

CITY OF BEULAH

September 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, Eric Hoffer, David Czywczynski, Jason Isaak, Amanda Mohl, Auston Biles and Gary Miller present.

Also Present: City Attorney Scott Solem, Economic Dev. Dir. Beaver Brinkman, Public Works Supt. Kenny Yeager, Water Supt. Gary Bovkoon, Police Chief Frank Senn, City Assessor/Planner Heidi Hamelton, City Auditor Heather Ferebee, Chris Renner, Rod Schaper, Bruce Neuberger, Beulah Residents, Alyssa Meier.

Isaak moved to dispense with the reading of the minutes of the last regular meeting on August 23 and the special meeting on August 30 and approve as furnished to the Council by email. Mohl seconded. Roll call vote found Isaak, Mohl, Lenzen, Hoffer, Miller, Biles and Czywczynski in favor.

APPROVAL OF BILLS

Hoffer moved to approve the bills as presented and reviewed. Miller seconded. Roll call vote found Hoffer, Miller, Isaak, Mohl, Lenzen, Biles and Czywczynski in favor.

ORGANIZATION MEETING

Cheatley listed changes to portfolios. Lenzen will be on Public Works Equipment, Biles on JDA and the Employee Relations & Safety Chair, Hoffer on Employee Relations, Isaak as Police Commissioner. Cheatley will have the Mayor portfolios and stay on the Library and Emergency Services.

Mohl moved to appoint Auston Biles as President. Miller seconded. Roll call vote found Mohl, Miller, Isaak, Lenzen, Hoffer, Biles and Czywczynski in favor.

Biles moved to appoint Jason Isaak as Vice President. Hoffer seconded. Roll call vote found Biles, Hoffer, Mohl, Lenzen, Miller and Czywczynski in favor. Isaak abstained. Motion passed.

Hoffer questioned if the city should go out for bids for attorney and engineer by request for qualifications or request for proposal. It has been brought up that there are concerns about conflicts of interest and costs. Hoffer moved to put forward a request for proposal for city engineer and city attorney. Biles seconded. Proposals should be received by the end of the year. Roll call vote found Hoffer, Biles, Isaak, Mohl, Lenzen, Miller and Czywczynski in favor.

PUBLIC INPUT

Chris Renner read a statement requesting a leadership code of conduct be implemented and enforced for the elected and appointed officials of Beulah. He commented on the use of social media to communicate and how this should be regulated. Those in office represent the City of Beulah. Social media pages or sites should clearly state if the individual is in office. Regulations should be in place to stop problems from happening before they start.

COUNCIL PORTFOLIOS

Council Member Isaak

A tree removal estimate of \$1,200 from Branch Management was presented for the removal of two trees with Dutch Elm Disease. One of the trees is in the boulevard of a citizen and one is on a city lot. Czywczynski moved to approve the estimate for tree removal of two trees, on 1st Ave SW and 3rd Ave SW, and approach the property owner for a 50/50 split cost of their tree. Mohl seconded. If the citizen refuses to pay it can be assessed to the property. Roll call vote found Czywczynski, Mohl, Miller, Isaak, Lenzen, Hoffer and Biles in favor.

Council Member Miller

Roger Gazur is withdrawing his application for the P&Z Board. Research was completed and found that P&Z should include five members appointed by the Mayor and one from outside of city limits. P&Z is currently full.

Dilapidated Buildings – There is asbestos in the Parkway Apt. building, and it will need to be removed before it's demolished. 408 West Main has a notice of inspection ready to be sent.

Council Member Mohl

An estimate was received from Interstate Engineering and a bid was received from one company for the pool repair. Five companies were contacted and only one company has submitted a bid. Discussion followed on bonding the project.

Council Member Czywczynski

Ferebee reviewed the amounts of the asphalt estimates from the last meeting and stated which amounts would be expensed from the Water, Sewer and Sales Tax funds. There is enough in the budget to cover these amounts. The sewer televising will not take place this year in order to pay for the sewer repair amounts. Czywczynski moved to approve the asphalt patching estimate that was presented by Hankins at the last meeting. Isaak seconded. Roll call vote found Czywczynski, Isaak, Mohl, Miller, Lenzen, Hoffer and Biles in favor. A question was asked regarding ADA compliance for the Main Street project. Discussion followed.

