

## **CITY OF BEULAH**

**November 6, 2023, 6:30 pm**

**Beulah City Hall Council Chambers**

### **CITY COUNCIL MEETING**

The regular meeting of the Beulah City Council was called to order at 6:30 pm by Mayor Sean Cheatley with Council Members Ben Lenzen, David Czywczynski, Jason Isaak, Auston Biles and Gary Miller present. Eric Hoffer and Amanda Mohl absent.

Also Present: City Attorney Scott Solem, City Engineer Charlie Hankins, Economic Dev. Dir. Beaver Brinkman, Water Supt. Gary Bovkoon, Public Works Supt. Kenny Yeager, Police Chief Frank Senn, City Assessor/Planner Heidi Hamelton, City Auditor Heather Ferebee, Bruce Neuberger, Roger Gazur, Jeff Gooss, Jordan Fischer, Beulah Residents, Kelli Ameling.

Pledge of Allegiance.

Isaak moved to dispense with the reading of the minutes of the last regular meeting on October 16 and approve as furnished to the Council by email. Czywczynski seconded. Roll call vote found Isaak, Czywczynski, Lenzen, Biles and Miller in favor.

### **PUBLIC INPUT**

Jeff Gooss presented a prepared statement. He is attending as a citizen and an Adam's County chief deputy. He stated his opinion: that the council is discrediting those who speak against the Police Chief by denying any impropriety. He believes there has been a violation of a code of conduct and NDCC by the Police Chief. Gooss commented on the grant program the City of Beulah used towards the purchase of a police vehicle and his belief that it was not lawful. He stated the agency he works for needed the money and was turned down. Gooss demanded the funds that Beulah received be returned. If they won't take them, he requested they be donated to a worthy cause.

Bruce Neuberger commented on the meeting minutes and the letter to the editor by the Mayor. He believes the last meeting is not portrayed correctly. His opinion is there was a conspiracy by the city regarding the proposal for legal services from Donovan & Kaffar to replace the City Attorney. He requested the council look into how the RFP for a City Attorney is handled.

### **APPROVAL OF BILLS**

Biles moved to approve the bills as presented and reviewed. Miller seconded. Isaak explained the LensLock, Inc. invoice for the bodycams in the amount of \$19,475. The city received a \$12,000 grant and a \$5,500 donation to apply toward the cost. The remaining balance will come out of the Equipment fund. It is a lease for five years. Roll call vote found Biles, Miller, Isaak, Lenzen and Czywczynski in favor.

## COUNCIL PORTFOLIOS

### Mayor Cheatley

#### Public Input Policy:

Cheatley stated the policy covers all concerns discussed at the last few meetings except for unlimited public input and unlimited number of attendees. He stated there are claims he is going back on a campaign statement regarding involvement in city government, but nothing has changed with how he views public input. Public input at city council meetings must be managed; unlimited public input is not feasible. City council meetings are business meetings, not town halls. The meeting cannot be consumed with public input as other business will suffer. There have been claims that any limits on public input is a violation of free speech. The ND Attorney General's Office disagrees with this in numerous legal opinions. Citizens have the right by ND law to attend public meetings, but do not have the right to speak. He considers this matter settled law. Those who disagree can file a complaint with the ND Attorney General's Office.

#### Council members shared ideas on the Public Input Policy:

Residents can call council members with their concerns and the council member can bring it to the council. Public input doesn't need to be limited unless it is a long meeting. Time limits should be at the mayor's discretion. Public input could be extended to the end of the meeting if needed. The council wants to know what is going to be talked about if someone wants to be added. The resident should not be allowed to talk without a subject. There is a chain of command and issues should be addressed with the council member in charge of the portfolio before presenting at a council meeting. Contacting council members by email would be helpful. Offering a solution to the problem would also be helpful. Council can take comments on concerns to diffuse the situation.

Roger Gazur commented his opinion is that the reason a policy is needed is because people are abusing the privilege of coming to council to voice concerns. If the policy was in effect during the chicken and fireworks ordinance discussion, nothing would have happened. He went back through those meetings.

It was commented that the meetings are the mayor's meetings. It was also stated the council sets policy for city business. Solem reviewed the policy and recommended changing the verbiage under the presentation paragraph. Biles moved to approve the policy with the changes recommended by legal, the addition of the mayor's discretion on time limits, and the addition of public input at the end of the meeting if time allows. Isaak seconded. Roll call vote found Biles, Isaak, Czywczynski, Lenzen and Miller in favor.

