

CITY OF BEULAH

June 22, 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 Travis Frey with Council Members Gary Miller, Ben Lenzen, David Ripplinger, Amanda Mohl, Eric Hoffer, Kathy Kelsch, Sean Cheatley and David Czywczynski present.

Also Present: City Attorney Scott Solem, Assistant City Attorney Jennifer Gooss, City Engineer Charlie Hankins, Economic Development Beaver Brinkman, Police Chief Frank Senn, Water Superintendent Gary Bovkoon, City Assessor Heidi Hamelton, City Auditor Heather Ferebee, Dale Schwalbe, Scott Battest, Lyle Yeager, Roger Gazur, Rick Bauman, Lindsey Pouliot and Alyssa Meier.

Pledge of Allegiance.

Kelsch moved to dispense with the reading of the minutes of the last regular meeting on June 8 and approve as furnished to the Council by email. Cheatley seconded. Roll call vote found Kelsch, Cheatley, Lenzen, Mohl, Ripplinger, Hoffer and Miller in favor.

Economic Development Director

Economic Development Conference is taking place this week. The turnout is very good with 110 attendees.

Jeff Keller would like to revise the size of the lot he plans to purchase. He will still pay for the survey of the entire lot and the new survey needed, along with legal fees. Hoffer moved to approve the sale with the reduced lot size as presented. Cheatley seconded. The city will still have access and the ability to use the remaining area for snow. Roll call vote found Hoffer, Cheatley, Kelsch, Lenzen, Mohl, Ripplinger and Miller in favor.

COUNCIL PORTFOLIOS

Council Member Kelsch

The Civic Center recently received new tables and chairs from the CVB. The tables that were loaned out in the past will be disposed of and the city will discontinue loaning out tables and chairs in the future. Kelsch moved to approve the disposal of any surplus of tables and chairs and the discontinuance of loaning out those items from the Civic Center. Mohl seconded. Roll call vote found Kelsch, Mohl, Cheatley, Lenzen, Ripplinger, Hoffer and Miller in favor. Kelsch thanked everyone as this is her last meeting on Council.

Council Member Ripplinger

Ripplinger thanked everyone as this is his last meeting on Council.

Council Member Miller

Fence Variance at 719 Fair Street. The issue is contentious between two owners. P&Z changed the requirement of a fence being twelve inches from the property line due to the maintenance issue, but it never got changed by ordinance because of the text amendment procedure. The building permit was issued allowing the owner to go up to the property line and the posts are in. Czywczynski arrived. P&Z approved to pass the variance. Miller moved to grant the fence variance for 719 Fair Street, but if the fence is encroaching on the property the post will need to be moved. Yeager questioned why the city has ordinances if they don't follow them and questioned what the hardship of the variance is. Hamelton stated the hardship is that it is difficult to maintain the twelve inches from the property line in either direction. Discussion followed on whether a fence should be on the property line. Frey stated the council needs to make the decision whether to go through with the recommendation of P&Z to grant the variance or to follow the zoning code as written. Lenzen seconded. It was questioned if there was a police report stating that the fence started before the permit was taken out. If the project started before he obtained a permit, the city is not liable. Jennifer Gooss stated that if the post was installed over the property line, it is at the owner's expense to move it. It was stated that the approval of a fence on the property line should be signed by both property owners. Roll call vote found Miller in favor. Lenzen, Ripplinger, Hoffer, Cheatley, Kelsch, Czywczynski and Mohl opposed. Motion fails.

Attorney General opinion. Gazur commented there is a conflict in the NDCC when it comes to revising ordinances. The Attorney General is the only one who can resolve this conflict. It is P&Z's contention that the current process is unnecessary and incurs unnecessary expense. P&Z recommends pursuing the opinion of the Attorney General to provide clarity and resolve the issue. This is an investment in the future for P&Z and the City of Beulah. Frey commented that waiting for the opinion should not halt the P&Z and Council from making changes to the zoning code during that time. Gooss stated Solem Law has not disagreed with any part of the process, only the ordinance itself. She stated that an ordinance needs to be amended by an ordinance and all sections of the Century Code have to be read together. Other cities that were researched all include an ordinance. If the process is changed to a regulation, the city will need to keep regulation books. Gazur stated that there will be a fee each time an ordinance is generated, that Solem Law is predisposing that the AG opinion may come back stating that both sections of the Century Code have to be involved, and that changes to the ordinance drafted by the City Attorney's office is not an absolute because typically the issues are not legal, but are technical. The best group to determine technical issues is P&Z. Miller moved to proceed with the Attorney General opinion. Czywczynski seconded. Discussion followed on whether the city should stay with the ordinance process or make a change to the process. Miller, Czywczynski, Kelsch, Cheatley, Ripplinger and Lenzen in favor. Mohl and Hoffer opposed. Motion passed.

