

CITY OF BEULAH

May 24, 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 President Ben Lenzen with Council Members Gary Miller, Auston Biles, Eric Hoffer, David Czywczynski and Amanda Mohl present. Jeff Gooss, Jason Isaak and Sean Cheatley absent.

Also Present: City Attorney Scott Solem, Police Chief Frank Senn, Public Works Superintendent Kenny Yeager, Economic Development Beaver Brinkman, City Assessor/Planner Heidi Hamelton, City Auditor Heather Ferebee, Julie Lenzen, Deb Heringer, Stephanie Miller, Nikki Martens, Sue Bauer, Brian Gion, Kyle Vetter, Beulah residents, Editor Alyssa Meier.

Mohl moved to dispense with the reading of the minutes of the last regular meeting on May 10 and approve as furnished to the Council by email. Biles seconded. Roll call vote found Biles, Mohl, Hoffer, Miller and Czywczynski in favor.

APPROVAL OF BILLS

Hoffer moved to approve the bills as presented and reviewed. Miller seconded. Hoffer mentioned the invoice to Wigen Water Technologies for \$62,097.82 for membrane replacement. It is a maintenance item. Ferebee stated \$30,000 is transferred each year to save up for the membrane replacements. Roll call vote found Hoffer, Miller, Biles, Mohl and Czywczynski in favor.

HEARINGS

Order to abate 700 Parkway Drive – Solem commented on the damage to the property including roof damage. The hearing will be postponed until July 12. Biles moved to close the hearing. Mohl seconded. Roll call vote found Biles, Mohl, Hoffer, Miller and Czywczynski in favor. By July 12 it must be fixed or demolished.

Text Amendment to Zoning Ordinance – Hamelton reviewed the changes recommended.

1. Revision of setbacks in R3 High Density Multi-Family. “No setback if attached” will be added.
2. Revision to the Use Table: Add Self Storage Facilities as a use in C2 Highway Commercial, add as conditional use and change the use in C3 & C4 from Conditional Use with Requirements to Conditional Use.
3. Revision to the Use Table; Add Personal Shop as a Conditional Use in Zoning Districts C2 and C3.
4. Remove sections no longer necessary with the change in number 5.
5. Replace Section 4.3 General Landscaping Standards with new language regarding General Landscaping and Buffer Strip Standards.
6. Revision of the Building Permit Process application checklist.
7. Revision of typographical error.
8. Addition of a definition of a Personal Shop.

The P&Z Commission recommends approving the changes presented. Miller moved to approve the text amendment application with the recommendations presented. Czywczynski seconded. Roll call vote found Miller, Czywczynski, Biles, Mohl and Hoffer in favor. Miller moved to close the hearing. Mohl seconded. Roll call vote found Biles, Mohl, Hoffer, Miller and Czywczynski in favor.

PUBLIC INPUT

Site Authorization

The motion by Mohl to approve the site authorization for American Foundation for Wildlife for gaming at Alibis Lounge from July 1, 2023 to June 30, 2024 and seconded by Lenzen was tabled at the last meeting. Hoffer moved to remove the motion from the table. Mohl seconded. Roll call vote found Hoffer, Mohl, Biles, Miller and Czywczynski in favor. Kyle Vetter of American Foundation for Wildlife commented that 40% of gaming proceeds are contributed to WARC. Roll call vote on the motion to approve the site authorization found Biles, Mohl, Hoffer, Miller and Czywczynski in favor.

Opposition to Chicken Ordinance

Julie Lenzen stated her residence is not a double lot. She understands enhancing the family budget and learning opportunities. She has an apple tree, a garden, and hangs laundry all summer which helps with a budget. She has allergies and controls her environment, including staying away from straw, hay and some farm animals. The potential for a problem exists depending on which way the wind is blowing. She wouldn't be able to garden, hang laundry or open her bedroom window. She would like the decision to be up to the citizens of Beulah, not a few council members.

Brian Gion questioned where waste will go and where feed will be stored to keep out rodents. The issues will be smell and waste. He questioned if they will they be free range. He grew up on a farm and ranch and doesn't want chickens next to him.

Deb Heringer commented that she lives in town because she doesn't want farm animals. She would like to be out on her deck and doesn't want to hear and smell chickens. Devaluation of property is a concern. She questioned the protocol for taking care of problems and would the homeowner need to hire an attorney or would the city be involved. She understands people wanting to have them, but she doesn't want chickens next to her.

Sue Bauer expressed her concerns of noise. She grew up on a farm and chickens cackle all day. There will need to be ventilation and a fence around it. Shift workers will hear them. She questioned if the eggs will be sold. Animal control of racoons, snakes, coyotes, foxes, etc. will be an issue. This will cause problems for people and household pets. Vet bills will be incurred by homeowners who do not want chickens. Neighbors will fight with each other. Eggs were \$.99 per dozen last week. Straw, feathers, and the smell will be transferred by wind.

Support of Chicken Ordinance

Nikki Martens stated she lives on the edge of town. They have many rabbits running around and this doesn't cause other animals to come into their yard. There are stipulations in the proposed ordinance regarding containment for the chickens and for the food. Hay was mentioned, but they already have an issue with corn coming into their yard. This would be a chance to teach kids

responsibility. Dogs make noise also. It would only be five chickens that would be kept in containment.

