

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 Henry Gerving on April 1, 2019 at 7:00 pm. Present when the meeting was called to order was City Council Tim Marman, Andy Zachmann, Bev Wolff, Jeanne Larson, Public Works Superintendent Randy Dietz, City Auditor Kimberly Gaugler, and guests Ken Callahan, Jack Cook, Burt Cook, Pierre, Vida and William Deneault.

The Pledge of Allegiance was recited.

Roll call was taken. Walworth and Benes were absent.

Public Participation

William Deneault was recognized as first place winner of the Mayor for a Day essay contest. President Larson read essays written by William Deneault, Alexis Ordahl and Kade Manhart.

Minutes

Minutes of the meeting on March 18, 2019 were presented. Zachmann moved to approve the minutes, second by Wolff. Motion carried unanimously.

Vouchers

Zachmann moved to approve the following vouchers, second by Larson. Motion carried unanimously.

20368 AE2S 258.25
20369 Badlands Edge Painting 1,225.00
20370 Beach Buc Booster Club 500.00
20371 Beach Food Center 37.44
20372 Beach Park Board 1,856.98
20373 Beach Pharmacy 15.99
20374 BOSS 232.97
20375 City of Dickinson 580.38
20376 CNH 3.78
20377 Core & Main 1,053.80
20378 Ebeltoft Sickler Lawyers 2,160.00
20379 Farmers Union/NAPA 5,470.26
20380 G & G Garbage 1,200.00
20381 GV County 8,957.47
20382 GV News 932.71
20383 Jill Schatz 55.44
20384 JD Financial 84.82
20385 Kimberly Gaugler 355.29
20386 Mackoff Kellogg Law 300.00
20387 Marman Plumbing 1,200.00
20388 Midstate Communication 277.09
20389 Mitchell's Crane 449.75

20390 Municipal Gov't Academy 340.00
20391 ND Surplus 250.00
20392 Northern Improvement 285.00
20393 Olympic Sales 601.00
20394 Polar Excavating 1,125.00
20395 Prairie Lumber Company 257.54
20396 Prairie West Development Foundation 2,400.00
20397 Ramada Bismarck Hotel 94.60
20398 Rohan's Hardware 123.44
20399 Southwest District Health 120.00
20400 Southwest Water 9,180.74
20401 Stockwell Cleaning 275.00
20402 Valli Info. 25.00
20403 Verizon Wireless 176.88
20353 Randall Dietz 80.04
20354 - 20355 & -88923 -88920, 20361 - 20366 & -88918 -88910 Wages for March 22,825.92.
20356 City of Beach 256.77
20357 UNUM Life 33.24
20358 Blue Cross Blue Shield 4,126.00
20359 Blue Cross Blue Shield 593.00
20360 USPS 151.11
20367 City of Beach 189.02
-88919 First State Bank of Golv 2,378.10
-88909 ND PERS 2,852.01
-88908 First State Bank of Golv 2,688.21

New Business

Ken Callahan, representative for Montana Dakota Utilities Co. was present for the Second Reading of Ordinance 384. Wolff moved to approve the Second and Final Reading of Ordinance 384, second by Larson. Motion carried unanimously.

ORDINANCE NO. 384

AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO. A CORPORATION, IT'S SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF BEACH, GOLDEN VALLEY COUNTY, NORTH DAKOTA

A GAS DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING NATURAL OR MANUFACTURED GAS, OR A MIXTURE OF BOTH, AND AN ELECTRIC DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING ELECTRIC ENERGY FOR PUBLIC AND PRIVATE USE.

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

SECTION I. For convenience, herein, said municipal corporation is designated and referred to as "Municipality" and Montana-Dakota Utilities Co. is designated and referred to as "Grantee". Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Montana-Dakota Utilities Co. a corporation, Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy and use the streets, alleys and public grounds of the Municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, a gas distribution system for transmitting and distributing natural or manufactured gas, or a mixture of both, and an electric distribution system for transmitting and distributing electric energy for public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing natural or manufactured gas, or a mixture of both, and an electric distribution system for transmitting and distributing electric energy for public and private use at such reasonable rates as may be approved by the Public Service Commission of the state wherein said Municipality is located and under such orders, rules or regulations as may be issued by any federal or state agency having jurisdiction thereof.

SECTION IV. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys, and public grounds of entire Municipality for like purposes.

