

The regular Beulah City Council meeting of September 8, 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, Water Department Foreman Gary Neuberger, Police Chief Frank Senn, Lead Police Officer Dustin Pekas, Kate Johnson, Kent Ritterman, Colleen Wiest, Jo Hafner, Mike Boudreau of Capital Lodge, Stacey Winkler, Rich Jurgens, Bill Keller, other Beulah Residents listed separately

Gazur made a motion seconded by Kok to open the Public Hearing on the petition for annexation and for amendment of zoning district map by Charlotte Liebelt and the petition for conditional use permit for temporary construction workforce housing. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor. Bjerke reviewed resident concerns that were addressed at the last P&Z meeting. Boudreau addressed the Council and residents on Capital Lodge and their research on the need for housing in Beulah. They are here seeking a permit for temporary housing for the construction of the Urea Plant at Dakota Gasification Company. He stated they did not think there would be this much resistance, but he understands the concerns. The area is zoned as Industrial and it was thought that it would be a good fit for them. He explained the exit strategy in place. Gazur questioned the population density if they were to expand. Boudreau stated it is not economically feasible so they will not exceed 450. Keller questioned if there is another site that would work. Boudreau stated this site has access to water and sewer. Bjerke questioned if there would be shuttle service. Boudreau answered yes. Kelsch questioned when beds would be available and he stated it would be 90 days. Kelsch questioned the ratio of security to guests and he stated it is 1 to 100, but they usually have 7 or 8 for 300 people. Lenzen questioned turning lanes and Boudreau stated Capital Lodge would be responsible for turning lanes.

Stacey Winkler stated the community is at the mercy of the Council members. Winkler stated the workers will not stay in the crew camp all the time. She stated they disagree with the location of the crew camp, not the camp itself and the Council needs to take into consideration the families who would live near the crew camp. The number of citizens far outnumber the businesses. Rich Jurgens presented a letter from the Mayor of Watford City regarding man camps. He questioned if the City approached Capital Lodge or if they approached the City. Boudreau stated the plant contacted Capital Lodge initially. Discussion followed on the extension of zoning the extra one half mile. Jurgens questioned costs of infrastructure. Boudreau stated they would pay for all costs for connections. Jurgens questioned the water and sewer system capabilities. Bjerke stated the 350 mobile homes previously in Sun Valley were serviced by that lift station. Jurgens questioned the land ownership and what the charges would be for the establishment and Bjerke stated it would need to follow ordinance. Gazur stated the City would not subsidize this installation. Jurgens questioned tax exemptions. Bjerke stated no, only single family houses are eligible. Jurgens questioned police officers and wages, Bjerke commented the City is working on raising wages. Jurgens questioned the parking lot. Bjerke stated it is understood it will be hard surfaced and it would go into the building permit. Jurgens questioned a traffic study and emergency snow routes. Bjerke stated the snow route would come before Council and he doubts it would change.

Jurgens questioned the long range thoughts of the City. Bjerke stated the City was approached for the 2 to 3 year project, longer has not been addressed and it would require another building permit. Jurgens commented on the value of homes in Lignite Addition.

Bill Keller commented there should be another meeting so the proposal can be explained to the community. Bjerke commented the Council would be remiss if we disapproved this outright without studying the items that have been brought up. Schulz made a motion seconded by Gazur to close the hearing. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Five minute recess taken.

Pledge of Allegiance

Gazur made a motion seconded by Kok to dispense with the reading of the minutes of the last regular meeting on August 17 and the special meeting on August 19 and approve as furnished to the Council by email. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Jo Hafner commented on the \$4,500 allocation from the City to the Senior Center for 2015. She stated they will be using it for painting and installing blinds. Gazur made a motion seconded by Schulz to approve the allocation be provided. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Bjerke commented on increasing the real estate tax exemption to \$150,000 to encourage people to build houses. Schulz stated he will bring it up at a future meeting.

Lenzen commented on the Cypress Drive project and that it is in the preliminary budget.

Kelsch had no report.

Kok commented on the cemetery and work that needs to be done on several sites. The ordinance for the cemetery will need to be updated and he requested the Council look it over before it goes to legal counsel. Kok made a motion seconded by Schulz to accept the Municipal Court Reports. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Kent Ritterman commented on the letter from Solem Law regarding the water plant project and he will work through all the comments with Solem and Daede. Keller questioned the costs. Ritterman stated it would be a lump sum and the additional costs would only be if they went hourly. Bjerke stated he and Duppong attended a meeting in Bismarck and Beulah is still in the running for a 60/40 grant with the State Water Commission.

