

The regular Beulah City Council meeting of June 20, 2016 was called to order at 7:00 pm at Beulah City Hall by Mayor Darrell Bjerke.

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

Also Present: City Attorney Scott Solem, City Engineer Loren Daede, City Coordinator Russell Duppong, Water/Wastewater Foreman Gary Neuberger, Public Works Foreman Kenny Yeager, Police Chief Frank Senn, Economic Development Director John Phillips, Kate Johnson, Joel Morgan, Geordan Traver, Sarah Tunge, Kelsey Timmer

Kok made a motion seconded by Frey to open the protest hearing for Street Improvement District 25. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern in favor. Solem stated the City Auditor's office has not received any written protests. Schulz arrived. Kok made a motion seconded by Lenzen to approve the resolution predetermining insufficiency of protest for Street Improvement District 25. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor. Kelsch made a motion seconded by Frey to approve the resolution to award the contract for Street Improvement District 25 to Bechtold Paving. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor. Keller made a motion seconded by Frey to close the protest hearing. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor.

Pledge of Allegiance

Gazur made a motion seconded by Schulz to dispense with the reading of the minutes of the last regular meeting on June 6 and approve as furnished to the Council by email. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey and Schulz in favor. Morgenstern abstained. Motion passed.

Bjerke commented on Resolution 2016-07 setting forth the Auditor Bond Limit of two million dollars. Schulz made a motion seconded by Lenzen to approve Resolution 2016-07. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor.

Bjerke stated the Organization Meeting will be Tuesday, June 28 at 7 pm at City Hall. Portfolio assignments and appointments will be made at that time. Bjerke would like each council member to share their goals to continue improving Beulah at the first meeting in July which will be Tuesday, July 5 due to the July 4<sup>th</sup> holiday.

Lenzen had no report.

Kelsch commented on the appraisal of the office building that houses the Chamber and CVB. The value at the time of appraisal was \$237,000. Weber Appraisal indicated that the cost for the land was calculated at \$3.98 per square foot. The square footage Weber was given was 27,541. If we estimate that half of that piece of property accommodates the office building and the adjoining parking then the other half would stand alone for the City to potentially do something else with. That results in an approximate value of about \$182,000 for the front piece of property where the building sits. After Kelsch meets with Bjerke on the environmental air quality results, she will meet with the building committee established by the Chamber and CVB.

Kelsch moved to take off the table the motion to notify the TAP grant that the City will not be able to proceed with that bike path project because we were not fully funded and to move forward with the 6 ft. path using the \$200,000 budgeted for 2016 that was made by Kelsch and seconded by Gazur at the last meeting. Lenzen stated 6 ft. paths are not wide enough when meeting others on the path. Kelsch commented 10 ft. paths would be nice but for this section 6 ft. would be better with the steep ditch. It would keep us out of the floodway and help with the construction if we can avoid expanding that extra 4 ft. into the grade decline. Children frequently ride their bikes on the highway to the softball fields and by doing this we are creating a better recreation area for people to walk a greater distance without having to walk on the street or highway. Frey questioned if we didn't use the grant money for Phase I could it be used for Phase II due to construction constraints. Schulz commented he wouldn't recommend anything narrower than 10 ft. Daede commented there would be fewer difficulties with the 6 ft. path since there would be less chance of it affecting the floodway. A 10 ft. path would result in additional costs to get over the culverts. Kelsch questioned if FEMA could reject the path due to the flood path. Daede said we would have to demonstrate that the path wouldn't affect the floodway. Lenzen questioned the location of the path to the highway. The path becomes less safe the closer we get to the highway and the narrower we make it. Frey made a motion seconded by Schulz to amend the motion to go with 10 ft. rather than 6 ft. for the shared use path. Roll call vote found Kok, Frey, Keller, Schulz and Lenzen in favor. Kelsch, Gazur and Morgenstern opposed. Amendment passed. Roll call vote on the original motion found Gazur, Kelsch, Kok, Keller, Lenzen, Frey, Schulz and Morgenstern opposed. Motion defeated. Lenzen made a motion seconded by Schulz to accept the TAP grant for connecting the existing path to 7<sup>th</sup> St utilizing the grant and budgeted money. Daede commented the grant is for construction in 2017 as the project will require environmental studies and the creation of a concept report before it reaches the design process. Roll call vote found Morgenstern, Lenzen, Kok, Keller, Frey and Schulz in favor. Kelsch and Gazur opposed. Motion passed.

Kok made a motion seconded by Gazur to approve the Memorandum of Understanding K9 Services between the City and Officer Dustin Pekas. Schulz requested clarification of terms of usage on UN certified. Solem Law is still finalizing the document. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor.

Kok commented the cemetery looks very nice and thanked Kenny and the Public Works employees. Kok stated it has been a privilege and honor working for the City especially under the fine leadership of the Mayor. The Police Department has come leaps and bounds in the last 4-5 years. Kok thanked City Hall, the citizens of Beulah, and everyone at the meeting.

Keller commented on the meeting with Moore Engineering. Moore is still working on the final details. They have a plan for the equipment and are now working on garage space. The current garage area will be used for the skids so they need to decide how to make up the space; which will more than likely add to the overall project cost. Moore Engineering applied for a permit that would possibly allow the City to not need additional lagoon space. Keller stated he is working out some details on the Automatic Meter Reading System with Knutson. He will provide more concrete numbers and a plan on how to pay for it at a later meeting.