SECTION V. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys, and public grounds by Grantee.

SECTION VI. Grantee shall indemnify and save and hold the Municipality harmless from any loss or damage due to the construction, installation, and maintenance of its distribution system, and its use of the streets, alleys, and public grounds of the Municipality.

SECTION VII. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION VIII. Within thirty (30) days after Grantee is notified of passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION IX. This franchise shall continue and remain in full force and effect for a period of twenty (20) years from the date upon which this ordinance shall become effective as provided by law.

First Reading: 18th day of March, 2019
Second and Final Reading: 1st day of April, 2019

APPROVED: CITY OF BEACH

Henry Gerving, Mayor
City of Beach, ND

(Municipal Seal)

ATTEST:

Kimberly Gaugler, City Auditor

Public Works Report

Dietz reviewed his written report. Marman moved to approve purchase of the Arc GIS software for tracking city infrastructure, second by Zachmann. Motion carried unanimously. Applications are still be accepted for the Solid Waste Manager.

New Business

At 7:30 pm, Mayor Gerving recessed as the City Council. President Larson called the Board of Equalization to order. Gerving declared a conflict of interest since he is also the GV County Tax Director and will abstain from voting until the City Council meeting has re-convened. Minutes of the Board of Equalization meeting on April 2, 2018 were approved. Gerving provided information on increases/decreases in true and full valuation of property, eligible property tax exemptions and sales ratio analysis. Total True & Full Valuation for 2019 in the City of Beach is \$81,625,500 an increase of 1.8% from 2018. Overall, Commercial Lots decreased \$19,200, Commercial Structures increased \$1,094,300, Residential Lots increased \$10,400 and Residential Structures increased \$437,800. Based on Sales Ratio Study for the 2019 assessments, the average price for a residential structure is \$112,157. Twenty-two individuals qualified for Senior Citizens/Disabled Persons Tax Credits. President Larson opened the Public Hearing for comment. No public comment was received. Marman moved a finding be made that all classifications of property have been reviewed and we find them proper as assessed, second by Zachmann. Motion carried unanimously. Marman moved that a finding be made that we have reviewed all Exemption Applications and Homestead Credit Applications and find them proper as presented, second by Zachmann. Motion carried unanimously. Marman moved that a finding be made that the overall Assessment Roll for the City of Beach for 2019 has been reviewed and find that it is proper as assessed, second by Wolff. Motion carried unanimously. Marman moved based on preceding findings, we declare the Assessment Roll for 2019 for the City of Beach equalized, second by Wolff. Motion carried unanimously. At 8:12 pm, Larson closed the Board of Equalization meeting and reconvened as the Beach City Council. Mayor Gerving resumed the City Council meeting.

At 8:15 pm, a bid opening was held for a new front end loader. One bid was received from RDO Equipment Co. in the amount of \$161,500 with trade \$132,000. Net purchase price after trade \$29,500. Larson moved to accept the bid from RDO Equipment Co., second by Zachmann. Motion carried unanimously.

At 8:30 pm, a bid opening was held for Forage Removal on Woodhull's First Addition, Block 24 Lots 5-14, and Portions of Auditor's Tract A60, A64, A65 & A66 in Woodhull's Acreage for a period of five (5) years. One bid was received from Don Wojahn in the amount of \$76 per year. Marman moved to accept the bid from Don Wojahn, second by Wolff. Motion carried unanimously.

Auditor Report

Gaugler reviewed her written report.

Engineers Report

Adam Isakson's written report was reviewed.

Committee Report

Police Committee

Mayor Gerving provided an Animal Control Plan to the Police Committee for review.

Unfinished Business

Jack Cook, representing Prairie West Development Foundation (PWDF) provided information on operating costs of the entity. Cook meets with County Commissioners tomorrow regarding funding for the organization. Marman moved to donate \$2,400 from the Community Enhancement Fund to Prairie West Development Foundation, second by Larson. Motion carried unanimously.

New Business

Larson moved to approve the First Reading of Ordinance 385, second by Marman. Motion carried unanimously.

ORDINANCE NO. 385

AN ORDINANCE AMENDING AND RE-ENACTING PARTICULAR SECTIONS OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA AS HEREINAFTER SET FORTH

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

Section 1: Section 1.0102 entitled "Defining the City Limits" is hereby amended and re-enacted as follows:

1.0102 DEFINING THE CITY LIMITS: There shall be included with the municipal limits of the City of Beach, North Dakota, the following territory or land; all lots and blocks shall also include all streets, alleys, and public ways included within the area and adjacent thereto, which are defined as within the confines of the City Limits.

