

The Beulah Planning and Zoning meeting of January 24, 2022 was called to order at 5:15 pm by Jerry Reichenberg at Beulah City Hall.

Present: Jerry Reichenberg, Gary Miller, Dustin Buchmann, Chris Renner, Brock Seibel, Roger Gazur

Absent: Dale Schwalbe, Gerald Bieber

Also Present: Heidi Hamelton, Building Official; Beaver Brinkman, Economic Development; Chelsea Stockwell, Curtis Jacobson

Gazur entered a motion to approve the January 10, 2022 P&Z meeting minutes as presented. Buchmann seconded. Motion carried.

PUBLIC PRESENTATION

Animal Boarding Facility

Reichenberg turned the floor over to Brinkman. Brinkman stated that he was approached by Chelsea Stockwell and Curtis Jacobson, who were asking if the city had any land where they could build an animal boarding facility. The property across 16th Street from Knife River Veterinary Clinic (KRVC) is available. Brinkman asked the couple to discuss the facility with KRVC, and KRVC voiced support for the business. The business idea was also presented to City Council at the last meeting and there were no objections. That property is currently zoned R1 and would need to be rezoned to C3 with a conditional use. P&Z would have to approve the rezone and conditional use for that property. Chelsea Stockwell approached the commission. A letter of intention was shared with the commission. She stated that there is currently high demand for this type of service as those who are boarding animals right now are either looking to retire soon or are no longer in business. KRVC prefers to only board animals for surgical and medical purposes, and they are currently short staffed, which makes taking care of boarded animals difficult. She currently has 12 animals at her house due to the lack of boarding facilities and the large number of stray animals in the city. The animal rescues and fosters are overflowing, and Chelsea tries to work closely with law enforcement to find places for animals they are unable to keep at the city pound. Gazur stated that he believes this facility would be a good idea for many reasons, including the possible option for a long-term agreement with the city to utilize this type of service and eliminate the city pound. Until the council is presented with a formal plan, P&Z is unable to approve or deny the project. Gazur is also not sure C3 would be the proper zoning option; C4 may be a better option with a conditional use. Animal noise was brought up as another concern, especially considering the large amount of shift workers in Beulah, and Chelsea addressed that. She hopes to control animal noise by managing the amount of time the animals will spend outside. Gazur suggested polling some of the neighborhood residents that are close to other animal boarding facilities to see if those residents believe noise is a concern. Chelsea and Curtis are also hoping to include a “doggy-daycare” in the facility, as well as animal behavior classes.

OLD BUSINESS

Bornsen Home Update

The property owner accepted an offer, the paperwork has been signed, and we can start taking down the home in the morning. The city will be doing the demo and removal. The septic tank and basement will be backfilled in the spring.

Foundation Detail Update

No update. Gazur was recently reviewing Hazen's P&Z ordinance and found that under the foundation design section, they allow use of a trenched six-inch four-foot-deep frost footing. This type of foundation has been discussed before, and the Beulah City Engineer was not supportive of this option at that time.

P&Z Ordinance Enforcement draft review

No update.

Pitched Roof Project

No update. The deadline for the engineering analysis was February 1, 2022.

Contractor Registry Update

Hamelton presented a draft revised fee structure along with a draft registration form and some draft informational forms. Gazur pointed out wording on the registration form and the information sheet that could be confusing and should be revised. He also stated that it appears this process is moving in the right direction. The commission will review the presented documents and it will be readdressed at the next meeting.

Sunrise Studios (Parkway Drive) and Fairwinds Apartments (7th St NW)

The CEO of Orange Properties sent Brinkman a lengthy letter explaining their current situation in regard to these two specific properties. Brinkman shared the letter with the mayor but not P&Z, as he believes there could be community impact if the letter were shared publicly. Brinkman is asking the commission to give Orange Properties 90 days to come up with a plan to make the necessary corrections to these buildings. Brinkman agrees there does need to be some type of temporary fix to the building on Parkway Drive to keep water from coming in. Orange Properties is confident that rental occupancy demand is expected to increase in the near future. Gazur expressed concern about that one specific apartment being open to the elements as the weather warms up again. Brinkman stated that the positive side to this situation is that the buildings are now paid off and the chances of it coming back to the city for unpaid property taxes is improbable. Reichenberg indicated he would be okay with requiring them to present a plan by May 1st, and that a tarp would be easy to place over the hole in the roof. Brinkman has previously expressed to the property owner that P&Z has strong feelings about this property because of the amount of time that has passed with no action. Brinkman will visit with him again to ask for a plan going forward.