Mayor Cheatley

Changing the date and time of council meetings was brought up for discussion. The first and third week of the month is better for paying bills. Biles moved to change regular council meetings to the first and third weeks on Mondays at 6:30 pm. Miller seconded. This will be the first reading

of the ordinance to change the date and time of council meetings. It will be effective in October. Roll call vote found Biles, Miller, Hoffer, Mohl, Lenzen, Isaak and Czywczynski in favor.

CITY PERSONNEL

City Auditor

Hoffer moved to approve the local permit for a raffle for the Beulah Parks & Rec at the Energy Wellness Center on October 1, 2023. Mohl seconded. Roll call vote found Hoffer, Mohl, Biles, Isaak, Lenzen, Miller and Czywczynski in favor. The next meeting on September 27 will be the 2024 Final Budget Hearing at 6:00 pm.

City Assessor/Planner

The individual who would like to purchase the two lots to the north and south of the New Energy Apartments stated it would be for possible construction of new apartment buildings.

Police Chief

K-9 Officer Elmore and K-9 Colt are now certified.

City Attorney

Solem addressed the topic of conflict of interest. The Attorney General's Office confirmed that there may be a conflict for Solem and Lenzen regarding the Main Street Project because of the property they own on Main Street. The conflict that Solem or Lenzen could have would be their relationship with the city and being put into a position where they could manipulate the assessment district to their advantage. The city could contact Scott Wegner to assist as an attorney or obtain a conflict waiver by speaking with the AG's Office. It was stated that Lenzen should not be able to vote on how the assessments are to be spread. A suggestion was to have another council member become the assessment board liaison. There was a suggestion that there is a conflict with Travis Frey being on the Assessment Board and being employed by Interstate Engineering. Solem stated there is not a financial benefit that Interstate Engineering could receive. The amount has been determined and the Assessment Board needs to come back with a way to spread it. The Assessment Board cannot change the engineering or scope of the project. Solem stated there is no conflict of interest for Travis Frey. There is nothing Frey can do that would result in Interstate making more money.

Neuberger stated it is not his concern that Interstate Engineering would profit, but that Interstate Engineering is working on the district and Frey is not free to say anything against his supervisor. Solem stated Hankins doesn't appear to be involved in that and it is not Hankins' role to work on the assessment district. The district was set as citywide but can be made a smaller district. Lenzen requested to be removed from the Assessments portfolio. Cheatley will give council members time to think about who would like to be on the portfolio. Discussion followed on options for addressing the conflict of interest. Hoffer requested Solem continue to represent the city until the next council meeting and hopefully they will have more information.

Neuberger brought up a letter emailed by the former mayor regarding Scott Solem. Cheatley questioned why the concerns of conflicts of interest were not brought up when the former mayor was in office. Cheatley stated he will lift the letter mentioned until the city has more information, so Solem will remain the legal counsel for now, as the city must have legal counsel.

Public Works Superintendent

Cleanup week is September 16-23, 2023.

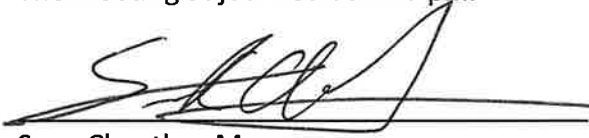
Water/Wastewater Superintendent

Bovkoon and Kuntz passed certification exams.

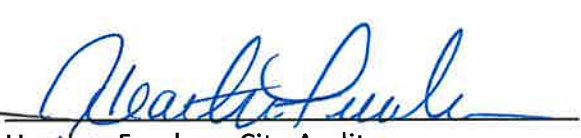
Economic Development Director

Carbon Summit would like to have a presentation. Council agreed to allow them to have it at the Beulah Civic Center.

