Hamelton, Dale Schwalbe, Jerry Reichenberg, Scott Battest, Roger Gazur and Alyssa Meier.

Pledge of Allegiance.

Cheatley moved to dispense with the reading of the minutes of the last regular meeting on June 22 and the Organization meeting on June 28 and approve as furnished to the Council by email. Miller seconded. Roll call vote found Cheatley, Miller, Lenzen, Mohl and Biles in favor.

HEARING

Conditional Use permits for Sun Valley Builders Second Addition on Keller Drive. A list was presented of those who applied for outside storage on these lots as allowed within C3 zoning. It was approved at P&Z. Miller moved to approve the conditional use permits as presented. Lenzen seconded. If the owner were to sell to another owner, the new owner would then need to apply for conditional use. Discussion followed on tracking this conditional use as the property switches hands. Mohl moved to table. Lenzen seconded. Roll call vote found Miller, Lenzen, Mohl, Biles, and Cheatley in favor.

PUBLIC INPUT

Adam Baker – Met with P&Z on Monday regarding the proposed dog kennel. It was stated there is no current application. Until that is brought to the city, it cannot be reviewed. Baker stated they support a dog kennel, just not in their neighborhood on 16th Street and Parkway Drive.

Czywczynski arrived.

Baker stated the area was rezoned to C4 and the residents are upset that it went so quickly. He questioned why a dog kennel and storage units were proposed for this area. He commented the

council meetings were done legally but were in quick succession. It was questioned why there was a quick special meeting and why it wasn't taken care of at the regular meeting.

Scott Battest – Requested information on the purchase of city lots. Brinkman stated there is a list of properties that will be presented to council tonight.

Nancy Hausauer – Addressed council regarding fireworks. She questioned if littering is acceptable. She stated residents are given the right for 29 hours to litter by detonating explosives. There is no recourse on audio assault or debris littering private property. The noise far exceeds the sound of engine brakes. She would like fireworks banned in the city. Gooss stated that there shouldn't be a time when littering is allowed. The ordinance will need to be updated before next year. It was questioned if we should look at mortar size limits. It was commented that maybe the city can come together and do a firework show. It was commented that the CVB has brought the topic up of sponsoring a firework show for the city. Gooss stated she has their full attention and council will look into it before next year.

COUNCIL PORTFOLIOS

Council Member Czywczynski

The Main Street Project bids should be completed this fall.

Council Member Lenzen

A meeting was held with the City Engineer regarding assessments to set up a permanent plan for assigning numbers for linear feet and drainage. The plan would be roughly \$10,000 for engineering. A storm water project can be done by square footage. It was commented that Bismarck is looking at applying a monthly utility charge to residents for street improvements instead of special assessments. Solem stated the city would need to amend its Home Rule Charter by a public vote to provide for the 17th power being added to the charter. An ordinance could then be passed to enact the utility charge for street improvements. Gooss stated the city has a major infrastructure issue that needs to be addressed. The cost increases every year, and the problem is not going away. Solem stated it would be good to have a process set up for assessments.

Council Member Cheatley

It was questioned if the road to the Black Sands golf course belongs to the city or the park district. The road is gated to the golf course. Solem stated the Beulah Municipal Golf Club has a 99-year lease on the land and it is either the city or park district road. It is now known as Black Sands Golf Course. The City of Beulah owns the land that the clubhouse sits on, and Black Sands owns the building. There have been great improvements made to the golf course but the road needs repairs. Gooss questioned if there is a management agreement with the city for the golf course. Brinkman stated that Black Sands is a 501(c)(3) and is still the company in control of the golf course, but they subbed the management out to another group. Council was aware that it happened and was not opposed to it. It was not a new company that took over. Solem stated the discussion at council was for informational purposes. The management group has an agreement with Black Sands. Solem clarified that the City of Beulah owns the land and has a lease with the golf course.

It was questioned if the old tennis or basketball court downtown behind Memorial Park could be used as a Veteran and First Responder Memorial. The idea of the memorial was described, and input was requested. It was stated that the park district plans to turn the tennis court into a pickleball court. Other locations for a memorial were discussed.

Council Member Miller

P&Z has a vacancy on the Board.

Council Member Mohl

Joe Barbot will take care of the bushes by the road near the funeral home. Mohl moved to allow Barbot to remove the bushes if needed. Biles seconded. Roll call vote found Mohl, Czywczynski, Biles, Miller, Cheatley and Lenzen in favor.