Gazur mentioned that because Brinkman is a city employee, a letter received from an external source would be a public record. Brinkman stated that because he is the Economic Development Director, he was not held to the same open record laws that other city employees are. Gazur stated that only applies to situations where negotiations are taking place. Brinkman stated he is currently

in negotiations with the property owner to fix the property, and it involves sensitive financial information. A suggestion was made to contact the city attorney to confirm that.

Misc. Old Business

The second reading of Ordinance 442 for the Beulah Zoning District Map Amendments will take place at the City Council meeting on 1/25/2022. Gazur asked about the process to update the map if City Council approves the ordinance, as he is concerned about it taking an excessive amount of time. Hamelton clarified that Interstate Engineering has someone already dedicated to updating the zoning map for this project. Gazur stated that if the map is not updated within 3 months of requesting it, he would be making a motion to find another firm to complete the task.

Gazur asked the status of the grease trap plans for the MDU building permit on 7th Street NE. Hamelton indicated that they are still working to get the annexation and rezoning completed in order to obtain a parcel number for the property. Once the parcel number is assigned, a building permit will be issued, and the plans will be forthcoming shortly thereafter.

NEW BUSINESS

Inquiry to Attorney General regarding revisions to Zoning Ordinance

Gazur and Hamelton presented a draft of two questions for potential submittal to the ND Attorney General for an opinion. Gazur gave background on the situation. According to ND Century Code 40.47.04 and 40.47.05, when making a text amendment to the Zoning Ordinance, once the City Council approves it, the amendment goes into effect without a new ordinance needing to be drafted. P&Z is currently contemplating making some text amendments to the Zoning Ordinance, and two of those chapters are the sections pertaining to amending the Zoning Ordinance and amending the District Zoning Map. We want to make sure any recommendations made to the City Council are legitimate. Gazur reviewed the zoning modification procedures for Bismarck, Minot, Fargo, and Grand Forks; three have no mention of whether they a resolution or ordinance to make a change in the law. One of them did mention a first and second reading. Gazur made an inquiry to these four cities and received replies back from all except Bismarck. All three of the respondents use ordinances to implement changes. The ND Century Code pretty much gives carte blanche to the city to do whatever they feel is necessary for a given situation with the zoning code. To streamline this approach, if an ordinance is not necessary, then it should be spelled out in the revision. Currently, the City Attorney believes an ordinance is necessary to implement changes to the zoning code and district map. Gazur does not share that opinion. In order to resolve this, he would like to get the Attorney General's opinion, and the question(s) can only be submitted by the City Attorney. The resulting opinion would direct how P&Z proceeds with text and map amendments. Gazur drafted a document with two questions, and he would like the Council Liaison to present this document to the City Council with the request to have the City Attorney to submit these questions to the ND Attorney General for his opinion. Seibel asked about the cost for the City Attorney to process this request, which would be the City Attorney's hourly rate, and dependent on the amount of time involved. The P&Z Commission agreed to have Hamelton draft a letter to the Council Liaison to present at the next City Council meeting.

Permit Tracking/Inspection/P&Z Software

Hamelton presented the idea of the city utilizing a web-based solution to help with permit tracking, inspection tracking, and code enforcement, along with a few other functions. Three options had been looked into: iWorQ, Bitco PermitTrax/Small Cities, and CitizenServe. A table comparing the three options was presented and discussed. Hamelton has also approached Interstate Engineering about possibly assisting with the cost of the program, as they would greatly benefit from this system as well. All three of these options are web-hosted and cloud-based. Any of our data could be accessed at any time. The commission expressed some concern of losing city data in a cloud-based system, along with runtime errors and customer support. iWorQ performs backups to three different locations to help with data security and prevent data loss. They are all also able to link through our current city website. Reichenberg asked Hamelton to run it past the City Council to make sure they are interested before moving forward.

Wood Pole Building

Brinkman asked if wood pole buildings are allowed within city limits. Commission agreed that these buildings are allowed as long as they have a concrete floor/foundation.

Keller Drive

The city is selling those lots, and they will be rezoned C3. The use table currently shows outside storage as a conditional use for zone C3. Brinkman believes quite a few people who will be purchasing these lots will be purchasing them for outdoor storage use.

Building Permit List Review

There are no building permits to review.

Gazur made a motion to adjourn at 6:48 PM. Seibel seconded. Motion carried, meeting adjourned.

Chairperson

Secretary