Gazur commented on the Employee Relations Committee meeting. The job offer for Public Works Laborer had been made and accepted by Lucas Hartman with the condition that he will not transfer until his current position is filled. The committee decided that it was not prudent at this time to furnish health insurance to the Head Librarian. They are looking at the City Assessor position being a contracted function rather than in-house. Gazur commented as an engineer he feels much more

comfortable with the City's choice of Moore as the consulting engineering firm since his tour of the Water Plant with Russ, Gary and the Moore Engineering representatives. He is comfortable with the flexible approach Moore is taking. Gazur stated we have one of the finest City staffs we have had in many, many years. It has been a pleasure working with everyone.

Frey stated the garbage truck is ready to be picked up in Fargo and the paperwork is being finalized. Letters will be sent with a reminder that garbage will only be picked up if it is placed in the tipping cart. Kelsch questioned how full the cans can be filled. Discussion followed. Bjerke stated there will be a learning curve.

Schulz stated the pool is open and the Pool Board recently met. West River Transit is being utilized by Heritage Park and ridership is up in the community. The Wellness Center is securing financing and they have met with the architects on the final design draft. They hope to get the shovel in the dirt this fall and complete next year. Schulz commented on the water line that was attached to the bridge that supplied water to the park. The project to bore a new water line under the river to the park was completed for an estimated \$30,000 with partnership with the City and the School and Park District. Schulz made a motion seconded by Keller to pay the 1/3 share of \$10,265.30 to bore the water line under the river to the park. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor.

Morgenstern thanked the City workers for making the Council members' job easier.

Meeting recessed for 5 minutes.

Daede commented the crack seal and patch crews will be here within the next two weeks. Kollman Construction will be repairing gate valves. Brandoz Concrete will be back in a week to fill in behind curbs and finish up. The paving crew is expected to start the 3<sup>rd</sup> Avenue project next week. Duppong was contacted by Owen Voigt about a final inspection at the property on 17<sup>th</sup> Street NE and asked if there was anything the City could do to get the asphalt contractor there. The developer was contacted about the water not being turned on in the development. Duppong commented it was in the motion when the permit was approved that the road had to be in place before an occupancy permit could be issued. There are other things relying on this road like street signs, lights and emergency crews not being able to get into the development.

Kelsch questioned if there will be a temporary bike path over the river when the bridge work starts on Hwy 49. Daede stated the bridge will be temporarily closed while moving it 20 ft. to the east. Bjerke stated he contacted the contractor to see whether the City could have the walking bridge but it is in the process of being sold.

Solem commented on the 2<sup>nd</sup> reading of Ordinance 418 annexation of a 10 ft. strip of land onto the Schlecht property. Schulz made a motion seconded by Keller to have the second reading of Ordinance 418. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor.

Solem commented on Resolution 2016-06 accepting the re-plat of Winkler's Addition. Schulz made a motion seconded by Gazur to accept Resolution 2016-06. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor.

Yeager commented they took a load of recycle to Minot, continued to mow and weed eat ditches, lots and drainage ditches, swept, started leveling around graves at the cemetery, and took a dump truck to Bismarck. The next couple of weeks they will mow, weed eat, sweep, move out of the shop for the fair, do some more leveling at the cemetery, burn the wood pile, and pick up the garbage truck in Fargo. Bjerke questioned the amount of recycling. Yeager stated recycling is about the same.

Duppong commented on a fence variance for the Eric & Amanda Hoffer Property at 817 2<sup>nd</sup> St NW. Planning & Zoning's recommendation is to allow a 6 ft. high fence 20 ft. off the curb on the west side of the property. Gazur made a motion seconded by Frey to approve the variance of the fence at that property. Gazur commented the fence ordinance is one of the most difficult to understand in our existing code. One of the primary restrictions is a need to show hardship. In this particular case if the fence was moved right up against the edge of house, a 6 ft. fence could be built without a variance because then it's no longer considered a side fence, it's considered a rear fence. The only hardship they are encountering by requesting this variance is less area that would be in a backyard. He does not believe that is sufficient hardship to sustain a variance. Duppong commented Hoffer has a permit for a 4 ft. fence but wants a 6 ft. fence. Roll call vote found Keller, Kok, Kelsch, Lenzen, Frey, Morgenstern and Schulz in favor. Gazur opposed. Motion passed. The Fire Department will be contacting Brant and Darrell to discuss the new fire truck. Duppong commented he has contacted Solem Law and will be addressing a contractor that has been moving residents in without an occupancy permit.

Knutson presented a raffle permit for Beulah Little People Preschool at the Mercer County Fair on July 8, 2016 and a raffle permit for Beulah Little People Preschool at the Civic Center for the Dakota Walleye Classic on July 21, 2016. Lenzen made a motion seconded by Schulz to approve the raffle permits as presented. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor.

Knutson requested ratification of the poll taken for a special event permit for the Main Bar to serve alcohol at the Roughrider Motorcycle Club Biker Bash on June 17 & 18, 2016 be recorded. Keller made a motion seconded by Kok to ratify the special event permit. Roll call vote found Keller, Kok, Kelsch, Gazur, Lenzen, Frey, Morgenstern and Schulz in favor. Schulz recommended a letter be sent along with the liquor license with a reminder stating some of the ordinances.

Phillips commented on the bakery project and the construction of the 24 unit apartment complex. He gave an update on the bonds for the 3<sup>rd</sup> Avenue Project.

Bjerke stated he has been extremely proud of the Beulah City Council. We want to express our sincere appreciation for the work that has been done and their dedication to the City of Beulah.

Meeting adjourned at 8:45 pm.

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Darrell Bjerke, Mayor

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Darla Knutson, Deputy Auditor