

The regular Beulah City Council meeting of November 2, 2015 was called to order at 7:00 pm at Beulah City Hall by Council President Clyde Schulz.

Present: Kathy Kelsch, Brant Keller, Roger Gazur, Travis Frey, Ben Lenzen, Alan Kok, Kirby Morgenstern

Absent: Darrell Bjerke

Also Present: City Attorney Scott Solem, City Engineer Loren Daede, City Coordinator Russell Duppong, Public Works Foreman Kenny Yeager, Kate Johnson, Julie Lenzen, Rich Jurgens, Kelsey Timmer

Pledge of Allegiance

Gazur made a motion seconded by Kelsch to dispense with the reading of the minutes of the last regular meeting on October 19 and approve as furnished to the Council by email. Roll call vote found Kelsch, Keller, Gazur, Frey in favor. Morgenstern, Lenzen, Kok abstained. Motion passed.

Lenzen made a motion seconded by Gazur to approve the payment of \$52,057.60 to Bituminous Paving, Inc. for 2015 Asphalt Street Repairs. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor.

Lenzen made a motion seconded by Frey to approve the payment of \$8,297.30 to Brandoz Concrete for 2015 Concrete Street Repairs. Discussion followed on the repairs and some cleanup that needs to be done yet. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor.

Lenzen made a motion seconded by Kok to approve the payment of \$22,270 to Bituminous Paving, Inc. for SID #23. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor.

Kelsch commented on the lot purchased by Brian Riley who was in violation of his purchase agreement. The lot is delinquent and is going back to the county. The value of the lot is \$26,600 and there is a hearing Wednesday for anyone to dispute the value. If the County Commission doesn't change the value at the appraised value hearing on Thursday, Nov. 17, it will go to the sheriff's sale. Kelsch stated if it is not purchased, it would go up for sale to be bid on at the first County Commission meeting after the 1st of year. If it doesn't sell at that time, it would be offered back to the City for \$1. Kelsch commented that instead of pursuing the property on our own, we could potentially get the amount back in taxes after the sale. Solem stated the City would receive approximately 30% (prorated based on the amount of taxes we receive). Discussion followed. Solem stated the process is different than in the past but it will go back whether we own it or not because taxes are owed.

Kok stated Benjamin Newman started as our new police officer.

Keller made a motion seconded by Kok to approve the final payment of \$5,672.85 to American General Contractors for Well Flood Proofing. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor.

Keller commented on the revised Moore Engineering Agreement. Solem highlighted some of the changes. He stated language was changed on limited liability, construction and post construction language was removed so it can be bid out separately, some lump sum charges were changed to hourly, it was added that the City is the initial insured, \$3 million more insurance was added, loan writing was reduced from \$45,000 to hourly and capped at \$20,000, and design costs were reduced from \$65,000 to \$50,000. Moore agreed to the changes and would like to move forward next week if this agreement is approved. Keller stated the City would wait until after the bid for a contract for construction and post construction phases. Gazur stated he isn't comfortable approving something with this value without having time to read it over. Schulz questioned if there is a decision on where the money would come from. Keller stated the Water Commission meeting is this week and there should be a decision made on whether Beulah would receive funding. Duppong stated Moore has been pursuing loans and grants, but they are waiting on the Water Commission's decision. Solem stated a special meeting would work for approval. A special meeting is tentatively set for Tuesday at 6:00 pm.

Gazur commented on the progress of SRF and stated he will ask for acceptance at the next Council meeting of Task 4, Chapter 5 of the revised P&Z Ordinance. He commented on the Conditional Use Permitting in the code. He commented on the Criteria change in the code that would give the governing body a more objective approach instead of subjective.

Frey commented on the vehicles incorporating our new logo. Gazur commented his choice between the logos presented is the logo and slogan in one area on the vehicle. Frey stated it is a good time to look at using the new logo with the purchase of a new garbage truck and replacement vehicles. Gazur stated it is important to have City vehicles identified. Frey stated we will try to get prices for the next meeting. Frey commented on the lease purchase option on the new garbage truck and presented garbage collection rates for 2014 and 2015. He presented a spreadsheet comparing sanitation expenses and revenues. Frey made a motion seconded by Keller to approve the purchase of the garbage truck with the lease option of \$55,000 for five years. Gazur commented a decision will need to be made regarding the Transfer Station in the future because of the cost of running it. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor. Frey stated he would like Council to look over the rates and discuss this at the next meeting. The last garbage rate increase was October of 2013.

Schulz reminded Council of the EPA Hearing on November 12 at the Beulah Civic Center. Schulz presented a resolution in opposition to EPA Rule 111(D). Gazur made a motion seconded by Frey to approve the resolution as presented with the option to revise the title if necessary. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor. Gazur commented on the EPA Rule and consequences to the City. The City receives roughly \$1 million from Coal Conversion and Coal Severance taxes which would be affected. Schulz stated it would also affect property values.