Mayor Gooss

Council Portfolio Assignments for 2022-2024 were presented to Council.

- Mohl: Water Park, Beautification, City Properties Associate, Bike Path Associate
- Lenzen: Assessments, JDA, City Health & Building Compliance Associate, Employee Relations Associate
- Hoffer: Water & Sewer, Equipment Chair, Employee Relations Associate
- Cheatley: Emergency services, Library, Employee Relations and Safety Chair
- Czywczynski: Park Board, Streets, Bridges and Sidewalks, Employee Relations Associate
- Isaak: West River Transportation, Forestry, Cemetery, Public Works Equipment Associate
- Biles: City Properties, Bike Path, Public Works Equipment Associate, Sanitation
- Miller: City Cleanup, Planning & Zoning, City Health & Building Compliance
- Gooss: Budget & Finance, County, State & Federal Liaison, City Hall Partnerships, Community Promotion & Economic Development, Police Commissioner

Mark Kaffar sent a letter regarding an increase in pay for the Municipal Judge position. More information will be provided at the next meeting. The city is working towards a flat fee contract with Solem Law.

CITY PERSONNEL

City Attorney

Jennifer Gooss presented a State Bar Ethics Opinion regarding her having the role of Assistant City Attorney while her spouse is the mayor. Miller questioned if Gooss was to be appointed. Gooss stated she was appointed in 2016 when she started, and it isn't required to be done again. Solem stated only the appointment of the City Attorney is required. Miller stated he isn't comfortable as there may be a conflict if a council member has a problem with the mayor and needs to go to the city attorney or has a problem with the attorney and needs to go to the mayor. He feels uneasy about that.

Jennifer Gooss stated if there was an issue with the mayor, there would be a conflict if the individual came to her. That person would need to meet with Scott Solem or outside counsel.

Solem stated they also contacted the Attorney General's Office for an unofficial opinion on the topic of conflicts of interest just to be sure there wasn't something they were missing. There is always the possibility of a conflict of interest.

The letter to the Attorney General requesting an opinion regarding the amendment of ordinances was presented to Council. Discussion followed. Jeff Gooss stated the city is getting the AG Opinion because P&Z requested it. Solem stated the council voted on requesting the AG Opinion on the amendment of ordinances so it will be done.

Mohl moved to have the first reading of Ordinance 447 regarding Regulation of Business & Trades, which includes alcohol licensing. Biles seconded. Roll call vote found Mohl, Biles, Czywczynski, Miller, Cheatley and Lenzen in favor.

Solem commented on the P&Z meeting Monday and some concerns of residents regarding the idea of a dog kennel facility and a storage facility in the old trailer park south of 16th Street. A memo was presented to council. The area was rezoned to C4: Neighborhood Commercial. The notice, hearings and publications were all completed. All the details were discussed at meetings. Storage units are not listed as a use under C4, although clearly that use was discussed at council meetings. The purchase agreement approved by the city requires the buyer to build a storage facility. Mechanically the issue was missed when moved from one employee to another. It wasn't intended to leave the public out. The city's intent was to have commercial space for residential storage on the land but needs to update the use table for C4. The permit was issued prematurely. The builder did nothing wrong. It was an oversight on the city and the city is remedying it. Jeff Gooss commented on the text amendment issue. Solem stated the process to fix it will be to go through the hearing process to amend C4 to include the conditional use. There will be a first and second reading of the ordinance. There will be an ordinance for a zoning text amendment and conditional use added in C4. Gazur stated P&Z reviewed the permitted use and were assured the change would take place along with other recommended changes. Gazur stated P&Z did not deliberately violate the ordinance.

Public Works Superintendent

The new mower was picked up. A summer employee was hired. It was questioned if the city entertains community service. Solem stated it has been looked at in the past, but the city liability didn't cover it and worker's comp didn't cover it. Senn commented there would need to be a coordinator to oversee the community service. Discussion followed.

Water/Wastewater Superintendent

The new pickup box is installed, and graphics have been ordered for it. The lagoon sludge numbers are out of line and the smell isn't good. It needs to be dredged.

