

**The Beulah Planning and Zoning Meeting of October 24, 2022 was called to order at 5:05 pm by Dale Schwalbe at the Beulah City Hall.**

Present: Dale Schwalbe, Roger Gazur, Gary Miller, Brock Seibel, Gerald Bieber, Ryan Tolosky

Absent: Chris Renner, Dustin Buchmann,

Also Present: Heidi Hamelton, Building Official; Beaver Brinkman, Economic Development; Jennifer Gooss, Assistant City Attorney; Bill Schmalfeldt, Beulah Beacon

Seibel entered a motion to approve the October 10, 2022 meeting minutes as presented. Gazur seconded. Motion carried. Gazur entered a motion to approve the October 11, 2022 special meeting minutes as presented. Bieber seconded. Motion carried.

**PUBLIC HEARING**

Gazur made a motion to open the Public Hearing for the Application to Amend the Text of the Zoning Ordinance of the City of Beulah. Seibel seconded. Motion carried. Hamelton presented the application in a PowerPoint presentation. Attachment D was discussed in detail, along with a proposed revision submitted by the Assistant City Attorney. Through this discussion, an acceptable process was agreed upon by the commission members, and revisions will be made to the document and presented to the City Council for approval. Gazur will prepare a revised document and send it to Hamelton tomorrow. Gazur entered a motion to approve the application with the agreed to changes to Section 5.19/Attachment D and recommend approval to the City Council. Seibel seconded the motion. Roll call vote found all in favor. Motion carried.

Seibel entered a motion to close the Public Hearing. Gazur seconded. Motion carried.

Gooss left the meeting.

**OLD BUSINESS**

**IBC/State Code Adoption**

A memorandum prepared by Gazur regarding the adoption of the State Codes was discussed. Hamelton will present a draft at the next meeting.

**Fees by Resolution of City Council**

Hamelton is still working on a fee schedule proposal.

**Ordinance 412 Revision Discussion**

A memorandum prepared by Gazur regarding potential revisions for Property Maintenance Ordinance 412 was distributed by email prior to the meeting for review. It will be reviewed along with the ordinance for discussion at the next meeting. Hamelton will discuss the timing of this ordinance review with the Assistant City Attorney so revisions can be coordinated. Hamelton also presented definitions for private and public nuisance per the NDCC.

## **NEW BUSINESS**

### **Mercer Coalition Meeting**

Brinkman talked about the recent meeting between various officials from Mercer County, Beulah, Hazen, Zap, Golden Valley, Stanton, and Pick City.

### **MDU Building Permit Extension Application**

MDU has submitted an application for an extension on their building permit on 7<sup>th</sup> Street for the storage building project. Gazur entered a motion to approve the extension for one (1) year. Tolosky seconded the motion. Roll call vote found all in favor. Motion carried.

### **New Projects**

Hamelton presented a project proposal from Chris Waller, who lives on 1<sup>st</sup> Street SE. He would like to cut the curb at an angle from the back and seal it. He has been driving over this curb to park in a carport next to his driveway. Charlie with Interstate Engineering has discussed this project with Waller, and responded to Hamelton with a proposal. Charlie proposes the city allow/permit the project as a "trial." If the project is not successful, Interstate Engineering would cover the cost of any repairs required to correct the failure. The commission is agreeable to allow the project as a trial.

Hamelton distributed the checklist that was completed by Michele Klein to permit the use of her daughter's residence (that she owns) as a daycare. There was question of whether building or installing a swing set and/or playground equipment would violate the terms of the zoning ordinance. A daycare is permitted use with conditions in the R3 Zoning District. The Zoning Ordinance also refers to the in-home businesses section, which states that no changes can be made to the exterior of the property to support the business. Because this is a permitted use with conditions, and to support the permitted use, the playground equipment would be allowed as the daycare use supersedes the restrictions put in place for in-home businesses.

## **MISC BUSINESS**

The status of the denied fence variance on Fair Street SE was discussed.

## **PERMIT LIST REVIEW**

Seibel entered a motion to approve the building permit list as presented. Tolosky seconded. Roll call vote found all in favor. Motion carried.

Motion to adjourn by Seibel. Tolosky seconded. Motion carried. Meeting adjourned at 7:07 PM.

  
Chairperson

  
Secretary