

LEGAL NOTICES

CITY OF BEULAH REGULAR MEETING

June 15, 2026

CITY OF BEULAH
JUNE 15, 2026, 6:00 PM
BEULAH CITY HALL COUNCIL
CHAMBERS

CITY COUNCIL MEETING

The regular meeting of the Beulah City Council was called to order at 6:00 pm by Mayor Sean Cheatley with Council Members Jason Isaak, Adam Baker, Tim Aichele, Cameron Brown, Bill Keller, Kevin Herrmann and Kamaron Plienis present.

Also Present: City Attorney Scott Solem, City Engineer Jerod Klabunde, Asst. Engineer Aidan Kelly, Police Chief Frank Senn, Econ/Op Dir. Beaver Brinkman, Operations Assist Jennifer Gabel, City Auditor Heather Ferebee, Jo Hafner, Audrey Krebs, Laura Benz, Sherry & Keith Mettler, Lorisa Newman, Beulah residents.

Pledge of Allegiance
Executive Session

The executive session is for the purpose of receiving the city attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity and regarding reasonably predictable and/or threatened litigation as authorized by North Dakota Century Code § 44-04-19.1 subsections 2 and 5 and North Dakota Century Code § 44-04-19.2.

Keller moved to have legal consultation as it pertains to the motion made at the Special Council meeting during the hearing regarding the Verizon Conditional Use Permit application in Executive Session. Brown seconded. Roll call vote found Keller, Brown, Isaak, Baker, Herrmann, Plienis and Aichele in favor. Members of the public were requested to leave.

Aichele moved to adjourn the executive session. Herrmann seconded. Roll call vote found Aichele, Herrmann, Isaak, Baker, Plienis, Brown and Keller in favor. The executive session adjourned at 6:28 pm. The public was requested to join the regular meeting.

MINUTES

Aichele moved to approve the regular meeting minutes from June 1, 2026, as provided to the Council by email. Brown seconded. Roll call vote found Aichele, Brown, Isaak, Herrmann, Keller, Baker and Plienis in favor.

Keller moved to approve the special meeting minutes from June 3, 2026, as provided to the Council by email. Isaak seconded. Roll call vote found Keller, Isaak, Aichele, Brown, Herrmann and Baker in favor. Plienis abstained. Motion passed.

CITY ENGINEER

City Engineer

Klabunde gave an update on the Main St. Phase II project, requesting approval of Amendment 1 to Task Order 2. The intent is to seek approval from the DOT for additional funding. Isaak moved to approve the amendment, contingent upon DOT's approval to pay the \$155,758.44. Herrmann seconded. Roll call vote found Isaak, Herrmann, Keller, Plienis, Aichele, Brown and Baker in favor.

Northside Street Improvement project meetings take place each Tuesday. The project started with concrete repairs, which will be followed by asphalt patching and then microsurfacing.

2026 Asphalt Patching Bids were received with the low bid from Bechtold. The bid includes \$45,000 for asphalt patching in eight areas and \$49,000 for chip and fog seal on four blocks of Main Street. Aichele moved to accept the bid from Bechtold for part A for \$45,000 and the bid from Aztec for part B for \$44,769. Isaak seconded. Sales Tax revenues will be used for the patching and chip seal if SRF is unavailable. Roll call vote found Aichele, Isaak, Herrmann, Keller, Plienis, Brown and Baker in favor.

A drawing of existing conditions, from the survey work at the fairgrounds, was delivered to the city. Dry dam flood protection work is ongoing, and GIS updates have been completed.

PUBLIC COMMENT

Jo Hafner, President of Beulah Senior Citizens, attended on behalf of the Senior Center for the city allocation of state aid. She stated the roof needs to be replaced. They have an estimate from Solid Rock to fix a wall in the basement for \$3,850, as well as estimates from Legend Air to fix the bathrooms. The total excluding the roof is

\$6,901.50. Hafner requests continued financial support from the city. They currently receive 5% of the city's state aid funding.

Audrey Krebs presented a communication timeline with the city regarding the siding damage and sidewalk issues at Kreb's Auto Body after the Main Street Project. She commented on the extended amount of time it took to get a resolution.

