

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 March 5, 2012. Present when the meeting was called to order was City Council Paul Lautenschlager, Mark Benes, Jeanne Larson, Wade Walworth, Henry Gerving, Tim Marman, PWS Dell Beach, City Auditor Kimberly Nunberg and guest Patricia Lynch.

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

15156 Beach Food Center 3.69

15157 Beach Vet Clinic 103.64

15158 BOSS 13.00

15159 City of Golva 500.00

15160 Ebeltuft Sickler Lawyers 314.50

15161 Fallon County Treasurer 1318.82

15162 Fargo Water 336.53

15163 Farmers Union 2445.76

15164 FBLA 100.00

15165 Floyd Braden 227.40

15166 Four Seasons Trophy 11.00

15167 G & G Garbage 2100.00

15168 Golden Valley County 6968.00

15169 Golden Valley News 335.94

15170 Golva Repair 138.72

15171 Industrial Towel 15171

15172 Jan Kuchera 49.00

15173 John Deere Financial 45.58

15174 Midstate Communication 223.04

15175 Morrison Majerle System 20.00

15176 NAPA 19.98

15177 ND Department of Health 32.00

15178 ND Insurance Department 10.06

15179 One Call Concepts 1.30

15180 Rohan's 57.34

15181 S & R Interiors 5787.44

15182 Southwest Water Authority 8474.01

15183 Stockwell Cleaning Service 225.00

15184 West Plains 34.55

15185 MDU 4733.96

15122-15127 & 15137-15152 City Employees Wages for February 15207.13
15128 ND Child Support 84.00
15129 ND PERS 100.00
15130 City of Beach 91.75
15131 Blue Cross BlueShield 4451.50
15132 Blue Cross Blue Shield 424.50
15133 Kent Shaw 93.33
15134 Kimberly Nunberg 42.84
15135 Verizon 181.30
15136 USPS 180.99
15153 ND Child Support 84.00
15154 ND PERS 100.00
15155 ND PERS 1245.23
-89974 First State Bank of Golva 2595.19

Sheriff's Report

The monthly report consisting of 22 calls, 3 citations and no written warning was presented. Mayor Losinski mentioned he will be talking to the Sheriff about truck route enforcement. Concerns of houses not displaying proper numbers were mentioned. PWS Beach will compile a list of properties without house numbers and Nunberg will notify the property owners explaining the importance of numbering.

Public Works & Auditor's Report

PWS Beach reported Kent Shaw is in Bismarck this week for water treatment certification. ND Rural Water System Association will sludge test lagoon as soon as weather allows. Beach provided an estimate from RDO Equipment on trading the loader. Marman moved to approve the trade in, second by Lautenschlager. Motion carried unanimously. Nunberg reviewed the financial report for the month of February. Benes moved to approve the financial report, second by Gerving. Motion carried unanimously.

Committee Reports:

Marman reported the sewer line which runs through the park on 4th Street NE is plugged and three properties are being affected. There was discussion on who is responsible for maintenance on the line. Marman moved to repair the sewer line in the park and the sewer line that ties to the manhole at the intersection of 2nd Ave NE and Third Street, second by Benes. Motion carried unanimously.

New Business:

Gerving moved to approve the Second and Final Reading of Ordinance 371, second by Larson. Motion carried unanimously.

ORDINANCE NO. 371

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 1.0505 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO CONVEYANCE, SALE, LEASE OR DISPOSAL OF REAL PROPERTY

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

Section 1: Section 1.0505 of the City Code of the City of Beach, North Dakota, entitled “Conveyance, Sale, Lease or Disposal of Real Property” is hereby amended and re-enacted as follows:

1.0505 Conveyance, Sale, Lease or Disposal of Real Property

(a) Public Disposition of Real Property.

Real property belonging to the municipality shall be conveyed, sold, leased, or disposed of only as approved by a two-thirds (2/3) vote of all members of the governing body. Instruments affecting such conveyance, sale, lease, or disposal shall be valid only when duly executed by the mayor and attested by the city auditor. Subject to the restrictions of Sections 40-11-04 NDCC and 40-11-04.1 NDCC which require public notice of a sale of real estate in excess of a certain amount, it shall be at the discretion of the city council as to whether or not there shall be an advertisement for bids for such conveyance, sale, lease, or disposal; whether or not advertisements shall be made in other states of the fact that certain real property is available for such disposition; and whether or not sale should be made at public auction; such decision by the governing body to be made by a majority vote of the members present. Bids for the purchase or lease of real property belonging to the municipality, whether or not advertisement thereof has been made, shall be directed to the city council and submitted to the city auditor, who shall present any and all such bids to the city council at its next regularly scheduled meeting.

(b) Alternative Methods of Disposition

As an alternative method of disposition of real property, the City Council, through its Home Rule authority, may:

(1) Convey, sell, lease or dispose of such properties by private sale through the utilization of nonexclusive listing agreements. The City Council may by resolution describe the real property to be conveyed, sold, leased, or disposed of, and provide a maximum rate of fee, compensation or commission for any licensed real estate broker engaged by the City. The City Council reserves the right to reject any and all offers determined to be insufficient or otherwise objectionable.

(2) Upon a finding of the governing body that it is in the best interests of the City of Beach, enter into such agreements for the conveyance, sale, lease, or disposal of real property as the City Council deems appropriate, waiving any purchase or sale

requirements under state law or local ordinances. Services or personal property may be included in such transaction, provided that such services or personal property are incidental to the conveyance, sale, lease, or disposal of the real property.

(c) Conflicts with North Dakota Century Code

When a specific statutory provision contained in the North Dakota Century Code provides for a procedure which is in conflict with this section governing conveyance, sales, lease, or disposal of real property, this section shall not apply insofar as it is in conflict with such state law. A portion of said statutory procedures are as follows:

- A. Lease of airports or landing fields, or portions thereof shall be under authority granted in Section 2-02-06 NDCC. Said lease shall further be in compliance with regulations and directives of appropriate federal agencies.
- B. Conveyance of right of way for any state highway shall be as provided in Section 24-01-46 NDCC.
- C. Leasing of oil and gas lands shall be as provided in Sections 38-09-02 through 38-09-04 and Sections 38-09-14 through 38-09-20 NDCC.
- D. Conveyance of property to a municipal parking authority shall be as provided in Section 40-61-05 NDCC.
- E. Lease of public buildings or portions thereof shall be as provided in Chapter 48-08 NDCC.
- F. Granting of concessions for cafes, restaurants, and confectionaries on public buildings and grounds shall be as provided in Chapter 48-09 NDCC.
- G. Granting or right of way for a railway, telephone line, electric light system, or a gas or oil pipeline system shall be as provided in Section 49-09-16 NDCC.

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.

Walter Losinski, Mayor

ATTEST:

Kimberly Nunberg, City Auditor

Motion carried unanimously. Correspondence was read from the City of Golva requesting support for their annual fireworks display. Gerving moved to donate \$500 from the Community Enhancement Funds, second by Walworth. Lautenschlager-no, Gerving-yes, Marman-no, Benes-yes, Larson-yes, Walworth-yes. Motion carried. Nunberg presented a plan for recycling newspapers utilizing high school students who participate in a program called “Close-Up”. Discussion. Benes moved to cost share the expense of the recycling containers that will be used for transporting the newspapers, and for a period of one year any profit from the newspapers would be donated to Close Up, second by Walworth. Motion carried unanimously.

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

ATTEST:

Walter Losinski, Mayor

Kimberly Nunberg, City Auditor