

The regular Beulah City Council meeting of October 5, 2015 was called to order at 7:00 pm at Beulah City Hall by Mayor Darrell Bjerke.

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

Absent: Kathy Kelsch

Also Present: City Attorney Scott Solem, City Coordinator Russell Duppong, Public Works Foreman Kenny Yeager, Water Department Foreman Gary Neuberger, Police Chief Frank Senn, Economic Development Director John Phillips, Kurt Zazeski, Kate Johnson, Stacey Winkler, Rich Jurgens, Beulah Residents listed separately

Pledge of Allegiance

Gazur made a motion seconded by Kok to dispense with the reading of the minutes of the last regular meeting on September 21 and the special meeting on September 29 and approve as furnished to the Council by email. Roll call vote found Lenzen, Morgenstern, Gazur, Frey, Kok in favor. Keller abstained. Motion passed.

Bjerke presented the 2016 Final Budget. Gazur commented the budget includes many unknowns that we have to make allowances for now. Gazur made a motion seconded by Frey to approve the budget as presented for 2016. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok in favor.

Lenzen commented roads are being completed in Barton Estates and also commented on the progress of the Main Street lights and the 3rd Ave project. He thanked Public Works for already cleaning leaves out of gutters. Lenzen made a motion seconded by Kok to approve the payment of \$17,794.70 to Mariner Construction, Inc. for crack sealing. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok in favor. Lenzen made a motion seconded by Keller to approve payment of \$1,284.75 to Concrete Services, LLC for concrete repairs. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok in favor.

Kok made a motion seconded by Gazur to accept the September Beulah Municipal Court report. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok in favor. He stated there will be interviews this Thursday for the police officer position.

Keller stated Solem is continuing to work on the agreement with Moore Engineering. He stated Knutson has written a letter to send to Southwest Water regarding two requests for water.

Bjerke commented he has been receiving emails to which he has replied that the City of Beulah is not recruiting crew camps. He stated if the Council had the attitude of “what’s in it for Beulah”, he doubts whether the 1500 jobs that have been created since the 1970’s would have ever been created. The Council has always welcomed those coming into Beulah.

Schulz arrived.

Gazur commented on the application for annexation and zoning change. Gazur made a motion seconded by Frey to approve the annexation and zoning change as requested by the current landowner with the legal description of: A parcel of land located in the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section Nineteen (19), Township One Hundred Forty-Four (144) North, Range Eighty-Seven (87) West of the Fifth Principal Meridian, Mercer County, North Dakota, and is bounded and described as follows, to-wit: Beginning at a point 33 feet North of the South quarter corner of Section Nineteen (19), Township One Hundred Forty-Four (144) North, Range Eighty-Seven (87) West, thence West 1,320.0 feet, thence North 637.8 feet, thence East 1,320.0 feet, thence South 637.8 feet, to the point of beginning. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok and Schulz in favor. Gazur made a motion seconded by Schulz to approve the requested conditional use permit for the parcel of land with the legal description presented in the previous motion. Schulz stated the permit should be one year from the start of the project. Solem stated the permit can be set up for as long as the Council would like it. Solem stated they had a couple meetings this past week with residents of the community and the individuals appointed did a good job of canvassing. He presented topics discussed by the group regarding the conditional use permit: the City does not regulate OSHA, OSHA regulates itself and this is not an OSHA issue because of the nature of the site; research indicated there is not a requirement for providing a storm shelter for the area; cafeteria and laundry services should be addressed by P&Z through building permits; the specific identity of the property that would be subject to the conditional use permit was added; non-transferability of the conditional use permit was added; completion dates for the traffic and water studies were addressed; and walking paths on the road were also discussed.

Jurgens stated they felt that their concerns as a group were not even attempted to be put in the conditional use permit. He questioned if Capital Lodge will move part of the Tioga complex here without the cafeteria and they feel that requirement should be in the agreement. Jurgens questioned if the surface could be paved instead of just hard surfaced. He also questioned the time period of the project. He stated the camp should be built according to what was proposed to the City. Jurgens stated the reclamation bond of \$300,000 is way too low and they would recommend \$1 million. Jurgens commented permit fees should be set at \$800 per resident for the facility and the amount used for bike paths and sidewalks in the area, as well as policing. Duppong commented on buffer zones required between two adjoining properties that are zoned differently, but stated this area already has a buffer zone. Jurgens commented on law enforcement. Senn stated the police cannot go into vehicles because that would be violating constitutional rights. Solem commented on the law enforcement requirements for revocation of the permit and Jurgens stated they would like to reduce the number of complaint occurrences required for the revocation.

