

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 Jeanne Larson on May 3, 2021 at 7:00 p.m. Present when the meeting was called to order was City Council Nick Hegel, Tim Marman, Lynn Swanson-Puckett, Sarah Ross, Bev Wolff, Andy Zachmann, PWS Randy Dietz, City Auditor Kimberly Gaugler, and Engineer Eric Lothspeich.

The Pledge of Allegiance was recited.

Roll call was taken. All members were present.

Mayor Larson called for any additions or corrections to the agenda. Gaugler request adding to the agenda Designation of the Official Newspaper for the City.

Minutes

Minutes of the meeting on April 19th were presented. Wolff moved to approve the minutes, second by Swanson-Puckett. Motion carried unanimously.

Vouchers

Vouchers were reviewed for payment. Marman moved to approve paying half of the bill submitted by Gary VanVleet at 800 5th Avenue NW for replacement of the sewer service line in the boulevard, second by Swanson-Puckett. Motion carried unanimously. Hegel moved to approve the following vouchers presented, second by Wolff. Motion carried unanimously.

21787 Abrasives Inc. 501.97

21788 AE2S 395.20

21789 Beach Food Center 25.30

21790 Beach Park Board 4541.02

21791 Boss Office Products 71.14

21792 CNH 198.82

21793 Comfort Suites 86.40

21794 Cooperative Legal Services PLLC 2,025.00

21795 Dakota Pump Control 750.00

21796 Display Sales 491.00

21797 Farmers Union/NAPA 1,986.61

21798 G & G Garbage 1,800.00

21799 Gary VanVleet 1,415.25

21800 GV County 8,757.00

21801 GV News 971.51

21802 Jill Schatz 122.28

21803 John Deere Financial 943.80

21804 JSG Agency 19.00

21805 Kimberly Gaugler 11.15

21806 Loren Martian 67.20

21807 Midstate Communications 369.43

21808 Mindt Machines 2,975.10

21809 MDU 5,338.90
21810 Randall Dietz 282.71
21811 Rohan's Hardware 51.32
21812 S&R Interiors 150.50
21813 SBM 150.00
21814 Sensaphone 299.40
21815 Southwest Water Authority 12,142.49
21816 Stockwell Cleaning 275.00
21817 Thomas Littlecreek 12.83
21818 Toter Wastequip, LLC 3,379.75
21819 Valli Information 25.00
21820 Verizon 170.40
21821 Wild Vines Market 44.50
-88939-88390, 21762-21765,-88392-88386, 21770-21772,-88384-88375, 21778-21785
Wages for April 27,540.38
-88393 ND State Tax 622.90
21766 City of Beach 261.87
-88389 FSB 2,675.21
21767 Unum Life Insurance 49.95
21768 BCBS of ND 6,536.00
21769 BCBS of ND 821.20
21773 Void
21774 Bank of ND 29,945.53
-88385 NDPERS 76.08
21775 Void
21776 US Treasury 317.04
21777 USPS 216.44
21786 City of Beach 371.34
-88374 FSB 3,102.82
-88373 ND PERS 1,818.43
Manual Check 2001 AE2S 5,709.13
Manual Check 2002 Arntson Stewart Wegner, PC 3,603.83

Public Works Report

PWS Dietz reviewed his written report. Dietz provided an estimate of \$88,495.00 from Elite Enterprise, LLC to install watermain in the alley west of 1st Ave SW between 6th and 4th Streets. Dietz explained this project would improve the water quality and quantity in this area. Dietz request completing this project rather than three projects approved on March 1, 2021:

- replace Eddy fire hydrants 425, 426, and 439,
- replace Eddy fire hydrants 103, 123, 133, add water main between 3rd & 4th Avenue NE,
- replace Water Main on 5th Avenue between 2nd & 3rd Street NE

Marman moved to approve Dietz' request, second by Wolff. Motion carried unanimously.

Auditor Report

Gaugler reviewed her written report. Wolff moved to approve the request to transfer 80 hours of sick leave from one employee to another employee, second by Ross. Motion carried unanimously.

Engineers Report

Engineer Lothspeich reviewed the written report.

2021 Street and Utility Improvement Project - Contractor has completed watermain and services on 5th Avenue and has passed pressure testing. Once bacteria testing is complete the watermain will be brought online and temporary water service will be removed. The Contractor has started installing watermain and services on 4th Avenue. Contractor's Application for Payment #1 from BEK Consulting, LLC. in the amount of \$68,064.89 was reviewed. Zachmann moved to approve Contractor's Application for Payment #1, second by Ross. Motion carried unanimously.