### Council Member Isaak

Isaak stated that he was contacted regarding ice on Main Street. He will discuss it with Yeager.

### Council Member Biles

The final budget approval included increases in utility rates effective January 1, 2024. Resolution 2023-07 was presented for water and wastewater rates. Water rates increase from \$22.00 to \$23.00 per month and wastewater rates increase from \$19.00 to \$21.00 per month. Isaak moved

to approve Resolution 2023-07. Czywczynski seconded. Roll call vote found Isaak, Czywczynski, Lenzen, Biles and Miller in favor.

Resolution 2023-08 was presented for garbage rates. Garbage rates increase for tipping carts from \$23.50 to \$24.50 per month and dumpsters have an increase of \$1.00 per pick up. Czywczynski moved to approve Resolution 2023-08. Miller seconded. Roll call vote found Czywczynski, Miller, Isaak, Lenzen and Biles in favor.

Resolution 2023-09 was presented for curb stop and storm water rates. Storm water rates increase from \$3.00 to \$5.00 per month. Czywczynski moved to approve Resolution 2023-09. Isaak seconded. Roll call vote found Czywczynski, Isaak, Lenzen, Biles and Miller in favor.

Transfer Station winter hours start on Monday.

## **CITY PERSONNEL**

### City Auditor

Lenzen moved to approve the Special Event Permit for Black Sands Golf Course to serve alcohol at the Beulah Civic Center for the CCCHC Employee Appreciation on December 1, 2023. Miller seconded. Roll call vote found Lenzen, Miller, Isaak, Czywczynski and Biles in favor.

### Water/Wastewater Superintendent

All lift stations are working, but the control panels still need to be put in place.

### Economic Development Director

Talon Metals Announcement was sent out to council. City Attorney RFP was provided for council to review. Isaak moved to proceed with the City Attorney RFP. Czywczynski seconded. Biles questioned if there would be a problem with moving it to June if it was approved to be done by January. It is tabled until the next meeting to review the previous motion. A grant was submitted today to offer continuing education and training.

### City Assessor/Planner

USDA Townhall will be held November 16 at the Civic Center regarding low-income housing and homeowners and services available to help them. The Tree Board met, and a grant is available for a small community project. A grant proposal was submitted for the Arbor Day 2024 celebration that would be used at Memory Park. A monthly newspaper column was presented to inform residents of what is going on in the city. Isaak requested a cost. Hamelton stated it would be good for communication. Vanguard is the program the city uses for property assessing and the pricing table has been updated to 2022. There could be increases or decreases in some valuations.

### City Engineer

The application for lead service lines needs to be submitted to the DEQ. The EPA is requiring states comply and the state has a program for assistance. A resolution is needed from the city so the city can be placed on the list. The resolution authorizes Hankins to submit the application to the DEQ to request assistance. Miller moved to approve the resolution as presented and allow Interstate

to move forward. Lenzen seconded. Roll call vote found Miller, Lenzen, Isaak, Czywczynski and Biles in favor.

Police Chief

Senn requested to continue firearm consignments with ACE Hardware. Miller moved to approve continuing consignments with ACE Hardware. Lenzen seconded. Roll call vote found Miller, Lenzen, Czywczynski and Biles in favor. Isaak abstained. Motion passed. West River Telecommunications and another company were contacted for camera security at City Hall. The cost for cameras from WRT is \$6,625 and \$237 per month thereafter. WRT refunds approximately 20%. It can be monitored by the Police Department. WRT is local and is able to perform maintenance. The problem of dumping outside of the gate at the Transfer Station was discussed. There are cameras out there, but they may need to be upgraded. More information will be obtained.

Senn stated he was invited to training in Washington D. C. on February 7-8, 2024. The DOJ will fund it. There is only one invitation to the State of ND. Isaak moved to approve Senn to attend the training in Washington D. C. Miller seconded. Isaak stated the only cost to the city would be the Chief's salary, no overtime. Senn could bring back the training material for the police department and Chief's Association. Roll call vote found Isaak, Miller, Czywczynski, Lenzen and Biles and in favor.

The meeting adjourned at 7:56 pm.



