

CITY COUNCIL PROCEEDINGS
PUBLISHED SUBJECT TO THE GOVERNING BODY'S REVIEW AND REVISION

A regular meeting of the Beach City Council was called to order by Mayor Walter Losinski at 7:00 pm May 20, 2013. Present when the meeting was called to order was City Council Paul Lautenschlager, Henry Gerving, Tim Marman, Mark Benes, Jeanne Larson, Wade Walworth, Public Works Supt. Dell Beach, City Auditor Kimberly Nunberg, City Attorney Nathan Bouray, City Engineer Jon Wilczek, and 50 guests were in attendance.

Employees Meeting:

PWS Beach had nothing to report at this time. Nunberg reviewed her written report. Benes moved to approve the recommendation from the Zoning Board to re-zone land from Agricultural to Highway Commercial as indicated in Nunberg's written report, second by Gerving. Motion carried unanimously. Mayor Losinski suggested the Council consider annexing this parcel of land into the city that is being re-zoned which is owned by Stedman and Dakota Farm.

Committee Reports:

None

Unfinished Business:

None

New Business:

City Attorney Nate Bouray provided his opinion of granting a Franchise Agreement to Goldenwest Electric. Bouray stated legally the City can grant two unlimited franchises, however he doesn't believe this would be in the best interest of future development in the City to do so. Bouray suggested granting a limited franchise to Goldenwest Electric. Mayor Losinski asked developer Drew Hall what his preference was since this decision would ultimately affect his development project. Hall indicated he has worked with both rural cooperatives and private sector utility companies in other development projects. However, his preference would be to work with one utility company that can provide both gas and electric services. Hall believes working with one utility company creates less confusion for property owners and reduces chances of accidents on any utility lines. Mayor Losinski allowed representatives from both Goldenwest Electric and MDU to address the Council. John Sokoloski, Goldenwest Electric believes they can provide the service necessary to develop this area and requested the City consider granting a limited franchise agreement with a defined territory allowing their company to service the anticipated growth. Jacob Zettel, MDU stated the company currently serves 750 customers within the City and would like to continue to grow with the City in the future. Zettel requested the City consider granting a limited franchise. Gerving moved to reject Ordinance 375, AN ORDINANCE GRANTING A FRANCHISE TO GOLDENWEST ELECTRIC COOPERATIVE, INC., A MONTANA ELECTRIC COOPERATIVE CORPORATION, ITS SUCCESSORS AND ASSIGNS, WITH PERMISSION TO ERECT, CONSTRUCT, INSTALL, AND MAINTAIN WITHIN THE CITY OF BEACH, AN ELECTRIC POWER DISTRIBUTION SYSTEM AND TO OPERATE THE SAME AND TO INSTALL CONDUITS, POLES, WIRES, UNDERGROUND FACILITIES, PIPES, AND OTHER FIXTURES IN, UPON, AND UNDER THE STREETS, ALLEYS, BRIDGES, AND PUBLIC

GROUND OF THE CITY FOR THE PURPOSE OF FURNISHING ELECTRICITY TO THE CITY AND THE INHABITANTS THEREOF, second by Larson. Lautenschlager-yes, Gerving-yes, Marman-no, Benes-yes, Larson-yes, Walworth-yes. Motion carried. Gerving moved to approve granting Goldenwest Electric a limited franchise, second by Walworth. Lautenschlager-yes, Gerving-yes, Marman-no, Benes no, Larson-yes, Walworth-yes. Motion carried. City Attorney Bouray will develop Ordinance 376 AN ORDINANCE GRANTING A LIMITED FRANCHISE TO GOLDENWEST ELECTRIC COOPERATIVE, INC., A MONTANA ELECTRIC COOPERATIVE CORPORATION, ITS SUCCESSORS AND ASSIGNS, WITH PERMISSION TO ERECT, CONSTRUCT, INSTALL, AND MAINTAIN WITHIN THE CITY OF BEACH, AN ELECTRIC POWER DISTRIBUTION SYSTEM AND TO OPERATE THE SAME AND TO INSTALL CONDUITS, POLES, WIRES, UNDERGROUND FACILITIES, PIPES, AND OTHER FIXTURES IN, UPON, AND UNDER THE STREETS, ALLEYS, BRIDGES, AND PUBLIC GROUNDS OF THE CITY FOR THE PURPOSE OF FURNISHING ELECTRICITY TO THE CITY AND THE INHABITANTS THEREOF.

At 7:30 pm a Public Hearing was held regarding proposed street improvements in the NW area of the City. Mayor Losinski opened the meeting for comments. Questions asked included but were not limited to;

- Would a Special Assessment District be created to pay for the project?
- Who will determine the Special Assessment District area?
- Can this project be a city wide Special Assessment District?
- What are the alternatives to paving, curb and gutter?
- Would Multi-family (apartments) pay more than residents since they would have more vehicles?
- What is the total cost of the project?

Consensus was more information needed to be provided to the property owners. The City Engineer will develop an estimated cost on the project and Nunberg notify each property owner of the estimated cost per lineal foot.

Developer, Drew Hall met with the Council to review the Master Development Agreement (MDA) for Bakken Development Fund, LLC Golden Valley Acres and Hathaway Industrial Park. Hall indicated the MDA creates an agreement between the City and the Developer for future improvements and outlines each party's responsibility. The MDA caps impact on the city water and sewer systems at 800 equivalent residential units (ERU's). Hall acknowledged all backbone improvements are the responsibility of the developer. Marman shared concerns of connecting to the existing sewer line in front of Cenex and suggested an alternative route be established. Hall agreed to the change request. Gerving moved to approve the First Reading of the Master Development Agreement (MDA) for Bakken Development Fund, LLC Golden Valley Acres and Hathaway Industrial Park with change being made to the sewer infrastructure as will be corrected on Exhibit E, second by Benes. Motion carried unanimously.

Marman mentioned the City's pile of milling had to be broke up with an excavator in order for the city crew to use. Rather than billing the city for this, Marman requested trading for three truck loads of milling. Benes moved to approve the trade, second by Walworth. Motion carried unanimously. An Application for Raffle was submitted by Christian Youth Experience (CYE) was reviewed. Walworth moved to approve the raffle, second by Benes. Motion carried unanimously.

No other business was brought forward. Walworth moved to adjourn, second by Gerving. Motion carried unanimously. Meeting adjourned at 8:45 p.m.

ATTEST:

Walter Losinski, Mayor

Kimberly Nunberg, City Auditor