

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 February 21, 2017 at 7:00 p.m. Present when the meeting was called to order was City Council Henry Gerving, Dell Beach, Tim Marman, Mark Benes, Jeanne Larson, Wade Walworth, Public Works Superintendent Mike Braden, City Auditor Kimberly Nunberg, City Attorney Gene Allen, Engineer Kenzie Robertson, and guests Tom Marman and Richard Volesky.

Mayor Losinski welcomed guests in attendance.

**PWS Report:**

PWS Braden reported all storm drains have been checked and are flowing properly. The city crew has been jetting some sewer lines in the SE area of town. With the recent melt, the pumps at the lagoon have been running excessively. The main sewer line running along First Street NE needs to be accessed for future maintenance or upgrades.

**Auditor Report:**

Nunberg reviewed her written report. Nunberg reviewed financial statement for the month of January. Benes moved to approve the financial report, second by Gerving. Motion carried unanimously. Nunberg reviewed the 2016 REAP Annual Report.

**Committee Reports:**

**Sheriff Report:** The Sheriff's Report for the month of January consisting of 15 calls and 1 citation was reviewed.

**Engineer Report:**

Robertson reported American Engineering Testing, Inc. completed the geotechnical borings for the Street Improvement District No. 2016-2. Results of the boring samples should be completed within two weeks. Surveying will start shortly afterwards, weather allowing.

**Annual Fire Report:** Gerving reviewed the Annual Fire Report for the year 2016. The Fire Department responded to a total of 27 calls within the City. Total loss of incidents relating to fire, rescue and hazardous condition is valued at \$478,525.00.

**Unfinished Business:**

Zoning Board member Tom Marman was present to answer questions regarding the recently proposed Ordinance No. 383. Discussion. Councilman Marman moved to approve the First Reading of Ordinance 383, second by Larson. Motion carried unanimously.

**ORDINANCE NO. 383**

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 19.0303-2, SECTION 19.0303-3, SECTION 19.0304-2, SECTION 19.0304-3, SECTION 19.0402-2, SECTION 19.0402-3, AND SECTION 19.0406 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO ZONING – "RESIDENTIAL DISTRICT (R-1)

PERMITTING USES “ AND “RESIDENTIAL DISTRICT (R-1) – CONDITIONALLY  
PERMITTING USES

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

Section 1: Section 19.0303-2 entitled “Residential District (R-1) – Permitted uses” is  
hereby amended and re-enacted as follows:

19.0303-2      Permitted uses.

1.      Single-family residential.
2.      Parks.
3.      Accessory Structures when a residential structure already exists.

Section 2: Section 19.0303-3 entitled “Residential District (R-1) – Conditionally  
permitted uses” is hereby amended and re-enacted as follows:

19.0303-3      Conditionally permitted uses.

1.      An in-house apartment unit;
2.      Duplex;
3.      Communal housing;
4.      In-house occupations which do not affect the integrity of the  
neighborhood;
5.      Churches;
6.      Libraries;
7.      Day care center or private kindergarten;
8.      Hospital or nursing home;
9.      City or county building or facility;
10.     Golf courses and contained sports facilities;
11.     Double-Wide Manufactured Home;
12.     Accessory Structures when a residential structure does not already  
exist.

Section 3: Section 19.0304-2 entitled “Multiple Family Districts (R-2) – Permitted uses”  
is hereby amended and re-enacted as follows:

19.0304-2      Permitted uses.

1.      Single-family residential.
2.      Parks.
3.      Accessory Structures when a residential structure already exists.

Section 4: Section 19.0304-3 entitled “Multiple Family Districts (R-2) – Conditionally  
permitted uses” is hereby amended and re-enacted as follows:

19.0304-3 Conditionally permitted uses.

1. An in-house apartment unit;
2. Duplex;
3. Communal housing;
4. In-house occupations which do not affect the integrity of the neighborhood;
5. Churches;
6. Libraries;
7. Day care center or private kindergarten;
8. Hospital or nursing home;
9. City or county building or facility;
10. Golf courses and contained sports facilities;
11. Double-Wide Manufactured Home;
12. Accessory Structures when a residential structure does not already exist.

Section 5: Section 19.0402-2 entitled “Yard Setbacks – Front Yards” is hereby amended and re-enacted as follows:

19.0402-2 Front Yards.

