

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 June 20, 2011. Present when the meeting was called to order was Council Tim Marman, Mark Benes, Wade Walworth, Mike Bingeman, Public Works Supt. Dell Beach, Public Works Employee Kent Shaw, City Auditor Kimberly Nunberg, guests Deb Walworth and Dean Dovolis.

PWS Beach provided an estimate from McDanold Paving on street repairs. More information will be provided at the next meeting. Nunberg mentioned the Zoning Board met today and will be requesting the City Council update several definitions in the Zoning Ordinance.

Committee Reports:

Marman mention the building project is progressing; as soon as the electrician is completed they will be able to finish Phase 1 of the project. Walworth moved to allow Marman Construction to proceed with Phase 2 of the building project pending cost proposal, second by Benes. Walworth-yes, Benes-yes, Bingeman-no. Marman abstained. Motion carried.

Unfinished Business:

New Business:

Dean Dovolis, DJR Architecture Inc. provided information to the council on oil activity development in the surrounding cities. Nunberg reviewed the Management Discussion & Analysis (MD&A) for the year 2010. Benes moved to approve the MD&A, second by Walworth. Motion carried unanimously. Jim Wosepka, CPA reviewed the Audit Report for the year 2010. Walworth moved to approve the audit report, second by Benes. Motion carried unanimously. Benes moved to approve the Second and Final Reading of Ordinance 369, second by Walworth. Motion carried unanimously.

ORDINANCE NO. 369

**AN ORDINANCE ANNEXING CERTAIN TERRITORY AND
INCORPORATING THE SAME WITHIN THE CORPORATE BOUNDARIES
OF THE CITY OF BEACH, NORTH DAKOTA.**

PREAMBLE

1. A petition has been presented to the City Council of the City of Beach, signed by owners of real and personal property of the territory herein described requesting annexation of their properties to the City of Beach.

2. The appropriate notices and requirements of NDCC Chapter 40-51.2-05 have been complied with.

3. The annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and of this city as a whole.

Now, therefore, be it ordained by the City Council of the City of Beach, County of Golden Valley, State of North Dakota as follows:

**SECTION ONE
ANNEXATION OF TERRITORY**

There is hereby annexed to the City of Beach, County of Golden Valley, State of North Dakota, and incorporated within the corporate boundaries thereof, the following territory adjoining the present corporate boundaries of the city:

**TRACT "A"
Annexation to City of Beach, North Dakota
Metes and Bounds Description**

Tract A is also described as a tract of land located within the East Half of the East Half of the Southwest Quarter (E ½ E ½ SW ¼) of Section 26, Township 140 North, Range 106 West of the 5th Principal Meridian, Golden Valley County, North Dakota being more specifically described as follows:

BEGINNING at the center quarter corner of said Section 26, said point also being the northeast corner of said East Half of the East Half of the Southwest Quarter of Section 26; thence southerly along the east line of said East Half of the East Half of the Southwest Quarter of Section 26 on an azimuth of 179°59'08", a distance of 2641.26 feet to a point on the south line of the said East Half of the East Half of the Southwest Quarter of Section 26; thence westerly along the south line of said East Half of the East Half of the Southwest Quarter of Section 26 on an azimuth of 270°06'30", a distance of 656.18 feet; thence northerly on an azimuth of 359°36'34", a distance of 2448.02 feet; thence on an azimuth of 061°22'38", a distance of 58.04 feet; thence on an azimuth of 048°18'59", a distance of 62.23 feet; thence on an azimuth of 034°16'04", a distance of 70.00 feet; thence on an azimuth of 019°58'51", a distance of 70.02 feet to a point on the north line of said East Half of the East Half of the Southwest Quarter of Section 26, thence easterly along said north line of the East Half of the East Half of the Southwest Quarter of Section 26 an azimuth of 090°05'16", a distance of 511.44 feet to the POINT OF BEGINNING.

Said Tract A contains 39.84 acres.

**SECTION TWO
NEW CORPORATE LIMITS**

The corporate limits of the City of Beach are hereby extended and increased so as to include and embrace within the corporate limits of the City of Beach, the territory described in Section One hereof, and such territory is hereby declared to be a part of the City of Beach.

Section 3: ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT
HEREWITH ARE HEREBY REPEALED.

Section 4: EFFECTIVE DATE: THIS ORDINANCE SHALL BE IN FULL FORCE
AND EFFECT FROM AND AFTER FINAL PASSAGE.