Lenzen commented he is looking out for the best interests of Beulah. He commented some of the statements under the revocation of the permit are a little vague. Lenzen stated the permit is specific to Capital Lodge and the cafeteria should be included in the agreement. Permit fees should be a benefit to Beulah, but not so high as to discourage. Lenzen questioned why some of the items are not in the agreement. Schulz stated that is what we are here to do. Gazur commented on composing a list of items to amend the motion. Kok stated the camp should be built as presented by Capital Lodge. Keller commented a traffic study is required, but the details of when it needs to be complete must be added. Law enforcement complaints need to be legitimate.

Discussion followed on many items to adjust in the agreement. Gazur commented on the conditional use permit containing a condition that the building permit must include the items that were presented such as a cafeteria. Solem stated a conditional use permit denial based on whether or not they had a cafeteria or laundry service would not have grounds.

Presented changes to the conditional use permit:

1. Length of time before renewal to be one year from occupancy permit.
2. Requirement for storm shelter be stricken from the agreement due to not being required.
3. Permit fee changed to \$600 per bed per year.
4. Violations to be considered a legitimate actionable complaint that is a documented warning or filed complaint.
5. Add "impervious" to the hard surface requirement.
6. Reclamation bond – Change from \$300,000 to \$400,000.

Gazur made a motion seconded by Schulz to amend the motion to include the changes presented to the conditional use permit. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok and Schulz in favor. Lenzen questioned the cafeteria. Bjerke stated it was in the presentation and the building permit would need to include that. Roll call vote on the main motion found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok and Schulz in favor.

Five minute recess taken.

Frey commented he and Bjerke have been speaking with Sanitation Products regarding a garbage truck. He stated he is looking at the lease to own option with the possibility of a new garbage truck for dumpsters. The funds are accumulated in the Sanitation Reserve Fund. They are also looking at a tandem axle as an option.

Schulz commented there is a West River Transit meeting next week. The Coal Conversion County meeting is October 14. He stated the NDLC Conference had some very good sessions.

Morgenstern commented the Library Board has recommended Kelsey Timmer as a new member. Bjerke appointed Kelsey Timmer. Morgenstern made a motion seconded by Kok to approve Bjerke's appointment of Kelsey Timmer to the Library Board. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok and Schulz in favor.

Yeager commented they put up the snow fence, hauled sand and bottom ash to the shop, took down flags, banners and flowers, graded gravel roads, fixed the pallet forks and have been leaf sweeping. In the next weeks they will finish mowing, put up sign posts on Main Street, ship cardboard out and mix salt and sand.

Duppong presented a variance request recommended by P&Z of Lot 8, Block 6, Prairie Hills 2nd Filing #2. Dave Herner is requesting a 2% variance to allow 27% coverage on a R1 District zone from allowed 25%. Gazur stated it meets all the setbacks. Gazur made a motion seconded by Schulz to approve the 2% variance as presented. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok and Schulz in favor. Duppong questioned when the permit for building can be released. Duppong commented Daede stated grades have been set. Lenzen stated

his concern is drainage. Gazur made a motion seconded by Frey to release the building permit for this one house as presented. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok and Schulz in favor. Duppong stated he spoke with the railroad and they will clean up along the railroad properties. Duppong stated he and Bjerke will attend a Water Commission meeting tomorrow. Duppong commented on Sun Valley RV water and electrical updates for winter.

Ferebee presented a raffle permit for Heritage Park Market Committee on October 6, 2015 at Heritage Park. Lenzen made a motion seconded by Frey to approve the raffle permit as presented. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok and Schulz in favor.

Phillips commented they are still working on tax credits and have had some good success. There is a Coal Conversion County Meeting next week. Coal Conversion and Coal Severance Revenue to the City is substantial. He commented the Interim Natural Gas Committee is a very active group and he explained what they discuss.

Schulz made a motion seconded by Gazur to approve the bills as presented. Roll call vote found Lenzen, Keller, Morgenstern, Gazur, Frey, Kok and Schulz in favor. Bjerke thanked the Council for being very thorough.

Frey offered condolences to the Leland Erickson family. He noted that Leland was a founding member of the Mercer County Fair and was on the Beulah Fire Department for many years.

Lenzen thanked the City for the ability to attend the NDLC Conference. He commented on some items he learned while there.

