

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 17, 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, Engineer Jasper Klein, Civil Engineer Intern Davids Atelbauers, and Sheriff Dey Muckle.

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 requested adding two Applications for Blighted Residential Building Demolition Program to the agenda.

Minutes

Minutes of the meeting on May 3, 2021 were presented. Wolff moved to approve the minutes, second by Ross. Motion carried unanimously.

Sheriff's Report

Sheriff Muckle reviewed his written report for the month of April consisting of 39 calls, 2 citations and 3 written warnings. There was discussion on stray animal complaints, semi-truck parking in residential areas and special events permits.

Public Works Report

PWS Dietz reviewed his written report.

Auditor Report

Gaugler reviewed her written report. Zachmann moved to approve the annual payment for the Case IH 120C in the amount of \$6,878.08, second by Swanson-Puckett. Motion carried unanimously. Wolff moved to re-appoint Tom Marman and Loni Thilmony to the Special Assessment Committee with both terms expiring in April 2027, second by Ross. Motion carried unanimously. Lea Farstveet will be chairperson of the Special Assessment Committee since her term expires April 2023 (NDCC 40-23-02). Swanson-Puckett moved to approve the financial report for the month of April, second by Zachmann. Motion carried unanimously.

Engineer's Report

Engineer Klein was present to review his written report. **2021 Street and Utility Improvement Project:** BEK is making excellent progress. Watermain and services on 5th Avenue are complete and in service. Watermain and services on 3rd and 4th Avenue are installed. Concrete restoration has begun with valley gutter and curb replacements. BEK will be offsite May 27-June 1. **2021 6th Street Watermain Improvement Project:** Elite is making steady progress. Watermain bores and tie-ins east of Central Avenue are completed. Contractor completed watermain bores west of Central Avenue to Golden Valley Manor property. Change Order #2 in the amount of \$88,495.00 for installation of watermain in the alley from 6th Street to 4th Street was reviewed. This work

was previously approved at the May 3rd meeting just not in the form of a Change Order. Zachmann moved to approve Change Order #2, second by Hegel. Motion carried unanimously. Klein presented Engineering Amendment #3 in the amount of \$8,750.00 for completing additional services related to the alley work from 6th Street to 4th Street. Hegel moved to approve Amendment #3, second by Wolff. Motion carried unanimously.

Committee Reports

Zoning

Wolff reported a Public Hearing was held at the Zoning Board meeting this morning for comment on an Application for Conditional Use submitted by Rob Curl at 305 6th Avenue NE. The request is to conditionally allow a firearms business in Mobile Home Zoning. Curl is in the process of applying for a Federal Firearms License. This would allow him the ability to ship and receive packages at his residence, and assist Pheasants Forever with documentation on purchases of firearms. There will be no store front or business sign protruding from the residence and no alterations will be made to the residence. No public comment was received. The recommendation from Zoning Board is to approve the Application for Conditional Use at 305 6th Avenue NE. Swanson moved to approve, second by Zachmann. Motion carried unanimously.

Park Board

Ross reported the Park Board meeting was held on May 12th. All summer employment positions have been filled. A new pump for the pool is being purchased.

New Business

A Public Hearing was held at 7:15 pm for comment on an Application for Building with 7' Variance at 275 5th Street SE. Zachmann moved to open the Public Hearing, second by Hegel. Motion carried unanimously. No public comment was received. Zachmann moved to close the Public Hearing, second by Hegel. Motion carried unanimously. Zachmann moved to approve the Application for Building with 7' Variance, second by Hegel. Motion carried unanimously.

Swanson Puckett moved to approve the Second 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 provider the expense of any deputy sheriff, special officer, or **licensed private** security officer required for the proper policing of the Special Event, and no Special Event may be 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;
- (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 for the period specified and shall state such other conditions as the City Council 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: May 17, 2021
Final Passage: May 17, 2021

An Application for Community Enhancement Funding submitted by Shakespeare in the Park was reviewed. Zachmann moved to approve the request of \$600.00, second by Swanson. Motion carried unanimously.

Two Applications for Blighted Residential Building Demolition Program were reviewed. Zachmann moved to approve the application for 519 5th Street SE submitted by Tory Jandt, second by Ross. Motion carried unanimously. The application for 240 1st Street SW submitted by Judy Vincent was tabled until additional information could be provided.

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