CITY OF BEACH

Attest:

By: _____
Walter Losinski, Mayor

Kimberly K. Nunberg, City Auditor

First Reading: June 6, 2011

Second Reading: June 20, 2011

Final Passage: June 20, 2011

Nunberg requested the following Applications for Energy Infrastructure and Impact be approved to be submitted: Improvements to the Waste Management Center, Truck Route Repairs, Sewer Rate Analysis & Maintenance, Installation of Street Sign Project, Replacement of Rescue Unit and First Responder Unit. Walworth moved to approve the five applications with 10% matching funds, second by Benes. Motion carried unanimously. An Application for Local Raffle from Golden Valley County Fair Board was reviewed. Walworth moved to approve the raffle, second by Benes. Motion carried unanimously. An Application for Local Raffle from Beach Baseball was reviewed. Walworth moved to approve the raffle, second by Bingeman. Motion carried unanimously. Applications for On/Off Sale Beer and Liquor Licenses from the Backyard and the Legion were reviewed. An Application for Off Sale Beer & Liquor from Cedar Liquors was reviewed. Benes moved to approve all applications, second by Bingeman. Walworth abstained. Motion carried. An Application for Special Events from the Backyard was reviewed. Benes moved to approve the application, second by Bingeman. Motion carried unanimously. An Application for a Blighted Building Grant submitted by Jim Dykins was reviewed. A decision was tabled until the next meeting as not enough information was provided.

RESOLUTION 2011-11

**A RESOLUTION APPROVING THE VACATION OF AN 18' ALLEY BETWEEN
LOTS 1-3 & 7-9, BLOCK 6 IN WOODHULL'S SECOND ADDITION, CITY OF BEACH,
NORTH DAKOTA, SUBJECT TO EXISTING UTILITY EASEMENTS.**

WHEREAS, a petition has been duly submitted to the City Council of the city of Beach, North Dakota, requesting vacation of an alley within the City of Beach; and

WHEREAS, the City Council of said city, finding said petition to be in proper order, having heretofore caused Notice of Public Hearing on such petition to be duly published four times in the Golden Valley News on April 21, 28, and May 5 ,12, 2011; and

WHEREAS, said matter came on regularly to be heard before the City Council in and for the city of Beach on the 6th day of June, 2011, at 7:30 P.M., at City Hall in said city, in accordance with said Notice heretofore published as aforesaid. The City Council having heard and considered the testimony offered, and it appearing that said petition was signed by all of the owners of the property adjoining said alley, and the City Council being fully satisfied and having determined that the vacation of the alley herein described is in the best interests of the city of Beach, and no objection to such vacation has been filed or presented;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Beach, North Dakota, that so much of that certain alley within the City of Beach, more particularly described as follows to wit:

18' wide by 141' long between Lots 1-3 & 7-9, Block 6, Woodhull's Second Addition to the City of Beach, Golden Valley, North Dakota

BE, AND THE SAME IS HEREBY VACATED in accordance with Chapter 40-39 of the North Dakota Century Code, SUBJECT, HOWEVER, to any and all prior easements, reservations and exceptions now of record, including a perpetual easement for the maintenance of all utilities underlying said alley, said utilities including but not limited to MDU, Midstate Communications & Telephone and the City of Beach.

BE IT FURTHER RESOLVED that a certified copy of this resolution, duly certified by the City Auditor, be filed for record and duly recorded in the office of the Golden Valley County Recorder, Golden Valley County, North Dakota, and that such resolution shall thereafter have the effect of conveying to the abutting property owners all of the remaining right, title and interest to the city of Dickinson in and to the above described portion of the alley, which is hereby vacated, subject to a perpetual easement for the maintenance of all utilities underlying said alley in accordance with NDCC §40-39-04.

The above resolution was introduced by Councilman Walworth, and duly seconded by Councilman Marman. Upon vote thereon, Councilman Bingeman, Benes, Marman and Walworth voted in favor thereof and none voted against the same. Said resolution was declared duly passed and adopted by unanimous vote.

Dated this 20th day of June, 2011.

Walter Losinski, Mayor

ATTEST:

Kimberly Nunberg, City Auditor

An Application for Property Tax Exemption for Improvements to Commercial and Residential Buildings submitted by Eric Farstveet was reviewed. Benes moved to approve the application, second by Marman. Motion carried unanimously. Thank you correspondence was read from Post Prom and Post Graduation. Mayor Losinski completed evaluations and requested the Council approve the following salaries:

Public Works Supt. – \$17.66 hr

Public Works Employee - \$13.91 hr

City Auditor – \$3300 monthly

Deputy Auditor – \$8.83 hr

Recycling & Landfill Employee – \$10.02

Solid Waste Employee -\$2440.07 monthly

Bingeman moved to approve the recommendation, effective as of July 1, 2011, second by Walworth. Motion carried unanimously.

No other business was brought forward. Walworth moved to adjourn, second by Bingeman. Motion carried unanimously. Meeting adjourned at 8:20 p.m.

Walter Losinski, Mayor

ATTEST:

Kimberly Nunberg, City Auditor