

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 Jeanne Larson on October 21, 2019 at 7:00 pm. Present when the meeting was called to order was City Council Tim Marman, Andy Zachmann, Bev Wolff, Mark Benes, Wade Walworth, Public Works Superintendent Randy Dietz, City Auditor Kimberly Gaugler, Engineer Jasper Klein, guests Brandon Gerving, Mark & Cyndi Resner, and Marcus Knutson.

The Pledge of Allegiance was recited.

Roll call was taken. Mayor Gerving was absent.

President Larson called for additions to the agenda. Marman request adding discussion of an email sent from Mayor Gerving to all City Council on October 4th. Gaugler request adding four Applications for Special Event Permit and Correspondence from Golden Valley County Fair Board. Larson request adding committee reports for Zoning, Community Strategic Planning Committee, and Census Count Committee. Larson approved all additions to the agenda.

Minutes

Minutes of the meeting on October 7, 2019 were presented. Benes moved to approve the minutes, second by Wolff. Motion carried unanimously.

Public Works Report

PWS Dietz reviewed his written report.

Auditor Report

Gaugler reviewed her written report. Gaugler reviewed the financial statement for the month of September. Benes moved to approve the financial statement, second by Walworth. Motion carried unanimously.

Engineers Report

2019 Sanitary Sewer Replacement Project

Engineer Klein reported punch list items for this project are nearly complete. Contractor's Application for Payment No. 4 in the amount of \$158,081.19 was presented. Benes moved to approve Contractor's Application for Payment No. 4, second by Walworth. Motion carried unanimously.

Sheriff's Report

The Sheriff's Report for the month of September consisting of 11 calls, 3 warnings and 1 citation was reviewed.

Committee Reports

Complete Count Committee

Larson reported a Regional Representative for Census 2020 will be holding training session on November 7th. Fourteen community members will be participating.

Zoning Board

Larson reported this morning the Zoning Board request City Attorney Nate Bouray review an Application for Conditional Use at 105 Central Avenue. Two Applications for Building were approved at the Zoning Board meeting and an Application for Conditional Use at 53 First Avenue SE was reviewed.

Strategic Planning Committee

Larson recommended adding Tama Smith to Focus Area #2 - Business Growth and adding Vanessa Ueckert to Focus Area #3 - Making Beach a Destination. Benes moved to approve the recommendation, second by Walworth. Motion carried unanimously.

New Business

Benes moved to approve the First Reading of Ordinance 388, second by Wolff. Motion carried unanimously.

ORDINANCE NO. 388**AN ORDINANCE AGREEING TO TERMINATE AN EXISTING FRANCHISE
PREVIOUSLY GRANTED TO BEACH CABLE, LLC.**

Be it ordained by City Council of the city of Beach, North Dakota:

Section 1.

That Beach Cable, LLC, was previously granted the right to use and occupy the streets, alleys and other public places of the city of Beach, North Dakota, for a term of fifteen (15) years from the effective date of October 17, 2016, for the purpose of constructing, maintaining and operating a cable television system within said city.

Section 2.

That Beach Cable, LLC seeks termination of the previously granted franchise, prior to its expiration on October 17, 2031. That the City of Beach seeks to agree with Beach Cable, LLC as to termination of the existing cable franchise, upon such terms and conditions are set forth hereafter.

Section 3.

That existing franchise that was granted to Beach Cable, LLC shall terminate, and be of no force or effect following December 31, 2019, except to the extent of the continuing obligations of Beach Cable, LLC, to retrieve its property and to reclaim City property, as more fully described below.

Section 4.

Beach Cable, LLC agrees that, no later than six months following the termination date of the franchise (the "Removal Date"), it will remove all of its property from

the City's streets, alleys and other public places that Beach Cable, LLC had previously operated in pursuant to the franchise agreement discussed herein, pursuant to a written plan, agreed to with the Beach Public Works Superintendent.

Section 5.

Any property remaining on City owned property after the Removal Date, may at the sole option of the City, become City property. If any property is left in place after the Removal Date, which the City does not wish to retain, it shall provide notice to Beach Cable, LLC listing the description and location of the property to be removed. If Beach Cable, LLC fails to remove the property within thirty (30) days following notice, City shall have the property removed, and the removal costs assessed to Beach Cable, LLC.

Section 6.

In case of disturbance of any street, sidewalk, alleys public way, or paved area, Beach Cable, LLC shall, at its own cost and expense and in manner approved by the City Public Works Superintendent or Engineer, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done.

Section 7.

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.

CITY OF BEACH

(Seal)

Henry Gerving, Mayor,
City of Beach, North Dakota

ATTEST:

Kimberly Gaugler, City Auditor

First Reading: _____

Marman questioned if an email sent by Mayor Gerving to all City Council on October 4th violated Open Meeting Laws. Marman moved to seek an opinion from City Attorney Nate Bouray to determine if a violation occurred, second by Benes. Motion carried unanimously.

Four Applications for a Special Event Permit were reviewed; Wild Vines Market, LLC on November 2nd, GV County Fair Board on November 13th, GV County Fair Board on November 22nd, and Wild Vines Market, LLC on November 25th. Walworth moved to approve all Applications for Special Event Permit, second by Wolff. Motion carried unanimously.

Correspondence from GV County Fair Board requesting a Variance from Special Event Permits was read. Marman moved to seek an opinion from City Attorney Nate Bouray, second by Walworth. Motion carried unanimously.

No other business was brought forward. Larson adjourned the meeting. Meeting adjourned at 7:40 p.m.

ATTEST:

Jeanne Larson, President

Kimberly Gaugler, City Auditor