Laura Benz thanked the city and fire department for everything they did during the storm. Benz stated she was disappointed with the decision of the council regarding the restaurant and lodging tax revenue for the CVB and Chamber. The Chamber should have a plan before the tax revenue allocation is changed. She stated the CVB does a wonderful job promoting Beulah.

COUNCIL PORTFOLIOS

Mayor Cheatley

Plienis moved to approve the Mobile Food Vendor application for Los Lunas LLC. Isaak seconded. Roll call vote found Plienis, Isaak, Aichele, Brown, Baker, Herrmann and Keller in favor.

Keller moved to approve the Mobile Food Vendor application for Mini Donuts by Shea's Foods. Aichele seconded. Roll call vote found Keller, Aichele, Brown, Baker, Herrmann, Isaak and Plienis in favor.

Isaak moved to approve the Mobile Food Vendor application for Davis Concessions pending filling out all applicable information and getting the application notarized. Brown seconded. Roll call vote found Isaak, Brown, Aichele, Baker, Herrmann, Keller and Plienis in favor.

Council Member Aichele

Aichele moved to allow the Park District to pile trees in the old rodeo grounds. Plienis seconded. The Park District will apply for a burn permit, and the Fire Chief has been notified. Roll call vote found Aichele, Plienis, Isaak, Herrmann, Keller, Brown and Baker in favor.

Council Member Brown

Brown gave an update on the library. They will advertise for a part-time employee to fill in. Brown commented on the zoning ordinance. He would like to review setback requirements for items such as cell towers. Mercer County P&Z has been discussing their ordinance regarding data centers, and he would like to review the city's zoning ordinance pertaining to data centers as well. The city has sole jurisdiction for the first half mile and joint jurisdiction with the county for the second half mile.

Brown acknowledged Mayor Sean Cheatley, Councilman Jason Issak, and Councilman Tim Aichele for their service.

Council Member Isaak

Employee Relations recommended updates to the Personnel Policy including adding a process for promotion to foreman or second in charge, clarifying the employee application process, incorporating an employee position flow chart, and explaining that an employee would go to the Human Resource representative and the portfolio holder if an issue arises with an employee's supervisor. Baker requested a change to the flow chart. Isaak moved to approve the personnel policy manual with the changes presented. Keller seconded. Roll call vote found Isaak, Keller, Brown, Aichele, Plienis, Herrmann and Baker in favor.

The Waterpark Bylaws have been reviewed by the Pool Board and Employee Relations. Isaak moved to adopt the Waterpark Bylaws as approved by the Pool Board. Aichele seconded. Roll call vote found Isaak, Aichele, Keller, Brown, Plienis, Herrmann and Baker in favor.

Waterpark Manager/Assistant Manager job description: Plienis stated he holds the Certified Pool Operator certification, but it should be a requirement for a paid position. Keller stated it has been discussed adding this certification to employees in the Water Department as they are full-time employees. Herrmann would like the requirement to occasionally lift over 100 pounds be removed. Isaak moved to approve the Waterpark Manager/Assistant Manager job description with removal of lifting 100 pounds. Aichele seconded. Roll call vote found Isaak, Aichele, Keller, Brown, Plienis, Herrmann and Baker in favor.

Isaak stated the pool has opened and the canopy was damaged in the storm. The Union Bank donated \$25,500 for lifeguard stands, a water fountain, and water toys.

Chicken Ordinance:

The Chicken Committee wrote the ordinance, and a measure was on the election ballot to determine if residents wanted to allow chickens within city limits. The measure failed by a wide enough gap to indicate citizens do not support it. Plienis stated less than half the people in town voted, and he doesn't believe it represents a 'no' vote. Isaak stated that failing to vote doesn't mean they are in favor of it. Herrmann stated it was voted down and that is what the council goes by, and the primary election always has a lower turnout. Brown stated regardless of the voter turnout, there is a winning side and a losing side, adding he would have a hard time going against 568 people because five people want something changed. Aichele stated his decision is based on the outcome of the election. Baker stated he supports the voters' decision. Isaak stated the council does not need to make a motion to decline taking action.

Cheatley stated that Gary Bovkoon will be retiring from the city on August 14, 2026.

CITY PERSONNEL

City Auditor

The canvassing board for the election will meet next Monday. The new mayor and council members will start July 1, provided they have signed their oath. The Organization meeting will be held at the first council meeting on July 6.