2021 6th Street Watermain Improvements Project – Contractor has completed watermain bores on 6th Street from 4th Avenue to Central Avenue and has started watermain tie-ins on 4th and 3rd Avenue. The Golden Valley Manor has agreed to deed street right of way to the City and is agreeable to a utility easement. The City Attorney will prepare easement documents. Amendment #2 to Owner-Engineer Agreement in the amount of \$2,250.00 was reviewed. Marman moved to approve Amendment #2, second by Wolff. Motion carried unanimously. Contractor Application for Payment #1 from Elite Enterprises, LLC in the amount of \$145,564.43 was reviewed. Wolff moved to approve Contractor's Application for Payment #1, second by Hegel. Motion carried unanimously.

New Business

Swanson Puckett moved to approve the First Reading of Ordinance 391, second by Zachmann. Motion carried unanimously.

ORDINANCE NO. 391

AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 10.0433 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO SPECIAL EVENT ALCOHOLIC BEVERAGE PERMITS

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

Section 1: Section 10.0433 entitled "SPECIAL EVENT ALCOHOLIC BEVERAGE PERMIT" is hereby amended and re-enacted as follows:

10.0433 SPECIAL EVENT ALCOHOLIC BEVERAGE PERMIT:

A. **Special Events:** Special Events, for purposes of this Code section, shall be defined as any temporary event, gathering, or function where alcoholic beverages are sold at a location not otherwise included as part of a liquor license granted under Chapter 10, Article 4 of the Beach Municipal City Code.

B. Authorization and Fee: The City Council by special permit authorize an alcoholic beverage licensee to engage in the sale of alcoholic beverages at special events, on premises other than those licensed on such premises as may be designated by such permit. The fee for such local special permits shall be fifty dollars (\$50.00), and such permits shall not be valid for a period greater than three consecutive days.

C. Application for Permits: An alcoholic beverage licensee desiring to conduct a special event, wherein alcoholic beverages will be sold, or to sell alcoholic beverages at a special event, by any other person who has been granted a permit to do so by the governing body, shall make an application for a special permit to do so to the governing body. The application shall be filed with the City Auditor at least **thirty (30) fourteen (14)** days prior to the date on which the special event is to be conducted or held. Failure to file the applications for permit within the required time may be deemed as cause for denial of the application. The application shall set forth:

- (1) The name of the applicant;
- (2) The time or period for which the permit is desired;
- (3) The place where such special event is to be conducted or held; and
- (4) A description of the premises upon which the event is to be held, which shall include how the area is enclosed, how the control of dispensing liquor will be handled and policed.

D. Security: The sheriff shall determine the number, if any, of deputy sheriffs, special officers, or ~~licensed private~~ security officers needed to police the Special Event properly. Before the Special is held the person conducting the Special Event shall pay to the sheriff, peace officer, or ~~licensed private~~ security expense of any deputy sheriff, special officer, or ~~licensed private~~ required for the proper policing of the Special Event, and permitted to proceed unless the officer or officers are present and the fees are paid.

E. Refusal and Revocation of Permit for Cause: The governing body of the City shall refuse to issue such permit and revoke a permit already issued, where it appears that:

- (1) The permitted site is or is likely to become a public nuisance or detrimental to public morals;
- (2) Alcoholic beverages or controlled substances are being sold or given away except as provided by such permit;

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- (3) Any of the ordinances of the City or of the laws of the state are being violated; or
- (4) In the sole judgment of the governing body, protests to the issuing of such permit are made, either orally or in writing, by a sufficient number of the people living in the neighborhood of the site for which application for such permit is made to warrant refusal or revocation of such permit as being in the public interest; or
- (5) The required security personnel are not or will not be present at the event. If such application is approved, the City Auditor shall issue such permit the period specified and shall state such other conditions as the City may direct. Failure to comply with the conditions shall be grounds for revocation of the permit.

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.

Jeanne Larson, Mayor

ATTEST:

Kimberly Gaugler, City Auditor

First Reading: May 3, 2021

Second Reading:

Final Passage:

Correspondence was read from Post Grad Committee. Swanson-Puckett moved to donate \$500 from the Community Enhancement Fund to Post Grad Committee, second by Ross. Motion carried unanimously.

An Application for License to Sell Fireworks submitted by Double V Fireworks was reviewed. Swanson-Puckett moved to approve the Application for License to Sell Fireworks, second by Zachmann. Motion carried unanimously.

An Application for Special Event Permit submitted by Golden Valley County Fair Association was reviewed. Zachmann moved to approve the Application for Special Event Permit, second by Hegel. Motion carried unanimously.

An Application for Raffle submitted by Golden Valley County Fair Association was reviewed. Swanson moved to approve the Application for Raffle, second by Wolff. Motion carried unanimously.

Thank you correspondence from Post Prom was read.

Wolff moved to designate Golden Valley News as the official newspaper of the City, second by Ross. Motion carried unanimously.

No other business was brought forward. Marman moved to adjourn, second by Swanson-Puckett. Meeting adjourned at 7:50 p.m.

ATTEST:

Jeanne Larson, Mayor

Kimberly Gaugler, City Auditor