

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 President Walt Losinski at 7:00 pm on October 7, 2013. Present when the meeting was called to order was City Council Paul Lautenschlager, Henry Gerving, Tim Marman, Mark Benes, Jeanne Larson, Wade Walworth, City Auditor Kimberly Nunberg, Fire Chief Dan Buchholz, and guests Gene Allen, Richard Volesky, James Schneider, Tom & Marlys Updike, Jo Kimery, Casey Fisher, David Grice, Dell Beach, Gene Hamilton, Pat Lynch, Tom Marman, Pat Bren, Vicky Braden and Deb Walworth.

Minutes of the previous month meetings were read. Benes moved to approve the minutes with a correction, second by Walworth. Motion carried unanimously. Vouchers were reviewed for payment. Gerving moved to approve the following vouchers, second by Benes. Motion carried unanimously.

16670 Alternate Wrecker Service 650.00  
16671 Beach Area Chamber of Commerce 300.00  
16672 Beach Food Center 29.89  
16673 Void  
16674 Beach Vet Clinic 70.00  
16675 Best Western Plus Ramkota Hotel 592.00  
16676 Bismarck Tribune 118.00  
16677 Black Mountain Software 100.00  
16678 Boss 472.86  
16679 BW Insurance 50.00  
16680 Cal Turner 715.44  
16681 Dakota Dust-tex 67.80  
16682 Darrel's Body Shop 292.32  
16683 Dave Helsper 1146.41  
16684 Ebeltoft Sickler Lawyers 150.00  
16685 Estate of Sharon M. Zinsli 11788.00  
16686 Fallon County Treasurer 3698.00  
16687 Fargo Water Equipment/DSG 1080.44  
16688 Farmers Union 1035.40  
16689 Floyd Braden 227.40  
16690 G & G Garbage 1500.00  
16692 Golden Valley News 157.34  
16693 Golden Valley Extension 100.00  
16694 Interstate Engineering 534.80  
16695 Jackie Lindberg 45.00  
16696 John Deere Financial 120.49  
16697 Kadrmas, Lee & Jackson 2334.12  
16698 La Playa Mexican Restaurant 46.04  
16699 Mid-American Research Chemical 670.95  
16700 Midstate Communications 238.64

16701 Morrison Majerle Systems Corp 287.50  
16702 NAPA 179.67  
16703 NDLC 120.00  
16704 ND Dept. of Health 64.00  
16705 Northern Improvement Co. 2926.91  
16706 Olheiser Masonry 2900.00  
16707 Olympic Sales 452.00  
16708 One Call Concepts 24.20  
16709 Pace Construction 5623.56  
16710 Prairie Fire Pottery 180.00  
16711 Prairie Lumber Co. 79.06  
16712 Railroad Management Co. 558.06  
16713 Rohan's Hardware 142.42  
16714 Sackman Electric 3994.74  
16715 Sensus Metering Sys. 1524.60  
16716 Southwest Water 14763.69  
16718 Stockwell Cleaning by Nancy S. 225.00  
16719 Total Safety 95.60  
16720 Verizon Wireless 183.76  
16721 West Plains Inc. 278.16  
16629-16637 & 16649-16667 City Employees 22008.29  
16638 City of Beach 199.06  
16639 Jeanne Larson 300.40  
16640 Jill Schatz 19.50  
16641 Kim Nunberg 429.67  
16642 Wade Walworth 186.45  
16643 Blue Cross Blue Shield 3559.38  
16644 Blue Cross Blue Shield 454.70  
16645 Nelson International 3727.35  
16646 USPS 46.00  
16647 Nelson International 2778.86  
16648 USPS 140.56  
16668 ND PERS 893.00  
16669 City of Beach 90.00  
-89949 Office of State Tax Commissioner 813.99  
-89948 First State Bank of Golv 4794.43

### **Sheriff' Report**

Sheriff Steele was not able to attend this meeting but will be present on October 21<sup>st</sup> .

### **Public Works Report:**

Mayor Losinski gave an update on activities in the Public Works Department occurring over the past two weeks. The ad for the Public Works Superintendent position will close on October 11<sup>th</sup>. Fire Chief Dan Buchholz reported members of the Golf Association started grass piles on fire at the golf course. There were numerous complaints issued due to smoke and smoldering of the wet grass. Marman indicated the City did not grant permission to burn at the golf course and

recommended upholding the City Ordinance which prohibits burning in city limits. Buchholz mentioned when the wood pile at the landfill is burned it needs to be monitored closely by the city employees.

