

**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 March 21, 2022 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, Public Works Superintendent Randy Dietz, City Auditor Kimberly Gaugler, Engineer Jasper Klein, Sheriff Dey Muckle, Fire Chief Dan Buchholz and guest Brandt Gaugler.

The Pledge of Allegiance was recited.

Roll call was taken. All members were present.

**Public Participation**

Fire Chief Dan Buchholz provided information on the new radio system SIRN 20/20 that will be required in the near future. The digital system currently in place will be shut down at the end of 2024. New radios are approximately \$7,500 each. The Fire Department has a total of 37 radios but will only replace 7 at this time. There is a \$1,500 grant available from ND Information Technology for each radio purchased. With cost being split 3 ways; City of Beach, Central Rural Fire Department and Beach Fire Department, each entity would pay approximately \$12,000-13,000. Zachmann moved to use American Rescue Plan Act Coronavirus Relief funds to pay for the radios, second by Swanson. Motion carried unanimously.

**Sheriff's Report**

Sheriff Dey Muckle reviewed his report for the month of February consisting of 49 calls, 6 written warnings and 5 citations.

**Minutes**

Minutes of the meeting on March 7, 2022 were presented. Wolff moved to approve the minutes, second by Zachmann. Motion carried unanimously.

**Public Works Report**

PWS Dietz reviewed his written report. Zachmann moved to obtain bids for the curb, gutter and sidewalk project on Central Avenue between 3<sup>rd</sup> and 4<sup>th</sup> Street N, second by Marman. Motion carried unanimously. Marman moved to approve the purchase of a GIS tracking module that would be beneficial in calculating materials needed for street repairs and tracking those repairs once completed, second by Wolff. Motion carried unanimously. Marman moved to approve hiring Bryson Sime and Glenn Ferren as temporary employees for the summer at a rate of \$16/hr, second by Hegel. Motion carried unanimously. Zachmann moved to hire Marman Plumbing & Construction to replace the curb stops as identified by the PWS, second by Swanson Puckett. Marman declared a conflict of interest and will abstain from voting. Hegel-yes, Swanson-Puckett-yes, Ross-yes, Wolff-yes, Zachmann-yes. Motion carried.

### **Auditor Report**

Gaugler reviewed her written report. Gaugler reviewed the financial report for the month of February. Zachmann moved to approve, second by Swanson-Puckett. Motion carried unanimously.

### **Engineer's Report**

Engineer Klein reviewed his written report.

### **Committee Reports**

Park Board – Ross reported the Park Board met on the 17<sup>th</sup>. Summer recreation programs are being scheduled.

Zoning – Wolff reported the Zoning Board met this morning. There were no applications for building to approve. The Board continued discussion on goals for 2022.

### **New Business**

An Application for Local Permit submitted by Golden Valley Manor Foundation was reviewed. Zachmann moved to approve, second by Wolff. Motion carried unanimously.

Correspondence was read from Attorney Bouray on options and procedures for updating the Home Rule Charter and one cent sales tax. Marman moved to approve Resolution 2022-10, second by Zachmann. Motion carried unanimously.

### **RESOLUTION NO. 2022-10**

A RESOLUTION TO REFER TO THE QUALIFIED VOTERS OF THE CITY OF BEACH, THE QUESTION OF AMENDING THE HOME RULE CHARTER TO ALLOW THE CITY OF BEACH TO EXERCISE THROUGH THE HOME RULE CHARTER, ALL ENUMERATED POWERS ALLOWED UNDER THE NORTH DAKOTA CENTURY CODE

BE IT RESOLVED by the governing body of the City of Beach, North Dakota (the "City"), as follows:

WHEREAS, the City of Beach has enacted, in Chapter One, Article 3 of the City of Beach Municipal Code, its Home Rule Charter, which delineates, in 1.0303, certain powers granted to the City through the Home Rule Charter;

