

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 Henry Gerving on November 4, 2019 at 7:00 pm. Present when the meeting was called to order was City Council Tim Marman, Andy Zachmann, Bev Wolff, Jeanne Larson, Mark Benes, Public Works Supt. Randy Dietz, City Auditor Kimberly Gaugler, Engineer Kenzie Robertson, Engineer Jasper Klein, and guest Cyndi Resner.

The Pledge of Allegiance was recited.

Roll call was taken. Wade Walworth was absent.

Mayor Gerving called for additions to the agenda. Gaugler request adding an Application for Local Permit. Gerving request adding discussion on overtime pay. Gerving approved the additions.

Minutes

Minutes of the meeting on October 21, 2019 were presented. Benes moved to approve the minutes, second by Zachmann. Motion carried unanimously.

Vouchers

Benes moved to approve the following vouchers, second by Larson. Motion carried unanimously.

20803 Bart Bishop 33.10
20804 Beach Co-Op Grain 114.04
20805 Beach Food Center 53.11
20806 Beach Park Board 4,832.03
20807 Black Mountain Software 100.00
20808 Boss Office Products 129.83
20809 CNH Capital 202.12
20810 Coral Creek Landfill 1,611.75
20811 Core & Main 663.94
20812 Crap Nappers 400.00
20813 CT Electric 6,719.03
20814 Dakota Dust-Tex 82.55
20815 Golden Valley County 8,957.47
20816 GV News 280.45
20817 GV Weed Board 535.08
20818 Jill Schatz 55.90
20819 Kellee Beggs 50.00
20820 Kimberly Gaugler 381.68
20821 MARC 892.26
20822 Midco Diving & Marine Services 750.00
20823 Midstate Communications 368.47
20824 MDU 5,411.00

20825 ND Department of Environmental Quality 368.10
20826 ND Surplus 287.00
20827 One Call Concepts 15.05
20828 Pace 6,668.88
20829 Polar Trucking 1793.75
20830 Prairie Fire Pottery 90.00
20831 Prairie Lumber Co. 42.57
20832 Radisson Inn 867.00
20833 Ramkota Hotel 297.00
20834 Randy Dietz 399.74
20835 Rohan's Hardware 62.13
20836 S&R Interiors 1,325.14
20837 Southwest Water 11,234.57
20838 Stockwell Cleaning 275.00
20839 Tony Wanner 40.00
20840 Valli Information Systems 50.00
20841 Verizon 178.32
20842 Wild Vines Market 75.00
-88769 -88765 & 20787-20789, -88763 -88752 & 20796-20801 Wages for October 27,627.14
-88770 ND State Tax 641.89
-88763 First State Bank of Golv 2,795.97
20790 City of Beach 437.17
-88751 First State Bank of Golv 3,473.51
-88750 ND PERS 3,569.40
20791 Unum Life Insurance 47.61
20792 Blue Cross Blue Shield 5,511.50
20793 MDU 6,137.38
20794 Blue Cross Blue Shield 692.50
20795 GVC Women in Ag 100.00
20802 City of Beach 235.28

Public Works Report

Dietz reviewed his written report.

Auditor Report

Gaugler reviewed her written report. Gaugler reported on attending the Main Street Summit and the City of Beach being awarded the Future Leaders Empowerment Award.

Engineers Report

2019 Sanitary Sewer Replacement Project

Engineer Klein reviewed his report. Klein presented Change Order 2 in the amount of \$45,353.00. Benes moved to approve Change Order 2, second by Wolff. Motion carried unanimously. Klein presented Contractor's Application for Payment No. 5 in the amount of \$153,757.00. Benes moved to approve Contractor's Application for Payment No. 5 pending Klein's final review, second by Zachmann. Motion carried unanimously.

Klein reported there were a total of 265 projects submitted to ND Drinking Water State Revolving Fund Program. Beach has three projects receiving the following rank;

3. Lead Line Replacement Project

24. Transmission Main to Connect North Standpipe to South End of System

46. South Water Tower Rehabilitation

Committee Report

Census Committee Report – Larson reported fourteen people have committed to attending the training session on November 7th.

Strategic Planning Committee – Larson reported the committees will meet on November 20th.

Mayor Gerving mentioned since January there has been \$7,300 in overtime pay. Employees should be observant of work schedules and only work overtime when absolutely necessary.

New Business

Larson moved to approve Second 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: October 21, 2019

Second Reading: November 04, 2019

Final Reading: November 04, 2019

An Application for Special Events submitted by 3rd Avenue Liquor was reviewed. Benes moved to approve, second by Zachmann. Motion carried unanimously.

The City Council and Mayor reviewed City Ordinance Chapters XI and XII.

Correspondence was reviewed from Attorney Nate Bouray regarding a request from Golden Valley County Fair Board for variance to City Ordinance 10.0428 - Toilets Required.

Correspondence was reviewed from Nate Bouray regarding Open Meetings Laws.

An Application for Local Permit submitted by Beach Close-Up was reviewed. Benes moved to approve, second by Larson. Motion carried unanimously.

No other business was brought forward. Larson moved to adjourn the meeting. Meeting adjourned at 8:15 p.m.

ATTEST:

Henry Gerving, Mayor

Kimberly Gaugler, City Auditor