

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 Walter Losinski on August 1, 2022 at 7:00 p.m. Present when the meeting was called to order was City Council Nick Hegel, Tom Marman, Lynn Swanson-Puckett, Sarah Ross, Bev Wolff, Andy Zachmann, Public Works Supt Randy Dietz, City Auditor Kimberly Gaugler and guest Roger Barkland.

The Pledge of Allegiance was recited.

Roll call was taken. All members were present.

Mayor Losinski called for additions or corrections to the agenda. Gaugler request adding Review of Preliminary Budget 2023 to Unfinished Business. Swanson-Puckett moved to approve the agenda with addition, second by Ross. Motion carried unanimously.

Public Participation

Roger Barkland request the ditch on the west side of 4th Avenue NE between 3rd and 4th Street be cleaned out and consider installing a culvert to improve drainage. Request will be taken into consideration.

Minutes

Minutes of the meeting on July 18, 2022 were presented. Swanson-Puckett moved to approve the minutes, second by Wolff. Motion carried unanimously.

Vouchers

Vouchers were reviewed for payment. Swanson-Puckett moved to approve the vouchers presented, second by Zachmann. Motion carried unanimously.

22702 AE2S 355.00

ACH Bank of ND 13,464.87

22704 Beach Co-op Grain 222.50

22705 Beach Food Center 172.91

22706 Beach Park Board 3,078.35

22707 Black Mountain Software 100.00

22708 Boss Office Products 16.99

22709 Bryce & Darla Miller 10.93

22710 CNH Industrial Capital Productivity Plus 184.71

22711 Cooperative Legal Services PLLC 150.00

22712 Coral Creek Landfill 1,709.00

22713 Core & Main, LP 1,117.70

22714 Farmers Union 5,362.83

22715 G & G Garbage 1,800.00

22716 GV County 8,922.80

22717 Integrity Auto Glass 250.00

22718 Jill Schatz 56.88

22719 John Deere Financial 778.55

22720 Kimberly Gaugler 144.98
22721 Loren Martian 45.00
22722 Lynn Swanson 75.00
22723 Marman Plumbing & Construction 3,400.00
22724 MDU 5,800.20
22725 ND Department of Environmental Quality 58.26
22726 NDLC 75.00
22727 ND Department of Environmental Quality 200.00
22728 Northern Lights Display 926.00
22729 PB Electric 75.00
22730 Power Plan 1,916.66
22731 Prairie Lumber Company 389.58
22732 Rohan's Hardware 1,145.23
22733 S & R Interior's 165.00
22734 Southwest Water Authority 23,635.98
22735 Southwestern District Health Unit 100.00
22736 Steele Auto Body 102.98
22737 Stockwell Cleaning 275.00
22738 Swanston Equipment Corp. 5,600.00
22739 The Badlands Patriot 239.46
22740 Thomas Littlecreek 45.00
22741 Valli Information Systems 50.00
22742 Verizon 600.14
22677-22682, -88107-88103, 22689-22700, -88101-88093 Payroll for July 33,921.13
-88108 ND Office of State Tax Commissioner 837.42
22683 City of Beach 313.40
-88102 First State Bank of Golva 3,232.66
22684 Unum Life Insurance 63.45
22685 Blue Cross Blue Shield of ND 7,023.00
22701 City of Beach 750.54
-88092 First State Bank of Golva 3,813.73
-88091 NDPERS 3,387.33

Public Works Report

PWS Dietz provided an update on projects completed over the past two weeks. Painting the shop was discussed. Marman moved to obtain a quote for re-siding the city shop, second by Swanson-Puckett. Motion carried unanimously. Mayor Losinski mentioned Beach School District received a grant to update the stop signs at Lincoln Elementary. Mayor Losinski request the Council consider installing 2 flashing stop signs at each of the grade school crossings on 1st Ave SE, intersecting 3rd and 4th Streets. Swanson-Puckett moved to approve Mayor Losinski's recommendation, also to purchase posts if necessary and for the City to be responsible for installation, second by Marman. Motion carried unanimously.

Auditor Report

Gaugler reviewed her written report. Zachmann moved to approve submitting for the EDA

Placemaking Planning Grant for the Pavilion Project in Gazebo Park, second by Wolff. Motion carried unanimously.