Morgenstern had no report.

Daede commented on an estimate for payment on SID #24. Solem stated the project doesn't look like it will be bonded this year. He stated he spoke with Scott Wegner and Wegner suggested a bank warrant until the bond funding is received. Gazur questioned if it could be paid out of Sales Tax. Solem stated yes. Daede stated there could be more payments before the end of the year. Discussion followed on including it on the agenda at the special meeting.

Lenzen stated he would like the inclusion of a letter from Lange Donovan & Kaffar, PLLP regarding J & B Enterprises' demolished building included in the minutes.

Five minute recess taken.

Solem commented on the letter regarding the building on 108 E Main Street that was demolished. Solem described the timeline of the process. He stated state law and the City's property maintenance law state that when you have to demolish a building and the cost of the demo is in excess of what the property is worth, the City can assess the other properties owned by the same property owner within the City. He stated there have been several notices sent out that included both lots. Gazur commented if the two lots are treated as one property through taxes, they are treated as one in P&Z. Solem confirmed this. Solem stated transfer of ownership is prohibited when the property is involved in a lien. Gazur commented he recommends it be addressed at the special meeting so the City Attorney has time to review the letter. Gazur made a motion seconded by Kok to table the dilapidated building demolition assessment presented for J & B Enterprises to be discussed at the special meeting. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey in favor. Lenzen recused himself. Solem presented the Joseph Stewart residence at 305 1st Ave. NE that was demolished by the City. He stated the cost incurred was \$17,671.80. Gazur made a motion seconded by Kelsch to authorize the City Auditor to certify the assessment of \$17,671.80 to the County Auditor for the property presented. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor.

Solem commented on SID #23. Documentation was prepared for the three property owners to sign agreeing to the assessment amounts. He stated the City will need to pass a resolution for \$28,700 per lot for special assessments on this district. Solem stated the City has the right to add 1.5% to the bond rate. The bond is for \$800,000. Gazur questioned the due date. He recommended this item also be addressed at the special meeting. Keller made a motion seconded by Lenzen to table this item until the special meeting. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor.

Yeager stated they looked over the snow plows and sander, changed oil on garbage truck and loader, put signs up and patio blocks back in on Main St., finished the drainage ditch in Sun Valley, painted Christmas decoration brackets, cleaned drains, continued leaf sweeping and had a safety meeting. In the next weeks they will go through Christmas decorations and put the brackets up, put up the tree stand, winterize the sweeper and change oil on the generators and dump trucks.

Duppong commented he will attend the Water Commission meeting this week. The P&Z meeting will be this Thursday. A new list for the dilapidated buildings will go out shortly. Capital Lodge has not been in contact regarding the crew camp. Duppong stated he is reviewing a permitting program on Black Mountain and that Loren Wiest is submitting inspections from the job site.

Ferebee presented a site authorization for the Beulah Chamber of Commerce on January 9, 2016 at the Beulah Civic Center for the Big Buck Contest. Lenzen made a motion, seconded by Kok to approve the site authorization as presented. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor.

Ferebee presented a raffle permit for Zion Lutheran Church on December 5, 2015 at the church. Keller made a motion seconded by Gazur to approve the raffle permit as presented. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor.

Gazur made a motion seconded by Lenzen to approve the bills as presented. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor.

Schulz commented on his concerns of people coming into Beulah and the City not hearing from Capital Lodge. These issues will still affect Beulah. Gazur commented he asked Ferebee to contact the ND State Tax Commissioner's Office regarding the tax information Capital Lodge mentioned. Gazur stated his assumptions were correct. He stated trust was compromised with the individual from Capital Lodge and he doesn't regret the action taken.

Lenzen commented he will forward snow routes for review.

Meeting adjourned at 9:15 pm

Clyde Schulz, Council President

Heather Ferebee, Auditor

Check Range: 33098 to 33238, -99887, -99888

Payroll Check Range: -82010 to -81912

Employees	104,071.02
FIT	12,638.15
SDU	527.08
FIT	10,801.90
SDU	527.08
Collection Center	245.01
FIT	12,741.00
SDU	527.08
Collection Center	245.01
SIT	2,804.36
Unemployment	241.48
AFLAC	802.38
NDPERS	26,470.08
North Dakota Tax Commissioner	218.86
North Dakota Tax Commissioner	2832.43
Railroad Management Co III LLC	176.86
Mercer County Treasurer	7522.60
MDU	14798.61
EDND	150.00
Russell Duppong	545.37
Mariner Construction Inc	17794.70
Concrete Services, LLC	1284.75
HAWKINS INC	110.00
USA Blue Book	378.31
Downtown Gas & Auto	3379.22
BHG, Inc.	2038.13
Loren Wiest	700.00