Jerry Reichenberg has resigned from Planning and Zoning.

Council Member Mohl

There are bushes in front of the funeral home in the ditch that collect garbage. The shrubs need to be maintained or removed. Scott Battest commented on the lack of lids on dumpsters. The ordinance does not require lids.

Mayor Frey

The Organization Meeting is scheduled for Tuesday, June 28. Mohl moved to have the Organization meeting at 3:00 pm. Miller seconded. Roll call vote found Mohl, Miller, Cheatley, Lenzen, Ripplinger, Hoffer and Kelsch in favor. Czywczynski abstained. Motion passed.

Preliminary budget will need to be approved in July. Frey thanked the council and wished them luck.

CITY PERSONNEL

City Attorney

Alcohol ordinances will be combined under the Regulation of Business and Trades Ordinance which includes Alcohol. Definitions will be provided for peddlers and transient merchants. Mobile food vendors and food trucks have a license with the state but there are no requirements from the city. The council needs to decide if something needs to be in place. It was questioned if sales and use tax is followed up on. The types of liquor licenses were discussed. One item that should be addressed is the selling of liquor and gaming in gas stations.

Kelsch moved to approve Resolution 2022-06 setting the auditor's bond limit. Miller seconded. Roll call vote found Kelsch, Miller, Mohl, Cheatley, Lenzen, Czywczynski, Ripplinger and Hoffer in favor.

Lakin Michaelson has started a snow cone truck business and has requested to park it at the pool. The Pool Board is in favor, especially during special pool events. She would be required to provide her own generator for power and to pay 10% of sales to the city for use of the city lot. It is also because the sales would cut in on pool snack sales. Hoffer moved to allow the use of the parking lot and for the Pool Board to work out the compensation agreement. Cheatley seconded. Roll call vote found Hoffer, Cheatley, Kelsch, Mohl, Lenzen, Ripplinger and Miller in favor. Czywczynski abstained. Motion passed.

Public Works Superintendent

The new woods mower has not arrived, but they are trying to keep up with grass. They will apply for a burn permit.

Water/Wastewater Superintendent

Sludge judging at the lagoon is complete and awaiting results.

City Auditor

Hoffer moved to approve the Special Event Permit for Sportsman's Bottle Shop to serve alcohol at the fairgrounds for the Mercer County Fair July 14 – 17, 2022. Cheatley seconded. Roll call vote found Hoffer, Cheatley, Kelsch, Mohl, Lenzen, Czywczynski, Ripplinger and Miller in favor.

Cheatley moved to approve the May Financial Reports. Hoffer seconded. Roll call vote found Cheatley, Hoffer, Kelsch, Mohl, Lenzen, Czywczynski, Ripplinger and Miller in favor.

Hoffer moved to approve the local permit for a calcutta for the Mercer County Ranch Rodeo at the fairgrounds on July 15, 2022. Ripplinger seconded. Roll call vote found Hoffer, Ripplinger, Cheatley, Kelsch, Mohl, Lenzen, Czywczynski and Miller in favor.

A tree on Main Street will be removed as it is a safety hazard. One branch has already fallen on a car. It will need to be determined if the business owner is responsible for the charges.

City Assessor

P&Z elected Dale Schwalbe as chair of the P&Z Board. There are text amendments to the zoning code that need to be made.

City Engineer

The contracts have been signed for street repairs.

Meeting adjourned at 7:30 pm.

A handwritten signature in blue ink, appearing to read "Travis Frey", written over a horizontal line.

Travis Frey, Mayor

A handwritten signature in blue ink, appearing to read "Heather Ferebee", written over a horizontal line.

Heather Ferebee, City Auditor