

The regular Beulah City Council meeting of September 21, 2015 was called to order at 7:00 pm at Beulah City Hall by Mayor Darrell Bjerke.

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

Also Present: City Attorney Scott Solem, City Coordinator Russell Duppong, Police Chief Frank Senn, Lead Police Officer Dustin Pekas, City Engineer Loren Daede, Public Works Foreman Kenny Yeager, Economic Development Director John Phillips, Kate Johnson, Kevin Hoherz, Joe Swenson, Mike Manstrom, Police Officer Kurt Zazeski, Owen Voigt, Rich Jurgens, Marsha Jurgens, Ed & Marie Mettler, other Beulah Residents listed separately

Pledge of Allegiance

Gazur made a motion seconded by Schulz to dispense with the reading of the minutes of the last regular meeting on September 8 and the special meeting on September 14 and approve as furnished to the Council by email. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Schulz made a motion seconded by Keller to open the Public Hearing for rezoning of Prairie Hill Addition on 3rd Avenue NE from R5 to R1. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor. Duppong commented on the recommendation from P&Z to approve the zoning as presented. Gazur made a motion seconded by Kelsch to close the hearing. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor. Kelsch made a motion seconded by Schulz to approve the rezoning from R5 to R1 as presented. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Kevin Hoherz presented the idea of a traditional high school homecoming with community involvement and a bonfire. He stated they have considered a pep rally parade from the school to the football field. Joe Swenson, Beulah High School Student Council President, commented on using the fairgrounds for a bonfire Oct. 5 or 8 in the evening depending on permission. Senn stated there are no restrictions on burning right now. Kelsch questioned if they spoke with the fire department and Swenson stated not yet. He stated they would follow any guidelines from the Fire Department. Gazur made a motion seconded by Lenzen to approve the request of the homecoming bonfire contingent on approval from the Fire Dept., Police Dept., Public Works Foreman and Fair Board. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Mike Manstrom of Dougherty & Co. presented the results of the bond sale for the 2015 special assessment of \$800,000 for SID #23. The interest rate is 3.14 for 15 years. He stated Scott Wegner and Scott Solem have prepared two resolutions: Resolution authorizing issuing the warrants and resolution authorizing the bonds offered by the warrant. Manstrom commented the City can add up to 1.5% to the 3.14%. Frey questioned if the special assessments are only on the lots in that subdivision. Bjerke confirmed only Barton Estate lots will be assessed and Brett Charvat owns those lots, not the City. Schulz made a motion seconded by Kok to approve both

resolutions presented. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Bjerke commented on increasing the property tax exemption from \$75,000 to \$150,000 for the first two years for single family homes. Schulz made a motion seconded by Keller to move forward with the increase to \$150,000 at the beginning of the year. Phillips stated as of February 1, 2016 whatever the stage of construction is in would be the assessed value and up to \$150,000 would be deferred and the incentive would start the following two years. It would be deferred if completed after February 1. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Bjerke reminded Council of the Budget meeting next week Tuesday at 6:00 pm.

Lenzen commented on housing in Barton Estates. The Main Street lights are still underway.

Kelsch commented the Chamber Building will have some concrete work done next week to fix a safety hazard.

Kok stated there are no viable applicants right now for the police department.

Keller stated Solem and Kent Ritterman are moving ahead with the water plant agreement.

Gazur commented on the request for annexation, request for zoning change and request for conditional use permit for workforce housing. He commented the City Attorney has completed the tasks for the conditional use permit. Solem commented on a memorandum that local governing bodies are held to regarding arbitrary and capricious standard. Our current zoning ordinances are what we need to look to for guidance because that is what the Supreme Court would look at. The Council must make a rational decision to be upheld. The City shall grant the conditional use permit as long as the conditions are met according to our ordinance. There needs to be a basis for the decision. Solem stated cities and counties in western North Dakota were contacted for information regarding their ordinances on crew camp housing. Additional requirements were added to the conditional use permit for policing. Also added were pre-occupancy permits that need to be approved. There are required road studies and recommendations to be set forth after those studies are complete. Gazur commented we are not in a firm position to deny the annexation, not in a firm position to deny the rezoning and cannot deny the conditional use permit. The best control we have is the structure of the conditional use permit. Solem stated yes, there are also building codes that must be met. Gazur stated the key is to come up with the requirements in the conditional use permit that maybe not everybody likes, but can live with. Keller questioned the timing of constructing turning lanes or bike paths. Solem stated if weather is an issue, the project could be suspended if they are not completed. Solem stated a date could be added in for completion. Gazur commented he would like the residents to take a look at the conditional use permit. Schulz recommended approving the application with amendments. Lenzen questioned what benefit this will be to the City and if these individuals will have any real investment in the community. He commented on visiting the facility near Tioga. Kok commented the end result of the area is the most important part to the City. Gazur commented it is not the responsibility of the City to pass judgement on the economic viability of a project that private enterprise wants to propose. Gazur made a motion seconded by Keller to approve that no more than three people chosen by the group who are residents of Beulah meet