The Incorporated Limits of the City of Beach, Golden Valley County, North Dakota, includes those lands included in and shown on the official Boundary Map, which shall be on file in the office of the City Auditor. This map is hereby made a part of this Code. This map shall reflect the ordinances adopted prior to this date and all ordinances adopted after this date relating to the boundaries of the City. The City Auditor is authorized and directed to make the necessary changes upon the official Boundary Map in accordance with such ordinances as they are from time to time enacted. ~~tracts lying entirely within Section 23, 24, 25 and 26, Township 100 North, Range 106 West of the 5th Principal Meridian, more particularly described as follows, to-wit:~~

~~COMMENCING At a point which is the southwest corner of Lot 15, Block 1 of Carlson's First Addition to the City of Beach, as said Carlson's First Addition is platted and surveyed in said Section 24, said point also being on the east property line of First Avenue East; thence in a southerly direction along the east property line of said First Avenue East to a point which is 66.0 feet due east of the southeast corner of Lot 7, Block 4 of Mrs. Richard's Addition to the City of beach, as said Mrs. Richard' Addition is platted and surveyed in said Section 24, said point also being 33.0 feet north of the south line of Section 24; thence in an easterly direction along a line 33.0 feet north of and parallel to the south line of Section 24, to a point which is 30.0 feet west of the southwest corner of Lot 7, Block 4 of Richard's Heights, as said Richard's Heights is platted and surveyed in said Section 24; thence in a northerly direction along a line parallel to the west property lines of Blocks 4 and 5 of said Richard's Heights to a point which is the southeast corner of Lot 13, Block 1 of Carlson's First Addition to the City of Beach; thence in a westerly direction along the south property line of Block 1 of said Carlson's First Addition, a distance of 331.0 feet to the POINT OF BEGINNING.~~

~~Beginning at a point which is the northwest corner of said Section 26; thence in a southerly direction along the west line of said Section 26, to a point which is the southwest corner of the Northwest Quarter of said Section 26, said point also being the southwest corner of the Resurvey of Near's Addition to the City of Beach, as said Resurvey is platted and surveyed in said Section 26; thence in an easterly direction along the south line of the northwest quarter of said Section 26 and along the south line of Lot A of said Resurvey of Near's Addition, to a point which is the southeast corner of the Northwest Quarter of said Section 26; thence in a southerly direction along the west line of Southeast Quarter of said Section 26, to a point which is the southeast corner of the Southeast Quarter of said Section 26; thence in an easterly direction along the south line of the Southeast Quarter of Section 26, to a point which is the southeast corner of the Southeast Quarter of said Section 26; thence continuing in an easterly direction along the south line of the Southwest Quarter of Section 25, to a point which is the southeast corner of the Southwest Quarter of said Section 25; thence in a northerly direction along the east line of the Southwest Quarter of said Section 25, to a point which is the northeast corner of the Southwest Quarter of said Section 25, said point also being 33.0 feet east of the southeast corner of Lot 1, Block 7 of Hunter's Addition to the City of Beach, as said Hunter's Addition is platted and surveyed in said Section 25; thence in an easterly direction along the south line of the Northeast~~