The meeting adjourned at 7:49 pm.



Sean Cheatley, Mayor



Heather Ferebee, City Auditor

The following bills were approved and paid in August:

Check Range: 43277 to 43372, -99693 to -99689

Payroll Check Range: -73584 to -73465, 43355

Employees	105700.54	North Dakota One Call Inc	79.30
HEALTH INS	39338.62	USA Blue Book	431.30
METLIFE	1194.39	AE2S, LLC	2351.25
NDPERS 457	647.50	AE Operations, LLC	156.00
FIT	16453.43	MDU	13956.32
NDPERS 457	712.50	US Bank	3669.80
FIT	15160.12	Tyler & Kelli McKay	27.62
NDPERS Main	5234.82	Naresh Sharma	50.15
NDPERS Main 2020	3268.77	Koleton Barth	15.48
NDPERS PD	3755.52	City of Beulah	99.00
NY Life Insurance Company	4113.98	Nelson International	214.57
Bank of North Dakota	34625.00	Ferguson Waterworks	5375.35
Bank of North Dakota	23250.00	Neuberger Oil Co.	175.00
Bank of North Dakota	9440.00	Mercer County Treasurer	7879.95
Bank of North Dakota	14680.00	Beulah Lumber Company	23.96
Principal Life Insurance Co	367.66	NAPA Auto Parts	738.38
Downtown Gas & Auto	5608.58	Bronson's Marketplace	174.77

Beulah Beacon	592.76	Trinity Schaner	42.54
West River Telephone	1445.51	Dakota Pump & Control	2198.47
Farmers Union Oil Co	948.41	Hirshfield's Bismarck	27.60
Bronson's Marketplace	760.21	MARC	3120.69
Farmers Union Oil Co	4504.50	OzTech Electric, LLC	200.00
Auto Value Beulah	21.98	Nelson International	34.88
Beulah Drug	43.71	Sanitation Products	9752.07
Allstate Peterbilt of Bis	799.61	Titan Machinery	1301.48
Beulah JDA	259.79	Systems Technology	525.00
J & M Hardware Inc	1084.93	Fred Stern	202.50
Roughrider Electric Coop	6097.85	Laurie Entze	241.80
Beulah Airport Authority	259.79	Gordon Hoffner	202.50
Aramark	534.60	Kevin Herrmann	202.50
Hawkins Inc.	2823.51	Lori Hruby	202.50
Information Technology	380.50	Marco Technologies LLC	8.71
White Cap, L.P.	150.15	Heidi Hamelton	399.55
J & J Nelson Spraying LLC	650.00	Grand Hotel	88.20
The Sherwin Williams Co.	15.99	I-State Truck Centers	35.14
Roger Gazur	146.25	Electronic Communications	16310.00
Solem Law Office	2353.75	M Construction Landscape	14410.00
West River Telephone	70.30	Beulah Park District	57676.99
Petty Cash	12.13	Waste Management	829.60
ND Dept of Health	75.00	Beulah Park District	7578.72
Millennium Express	48.69	Beulah Senior Center	1457.45
NDDEQ	712.27	Beulah Airport Authority	2040.43
American Express	980.51	AT&T Mobility	43.23
AT&T Mobility	777.51	Schirado Boys Lawn Care	385.00
Aramark	131.72	Marco Technologies LLC	168.37
Marco Technologies LLC	159.66	MicroMarketing LLC	53.94
Solem Law Office	7656.04	Jessie Mann	104.80
Mark A. Kaffar	900.00	Traveling Lantern Theatre	445.50
Stein's Inc	452.42	Pro Forms	149.67
ND Secretary of State	36.00	Stein's Inc	326.26
Cengage Learning	585.41	Hawkins Inc.	588.45
Baker & Taylor	384.09	Granville Brinkman	104.80
Bronson's Marketplace	13.77	Ramkota Hotel Bismarck	176.40
J & M Hardware Inc	15.98	Postmaster	415.92
Solem Law Office	250.00		
Jessie Mann	13.10		
Vision West ND - Dunn Co	200.00		