City Auditor

Peddler's Permit for Rene's Books – Southwestern Advantage for two to three weeks and six days each week to go door to door selling educational books. He requested the fee be waived. Biles moved to table until more information is received. Cheatley seconded. It was stated that the fee

should be paid since he will be making a profit. He will be requested to attend a council meeting. It was stated that the city should give notice that he will be in town. Roll call vote found Biles, Cheatley, Mohl, Czywczynski, Miller and Lenzen in favor.

Mohl moved to approve the Special Event permit for the Nite Owl Bar to serve alcohol on the street outside of the bar during the street dance on August 6, 2022. Lenzen seconded. Mohl amended the motion to include the requirement of Chief Senn that only beer be sold outside the bar. Lenzen seconded. Roll call vote on the amendment found Mohl, Czywczynski, Biles, Miller, Cheatley and Lenzen in favor. Roll call vote on the motion as amended found Mohl, Czywczynski, Biles, Miller, Cheatley and Lenzen in favor.

Cheatley moved to add Jeff Gooss as an authorized signer on the City of Beulah's First Security Bank West bank account. Mohl seconded. Roll call vote found Cheatley, Mohl, Czywczynski, Biles, Miller and Lenzen in favor.

Miller moved to approve the local permits for a raffle and a Calcutta for the Beulah Lions Club at the Rodeo Grounds at Riverside Park on August 20, 2022. Cheatley seconded. Roll call vote found Mohl, Czywczynski, Biles, Miller, Cheatley and Lenzen in favor.

Mohl moved to approve the Special Event permit for Sportsman's Bottle Shop to serve alcohol at the Rodeo Grounds at Riverside Park on August 20, 2022. Czywczynski seconded. Roll call vote found Mohl, Czywczynski, Biles, Miller, Cheatley and Lenzen in favor.

Economic Development Director

Proposed property sales:

Dale Schwalbe is seeking to purchase the remaining portion of Fair Street Park at 320 2nd Ave SE that Jeff Keller did not purchase. A map was provided for the area. There is an easement for drainage and the area will be used to dump snow. Lenzen moved to approve the sale as presented. Czywczynski seconded. Roll call vote found Lenzen, Czywczynski, Biles, Miller, Cheatley and Mohl in favor.

A list of available city properties was presented to council. It was questioned if it is still the intention of council to continue selling city properties. Cheatley moved to approve the continuance of selling city properties. Miller seconded. Roll call vote found Cheatley, Miller, Mohl, Czywczynski, Biles and Lenzen in favor. It was commented that the revenue from sales could be put into a separate fund.

Up Drone is a company using drones and is looking at Beulah as a test site. As of July 1, CVB took over management of the Pfennig Museum. It is the only museum like it in the world. The city is still waiting on information for emergency power generation for the water plant and well. There will be a tree lighting ceremony on November 26.

City Engineer

Concrete street repairs will start after the fair. Asphalt patching will start in August. An estimate and condition update along with different options on the sanitary sewer on 2nd Ave SE was provided. Discussion followed on the cost of the project. It was questioned if this project could be tied into the Main Street Project. It was commented that the MIF fund could possibly be used. Cheatley moved to approve solicitation of quotes from local entities to fix the issue as per option #1 as provided. Biles seconded. Cheatley amended the motion to approve to proceed with the quote if it is under \$89,000. Mohl seconded. Roll call vote on the amendment found Cheatley, Mohl, Czywczynski, Miller, Biles and Lenzen in favor. Roll call vote on the motion as amended found Cheatley, Biles, Mohl, Miller, Czywczynski and Lenzen in favor.

There are concerns with the budget for street repairs going over budget.

North Lagoon Dredging Project estimate is for one cell of the North Lagoon.

Option 1 – dredge the lagoon with DEQ and EPA approval for \$592,000

Option 2 – dredge and bag it as we did at the South Lagoon for \$834,000

The North Lagoon hasn't been dredged since 1999. There is also the option of using bugs and the estimate is roughly \$450,000.

Options were provided on the road improvements for Murray Addition and Country Club Estates. The concern is still that each resident doesn't know what they would need to pay. It was stated that it is normally based on linear frontage, but square footage may need to be looked at for those lots. Interstate Engineering would like to assist with writing the letter to send to residents in the area and offer estimates for each lot for the options.

Interstate Engineering's Master Service Agreement was presented for the mayor to sign for the appointed term of the City Engineer. Biles moved to accept Interstate Engineering's MSA upon legal counsel's review. Lenzen seconded. Roll call vote found Biles, Lenzen, Cheatley, Miller, Mohl and Czywczynski in favor.