11/2/2015

AmeriPride Linen & Apparel Serv	432.71
Solem Law Office	13138.93
Beulah Airport Authority	110.06
North Dakota Dept of Health	64.00
West River Telephone	1487.64
Verizon Wireless	483.70
Farmers Union Oil Company	781.80
Mainstay Funds	5074.60
SRF Consulting Group, Inc.	4667.46
New York Life	1714.23
Information Technology Dept	197.80
Killoran Trucking & Brokerage	5451.29
Clyde Schulz	402.14
Brant Keller	333.90
Travis Frey	351.40
Ben Lenzen	351.40
Alan Kok	333.90
Bryan Tomchuk	337.50
Frank Senn	122.51
Heather Ferebee	351.40
Darla Knutson	364.27
Darrell R Bjerke	351.40
Ecolab Pest Elim Div	144.38
Gumdrop Books	169.43
Colleen Wiest	193.23
Midwest Tape	159.96
Holiday Inn Fargo	3016.00
ND League of Cities	3042.50
Display Sales	276.00
Southwestern District Health Unit	40.00
Northern Plains Plumbing/Heating	569.60
Darrell R Bjerke	90.40
Beulah Electric	2348.27
AED Everywhere	100.20
Sletten Excavating, Inc.	10830.15
Mercer County Water Res Dist	5664.00
Mercer County Sheriff's Dept	100.00
Starion Bond Services	900.00
Colonial Research Chem Corp	1593.08
Arntson Stewart Wegner PC	5070.23
Dakota Supply Group	150.21
Knife River Veterinary Clinic	150.00
CDS Administrative Services	300.00

11/2/2015

West River Telephone	92.51
North Dakota One Call Inc	55.00
Bronson's Marketplace	76.60
J & M Hardware Inc	1157.51
Lignite Tire	338.69
NAPA Auto Parts	757.49
Beulah Lumber Company	183.95
Advanced Business Methods	2120.34
Roughrider Electric Coop Inc	3059.46
Law Enforcement Systems Inc	240.00
Uniform Center	1619.76
Justin Benz	110.40
Lucas Hartman	10.00
Ingram Library Services	894.50
Dustin Pekas	48.49
Quill Corporation	111.37
Coca Cola Refreshments USA	210.24
Matthew Bender & Co Inc	255.71
Marcie Gunsch	40.08
Soojin Lee	160.40
Dakota Pump & Control, Inc	570.00
Great Plains Technical Serv, Inc.	1000.00
Industrial Fabworx	975.00
Millennium Express	12.39
Productivity Plus Account	249.72
Lonny Buchmann	673.00
HAWKINS INC	1841.67
Presort Plus	12.65
Myron Stern	29.25
Brunmeier Construction	585.91
Beulah Electric	943.50
Sanford Health Occup Med	30.00
Bloom'n House	42.49
Southwest Business Machines	26.48
Stein's Inc	179.76
Black Mountain Software	100.00
HiWay Express Hazen	7.99
Days Inn Fargo/West Acres	69.99
Beulah Drug	42.99
Hedahls Headquarters	14.96
Ronnie Opp	50.00
Nicholas Wolf	50.00
Brian Peters	50.00

11/2/2015

Mike Finck	50.00
Henry Dukart	5.00
Penny Fisher	25.00
Marvin Howard	50.00
Barry Riedlinger	25.00
Ramkota	273.00
CO2 Systems Inc	2100.00
Nancy Bickerstaff	11.77
Mainstay Funds	129.21
New York Life	92.65
Convention & Visitors Bureau	14696.21
Dakota Sanitation Inc	424.00
AT&T Mobility	122.27
Beulah Airport Authority	5620.01
Beulah Senior Center	4014.29
Beulah Park District	38895.41
Beulah Park District	20874.31
R.S. Giulio, Contractor LLC	14428.00
Bituminous Paving Inc	269420.25
Gale/CENGAGE Learning	20.05
Dakota Pump & Control, Inc	22790.00
Lonny Buchmann	424.99
Nancy Bickerstaff	33.55
Beulah Library Foundation	6500.00
Travis Frey	28.00
Russell Duppong	352.31
Darrell R Bjerke	392.99
Clyde Schulz	48.59
Postmaster	365.83
US Bank	1322.48
Cardmember Service	756.24
Petty Cash	11.00
Demco, Inc	65.45
Colleen Wiest	90.40
Chris Schantz	50.00
Michael Carns	50.00
BLPP	26.00
John Phillips	373.62