Herrmann moved to approve the May Financial Reports. Baker seconded. Roll call vote found Herrmann, Baker, Isaak, Aichele, Keller, Brown and Plienis in favor.

Interstate Engineering Invoice 58120 for \$19,490.21 from last year was not paid because the city didn't receive information for the storm water portion, which totaled \$12,938. Beaver spoke with Rebecca and she reduced the invoice by \$2,915 to a new balance of \$16,575.21. Isaak asked if Brinkman is satisfied with the explanation. Brinkman described the survey and design work completed, the determination that a storm drain was damaged near the Civic Center, some of the design on 12th Street, research on road loading, a floodplain letter, and the ordering of storm drain covers. Ferebee stated there are two Interstate invoices for the FEMA Grant that the city will pay as soon as the grant is received.

Baker questioned if any of this information will transfer over to Moore Engineering and Brinkman confirmed some of it would. Isaak moved to pay the invoice to Interstate Engineering for \$16,575.21. Keller seconded. Roll call vote found Isaak, Keller, Aichele, Brown, Plienis and Baker in favor. Herrmann opposed. Motion passed.

Economic Development

Brinkman presented the letter from Interstate Engineering on June 8 for Krebs Auto Body. Cheatley asked Klabunde if they reviewed it. Klabunde stated that the contractor has offered to grind down the edge by the doorway, and if it fails, it should be considered to remove that section and pour a stoop that won't shift with the frost. Brinkman stated the contractor will begin corrective work after July 4. Audrey Krebs stated they are working with BEK on the siding replacement.

Keller moved to approve Task Order #6 for Interstate Engineering regarding as-builts and warranty work on Main Street Phase I. Isaak seconded. Roll call vote found Keller, Isaak, Aichele, Brown, Plienis, Herrmann and Baker in favor.

General Release & Settlement Agreement with Interstate Engineering is being reviewed by the City Attorney.

Brinkman presented a Generator Proposal for the Public Works Building that involves the lights and garage doors. The estimate is to make the installation code compliant, and the Emergency fund would need to be used. It was stated a generator for the Water Plant is a higher priority.

The city sustained the following storm damage: the pool canopy, the air conditioner compressors at the Water Plant and Civic Center blew over, shingles on a water meter shed at Sun

Valley, a trailer fell over a fence at the Transfer Station, trees fell on the fence at the cemetery, and roof damage at the USDA Building. Ferebee stated information will be sent to the county to determine if funding is available.

Operations Assistant

A variance recommendation was presented for D. Bakken for a hoop barn at 204 4th Ave. NW to remove the requirement from the original permit to pour a concrete floor. Plienis moved to deny the variance and require the hoop barn be taken down if the concrete is not poured within 120 days. Keller seconded. Roll call vote found Plienis, Keller, Aichele, Isaak, Brown, Herrmann and Baker in favor.

Gabel stated the city will provide a 50/50 cost share for damaged tree removal in boulevards per Ordinance 461. Two requests were submitted:

Mettler at 316 Hwy 49 N with a total cost of \$2,450 and a cost share of \$1,225.

Schutt at 409 3rd Ave SW with a total cost of \$1,500 and a cost share of \$750.

The total cost for the city would be \$1,975 and there are funds available in the forestry budget.

Plienis moved to approve the cost share to remove trees as presented for both properties. Aichele seconded. Roll call vote found Plienis, Aichele, Isaak, Brown, Herrmann, Keller and Baker in favor.

City Attorney

Electric Bicycle and Motorized Scooter Ordinance No. 465:

Lorisa Newman commented that she would like to see hard restrictions on motorized bicycles and scooters. She would like to see the minimum age be fourteen with a permit from the State of ND.

Senn stated helmets are imperative and education is needed. Non-licensed or suspended drivers are also using scooters. The ordinance would allow scooters on city streets and the multi-use path, but not Hwy. 49 or County Rd. 21. Solem stated there was discussion of a minimum age of fourteen with a driver's license or permit, or a training course. Other items are a maximum speed of fifteen mph, single occupant only, proper footwear, helmet required under the age of 18, and a \$50 fine with a court appearance on the second offense.