### **Auditor's Report**

Nunberg reviewed her written report. Gerving moved to approve Nunberg's request for Jill Schatz to become a Notary Public and the City cover all associated fees, second by Lautenschlager. Motion carried unanimously. Walworth moved to approve Nunberg's request to apply to ND Department of Transportation -Transportation Alternative Program for a Walking and Biking Trail, second by Gerving. Motion carried unanimously. Nunberg reviewed the financial report for the month of September and the quarterly financial report. Benes moved to approve the financial reports presented, second by Gerving. Motion carried unanimously.

### **Committee Report:**

Nunberg reminded City Council the Home Rule Charter which includes a one-cent City Sales Tax will be voted on in June of 2014.

### **Unfinished Business:**

None

### **New Business:**

A public hearing was held at 7:30 for comment on changing the zoning at 191 5<sup>th</sup> Street SW (see attached legal description) from Residential 1 to Residential 2 and grant a Conditional Use Permit to use the building as a boarding/rooming house and eventually convert to senior citizen housing. David Grice, owner of the property requesting the change, explained he would only rent the building to a company to be used for employee residential housing. Mayor Losinski opened the meeting for questions and comments from those in attendance. Gene Hamilton, Gene Allen, Marlys Updike, and Vicki Braden spoke in opposition of the project. Tom Marman spoke in favor of the project and Jo Kimery asked several questions. Mayor Losinski called for any last comments. There being none, Gerving moved to approve the change in Zoning and Conditional Use Permit, second by Lautenschlager. Motion carried unanimously.

Conditions are:

1. The property owner incorporates into the lease agreement a "Zero Tolerance Policy" on alcohol, drugs and firearms.
2. An independent property manager is required to reside on site. The property manager cannot be an employee of the Lessee.
3. The property owner incorporates into the lease agreement a "No Animals Allowed" Policy.
4. If noise complaints are issued, a fence approved by the city is to be installed on the west side of the property.
5. Recommend a specific traffic route for tenants of the property to abide by, preferably using Central Avenue to 6<sup>th</sup> Street SW thence East to the parking lot of the property.
6. Only 1 Ton and under pickups and personal cars allowed on site, no semi's allowed.
7. The Conditional Use Permit will expire in one year. At that time, the City Council will determine if the Conditional Use would be re-issued and the length of time.

8. If the property owner sells the property before the one year time limit of the Conditional Use, the new owner is subject to the above conditions.
9. The Conditional Use Permit does not become valid until proof of proper licensing from the ND Department of Health is provided to the City.

Pat Bren representing Dickinson Ready Mix Company presented a Petition to Vacate an Alley. Marman moved to approve the Petition to Vacate an Alley, second by Walworth. Discussion. Bren agreed to provide a dedicated 18' alley on the south side of the property as indicated on the attached map. Motion carried unanimously. A public hearing will be held on November 18<sup>th</sup> for comment on the Petition to Vacate an Alley. An Application for Coverage with North Dakota Insurance Department State Bonding Fund was reviewed. Benes moved to approve the Application, second by Larson. Motion carried unanimously. Benes moved to approve Resolution 377-2013, second by Walworth. Motion carried unanimously.

### **RESOLUTION NO. 377 -2013**

A RESOLUTION FINDING THAT THE OWNERS OF LESS THAN ONE-FOURTH OF THE TERRITORY PROPOSED TO BE ANNEXED HAVE FILED WRITTEN PROTESTS

WHEREAS, the City Council of the City of Beach has adopted Resolution 377, regarding the annexation of certain real property to the City of Beach; and

WHEREAS, the City Council has met to hear and determine the sufficiency of the protests; and

WHEREAS, the City Council finds that the annexation resolution, Resolution 377, was validly adopted; and

WHEREAS, the City Council finds the annexation resolution and notice of hearing were published once a week for two consecutive weeks in the official newspaper of the City; and a valid affidavit of publication has been provided to the City;

WHEREAS, the City Council finds that the City mailed, at least seven days before the meeting to hear and determine the sufficiency of written protests, by certified mail, a notice to the owner of each parcel of real property within the area to be annexed at the person's last-known mailing address; and further that the notice informed landowners of the resolution, the time and place of hearing, and the requirement that protests must be filed in writing; and further that the City Council mailed, at least seven days before the meeting to hear and determine the sufficiency of written protests, by certified mail, the notice of the time and place of the hearing to the governing body of each city, county, or township directly affected by the land area proposed to be annexed; and