Quarter of said Section 25 and also to and along the south property line of Block 1 of Potter's Addition to the City of Beach, as said Potter's Addition is platted and surveyed in said Section 25, and also to and along the south property lines of Blocks 26, 27, 28, and 29 of Glenhaven Park Addition to the City of Beach, as said Glenhaven Park Addition is platted and surveyed in said Section 25, to a point which is the southeast corner of the Northeast Quarter of said Section 25; thence in a northerly direction along the east line of the Northeast Quarter of said Section 25 to a point which is the northeast corner of the Northeast Quarter of Section 25; thence in a westerly direction along the north line of the Northeast Quarter of said Section 25, said line also being the centerline of 4th Avenue North, to a point which is the northwest corner of the Northeast Quarter of Section 25; thence in a northerly direction along the east line of the Southwest Quarter of Section 24, to a point which is the northeast corner of the South Half of the Southwest Quarter of said Section 24; thence in a westerly direction along the north line of the South Half of the Southwest Quarter of said Section 24, to a point which is the northwest corner of Lot 1, Block 3 of Carlson's Addition to the City of Beach, as said Carlson's Addition is platted and surveyed in said Section 24, said point also being on the east line of Mrs. Richard's Addition to the City of Beach, as said Mrs. Richard's Addition is platted and surveyed in said Section 24; thence in a northerly direction along the east line of said Mrs. Richard's Addition, to a point which is the northeast corner of said Mrs. Richard's Addition; thence in a westerly direction along the north line of said Mrs. Richard's Addition, a distance of 400.0 feet to a point which is the northwest corner of said Mrs. Richard's Addition; thence in a southerly direction along the west line of said Mrs. Richard's Addition to a point which is the northeast corner of McLaren's 2nd Addition to the City of Beach, as said McLaren's 2nd Addition is platted and surveyed in said Section 24; thence in a westerly direction along the north line of said McLaren's 1st Addition and to and along the north line of Johnstone's 1st Addition to the City of Beach, as said Johnstone's 1st Addition is platted and surveyed in said Section 24, extended to the west line of said Section 24, a distance of 125.0 feet, said west line of Section 24 also being the centerline of First Street; thence in a northerly direction along the west line of said Section 24, to a point which is 90.0 feet west of the southwest corner of Carlson's Third Addition to the City of Beach, as said Carlson's Third Addition is platted and surveyed in said Section 24; thence in an easterly direction to and along the south line of said Carlson's Third Addition, a distance of 330.0 feet to the southeast corner of said Carlson's Third Addition; thence in a northerly direction along the east line of said Carlson's Third Addition, a distance of 250.0 feet to a point which is the northeast corner of said Carlson's Third Addition; thence in a westerly direction along the north line of said Carlson's Third Addition, extended to the west line of said Section 24, a distance of 330.0 feet, said west line of Section 24 also being the centerline of First Avenue; thence in a northerly direction along the west line of said Section 24 to a point which is on a bearing of S65°49'E of the northeasterly corner of Carlson's 2nd Addition to the City of Beach, as said Carlson's 2nd Addition is platted across said Section 24; thence in a northwesterly direction on a bearing of N65°49'W to a point which is on the east line of said Carlson's 2nd Addition; thence continuing on a bearing of N65°49'W along the northerly boundary of said Carlson's 2nd Addition, a distance of 657.98 feet; thence in a westerly direction along the north line of said Carlson's 2nd Addition, a distance of 399.8 feet to the northwest corner of said Carlson's 2nd Addition; thence in a southerly direction, along the west line of said Carlson's 2nd Addition a distance of 1645.4 feet to the north line of the Southeast Quarter of Section 23, said point also being 33.0 feet south of the southwest corner of Block 2 of said Carlson's 2nd Addition; thence in an easterly direction along the north line of the Southeast Quarter of said Section 23, to a point which is 33.0 feet north and 33.0 feet

west of the northwest corner of Lot 8, Block 8 of Woodhull's First Addition to the City of Beach, as said Woodhull's First Addition is platted and surveyed in said Section 23, said point also being the intersection of the centerline of 3rd Street West and 11th Avenue North; thence in a southerly direction along the centerline of said 3rd Street West to a point which is the centerline of said 3rd Street West to a point which is the intersection of the centerline of said 3rd Street West and 10th Avenue North; thence in a westerly direction along the centerline of said 10th Avenue North and paralleling the north line of the Southeast Quarter of said Section 23, to a point which is 33.0 feet north and 33.0 feet west of the northwest corner of Lot 7, Block 22 of Woodhull's 2nd Addition to the City of Beach, as said Woodhull's 2nd Addition is platted and surveyed in said Section 23, said point also being the intersection of the centerline of 6th Street West and 10th Avenue North; thence in a southerly direction along the centerline of said 6th Street West to a point which is the intersection of the centerline of 6th Street West and 6th Avenue North, said point also being 33.0 feet west and 33.0 feet south of the southwest corner of Lot 12, Block 9 of said Woodhull's 2nd Addition; thence in a westerly direction along the centerline of 6th Avenue North to the west line of the Southeast Quarter of said Section 23, said point also being 33.0 feet north and 33.0 feet west of the northwest corner of Lot 10, Block 24 of Woodhull's 1st Addition to the City of Beach; thence in a southerly direction along the west line of the Southeast Quarter of said Section 23 to the southwest corner of the Southeast Quarter of said Section 23; thence in a westerly direction along the south line of the Southwest Quarter of said Section 23, to a point which is the southwest corner of the Southwest Quarter of said Section 23, said point also being the northwest corner of the Northwest Quarter of said Section 26, and the POINT OF BEGINNING.

