

## **CITY OF BEULAH**

**March 23, 2022, 6:00 pm**

**Beulah Civic Center**

### **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 Kathy Kelsch, Gary Miller, Ben Lenzen, Amanda Mohl, David Ripplinger and Sean Cheatley present. David Czywczynski and Eric Hoffer absent.

Also Present: City Engineer Charlie Hankins, Assistant Attorney Jennifer Gooss, Public Works Superintendent Kenny Yeager, Water Superintendent Gary Bovkoon, Economic Development Beaver Brinkman, Police Chief Frank Senn, City Auditor Heather Ferebee, Roger Gazur, Jerry Reichenberg, Gerald Bieber, Dale Schwalbe and Beacon Reporter Alyssa Meier.

Miller moved to dispense with the reading of the minutes of the last regular meeting on March 9 and approve as furnished to the Council by email. Kelsch seconded. Roll call vote found Miller, Kelsch, Lenzen, Cheatley, Mohl and Ripplinger in favor.

### **COUNCIL PORTFOLIOS**

#### Council Member Miller

The P&Z request for an Attorney General opinion on zoning ordinances was tabled at the February 9 meeting until P&Z was able to meet with legal. P&Z met with legal and voted to proceed with the request for an Attorney General opinion.

Roger Gazur with the P&Z Board presented information and an explanation. He stated he is speaking on behalf of the P&Z Committee regarding Ordinance 420. P&Z would like to make a text amendment to the existing zoning ordinance. Explanation followed on NDCC 40-47-04. Gazur stated that an ordinance is not required, but a procedure with mandatory requirements needs to be in place. The City Attorney's office has a different viewpoint on this.

Gazur commented on NDCC 40-47-05 and 40-11-09. He stated the P&Z approach has not been tried, but the City Attorney's approach was tried with Ordinance 437 regarding setbacks for sheds. They followed standard procedure outlined in 40-11-09. He stated that his opinion is that Ordinance 437 is not valid because the zoning ordinance has requirements that were not done as required by NDCC 40-47-04. He stated that the ordinance revision procedure outlined in 40-11-09 cannot stand its own as it doesn't meet the criteria for a zoning ordinance change as outlined in 40-47-04.

There was a special meeting of P&Z last night. There are still two positions on the topic. It is recommended that an official opinion of the ND Attorney General is needed. The questions were presented to Council. It is requested that the verbiage not be changed in the two questions requesting the opinion. The City Attorney may send additional information if the verbiage of the

questions is not changed. Gazur stated there would not be additional workload for city staff. The topic being debated is the need for a separate ordinance and this is not something the city staff does. There would just be a separate filing area for the zoning code. The procedure for the Zoning Map Revision was explained. A text amendment would follow the same procedure.

Frey stated the document was adopted and things do change. Miller stated he visited with City Hall staff and they are uncomfortable with this until they have more information, but the opinion would help to find out what the options are. Miller moved to instruct the City Attorney to get the opinion on the two questions from the Attorney General. Lenzen seconded. Gooss stated the cost of obtaining the opinion would be one or two hours of the City Attorney's time. It was stated that if the city staff does not want to change the process, it is a waste of time and money to get the opinion. The City Attorney stated they don't disagree that it could be done this way but questioned if it is the way the city wants to do it. If the city doesn't want to change it, then the city doesn't need to get the opinion. It was commented that it would be very helpful to see a breakdown of the current process and the proposed process.

Gazur questioned the value added of doing the current City Attorney procedure. He stated going with 40-47-04 is much better documentation.

Miller moved to table the motion until the April 13 council meeting. Lenzen seconded. Roll call vote found Miller, Lenzen, Kelsch, Cheatley, Mohl and Ripplinger in favor.

#### Council Member Kelsch

A mobile home was moved. The grant program requires the city to pay the invoice and submit to the grant company for reimbursement.

#### Mayor Frey

Extraterritorial Zoning – The City of Beulah has joint jurisdiction with Mercer County in the second half mile outside of city limits. Stanton has now been given full jurisdiction. It was stated that Beulah should request full jurisdiction of the full mile outside of city limits. The second is currently a joint powers agreement between the city and county. Right now, it is a convoluted process. Property owners need to go to both the county and the city. Kelsch moved to request from Mercer County for the City of Beulah to have full jurisdiction within the second half mile. Cheatley seconded. Discussion followed on current zoning and the possibility of a new zoning district for that area. Roll call vote found Kelsch, Cheatley, Miller, Lenzen, Mohl and Ripplinger in favor.

### **CITY PERSONNEL**

#### Water/Wastewater Superintendent

The new pickup is awaiting transportation to Beulah. Backflow prevention: There are two different programs. The city was told to complete the comprehensive program which involved everyone. It has been decided that the city can complete the containment program, and this details anything the city owns or that the city furnishes water to for no charge. Another upcoming program will be new lead and copper rules and regulations that will require the city to go into

every household to determine what kind of plumbing the service line has. The Lift Station 2 radio went out so there is no telemetry at the plant. Water restrictions might be needed this summer if it doesn't rain due to a limitation on filtering.

#### City Auditor

Lenzen moved to approve the February financial reports. Mohl seconded. Roll call vote found Lenzen, Mohl, Miller, Kelsch, Cheatley and Ripplinger in favor.

Ripplinger moved to approve the local permit for a raffle for Mercer County Farm Bureau at Riverside Park on August 27, 2022. Lenzen seconded. Roll call vote found Ripplinger, Lenzen, Miller, Kelsch, Cheatley and Mohl in favor.

Site Authorization for CVB at Fanatics Sports Bar & Grill from 7-1-22 to 6-30-23. Site Authorization for CVB at Beulah Municipal Golf Club from 7-1-22 to 6-30-23. Cheatley moved to approve both site authorizations as presented. Mohl seconded. Roll call vote found Cheatley, Mohl, Miller, Lenzen, Kelsch and Ripplinger in favor.

The Living Local App is partnered with the State of ND and being offered at no charge if signed up for by April 1. There would be no charge to set it up and no charge for two years. After that there would be a \$750 annual charge. Lenzen moved to proceed with the Living Local Beulah App, with it contingent on other organizations supporting the app. Miller seconded. Roll call vote found Lenzen, Miller, Cheatley, Mohl, Kelsch and Ripplinger in favor.

#### Economic Development Director

Job Service Workforce Center has been coming twice a month to City Hall. Small Business Development is also coming to Beulah.

A lease of the former Bornsen property to Noel Helm was presented. This would save the city time in mowing and spraying. An agreement will be put together. The property should be cleaned up within the next two months and the reimbursement request will be sent to FEMA.

The old landfill property north of Beulah will be available for sale at the city auction. It will be a quit claim deed versus a warranty deed. It will be posted on the website.

Library/Daycare Plans – a draft of a proposal of the old nursing home renovation was presented. Grant options are available for libraries and daycares.

A meeting with Bakken Energy took place this week regarding their plans at DGC.

#### Police Chief

An officer was injured and will be on extended leave. There will be overtime due to the injury. The Police Dept. is currently working on drug overdoses. Bodycams have increased in price.

City Attorney

Cheatley moved to have the second reading of Ordinance No. 444 – Compensation for Mayor & Council. Mohl seconded. Roll call vote found Cheatley, Mohl, Miller, Lenzen, Kelsch and Ripplinger in favor.

Public Works Superintendent

Transfer Station will open April 4 for summer hours. The John Deere tractor is in.

The Driver's License division is relocating to the MVD, Chamber and CVB Building. April 8 is the move date.

Meeting adjourned at 7:20 pm.

  
Travis Frey, Mayor

  
Heather Ferebee, City Auditor