

**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 April 16, 2012. Present when the meeting was called to order was Council Tim Marman, Mark Benes, Jeanne Larson, Wade Walworth, Public Works Supt. Dell Beach, City Auditor Kimberly Nunberg, Sheriff Scot Steele and guests Deb Walworth, Gary & Mary Van Vleet, Bob Schmeling, Tom Marman, Jo Kimery, Brandt Gaugler, Janie Rathbun and Mike Braden.

**Employees Meeting:**

PWS Beach had nothing to report at this time. Nunberg reported on the success of the clean-up project held on Saturday called "Keep It Clean". Individuals filing petition for candidacy for City Council include; Wade Walworth, Jeanne Larson, Mark Benes and Maria Marman. Individuals filing petition for candidacy for City Park Board include; Jennifer Erickson, Terry Egan and Michael Braden. The Vision West ND community planning meeting will be held on Tuesday at 6:15 pm.

**Unfinished Business:**

Marman mentioned he would follow up with Charles Fulton and the City Engineer on the drainage ditch in Woodhull's Second Addition, Block 2. Any expenses incurred will be the responsibility of the property owner.

**New Business:**

Park Board Member Mike Braden and Parks & Recreation Manager Janie Rathbun requested \$40,000 from the Pool Tax Fund for operating the pool this summer. Walworth moved to approve dispersing \$20,000 from the Pool Tax Fund in April and \$20,000 in July, second by Benes. Motion carried unanimously. Marman inquired about two RV's at 306 1<sup>st</sup> Ave SW being occupied as residential dwelling units. Nunberg mentioned this was already addressed at the Zoning Board meeting today and the property owner will be contacted regarding the zoning violation.

Larson moved to approve the First Reading of Ordinance 372, second by Walworth. Motion carried unanimously.

**ORDINANCE NO. 372**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 3.0207 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO WEIGHT AND LOAD RESTRICTIONS**

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

**Section 1:** Section 3.0207 entitled "Weight and Load Restrictions" is hereby amended and re-enacted as follows:

### **3.0207 WEIGHT AND LOAD RESTRICTIONS:**

No person shall operate any vehicle at any time upon any street or part of a street, with a gross weight which exceeds a number 3 restriction as adopted by the State Highway Patrol Motor Carrier Division, except as follows:

- A. Vehicles shall be permitted along those routes designated by the City Council as truck routes and indicated as such, which do not exceed in weight those limits as determined from time to time by the State of North Dakota for highways other than the Interstate System, except that designated truck route from Interstate 94, along Highway 16 to 4th Street North, thence east along 4th Street North to Central Avenue, thence South along Central Avenue to Main Street, thence from Main Street East shall be those weight limits determined from time to time by the State of North Dakota for vehicles on the Interstate System.
- B. Vehicles in excess of a number 3 restriction may be operated upon streets other than those designated as truck routes for the purpose of delivering or picking up materials or merchandise, and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no further than the nearest intersection thereafter.
- C. That this section shall not apply to vehicles and equipment of the City's public works and fire department.

Failure to abide by the provisions of this Section shall be violation of the Section, and shall be punishable by a fine of One Hundred Dollars and No Cents (\$100.00).

The Police Department is authorized to remove or cause to be removed any vehicle found to be in violation of this Section, and may impound and retain the same until the expense of removal, storage, and impounding has been paid in full, together with the amount of any fine, costs, bail, or other claims of the City against the owner or any other person lawfully entitled to possession thereof within a period of thirty (30) days after the impounding, any vehicle so impounded may be sold and disposed of by the Police Department in the manner provided in Section 12.0505 of the Beach City Code, as may be amended from time to time.

For the purpose of this Section, the word "street" shall mean any street, avenue, lane, alley, drive, or any other title that indicates a street.

**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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Kim Nunberg, City Auditor

An Application for Property Tax Incentives for New and Expanding Businesses submitted by Zachmann Rentals was reviewed. Benes moved to approve the application, second by Larson. Motion carried unanimously. Tom Marman representing the Beach Zoning Board reported on the following recommendation approved at the Zoning Board meeting today:

Woodhull's Second Addition, Block 2, Lots 7-8 from Residential 1 to Public Use

Woodhull's Second Addition, West half of Block 7 from Public Use to Residential 1

Near's Second Addition, Block D from Agriculture to Residential 2

Near's Second Addition, Block AA from Agriculture to Industrial

Near's Second Addition, Block C from Agriculture to Industrial

Near's Second Addition, Block V from Agriculture to Industrial

Near's Second Addition, Block U from Agriculture to Industrial

Near's Second Addition, Block B from Agriculture to Industrial

Near's Second Addition, Block H from Agriculture to Industrial

Marman mentioned the majority attending the zoning meeting today were in favor of the zoning change. Property owners Gary and Mary Van Vleet were not present at the zoning meeting this morning. Mayor Losinski allowed them time to express their opposition with re-zoning the West half of Block 7, Woodhull's Second Addition from Public Use to Residential 1. Discussion.

Marman called for a point of order. Larson moved to approve the recommendation presented by Tom Marman, second by Walworth. Motion carried unanimously. Property owners within 150' of the area proposed to be re-zoned will be notified of a Public Hearing set for May 21, 2012 at 7:30 pm. An Application for Raffle submitted by FBLA was reviewed. Benes moved to approve the raffle, second by Walworth. Motion carried unanimously. An Application for Raffle submitted by GV County Fair Association was reviewed. Benes moved to approve the raffle, second by Walworth. An Application for Special Events submitted by The Backyard was reviewed. Walworth moved to approve the Special Events, second by Benes. Motion carried unanimously. Bob Schmeling made the Council aware of drainage issues near the arena area at the Fair Grounds.

No other business was brought forward. Walworth moved to adjourn, second by Larson. Motion carried unanimously. Meeting adjourned at 8:00 p.m.

ATTEST:

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Walter Losinski, Mayor

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Kimberly Nunberg, City Auditor