EXCLUDED From the above described incorporated limits is the following tract:

A tract of land lying in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 24, Township 140 North, Range 106 West of the 5th P.M., Golden Valley County, North Dakota, more particularly described as follows, to-wit:

Beginning at a point 693 feet east of the South Quarter corner of said Section 24; thence in an easterly direction on an azimuth bearing of 090°16', a distance of 400.0 feet along the previously incorporated city limits; thence in a northerly direction on an azimuth bearing of 360°00', a distance of 427.0 feet; thence in a westerly direction on an azimuth bearing of 270°16', a distance of 400.0 feet; thence in a southerly direction on an azimuth bearing of 180°00', a distance of 427.0 feet to the POINT OF BEGINNING.

Tract contains 3.9 acres, according to the above description. The south 400.0 feet of the west 750.0 feet of the east 1550.0 feet of the Southeast Quarter of Section 24, Township 140 North, Range 106 West, 5th P.M., Golden Valley County, North Dakota. Containing 6.88 acres.

Section 2: Section 1.0103 entitled "Division of the City into Precincts" is hereby amended and re-enacted as follows:

1.0103 DIVISION OF THE CITY INTO PRECINCTS: There shall be one precinct within the City of Beach to be designated as "The City of Beach." The precinct shall consist of all that part of the City of Beach hereinabove set forth. The polling place for said

precinct shall be located at the ~~Beach High School~~ Beach Community Center or other legally designated location.

Section 3: Section 1.0207 entitled “Salaries” is hereby amended and re-enacted as follows:

1.0207 SALARIES: The salary of the Mayor of the governing body of the City of Beach shall be the sum of ~~Three Thousand Six Hundred DOLLARS (\$3,600.00)~~ Five Thousand Four Hundred Dollars (\$5,400.00) per year. The salary of other members of the city council of the City of Beach shall be the sum of Three Thousand Six Hundred DOLLARS(\$3,600.00)~~(\$3,000.00)~~ per person per year

Section 4: Section 1.0209 entitled “Voting” is hereby amended and re-enacted as follows:

1.0209 VOTING: Unless otherwise specifically provided by law, all votes of whatever kind taken at a council meeting must be open public votes, and all non-procedural votes must be recorded roll call votes with the votes of each member being made public at the open meeting. The minutes shall show the results of every vote taken and shall show the recorded votes of each member of every recorded roll call vote. Each ~~councilmen~~ council member present is obligated to vote on a measure presented to the City Council. A pass vote is to be considered as a vote with the remaining majority if a quorum is present. If a member of the council for reason or cause does not wish to act or participate in a matter before the council, he or she shall cause same to be entered on the record of the proceedings and the council shall then proceed, as if said member or members were absent.

Section 5: Section 1.0210 entitled “City Council” is hereby amended and re-enacted as follows:

1.0210 CITY COUNCIL: The governing body of the City shall be the City Council which shall be composed of the mayor and council members. ~~aldermen.~~

Section 6: Section 1.0211 entitled “~~Members of Councilmen~~ – Qualifications – Election of ~~Alderman~~ Councilmen – Term of Office – Compensation of ~~Aldermen~~ Councilmen – Authority” is hereby amended and re-enacted as follows:

1.0211 MEMBERS OF COUNCIL – QUALIFICATIONS – ELECTION of COUNCILMEN MEMBERS – TERM OF OFFICE – COMPENSATION OF COUNCILMEN MEMBERS– AUTHORITY: The number of council members, ~~councilmen~~, the election of council members ~~councilmen~~ and the mayor, the qualifications of the mayor and council members, ~~councilmen~~, the term of office of the council memberse~~councilmen~~ and the mayor, the authority and restrictions on council memberse~~councilmen~~, shall be governed by the provisions pertaining thereto in Chapter 40-08 of NDCC as now appears or may be hereinafter amended.

Section 7: Subsection (B) of Section 1.0212 entitled “Rules of Procedure Generally” is hereby repealed.