Meeting adjourned at 9:40 pm.

Darrell Bjerke, Mayor

Heather Ferebee, Auditor

Check Range: 32978 to 33097

Payroll Check Range: -82093 to -82011

Employees	67,276.04
FIT	12,112.19
SDU	527.08
FIT	10,416.42
SDU	527.08
AFLAC	802.38
NDPERS	26,470.08
Downtown Gas & Auto	4687.90
BHG, Inc.	993.10
West River Telephone	1596.92
New York Life	1714.23
Mainstay Funds	5074.60

10/5/2015

MDU	14875.48
Full Throttle Motorsports	13799.80
Beulah Senior Center	4500.00
Last Creek Books	112.30
Darrell R Bjerke	90.40
Bituminous Paving Inc	162460.80
ABC Welding & Repair	763.35
Quill Corporation	170.07
John Phillips	371.77
Brady, Martz & Assoc,PC	10218.08
Associated Supply Co Inc	750.00
North Dakota One Call Inc	39.05
HAWKINS INC	3663.99
USA Blue Book	278.19
Pitney Bowes Inc	351.60
J & M Hardware Inc	699.29
AmeriPride Linen & Apparel	344.38
Mercer County Treasurer	7169.09
Roughrider Electric Coop	4730.77
Beulah Airport Authority	93.44
North Dakota Dept of Health	64.00
Verizon Wireless	482.07
Farmers Union Oil Company	1344.67
Information Technology Dept	187.80
SRF Consulting Group, Inc.	1990.15
Ingram Library Services	738.85
MREC	45.00
Gale/CENGAGE Learning	29.40
Midwest Tape	270.44
Killoran Trucking	4745.11
Frank Senn	543.13
Custom Pension Advisors	1500.00
Maguire Iron Inc	1493.50
Grainger	1706.94
Ethanol Products LLC	2151.52
Dakota Supply Group	1766.69
Dakota Pump & Control, Inc	4920.00
Advanced Fleet Serv of ND	9346.73
Black Mountain Software	8370.00
Neuberger Oil Co.	580.00
NDWPCC	175.00

10/5/2015

Starion Bond Services	24723.25
Sherwin-Williams Co.	9215.29
West Dakota Utility Services	1063.25
Matthew Bender & Co Inc	95.37
Lonny Buchmann	469.95
Absolute Environ Solutions	44100.00
Kollman Construction	3200.00
High Plains Concepts	200.00
First Security Bank West	212.99
SIRCHIE	214.11
Stein's Inc	206.26
J.P. Cooke Company	100.50
Sakakawea Medical Center	15.00
Mel Roth Oil Co Hazen	159.90
Galls/Quartermaster	1905.98
Olson Electric	96.00
Display Sales	1380.00
Colonial Research	354.96
Share Corp	389.40
West River Telephone	89.74
Convention & Visitors Bureau	13196.60
Bronson's Marketplace	748.58
Lignite Tire	1375.74
NAPA Auto Parts	2504.06
Beulah Lumber Company	260.19
Loren Wiest	840.00
AT&T Mobility	122.30
Solem Law Office	7033.18
Beulah Park District	42515.39
Interstate Engineering, Inc	28309.01
BIS-MAN Tractors & Equip	104.28
Ver-Tech, Inc	277.03
MREC	45.00
DirectMED	294.12
Dakota Fire Extinguishers	446.21
Marc Kus	113.00
Lonny Buchmann	150.00
Sweeney Controls Company	3900.00
Hedahls Headquarters	4.35
Shopko Stores Operating Co.	76.48
Marie Johnson	50.00

10/5/2015

Lorene Stohler	50.00
Kevin Peterson	50.00
Craig Reinert	50.00
Channing Hatzenbuhler	50.00
Roberta Ford	25.00
Adalbert Emter	5.00
Claude O'Berry	25.00
Dale Borth	50.00
Dave Kunkel	15.00
Eric Fernandez	50.00
Paul Scherr	25.00
Samantha Cheff	50.00
Dorothy Dschaak	5.00
Darlene Schaper	15.00
Jordan Erickson	50.00
Jaden Vettel	50.00
Bruce Schmidt	50.00
Ecolab Pest Elim Div	85.00
Postmaster	366.65
US Bank	714.39
Cardmember Service	326.85
Dakota Sanitation Inc	848.00
2 K Meats	546.69
Gale/CENGAGE Learning	20.05
Marlene Goetz	88.00
Nancy Bickerstaff	586.85