Gazur commented on the Municipal Code rewrite and stated the information is at Solem Law now to be completed. Gazur commented on the 2016 employee salary adjustments including a 5% overall salary adjustment plus spot adjustments in the Police Department, and the foreman positions in Water/Wastewater and Public Works. Gazur made a motion seconded by Frey to

adopt the 2016 salary adjustments as transmitted to Council with the 5% overall wage increase. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor. Gazur commented there are two promotions included: Marc Kus' promotion from Maintenance Worker II to Maintenance Worker I and Derrick Thompson's promotion from Laborer to Maintenance Worker II. Gazur made a motion seconded by Keller to make those promotions effective as soon as practical. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Gazur commented there will be meetings with the 457(b) provider this week and a meeting with the City Hall Expansion Committee.

Gazur commented on the P&Z meeting and the application concerning the land for the crew camp. One item that was discussed was whether all three actions were free standing. Solem stated at the meeting that unless all three actions were approved, the application is denied as a whole. Solem stated the owner of the property will withdraw her application if the conditional use permit is not granted. Gazur commented it came though sounding as though we don't want construction workers here, or that class of people. A lot of the concerns are legitimate concerns and this is the reason for a conditional use permit. Gazur stated the City does not have absolute authority to arbitrarily reject an application without good cause. The City must proceed legally. Gazur made a motion seconded by Frey to table this issue until the City Attorney can review the list of City residents' concerns and recommendations and apply them to an acceptable conditional use permit and give Council his opinion on whether it is legally applicable. Keller commented the workers will be coming to Beulah no matter what is decided and everyone is fearful of the unknown. They are not workers chasing jobs, they are skilled construction workers. He stated he was in that position at one time. There is some control in the crew camp with the conditional use permit. Keller stated it would be nice if the location could be changed, but a man camp is a better alternative than eight people living in each rental house in Beulah. Lenzen commented the turning lane street improvements on 7th Street would be the responsibility of Capital Lodge. He commented on Challenger Industries and Bjerke stated Challenger would pay for the road they would use. Lenzen stated he is concerned with the temporary structures left when Capital Lodge exits. Gazur stated this is a business request and has to be handled as such. Kok commented he understands the group is opposed to the location, but that is the location. He lived in many man camps including the one that Beulah had previously. These are skilled workers. He stated he has been in communication with the Police Chief and they can put items in the conditional use permit to take care of those concerns. He commented on the road, stating it is not there for a certain business to use as their training facility. If there are children on that road, the parents should take a closer look at that. Kok stated our Police Department is second to none when it comes to protecting your children. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Frey commented Fall Cleanup is scheduled for Sept. 12-19. He commented on the possibility of a mowing machine. Gazur commented the way we cut grass in the past has been labor intensive and time consuming. He is in favor of a mower. Frey commented on the possible increase in garbage rates. The City currently has a large deficit in the Garbage fund and that is set against the General fund.

Schulz commented they are still working on draining and winterizing the pool. He provided a reminder on using West River Transit. There was a JDA meeting a couple weeks ago and he stated the Heritage Park Market was very impressive. Schulz made a motion seconded by Gazur to appoint Soojin Lee as City Assessor. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor. Schulz made a motion seconded by Kok to proceed with a traffic study regarding the crew camp. Schulz withdrew his motion. Kok questioned why a DGC representative did not attend the meeting tonight. Gazur stated they did not attend the P&Z meeting either. Keller questioned the Heritage Park and if they will have electric power in the future. Bjerke stated it is being looked into with MDU.

Morgenstern had no report.

Lenzen made a motion seconded by Frey to approve payment of \$162,460.80 to Bituminous Paving, Inc. for SID #23 Barton Estates. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Solem commented on the Moore Engineering Agreement and some contradictions he will assist in cleaning up. Solem commented on the Municipal Code Rewrite and their progress with that. He commented on the crew camp issue and stated there are legal constraints that the City has to work within. The City can have conditions that need to be met. Kelsch questioned if there are circumstances under which the Council could deny the request. Solem stated a person has the right to annex in if they meet the requirements and as long as the conditional use requirements are met, they have the right to use the property. Senn requested to assist with providing input on the conditional use permit with regards to law enforcement. Bjerke stated that would be a good idea. Gazur explained how Planning and Zoning works. He stated if the individual meets all the zoning and building requirements, the governing body cannot deny the building permit. Solem commented on the sale of lots to the Beulah Park District that was previously approved and the language in the agreement.

Lenzen made a motion seconded by Gazur to approve the preliminary budget for 2016. Roll call vote found Keller, Kok, Kelsch, Gazur, Morgenstern, Schulz, Frey and Lenzen in favor.