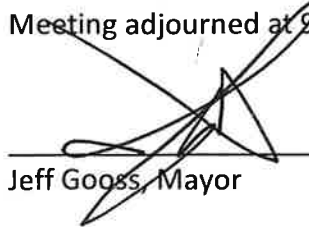
Police Chief

The Federal drug case has settled and hopefully the city will receive a portion of the revenue.


APPROVAL OF BILLS

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

Meeting adjourned at 9:51 pm.



Jeff Gooss, Mayor



Heather Ferebee, City Auditor

The following bills were approved and paid in June:

Check Range: 41834 to 41927, -99730

Payroll Check Range: -75014 to -74852, 41832, 41833, 41867

Employees	112873.57	Cindy Pickett	6.75
FIT	15478.33	Gary Kostelecky	42.84
NDPERS 457	297.50	Byron Grabow	66.65
HEALTH INS	33082.75	Amanda Byrd	50.00
METLIFE	826.19	Jason Helmers	28.62
FIT	21510.81	Inspire Wellness	35.73
NDPERS 457	297.50	Shandy Kraft	2250.00
NDPERS Main	5500.17	Western Steel Builders Inc	2557.22
NDPERS Main 2020	2190.83	Powerplan	215.20
NDPERS PD	3446.24	West River Telephone	105.41
MN Child Support	187.81	Beulah JDA	379.77
MN Child Support	187.81	Beulah Airport Authority	379.77
NY Life Insurance Company	3861.30	Mark A. Kaffar	600.00
Principal Life Insurance Co	317.55	Bronson's Marketplace	42.29
Mercer County Treasurer	7314.40	C & H Glass	9082.00
Downtown Gas & Auto	6749.43	WIN-911 Software	1782.00
Millennium Express	20.80	ND Dept of Environ Quality	75.00
Waste Management	702.88	ND Dept of Environ Quality	100.00
J & M Hardware Inc	521.40	ND Dept of Environ Quality	100.00
Roughrider Electric Coop	3676.46	ND Dept of Environ Quality	100.00
Aramark	53.68	ND Dept of Environ Quality	100.00
West River Telephone	1637.75	Adam Baker	112.87
Aramark	320.31	Beulah Public School District	50.00
American Express	2429.60	The Beacon	155.00
AE Operations, LLC	4464.80	Bronson's Marketplace	68.62
MDU	12367.90	Cengage Learning	107.47
The Union Bank	37337.38	Grainger	338.79
US Bank	1241.45	Sonja Dutchuk	625.00
Information Technology Dept	263.20	Faith Koch	183.45
WARC	1364.99	Kameron Plienis	131.84
Neuberger Oil Co.	700.00	Schirado Boys Lawn Care	45.00
Your Home Improvement Co	150.00	Beulah Park District	34084.08
Travis Frey	156.27	Beulah Lumber Company	407.28
Baker & Taylor	535.40	NAPA Auto Parts	646.32
Cengage Learning	78.71	North Dakota One Call Inc	66.30
Mercer County Sheriff's Dept	200.00	NDDEQ	1114.78
Beulah Public School District	50.00	Hawkins Inc.	2466.98
Tanner Erickson	75.00	Beulah Park District	6119.54
		Beulah Senior Center	1176.83

Beulah Airport Authority	1647.56
The Beacon	1931.00
Straightway Construction Inc.	30360.00
Convention & Visitors Bureau	12877.50
Envision Home Improvements	3450.00
Uniform Center	146.65
STREICHER'S	419.50
Millennium Express	39.96
Stein's Inc	128.70
Lignite Tire	248.00
Solem Law Office	6225.61
Interstate Engineering, Inc	4350.00
AT&T Mobility	735.48
Interstate Engineering, Inc	7837.00
Farmers Union Oil Company	6782.08
Heidi Hamelton	140.40
Waste Management	702.88
Hawkins Inc.	8423.18
Recreation Supply Co	1192.10
NDSWRA	90.00
NDACo Resources Group, Inc.	134.75
Interstate Engineering, Inc	9787.88
J & M Hardware Inc	45.98
MicroMarketing LLC	62.01
Cliff Naylor	18.95
Penworthy	196.10
Creative Product Source	81.74
Modern Marketing	771.40
Cengage Learning	201.51
Mercer County Historical Soc	25.00
Benz Insurance Agency	11586.00