

**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 on November 18, 2013. Present when the meeting was called to order was City Council Henry Gerving, Tim Marman, Mark Benes, Jeanne Larson, Wade Walworth, PWS Mike Braden, City Auditor Kimberly Nunberg, Deputy Auditor Jill Schatz, City Engineer Jon Wilczek, and guests Pat Bren, Duane Martian, Pat Lynch, Jo Kimery, Deb Walworth and Gene Buresh.

**City Employees Report:** PWS Braden reported on sanitation/recycling collection and street sign repairs. Nunberg reviewed her written report.

**Committee Reports:**

Lagoon Expansion Project- City Engineer Wilczek provided plans for the lagoon expansion project which requires approximately 28 acres of land. Marman, Benes and Wilczek reported on meeting with the landowner whose property is adjacent to the lagoon. Marman moved to trade 16 acres of land in the NW area of the city for 28 acres of land adjacent to the lagoon and if there are any penalties for removing the 28 acres of land from CRP the city would be responsible for those costs, second by Benes. Discussion. Marman-yes, Benes-yes, Gerving-no, Larson-no, Walworth-no. Motion died. Discussion. Gerving moved to pay \$3,000 per acre for the 28 acres of land and if not accepted, as a last result initiate the process of eminent domain, second by Walworth. Discussion. Gerving-yes, Walworth-yes, Larson-yes, Marman-no, Benes-no. Motion carried.

Zoning – Nunberg mentioned the Zoning Board is recommending a Conditional Use for daycare be granted at 238 2<sup>nd</sup> Ave NE with the stipulation there is no parking on the west side of 2<sup>nd</sup> Ave NE between 4<sup>th</sup> Street and Main Street. Marman moved to approve the recommendation by the Zoning Board, second by Benes. Discussion. Motion carried unanimously. A Public Hearing will be set for December 16 at 7:30 pm.

**Unfinished Business:**

As requested at the previous meeting Nunberg provided information on Conflict of Interest.

**New Business:**

A Public Hearing was held for comment on a Petition to Vacate an Alley located at the south side of 4<sup>th</sup> Street North, between 4<sup>th</sup> Avenue East and 5<sup>th</sup> Avenue East. Pat Bren provided a map showing the alley requested to be vacated and the new alley he is willing to have dedicated. No written or verbal comments were given. Benes moved to approve the petition to vacate and re-dedicate an alley, second by Walworth. Motion carried unanimously. A Preliminary Plat for the Lighthouse Addition to the City of Beach was reviewed. Discussion. Gerving moved to approve the Preliminary Plat, second by Walworth. Motion carried unanimously. Correspondence from SW Water regarding an eleven cent rate increase was read. Gene Buresh, of Roosevelt Custer Regional Council presented the Dunn, Billings, Golden Valley and Stark County Multi-Hazard Mitigation Plan. Discussion. Gerving moved to approve RESOLUTION 2013-10 of the City of Beach adopting the Dunn, Billings, Golden Valley, and Stark Counties Multi-Hazard Mitigation

Plan as approved by the Federal Emergency Management Agency, second by Larson. Motion carried unanimously.

**RESOLUTION 2013-10**

**RESOLUTION OF THE CITY OF BEACH ADDOPTING THE DUNN, BILLINGS, GOLDEN VALLEY, AND STARK COUNTIES, NORTH DAKOTA MULTI-HAZARD MITIGATION PLAN AS APPROVED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).**

**WHEREAS**, the City Council for the City of Beach, North Dakota recognizes the threat that natural hazards pose to people and property within the city; and

**WHEREAS**, the City of Beach participated in the preparation of a multi-hazard mitigation plan hereby known as the 2013 Dunn, Billings, Golden Valley, and Stark Counties Multi-Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, the 2013 Dunn, Billings, Golden Valley and Stark Counties Multi-Hazard Mitigation plan identifies mitigation goals and action to reduce or eliminate long-term risk to people and property within the city from the impacts of future hazards and disasters; and

**WHEREAS**, the City Council of Beach is adopting the final plan that is approved by FEMA; and

**WHEREAS**, adoption by the City Council of Beach demonstrates its commitment to the hazard mitigation and achieving the goals outlined in the Dunn, Billings, Golden Valley, and Stark Counties Multi-Hazard Mitigation Plan as approved by FEMA; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BEACH THAT:**

The City of Beach adopts the Dunn, Billings, Golden Valley, and Stark County Multi-Hazard Mitigation Plan as approved by FEMA.

This 18<sup>th</sup> day of November, 2013

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Walter Losinski, Mayor

ATTEST:

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Kimberly Nunberg, City Auditor

Gervings moved to approve the First Reading of Ordinance 378, second by Walworth. Gervings-yes, Walworth-yes, Benes-yes, Larson-yes, Marman-no. Motion carried

### **ORDINANCE NO. 378**

#### **AN ORDINANCE AMENDING AND RE ENACTING SECTION 4.0408-4 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO FIREWORKS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH, NORTH DAKOTA, AS FOLLOWS:**

Section 1: Section 4.0408-4 entitled “Use and explosion of fireworks prohibited” is hereby amended and re-enacted as follows:

4.0408-4      Use and explosion of fireworks prohibited. It shall be unlawful for any person to explode fireworks within the city limits of the city of Beach, North Dakota, except between the hours of 9:00 o'clock a.m. to 11:00 o'clock p.m. from July 3rd to July 5th, and December 26th through January 1st of each year; provided, however, that the City Council may, in its sole discretion, allow for the use and explosion of fireworks within the city limits for such other special occasions and upon such other terms and conditions as the City Council may from time to time determine and establish. Any person in violation of this restriction shall be fined in an amount of at least \$25.00.

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

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Mayor, City of Beach, North Dakota

ATTEST:

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Kimberly Nunberg, City Auditor

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

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Walter Losinski, Mayor

ATTEST:

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Kimberly Nunberg, City Auditor