Section 8: Section 1.0213 entitled “President and Vice-President—Election of, Authority” is hereby amended and re-enacted as follows:

1.0213 PRESIDENT AND VICE-PRESIDENT--ELECTION OF, AUTHORITY: At the organization meeting in each even-numbered year, ~~the council members shall elect one of their members a president and one a vice president to hold~~ the council members shall elect one member as president and one as vice president to hold office until their successors are elected. The president of the city council shall be the presiding officer of the council in the absence or temporary disability of the mayor. In the absence or disability of the mayor and president of the city council, the vice-president shall be the presiding officer.

Section 9: Section 1.0214 entitled “Vacancy in the Office of a Council Member” is hereby amended and re-enacted as follows:

1.0214 VACANCY IN THE OFFICE OF A COUNCIL MEMBER: If a vacancy shall occur in the office of mayor or council member ~~councilmen~~, such vacancy shall be filled pursuant to the rules and procedures set forth in Chapter 40-08 NDCC as the same now appears or may hereinafter be amended.

Section 10: Section 1.0502 entitled “Procedure” is hereby amended and re-enacted as follows:

1.502 PROCEDURE: All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed [Fifty Thousand] ~~Five Thousand~~ DOLLARS (\$50,000.00), shall be purchased from the lowest responsible bidder after due notice inviting proposals. All sales or dispositions of obsolete or unusable property when the estimated values shall exceed Twenty thousand ~~five hundred~~ DOLLARS (\$20,0~~500~~.00), shall be sold upon resolution by the city council authorizing the public sale of said property, a notice containing a description of the property to be sold and designating the place where and the day and the hour when the sale will be held shall be published in the City's official newspaper as provided in Section 40-01-09 NDCC once each week for two consecutive weeks with the last publication being at least ten (10) days in advance of the date set for the sale. The notice shall specify whether the bids are to be received at auction or as sealed bids as determined by the city council. The property advertised shall be sold to the highest bidder if his bid is deemed sufficient by the majority of the members of the city council. The lowest responsible bidder, or the highest responsible bidder, shall be the bidder who in addition to price has the best ability, capacity and skill to perform the contract to provide the service required, promptly or within the specified time without delay or interference. There shall also be considered character, integrity, reputation, judgment, experience and efficiency of the bidder, the quality of the performance of previous contracts, sufficiency or financial resources, and previous and existing compliance with state laws and city ordinances.

Section 11: Section 2.0105 entitled “Ordinance Book Required” is hereby amended and re-enacted as follows:

2.0105 ORDINANCE BOOK REQUIRED: The city auditor shall record in an ordinance book all ordinances finally passed and approved, and when any ordinance has been published, he or she shall record therein the Affidavit of Publication or Posting. The ordinance book, or copies of ordinances as recorded therein, certified by the city auditor, shall be received as evidence without further proof. If the ordinances of a municipality have been printed in a book or pamphlet form by authority of the city council, such book or pamphlet shall be received as evidence of the existence of the ordinances therein contained.

Section 12: Section 2.0108 entitled “Confinement as Payment of Cost” is hereby repealed.

Section 13: Section 2.0109 entitled “Labor in Lieu of Fine” is hereby repealed.

Section 14: Section 2.0110 entitled “Refusal to Work” is hereby repealed.

Section 15: Section 2.0111 entitled “Deferring or Suspending Sentence” is hereby repealed.

Section 16: Section 2.0112 entitled “Fines and Forfeitures for Violations of Ordinances Paid into City Treasury” is hereby amended and re-enacted as follows:

2.0112 FINES AND FORFEITURES FOR VIOLATION OF ORDINANCES PAID INTO CITY TREASURY: All fines, penalties, and forfeitures collected for offenses against the ordinances of the city shall be paid into its treasury at the end of the month in which it is forfeited or collected ~~along with the municipal judge's monthly report.~~

Section 17: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 18: 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 Ordinance shall continue in full force and effect.

Section 19: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Henry Gerving, Mayor
City of Beach, ND

ATTEST:

Kimberly Gaugler, City Auditor

First Reading: 1st day of April, 2019

Correspondence was read from Vanguard Appraisals, Inc. providing an estimated cost for reappraisal of the City in 2024.

No other business was brought forward. Marman moved to adjourn, second by Zachmann. Meeting adjourned at 8:45 p.m.

ATTEST:

Henry Gerving, Mayor

Kimberly Gaugler, City Auditor