

**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 September 6, 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, Andy Zachmann, Public Works Superintendent Randy Dietz, City Auditor Kimberly Gaugler, and Engineer Jasper Klein.

The Pledge of Allegiance was recited.

Roll call was taken. Bev Wolff was absent.

Mayor Losinski called for additions or corrections to the agenda. Swanson-Puckett moved to approve the agenda as presented, second by Ross. Motion carried unanimously.

**Minutes**

Minutes of the meetings on August 15<sup>th</sup> & 18<sup>th</sup>, 2022 were presented. Zachmann moved to approve the minutes, second by Swanson-Puckett. Motion carried unanimously.

**Vouchers**

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

22772 Beach Food Center 216.89  
22773 Coral Creek Landfill 1,265.25  
22774 John Deere Financial 21.09  
22775 Farmers Union Oil 9,655.33  
22776 Fisher Sand & Gravel 9,682.60  
22777 Golden Valley County 8,922.80  
22778 G & G Garbage 1,200.00  
22779 Kimberly Gaugler 72.76  
22780 One Call Concepts 49.60  
22781 Rohan's Hardware 249.22  
22782 CNH Industrial Capital Productivity Plus 197.12  
22783 Montana Dakota Utilities 6,402.95  
22784 Beach Volunteer Fire Department 59.54  
22785 Black Mountain Software 1,454.00  
22786 Prairie Lumber Company 1,134.00  
22787 Beach Park Board 2,993.27  
22788 Beach Co-op Grain 545.00  
22789 Marman Plumbing & Construction 22,230.00  
22790 Rough Rider Industries 388.00  
22791 Dakota Dust-Tex 207.90  
22792 BOSS Office Products 124.98  
22793 Power Plan 1,748.91  
22794 Verizon Wireless 170.16  
22795 Spirit of the West 135.00

22796 Stockwell Cleaning 275.00  
22797 Swanston Equipment Corp. 166.09  
22798 Southwest Water Authority 27,465.68  
22799 Bismarck Tribune 32.00  
22800 JSG Agency 9.00  
22801 Golva Repair 422.97  
22802 Lyle Signs, Inc. 161.20  
22803 Advance Engineering & Environmental Services 796.50  
22804 Jill Schatz 87.51  
22805 Civic Plus LLC 4,981.50  
22806 Polar Trucking & Excavating 1,071.25  
22807 Jim Cannaday 1,000.00  
22808 Valli Information Systems 25.00  
22809 Western Dakota Energy Association 998.02  
22810 Thomas Littlecreek 45.00  
22811 Core & Main, LP 335.68  
22812 Badlands Edge Painting, LLC 3,300.00  
22813 Loren Martian 45.00  
22814 Schmitz-Holstrom LLP 500.00  
22815 Buzzy Café 192.84  
22816 Cooperative Legal Services PLLC 50.00  
22817 The Badlands Patriot, LLC 374.40  
22818 RTC Networks 381.52  
22819 Central Specialties, Inc. 44,750.98  
22820 Traffic Safety Warehouse 4,395.40  
22821 Sheila Stedman 50.00  
22822 Matthew Barney 54.68  
22823 Lewis Zielsdorf \$150.00  
-88090-88086, 22743-22749, -88084 -88075, 22760-22770 Payroll for August 34,042.40  
22750 City of Beach 341.10  
22751 Unum Life Insurance 63.45  
22752 Blue Cross Blue Shield 7,023.00  
22759 USPS 200.18  
22771 City of Beach 804.98  
-88085 First State Bank of Golva 3,220.50  
-88074 First State Bank of Golva 3,903.20  
-88073 ND PERS 3,989.25

### **Public Works Report**

PWS Dietz reviewed his written report. A quote in the amount of \$7,500.00 was obtained from Affordable Tree Service, LLC for removal of two trees on the boulevard of 3<sup>rd</sup> Street S between Central and First Avenue SE. Marman moved to approve, second by Ross. Motion carried unanimously.

### **Auditor Report**

Gaugler reviewed her written report.

### **Engineer's Report**

Based on conversation with the Street Committee and Public Works Supt., Engineer Klein is preparing a proposal for consideration of future street and utility projects.

### **Committee Report**

**Zoning Committee** – Ross and Marman reported they met with Dave Meyer's regarding the status of a Conditional Use Permit.

### **New Business**

Zachmann moved to approve the Final Reading on Ordinance 394, second by Hegel. 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. The amount of the sales and use tax shall not exceed two percent (2%) of the gross receipt, nor shall the tax exceed one-hundred dollars (\$100) on any single purchase or sales transaction involving one or more items.

### **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.

(Municipal Seal)

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Walter Losinski, Mayor

ATTEST:

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Kimberly Gaugler, City Auditor

First Reading: August 1, 2022

Second Reading: August 18, 2022

Final Reading: September 6, 2022

The Golden Valley County Community Foundation 2022 Annual Update was provided.

Thank you correspondence was read from 2022 Post Grad Committee.

No other business was brought forward. Hegel moved to adjourn, second by Zachmann. Meeting adjourned at 8:10 p.m.

ATTEST:

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Walter Losinski, Mayor

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Kimberly Gaugler, City Auditor