Keller moved to set the minimum age at twelve with a safety course from the Beulah Police Department and a maximum speed of fifteen mph. Aichele seconded. Baker stated that the fine is too high. Roll call vote found Keller, Aichele, Plienis, Isaak and Herrmann in favor. Baker and Brown opposed. Motion passed. Plienis moved to have first reading of Ordinance No. 465. Isaak seconded. Roll call vote found Plienis, Isaak, Aichele, Brown, Herrmann, Keller and Baker in favor.

Occupancy and Restaurant & Lodg-

ing Tax Ordinance No. 466:

Solem explained how the taxes will be divided as described in the ordinance. If passed, the CVB would receive the revenue from both taxes through June 30. Isaak stated that the CVB should receive the revenue until the end of the year as they already budgeted through the whole year. Baker and Plienis both stated they didn't agree with waiting until the end of the year. Keller noted he has an issue with the Chamber not being able to talk to the CVB. Isaak stated he does not agree with splitting the money up because the two organizations don't communicate. Baker stated that as soon as the legal issues are resolved they will work together. Isaak asked that the city wait until the legal issues are resolved. Herrmann questioned what the city will do with the Sun Valley RV Park. Isaak stated he would like to see the Chamber bring in a plan the same way the CVB was required to.

Plienis moved to have first reading of Ordinance No. 466. Isaak seconded. Isaak stated this could be tabled until the Chamber can come in with a plan. Aichele requested a plan be presented before the second reading. Brown stated he would like the date to change to January 1, 2027. Roll call vote found Plienis, Baker and Aichele in favor. Isaak, Keller, Herrmann and Brown opposed. Motion failed.

Brown moved to have first reading of Ordinance No. 466 with the date changed to December 31, 2026. Baker seconded. Roll call vote found Brown, Baker and Aichele in favor. Isaak, Keller, Plienis and Herrmann opposed. Motion failed.

Isaak moved to table Ordinance No. 466. Plienis seconded. Roll call vote found Isaak, Plienis, Keller, Herrmann, Aichele and Brown in favor. Baker opposed. Motion passed.

Solem commented that the council should have written reasons for denial of the Conditional Use Permit Application. Brown stated the reasons are based off the testimony of residents at the hearing: devaluation of home values up to 20% based on housing studies, it would contradict the Beulah Comprehensive Plan regarding C2 districts, denial does not affect prohibiting service as shown on the Verizon website as Beulah is completely covered by 5G, height of the tower could cause a safety issue because it is an inadequate fall zone, other sites were not shared with the council, and the selected site could increase in value by having a commercial building located on it instead of a tower.

The meeting adjourned at 9:45 pm.
Sean Cheatley, Mayor
Heather Ferebee, City Auditor
(July 9, 2026)

2025 CONSUMER CONFIDENCE REPORT

2025 Consumer Confidence Report available at Zap City Hall Office or call 948-2256 if copy requested.
(July 9, 2026)

NOTICE OF AMENDMENT

ORDINANCE NO. 465

ORDINANCE NO. 465

AN ORDINANCE AMENDING BEULAH TRAFFIC CODE CHAPTER 39 AS IT APPEARS IN BEULAH CITY ORDINANCE NO. 433 AND ENACTING SECTION 39-10.1-09 ELECTRIC BICYCLES, SECTION 39-10.1-10 BICYCLING OR RIDING AN ANIMAL WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS – PENALTY, SECTION 39-10.01-11 MUTIPASSENGER BICYCLES; AND ENACTING ARTICLE 39-10.4 MOTORIZED SCOOTERS.

39-10.01-10 Bicycling or riding an animal while under the influence of alcohol or drugs – Penalty.

An individual operating a bicycle or riding an animal on a roadway, or an area the public has access to, may not be under the influence of alcohol or any drug to a degree which renders the individual a hazard to themselves or the

general public. An individual who violates this section must be assessed a fee of two hundred dollars.

39-10.4-03

Any person who violates any provision of this article 39-10.4 shall be assessed a fine of twenty dollars (\$20.00) for a first violation. Thereafter, any and all subsequent violations shall be assessed a fine of twenty five dollars (\$25.00) and if the operator is under the age of 18 years they shall be required to appear before Beulah Municipal Court with a parent or guardian. All fines collected will be deposited into a police department education/outreach fund, to be used to educate young motorists about the rules of the road and road safety.

DATED this 29th Day of June, 2026

/s/

Heather Ferebee, City Auditor

(July 9, 2026)