with City Attorney with a max of two meetings this week and have a Council meeting next week to review the results and carry this process forward. Lenzen questioned if this would be enough time and his concern is protecting the City and the citizens of the City. Gazur stated there were already two formal hearings to hear the concerns. Gazur amended the motion seconded by Keller to give them two weeks. Gazur amended the motion seconded by Kelsch to allow three meetings with the City Attorney and City Coordinator. Roll call vote on the second amendment to the motion found Keller, Kok, Kelsch, Gazur, Morgenstern and Lenzen in favor. Schulz and Frey opposed. Amendment passed. Keller recommended the three individuals read the ordinances. Roll call vote on the first amendment found Keller, Kok, Kelsch, Gazur, Morgenstern, Frey and Lenzen in favor. Schulz opposed. Amendment passed. Lenzen questioned if this permit is specific to this location and Gazur stated it is for this application only. Roll call vote on the main motion found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Gazur commented on the Employee Relations Committee and the status of the 457(b) plan. The plan will be in effect with the paperwork being filed. Ferebee commented the agreement was sent in, there is an employee meeting tomorrow morning with Kevin Flaagan and employees will receive a letter regarding enrollment.

Gazur commented on the meeting of the City Hall Expansion Committee. The group consensus was that the City would be in the best position to offer the library the location they have now with renovation to suit future needs and the remainder of the building be renovated for the police department. The construction of a new City Hall would then be pursued in the downtown area. Bjerke stated this is for consideration purposes only.

Gazur commented on the proximity of a new street to the Mettler property and photos from the City Engineer. Daede stated the slopes would be steepest at 4 to 1. Daede commented there is a two foot addition to the manhole that could be taken out. Gazur stated it is for the City Engineer to decide if it is technically feasible. Kelsch questioned if the land owner will incur additional expense if this occurs. Daede stated no.

Frey stated the Transfer Station is on winter hours which are 8:00 am – 5:00 pm. He questioned what our process is right now with a lot owned by Brian Riley on 3rd Ave NE because a neighbor is interested in it. Bjerke stated it would revert back to the City if Riley did not build on it. Kelsch stated the interested individuals were told it would be in their best interest to approach Council if they would like to purchase it from Riley. Frey commented on the garbage rates.

Schulz stated he had a meeting with Solem Law on the Municipal Code. He commented on JDA and the grand opening of the Cobblestone on the 29th of September. October 6 is the big closing for the Heritage Park. Schulz stated the pool has been drained and they are working on winterizing.

Morgenstern commented the Library Board will have a new member to appoint at the next Council meeting.

Daede commented on SID #24 and the bid tabs. Owen Voigt commented on the asphalt material cost. Daede stated the bid would move forward as is and a change order for less could be put in place later. Voigt stated they would like to move forward. Gazur questioned if the City Engineer could contact the contractor to change the formal bid on the asphalt. Schulz made a motion

seconded by Kelsch to accept the bid from Bituminous Paving, Inc. including the sidewalks and to direct the City Engineer to move forward with a letter to the contractor. Mettler stated the sidewalk would cause more issues. Kelsch questioned if the sidewalk could be placed on the east side of the street. Roll call vote found Keller, Kok, Kelsch, Morgenstern, Schulz, and Frey in favor. Gazur and Lenzen opposed. Motion passed.

Solem commented on city and county annual permit fees on crew camps. He stated the Moore Engineering Agreement language is still being worked on.

Yeager commented they have been mowing, patching streets, they took the chairs and tables to the airport for the Fly-In, brought the garbage truck and new side-by-side home, took two loads of recycle to Minot, took the pallet fork to Golden Valley to get fixed, took ashes to the landfill, and Marc attended the ND Solid Waste Symposium in Minot. He stated Clean-Up week went well. In the next weeks they will put up the snow fence, haul sand and bottom ash to the shop, take flowers down, work on banners and flags and finish some mowing.

Duppong commented October 6 is the State Water Commission meeting in Bismarck to see if the City would receive funding for the water plant. ND League of Cities meeting starts this Thursday. He stated the burned building area is close to being cleaned up.

Ferebee presented a raffle permit for Roughrider Motorcycle Club for December 31, 2015 at the Main Bar. Lenzen made a motion seconded by Gazur to approve the raffle permit as presented. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Rich Jurgens commented on an article from the Bismarck Tribune on Morton County approving a man camp policy. It stated, "The camps must be ½ mile away from parks by state law." Jurgens commented a DGC representative did not attend the last meeting. He commented on meetings at DGC and another man camp near Killdeer. Discussion followed. Marsha Jurgens questioned if the ordinance can be changed and Bjerke stated an ordinance cannot be retroactive. If it is changed, it would only affect the future. Kelsch questioned if they can email Solem with any changes and Solem stated yes. Discussion followed.

Phillips stated two building permits have been received on the 24-unit housing complex and childcare facility. He stated the Coal Conversion Committee meets on October 14.

Senn had no report.

Kurt Kruger, Nick Ahlschlager, and Rich Jurgens were appointed by the group to meet with the City Attorney and City Coordinator as stated in the motion.

Meeting adjourned at 9:30 pm.

Darrell Bjerke, Mayor

Heather Ferebee, Auditor

9/21/2015