Unfinished Business

The Law Enforcement Service Contract for 2023 was reviewed. Swanson-Puckett moved to approve the contract in the amount of \$89,544.00, second by Wolff. Motion carried unanimously.

The Preliminary Budget for Year Ending 2023 was reviewed. Marman moved to approve the Preliminary Budget for Year Ending 2023, second by Wolff. Roll call vote. Hegel-yes, Marman-yes, Swanson-Puckett-yes, Ross-yes, Wolff-yes, Zachmann-yes. Motion carried unanimously. A Public Hearing will be held on September 19th at 7:30 p.m. for comment on the Preliminary Budget for the Year Ending 2023. Preliminary Budget is as follows:

General Fund \$166,000.00

City Specials \$15,500.00

Special Assessment Deficiency \$1,000.00

Emergency \$3,000.00

Total Amount \$185,500.00

New Business

Correspondence was read from FEMA regarding the 30-Day Review Notice for the draft Flood Insurance Rate Map.

Correspondence was read from the North Dakota League of Cities regarding membership benefits and Annual Convention in Grand Forks September 22nd - 24th.

Correspondence was read from ND Insurance Reserve Fund regarding changes to Liability and Automobile Memorandums of Coverage that will affect all renewals on or after August 1, 2022.

Marman moved to approve the First Reading of Ordinance 394, second by Wolff. Motion carried unanimously.

ORDINANCE NO. 394

AN ORDINANCE ENACTING AND AMENDING THE CITY'S SALES, USE, AND GROSS RECEIPTS TAX UNDER THE HOME RULE CHARTER OF THE CITY OF BEACH.

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

Pursuant to the ballot measure passed by a majority of the qualified electors voting in the election held on June 14, 2022, the following Ordinance enacting the SALES, USE, AND GROSS RECEIPTS TAX is hereby enacted by the City Council of the City of Beach:

Definitions.

All terms defined in chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the N.D.C.C. include amendments adopted by the North Dakota Legislative Assembly.

Collection and Administration.

Where not in conflict with the provisions of this Ordinance, the provisions of N.D.C.C. chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this Ordinance.

Sales Tax Imposed.

Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided by this Ordinance, or the sales and use tax laws of the State of North Dakota, a tax of two percent (2%) is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property, within the corporate limits of the city of Beach, North Dakota.

Use Tax Imposed.

Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided in this Ordinance, or the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon the storage, use, or consumption within the corporate limits of the city of Beach, North Dakota of tangible personal property purchased at retail for storage, use, or consumption in this city, at the rate of two percent (2%) of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the city of Beach, North Dakota of tangible personal property not originally purchased for storage, use, or consumption in this city at the rate of two percent (2%) of the fair market value of the property at the time it was brought into this city.

With respect to the purchase price of tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in N.D.C.C. § 57-40.2-03.3, the tax imposed by this section applies only to bids submitted on or after the effective date of this Ordinance.

Gross Receipts of Alcoholic Beverages.

Subject to the provisions of N.D.C.C. § 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of two percent (2%) is imposed upon all gross receipts from the sale of alcoholic beverages within the city. A person who receives alcoholic beverages for

storage, use, or consumption in this state is subject to tax on storage, use, or consumption of those alcoholic beverages at the rate of two percent (2%).

Exemptions.

This Ordinance provides exemptions from imposition and computation of the city sales or use tax for all exemptions provided under State law.

Contract with Tax Commissioner.

The Beach City Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this Ordinance. The City Auditor has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

Dedication of Tax Proceeds.

The proceeds of any sales and use tax, less administrative costs, shall be dedicated and utilized for maintenance of the swimming pool (20%), and infrastructure and community enhancement (80%).

Effective Date.

This Ordinance shall take effect after its passage, approval, and publication, but not prior to January 1, 2023.

Termination Date.

The Sales, Use, and Gross Receipts Taxes enacted through this Ordinance shall remain in effect until repealed or revoked.

Walter Losinski, Mayor

ATTEST:

Kimberly Gaugler, City Auditor

First Reading: August 1, 2022

Second Reading: _____

Final Reading: _____

Thank you correspondence was read from David and Amy Brookens.

No other business was brought forward. Swanson-Puckett moved to adjourn, second by Wolff. Meeting adjourned at 8:40 p.m.

ATTEST:

Walter Losinski, Mayor

Kimberly Gaugler, City Auditor