- (a) A front yard depth of not less than 15 feet from the frame or face of the residential structure to the lot line shall be required in R-1, R-2 and C-2 districts. A front yard depth of not less than 25 feet from the frame or face of a garage structure to the lot line shall be required in R-1, R-2 and C-2 districts. In C-2 districts, a commercial business must be 35 feet from the lot line. A front yard depth of not less than 50 feet from the frame or face of the structure to the lot line shall be required in A and I districts.
- (b). Where 30 percent or more of the residential block street frontage of the block in which the lot in question is located is developed, the face of the new residential structure may be aligned with the face of the remaining structures. The 30 percent rule may be applied to both front and side yards on corner lots.

Section 6: Section 19.0402-3 entitled “Yard Setbacks – Side Yards” is hereby amended and re-enacted as follows:

19.0402-3 Side Yards.

- (a) A side yard setback of not less than either 10 percent of the lot width or six (6) feet from the side lot line to the face of any primary or accessory structure shall be required on interior lots in R-1, R-2, and C-2 districts.
- (b). Side yard setbacks on the street side of corner lots shall be either ~~ten (10)~~ fifteen (15) feet or in alignment with the existing structures on that specific block frontage when 30 percent or more of the frontage is developed. These side setback requirements apply in R-1, R-2, and C-2 districts. A side yard depth of not less than 25 feet from the frame or face of a garage structure to the lot line shall be required in R-1, R-2 and C-2.

Section 7: Section 19.0406 entitled “SIGNS AND OBSTRUCTIONS” is hereby amended and re-enacted as follows:

19.0406 SIGNS AND OBSTRUCTIONS:

- 1. All signs shall be constructed and maintained in compliance with Chapter 24-17 of the North Dakota Century Code. When a discrepancy occurs between his ordinance and state regulations this ordinance shall prevail.
- 2. Signs, structures, fences, hedges and other visual obstructions shall not be constructed or planted within nor shall they extend into areas described as clear sight triangles. The points of such triangles are the intersection of the center lines of two streets and the points 75 feet from the center line intersection along each street. ~~Maximum height for a fence is 6.5’ in Residential Zoning.~~ The maximum height for a fence in Residential Zoning is:
  - (a) 6.5’ from the face of the structure to the rear lot line;
  - (b) 4’ from the face of the structure to the front lot line.
- 3. Signs, structures, fences or hedges shall not obstruct the passage of vehicles or pedestrians on public ways.
- 4. Signs shall be maintained in good repair or their removal may be ordered.

Section 8: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 9: 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 Chapter shall continue in full force and effect.

Section 10: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

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Walter Losinski, Mayor,  
City of Beach, North Dakota

ATTEST:

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Kimberly Nunberg, City Auditor

First Reading: February 21, 2017

**New Business:**

Nunberg mentioned the Budget for the Year 2017 included a \$1.00 increase in the base rate for water, sewer, and garbage. Discussion. Walworth moved to approve Resolution 2017-12, second by Larson. Marman - yes, Benes - yes, Larson - yes, Walworth - yes. Gerving – no, Beach – no. Motion carried.

**RESOLUTION NO. 2017-12  
AMENDMENT TO THE WATER, SEWER AND GARBAGE RATES**

WHEREAS, the governing body of the City of Beach is authorized by State Law and the ordinance of the City of Beach to set water and other utility rates by resolution.

WHEREAS, the following rates are necessary to keep the City of Beach solvent.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Beach, North Dakota, that the following water, sewer, and garbage rates for the citizens of Beach are effective as of March 1<sup>st</sup>, 2017.

Base rate for residential and commercial water shall be Thirteen dollars (\$13.00) per month.

Base rate for residential and commercial sewer shall be Six dollars (\$6.00) per month.

Base rate for residential garbage shall be Seventeen Dollars (\$17.00) per month.

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Walter Losinski, Mayor

ATTEST:

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Kimberly Nunberg, City Auditor

Gerving asked if the Police Committee had a recommendation of who would be handling animal complaints. Discussion. Nunberg mentioned she has handled any complaints issued at City Hall or to her after working hours.

Correspondence from Beach School District Superintendent Dave Wegner regarding a second water line to the High School was read.

Nunberg mentioned a Summons was delivered to City Hall on February 16. The Plaintiff is Meyer Contracting, Inc. Nunberg has notified Legal Counsel.

No other business was brought forward. Gerving moved to adjourn, second by Walworth. Meeting adjourned at 7:55 p.m. Motion carried unanimously.

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Walter Losinski, Mayor

ATTEST:

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Kimberly Nunberg, City Auditor