

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 President Jeanne Larson on March 18, 2019, at 7:00 pm. Present when the meeting was called to order was City Council Tim Marman, Andy Zachmann, Bev Wolff, Mark Benes, Wade Walworth, City Auditor Kimberly Gaugler and Engineers Adam Isakson, Kenzie Robertson and guest Ken Callahan.

The Pledge of Allegiance was recited.

Roll call was taken. Mayor Gerving was absent.

Minutes

Minutes of the meeting on March 4th were presented. Benes moved to approve the minutes, second by Wolff. Motion carried unanimously.

PW Report

A written report submitted by PWS Dietz was reviewed. Marman moved to purchase the Solo Tex Water Depot Control system, second by Zachmann. Discussion. Motion carried unanimously. Zachmann moved to extend advertising for the Solid Waste Manager, second by Benes. Discussion. Motion carried unanimously.

Auditor Report

Gaugler reviewed her written report. Gaugler reviewed the financial report for the month of February. Benes moved to approve the financial report, second by Wolff. Motion carried unanimously.

**RESOLUTION 2019-10
SUPPORT OF RECREATIONAL TRAILS**

WHEREAS, the City of Beach wishes to establish and apply for Recreational Trails funding for the complementary purposes of ensuring quality of life, economic competitiveness and environmental health objectives and safe access to public facilities;

NOW THEREFORE BE IT RESOLVED, the City of Beach hereby declares its support and funding for the Recreational Trails policies, and further directs current, and future, City of Beach management to include in future transportation maintenance, reconstruction and construction plans for the City of Beach to accommodate and implement the principles of the program to the greatest extent feasible.

Walworth moved to adopt the Resolution 2019-10, seconded by Marman. Motion carried unanimously.

ATTEST:

Kimberly Gaugler, City Auditor

Jeanne Larson, President

Engineer Report

2018 Sanitary Sewer Project – Engineer Isakson reviewed bids that were opened on March 13th. Lowest responsible bidder is Cordova Construction with a bid of \$723,500. Marman moved to accept the bid from Cordova Construction, second by Walworth. Discussion. Motion carried unanimously. Marman moved for President Jeanne Larson to sign the Notice of Award in the absence of the Mayor, second by Walworth. Motion carried unanimously.

Sheriff's Report

The Sheriff's Report for the month of February consisting of 11 calls, and 4 warnings and 2 citations was reviewed.

Committee Reports:

Park Board

Zachmann reported he attended the meeting. Several Letters of Intent for life guard positions have been received, the swimming pool filtration system has been ordered and T-ball sign up is currently taking place.

Police Committee

Nothing new to report.

Unfinished Business:

The review of Chapter 10 – Health was postponed until the next meeting.

New Business:

Ken Callahan, representative for Montana Dakota Utilities Co. was present to discuss the franchise agreement which they have with the City of Beach. The current franchise agreement will expire on July 19, 2019. Montana Dakota Utilities Co. is requesting another 20 year franchise agreement. Discussion. Walworth moved to approve the First Reading of Ordinance 384, second by Zachmann. 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

ATTEST: _____
Kimberly Gaugler, City Auditor

(Municipal Seal)

Jeanne Larson, President

An Application for Raffle from GVC Pheasants Forever #0777 was reviewed. Walworth moved to approve, second by Wolff. Motion carried unanimously.

No other business was brought forward. President Larson adjourned the meeting at 8:00 p.m.

ATTEST: _____
Jeanne Larson, President

Kimberly Gaugler, City Auditor