Sean Cheatley, Mayor



Heather Ferebee, City Auditor

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

Check Range: 43485 to 43594, -99687 to -99683

Payroll Check Range: -73385 to -73312, 43587

Employees	87887.57	City of Beulah	78.72
HEALTH INS	39338.62	Principal Life Insurance Co	367.66
METLIFE	1226.89	US Bank	23375.31
NDPERS 457	824.50	Mercer County Treasurer	8748.90
FIT	14417.56	Beulah Lumber Company	399.52
NDPERS 457	824.50	Downtown Gas & Auto	7058.90
FIT	14055.01	North Dakota One Call Inc	65.00
NDPERS Main	5247.04	Aramark	476.40
NDPERS Main 2020	3144.13	USA Blue Book	138.98
NDPERS PD	3767.18	Bronson's Marketplace	91.39
SIT	2199.82	Quadient Leasing USA Inc	218.07
Job Service	197.64	AE2S, LLC	1067.50
NY Life Insurance Company	4113.98	Hawkins Inc.	6987.07
ND Tax Commissioner	94.33	MDU	13789.84
ND Tax Commissioner	3279.95		

Interstate Engineering, Inc	1520.00	Baker & Taylor	459.99
US Bank	3732.66	West River Telephone	72.08
Interstate Engineering, Inc	3857.06	Petty Cash	80.40
AE2S, LLC	8490.25	NDDEQ	31.78
Badlands Environ Consultants	1100.00	Waste Management	829.60
Badlands Aggregate Inc.	1950.30	Beulah JDA	194.61
Robert Mohl	2959.79	Roughrider Electric Coop	3531.91
ND League of Cities	3070.00	Beulah Airport Authority	194.61
Radisson Hotel Bismarck	1162.80	Railroad Management Co	379.14
NDDEQ	50.00	Bank of North Dakota	6823.61
Powerplan	292.18	Beulah Beacon	1002.34
Kirk Welstad	50.00	Ecolab Pest Elim Div	171.33
Family Tree Investments	150.00	Aramark	67.24
Kevin or Marjorie Lee	15.00	Information Technology Dept	380.50
City of Beulah	99.00	J & M Hardware Inc	222.41
Coal Conversion Counties	2654.00	West River Telephone	1408.54
Amy Bieber	100.00	Branch Mnmgt Tree Service	600.00
Strata Corporation	9656.22	Bronson's Marketplace	17.98
Amanda Mohl	104.80	Lookout Books	296.92
Ben Lenzen	104.80	Cengage Learning	289.93
Auston Biles	104.80	Michael Frederick	50.00
Heidi Hamelton	7.90	Junior Library Guild	162.70
Granville Brinkman	589.05	Bryan Tomchuk	200.00
Stein's Inc	98.72	Heather Ferebee	45.98
MARC	2022.35	Waylon Boyer	96.59
NDDEQ	210.00	Otter Tail Power Company	498.75
Benjamin Newman	710.14	Uniform Center	1135.00
Motorola Solutions, Inc.	48200.64	NSC Minerals	3507.71
White Cap, L.P.	2506.80	IAAO	240.00
WEX	6.00	Beulah Park District	43112.61
Allstate Peterbilt of Bismarck	13.63	NAPA Auto Parts	2646.26
Titan Machinery	2316.68	Millennium Express	16.23
Butler Machinery Company	6441.62	Beulah Park District	6272.29
Lucky's Towing & Repair	900.00	Beulah Senior Center	1206.21
Neuberger Oil Co.	2460.00	Beulah Airport Authority	1688.69
Solem Law Office	663.00	AT&T Mobility	777.77
American Express	6071.77	AT&T Mobility	43.23
Marco Technologies LLC	168.37	Solem Law Office	8440.70
Taste of Home	41.71	Mark A. Kaffar	900.00
MicroMarketing LLC	770.17	Farmers Union Oil Company	3947.26

Kurt Zazeski	29.82
Schirado Boys Lawn Care	110.00
Stein's Inc	286.64
Granville Brinkman	726.28
Marcie Krumwiede	104.80
Bryan Tomchuk	375.00
Core & Main LP	1963.02
Solem Law Office	125.00
Solem Law Office	2129.50
Electronic Communications Inc	92.50
Western Dakota Energy Assoc	150.00
Lignite Energy Council	200.00
Office of the State Auditor	405.00
Marco Technologies LLC	168.37
Jessie Mann	51.77
Rita Baranick	27.59
Lakeview Books	179.67
Beulah Beacon	209.25

11/6/23