WHEREAS, section § 41-05.1-06 of the North Dakota Century Codes lists additional powers, not currently included in the City of Beach Home Rule Charter, which may be granted to cities through their Home Rule Charter;

WHEREAS, the City Council wishes to refer to the qualified electors of the City of Beach, at the June 14, 2022 state-wide election, the question of whether to amend the City of Beach Home Rule Charter to grant to the City all of the enumerated powers allowed under N.D.C.C. § 41-05.1-06, and;

WHEREAS, the City Council of the City of Beach wishes to refer to the qualified electors of the City of Beach, at the June 14, 2022 state-wide election, the question of whether to amend the City of Beach Home Rule Charter, to include the enumerated powers listed in under N.D.C.C. § 41-05.1-06.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beach, North Dakota, hereby authorizes and directs the following measure to be placed on the ballot of the election to be held June 14, 2022:

This measure would amend the City of Beach Home Rule Charter to grant to the City of Beach all of the enumerated powers listed in under N.D.C.C. § 41-05.1-06

1. Shall the City of Beach Home Rule Charter be amended to grant to the City of Beach all of the enumerated powers allowed to be granted in a Home Rule Charter under the North Dakota Century Code?

YES        NO       

Dated this        day of       , 2022.

CITY COUNCIL OF THE CITY OF  
BEACH, NORTH DAKOTA

ATTEST:

By: \_\_\_\_\_  
Jeanne Larson, Mayor

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Kimberly Gaugler, City Auditor

Marman moved to approve Resolution 2022-11, second by Zachmann. Motion carried unanimously.

**RESOLUTION NO. 2022-11**

A RESOLUTION TO REFER TO THE QUALIFIED VOTERS OF THE CITY OF BEACH, THE QUESTION OF AMENDING THE HOME RULE CHARTER PROVISIONS REGARDING SALES, USE, AND GROSS RECEIPTS TAX, TO ALLOW THE CITY COUNCIL TO ADMINISTER, REVISE, OR AMEND THE TAX BY ORDINANCE

BE IT RESOLVED by the governing body of the City of Beach, North Dakota (the "City"), as follows:

WHEREAS, the City Council of the City of Beach has in place and effect, through section

1.0304 of the City of Beach Home Rule Charter, a municipal sales tax and use tax (the “Sales Tax”); and

WHEREAS, the existing Home Rule Charter requires any amendments or revisions to the Home Rule Charter, including the Sales Tax, to be made through ballot measure passed at election by a majority of the qualified electors; and

WHEREAS, the City Council of the City of Beach wishes to refer to the qualified electors of the City of Beach, at the June 14, 2022 state-wide election, the question of whether to amend the City of Beach Home Rule Charter, to allow the City of Beach City Council to administer and modify by Ordinance, the sales, use, and gross receipts tax, rather than by amending the Home Rule Charter through ballot measures whenever changes are needed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beach, North Dakota, hereby authorizes and directs the following measure to be placed on the ballot of the election to be held June 14, 2022:

This measure would amend the City of Beach Home Rule Charter to allow the City of Beach City Council to, administer, revise, or amend by ordinance, the City of Beach sales, use, and gross receipts tax, in accordance with N.D.C.C. §40-05.1-06.

1. Shall the City of Beach Home Rule Charter be amended to allow the City of Beach City Council to administer, revise, or amend a sales, use, and gross receipts tax, in accordance with N.D.C.C. §40-05.1-06?

YES \_\_\_\_\_ NO \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**CITY COUNCIL OF THE CITY OF  
BEACH, NORTH DAKOTA**

ATTEST:

By: \_\_\_\_\_  
Jeanne Larson, Mayor

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Kimberly Gaugler, City Auditor

Correspondence was read from ND Insurance Reserve Fund regarding conferment checks.

No other business was brought forward. Marman moved to adjourn, second by Wolff. Motion carried unanimously. Meeting adjourned at 8:30 p.m.

ATTEST:

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Jeanne Larson, Mayor

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Kimberly Gaugler, City Auditor