WHEREAS, the City Council finds that the owners of less than one-fourth of the territory proposed to be annexed have filed written protests to the annexation.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Beach, North Dakota, as follows:

1. Upon an absence of protests filed by the owners of more than one-fourth of the territory proposed to be annexed as of the date of the adoption of the resolution, the territory described in the resolution becomes a part of the City; and

2. The following legally described real property, all situated, lying and being within Golden Valley County, North Dakota, is hereby annexed to the City of Beach, North Dakota, to-wit:

A tract lying in the SE $\frac{1}{4}$  of Section 23, Township 140 North, Range 106 West of the 5<sup>th</sup> PM more specifically as follows:

Beginning at the Northwest corner of Woodhull's 1<sup>st</sup> Addition and Southwest corner of Auditor's Tract A64, being 729.7 feet north of the southwest corner of SE $\frac{1}{4}$  Section 23, Township 140 North, Range 106 West; thence continuing north along the west boundary line of Auditor's Tract A64 and said west line of SE $\frac{1}{4}$  Section 23 a distance of 178.4 feet to what is the Point of Beginning for this tract; thence fifteen degrees (15°) north of east a distance of 462.37 feet to the east boundary line of Auditor's Tract A64 and west boundary line of Auditor's Tract A65; thence north along the west boundary line of Auditor's Tract A65 a distance of 67.95 feet to the northwest corner of Auditor's Tract A65, thence east along the north boundary line of Auditor's Tract A65 a distance of 206 feet, thence 15° north of east a distance of 165.7 feet to the west boundary line of Woodhull's 2<sup>nd</sup> Addition and east boundary line of Auditor's Tract A64, thence north along the east boundary line of Auditor's Tract A64 and Woodhull's Acreage, also being the west boundary line of Woodhull's 2<sup>nd</sup> Addition a distance of 1049.13 feet to the southwest corner of Auditor's Tract A63, also being the northwest corner of Woodhull's 2<sup>nd</sup> Addition; thence east along the south boundary line of Auditor's Tract A63 and Auditor's Tract A62, also being the north boundary line of Woodhull's 2<sup>nd</sup> Addition a distance of 1102 feet to the southeast corner of Auditor's Tract A62, also being the west boundary line of Woodhull's 1<sup>st</sup> Addition, thence north along the east boundary line of Auditor's Tract A62, Auditor's Tract A61 and Auditor's Tract A60, also being the west boundary line of Woodhull's 1<sup>st</sup> Addition a distance of 445.00 feet to the northeast corner of Auditor's Tract A60 also being the north line of the SE  $\frac{1}{4}$ , Section 23, Township 140 North, Range 106 West, thence west along the north boundary line of Auditor's Tract A60 and Auditor's Tract A66, also being the north line of the SE  $\frac{1}{4}$  Section 23, Township 140 North, Range 106 West, a distance of 1910.6 feet to the northwest corner of Auditor's Tract A66, also being the northwest corner of the SE  $\frac{1}{4}$ , Section 23, Township 140 North, Range 106 West, thence south along the west boundary line of Auditor's Tract A66, Woodhull's Acreage, and Auditor's Tract A64, also being the west line of the SE

¼, Section 23, Township 140 North, Range 106 West a distance of 1724.6 feet to the Point of Beginning.

Said tract contains 41.09 acres more or less.

3. A copy of Resolution 377 and an accurate map of the annexed area, certified by the executive officer of the City, shall be filed and recorded with the Golden Valley County Recorder.

Dated this 7<sup>th</sup> day of October, 2013.

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Walter Losinski, Mayor  
City Council  
City of Beach, North Dakota

ATTEST:

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Kimberly Nunberg, City Auditor

An Application for Community Enhancement Funding from Beach Area Chamber of Commerce was reviewed. Walworth moved to approve the request of \$300.00, second by Larson. Motion carried unanimously. Correspondence from Women in Ag Day Committee was read. Walworth moved to contribute \$100.00 from the Community Enhancement Fund, second by Larson. Motion carried unanimously. Correspondence from Golden Valley County Chapter 777 Pheasants Forever was read. Lautenschlager moved to donate two centennial books for the auction, second by Gerving. Motion carried unanimously.

No other business was brought forward. Walworth moved to adjourn, second by Larson. Meeting adjourned at 8:30 p.m.

ATTEST:

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Walt Losinski, Mayor

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Kimberly Nunberg, City Auditor