Stephanie Miller commented on other police departments that were contacted. New Salem had one issue where a dog got in with chickens, but otherwise no issues. Fargo police stated that in three years there have been hardly any issues. There are forty registered people in Fargo. She has not heard negatives about registered coops. The proposed ordinance addresses issues that would arise.

COUNCIL PORTFOLIOS

Council Member Mohl

Lenzen stated that he spoke with Jeff Gooss and Gooss agreed to appoint Alex Dschaak to the Pool Board. Mohl moved to approve the appointment of Alex Dschaak to the Pool Board. Miller seconded. Roll call vote found Mohl, Miller, Biles, Hoffer and Czywczynski in favor.

Council Member Hoffer

Hoffer moved to approve the Second Reading of Ordinance 453. There is no second to the motion. The motion dies for lack of a second.

Hoffer commented that Lift Stations 1 and 2 have electrical issues so they have received quotes for the updates. He commented that Jason Isaak stated this is very much needed from a safety perspective and the quotes are fair. The quote for Lift #1 is \$26,825 and for Lift #2 is \$19,050 for materials. Labor is not included and that would be \$200/hr. for one or two days. Hoffer moved to approve the quotes from Dakota Pump and Control as presented. Mohl seconded. Roll call vote found Hoffer, Mohl, Biles, Miller and Czywczynski in favor.

Council Member Czywczynski

There will be some repairs done to a few bad spots on the streets.

CITY PERSONNEL

City Auditor

The City Audit was completed and emailed to council. Hoffer moved to approve the Mobile Food Vendor License application for Lakin Michaelson (Letty's LLC) DBA Tropical Sno for 2023. Mohl seconded. Roll call vote found Hoffer, Mohl, Biles, Miller and Czywczynski in favor.

Police Chief

The Police Dept. was awarded \$25,000 towards the purchase of a pickup. A training grant was received through the Dept. of Health. There are no applicants for the open Police Officer position.

City Attorney

First Reading of Ordinance No. 455 – Alcohol

Section 6-205 is amended regarding the entrance requirement. A provision is added that if alcohol is going to be sold inside a gas station convenience store, there must be a separate facility inside the store that has access by an outside separate entrance or a secure entrance inside the store. Hoffer

moved to have the first reading of Ordinance No. 455 that will be changed to Ordinance No. 453. Mohl seconded. Roll call vote found Hoffer, Mohl, Biles, Miller and Czywczynski in favor.

Public Works Superintendent

Two summer employees were hired. Public Works is finishing sweeping and started mowing. The flowers have been put up on Main Street. Public Works will assist the Elementary School with playground equipment removal.

Economic Development Director

There will be a replacement of streetlights on Hwy. 49 from 7th Street to the river to LED this year or next year. Midwest will complete the Districts 2 and 3 income surveys. He would like to proceed with a proposal for a financial analysis for the city for 7 to 10 years to determine how the city will increase revenues or change what is being done now. The hope is to have about 75% paid for by Midwest if their budget provides. Mohl moved to allow Brinkman to proceed with obtaining financial analysis proposal estimates. Biles seconded. Roll call vote found Mohl, Biles, Hoffer, Miller and Czywczynski in favor. Brinkman would like to obtain estimates for the walking bridge on Highway 49. The city has a \$1.1 million grant of which the city has to pay 25%. Mohl moved to approve Brinkman seeking estimates for the bridge in precast concrete. Biles seconded. Roll call vote found Mohl, Biles, Hoffer, Miller and Czywczynski in favor.

City Assessor/Planner

Short-Term Rentals/Airbnb's – There are around forty in Beulah. A citizen is concerned about this. The National League of Cities has a report on short-term rentals, and she will send that out to council. They are treated like a hotel and pay the same taxes.

Building Permits and Contractor Licenses – Every contractor or anyone doing work in the city is being checked out. Those that don't have a license will not be permitted to work in the city.

Drainage Ditch Cleanout – pictures were provided. Trees need to be removed and the drainage ditch should be cleaned out. The quote is \$3,200 plus \$450 for another area, to take care of cleaning of the trees and debris. The Storm Water fund should be available. Miller moved to approve both estimates of \$3,200 and \$450 from Branch Management. Hoffer seconded. The city has access since it is drainage through the city. Roll call vote found Miller, Hoffer, Biles, Mohl and Czywczynski in favor.

Construction Update – One house is permitted in Barton Estates and one more is coming, a mobile home is being placed in Valley Court Addition, there is an office shop condo along with multiple permits for personal shops and one for a 16-unit mini storage facility.

Christopher Askay offered to purchase two lots located near Prince of Peace for \$1,000 each. Each parcel is about 8,500 square feet. Discussion followed. It was stated that these lots have water and sewer and should be worth more than \$2,800 per lot. Council would like to find out what the other lots sold for next to these so there is a comparison. It will be brought to the next meeting.

Brinkman commented that workforce has been an issue in Beulah. There is a possibility to bring people from the Ukraine to help address the issue. Ukrainians have the option to apply for jobs in the US by filling out an application. They would work for two years and would be able to apply for citizenship.

Hoffer commented the \$15,000 grant for the AE2S sewer study was approved and it will move forward.

The meeting adjourned at 7:35 pm.



Ben Lenzen, Council President



Heather Ferebee, City Auditor