Senn thanked State Farm and Kathy Kelsch for donating \$15,000 to the ND Safety Council for the Alive at 25 program for youth and defensive driving.

Bjerke commented Surge Fund money cannot be used for the water plant agreement, so the Sales Tax Fund would be used.

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

Meeting adjourned at 9:40 pm.

Darrell Bjerke, Mayor

Heather Ferebee, Auditor

9/8/2015

Check Range: 32862 to 32977

Payroll Check Range: -82215 to -82094

Employees	87,624.76
FIT	15,031.64
SDU	527.08
FIT	13,189.19
SDU	527.08
AFLAC	802.38
NDPERS	26,470.08
West River Telephone	90.79
HAWKINS INC	2233.48
Downtown Gas & Auto	4713.87
Petty Cash	22.99
Lignite Tire	1320.58
Beulah Lumber Company	4.49
BHG, Inc.	1536.00
Loren Wiest	140.00
Mercer County Treasurer	6907.80
MDU	14161.93
Beulah Airport Authority	111.65
West River Telephone	1498.22
New York Life	1640.21
Mainstay Funds	5003.02
Colleen Wiest	90.40
Bank of North Dakota	31368.84
ND Assoc Oil & Gas	100.00
Coca Cola Refreshments	210.24
West Dakota Utility Services	2296.45
WARC	1951.95
SRF Consulting Group, Inc.	1434.13
Ethanol Products LLC	2703.51
Colonial Research Chem Corp	1141.02
Boiler Inspection Program	80.00
Associated Supply Co Inc	2848.57
L-Tron Corporation	162.00
Kenny Yeager	135.60
Productivity Plus Account	1486.16
Southwest Business Machines	10.19
Skeels Electric Co.	84.56
Clay's Plumbing & Heating	1091.27
Dakota Supply Group	4830.00
Industrial Fabworx	400.00

9/8/2015

Brock White Company	483.91
Hazen Welding	350.00
Sletten Excavating, Inc.	10561.82
Environ Toxicity Control	700.00
Obenauer Plumbing	204.75
Jaden Mitzel	50.00
Jak Menge	50.00
Nick Schafer	25.00
Alan Kok	25.00
Frani Crawford	50.00
Kyle Gudmunsen	50.00
Meaner Greener Lawn Care	7175.00
Morning Star Rentals	112.47
AmeriPride Linen & App	344.38
North Dakota Dept of Health	64.00
Killoran Trucking	4777.22
HAWKINS INC	1435.66
New York Life	74.02
Mainstay Funds	71.58
North Dakota One Call Inc	52.80
Bronson's Marketplace	919.10
J & M Hardware Inc	1005.59
NAPA Auto Parts	1951.07
CDS Admin Serv LLC	100.00
AT&T Mobility	122.77
Roughrider Electric Coop Inc	5154.79
Solem Law Office	15584.52
Information Technology Dept	185.10
Interstate Engineering, Inc	20670.41
Verizon Wireless	518.66
Farmers Union Oil Company	3751.63
R.S. Giulio, Contractor LLC	1629.95
Kollman Construction	975.00
WARC	6556.47
Ingram Library Services	544.88
Midwest Tape	39.99
Quill Corporation	172.19
Colonial Research Chem Corp	443.94
Beulah Electric	2790.00
Mercer County Sheriff's Dept	50.00

9/8/2015

SPEE-DEE Delivery Service	59.83
Stein's Inc	45.92
Beulah Drug	8.96
Hiway Express Beulah	32.95
Shopko Stores Operating Co.	157.67
Ecolab Pest Elim Div	144.38
Workforce Safety & Ins	250.00
MFOA	30.00
Roto-Rooter Sewer & Drain	645.00
Badlands Environ Consultants	518.85
Killoran Trucking	5564.53
HAWKINS INC	2525.89
Michael Todd Company	1324.46
Office of the State Auditor	165.00
SuperTec Infrastructure Tech	24700.00
Bituminous Paving Inc	65565.00
ND Planning Association	50.00
Clay's Plumbing & Heating	1319.91
Benz Insurance	27.00
Vanguard Fiduciary Trust Co	12859.61
US Bank	2378.85
Convention & Visitors Bur	13613.42
Cardmember Service	937.24
USA Blue Book	186.09
Dakota Sanitation Inc	848.00
Beulah Park District	54566.85
Petty Cash	42.27
Frank Senn	38.01
MREC	45.00
Southwest Business Machines	136.99
Colleen Wiest	90.40
Gale/CENGAGE Learning	49.45
School Specialty	56.81
WIN-911 Software	395.00
Southwest Business Machines	129.65
Russell Duppong	90.40
Kollman Construction	24563.00
Postmaster	383.35