

**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 March 6, 2017 at 7:00 pm. 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 Supt. Mike Braden, City Auditor Kimberly Nunberg, and Attorney Gene Allen. Nunberg requested two items be added to the agenda; Resolution 2017-13 and an Application for Raffle. Mayor Losinski approved the addition of items to the agenda.

**Minutes** – Minutes of the previous month meetings were read. Walworth moved to approve the minutes, second by Larson. Motion carried unanimously.

**Vouchers** – Gerving moved to approve the following vouchers, second by Larson. Motion carried unanimously.

19033 Advanced Engineering & Environmental Services 1,606.72  
19034 Allen Law Office 375.00  
19035 Amy Cassidy 4.20  
19036 Beach Area Chamber of Commerce 150.00  
19037 Black Mountain Software 983.00  
19038 Boss Office Products 23.84  
19039 CNH 224.90  
19040 Dakota Dust-Tex 75.90  
19041 Dakota Supply Group 449.84  
19042 Darrel's Body Shop 107.55  
19043 Ebeltoft Sickler Lawyers 150.00  
19044 Fallon County Treasurer 1,330.25  
19045 Farmers Union/NAPA 343.10  
19046 G & G Garbage 600.00  
19047 Golden Valley County 9,306.74  
19048 Golden Valley News 569.24  
19049 Home On the Range 140.00  
19050 Jill Schatz 18.67  
19051 Marman Plumbing 960.00  
19052 Mid-American Research Chemical 1,372.24  
19053 Midstate Communications 244.45  
19054 Mike Braden 488.00  
19055 MDU 6,683.42  
19056 Morrison Majerle Systems 120.00  
19057 Municipal Finance Officers Assoc. 60.00  
19058 ND Rural Water Systems Assoc. 225.00  
19059 ND Insurance Dept. 60.00  
19060 North Dakota Living 435.00  
19061 Northern Improvement Co. 560.00  
19062 One Call Concepts 5.00  
19063 Power Plan 399.82

19064 Prairie Lumber Co. 25.05  
19065 Rebecca Zeimer 50.00  
19066 Rohan's Hardware 49.82  
19067 Southwest Electric 203.64  
19068 Southwest Water Authority 9,708.54  
19069 Stockwell Cleaning 250.00  
19070 Valli 25.00  
19071 Verizon Wireless 185.82  
-89342-89339,-89337-89328, 19017-19018, 19023-19028, Wages for February 20,061.58  
19019 City of Beach 267.49  
19020 Kim Nunberg 180.00  
19021 Tim Marman 180.00  
19022 USPS 203.85  
19029 ND PERS 2,399.58  
19030 City of Beach 52.20  
19031 Blue Cross Blue Shield 3,982.82  
19032 Blue Cross Blue Shield 570.10  
-89338 First State Bank of Golva 2,267.72  
-89327 First State Bank of Golva 2,315.07

**Public Works Report:**

PWS Braden reported on the following; snow removal, jetting of sewer lines, and street signs that need to be replaced to meet safety standards.

**Auditor Report:**

Nunberg reviewed her written report. Nunberg reviewed the Year End Financial Statement. Larson moved to approve the Year End Financial Statement, second by Benes. Motion carried unanimously. Larson moved to approve Resolution 2017-13, second by Walworth. Motion carried unanimously.

**RESOLUTION NO. 2017-13**  
**APPLICATION TO USDA RURAL DEVELOPMENT 2017**  
**RURAL DEVELOPMENT BUSINESS GRANT PROGRAM**

WHEREAS, This effort seeks funding for the Beach Retention & Expansion Survey for the sum of \$30,000. This project will be administered by the Rural Economic Area Partnership Investment Fund, Inc. under contract to the City of Beach.

WHEREAS, Should this project be funded, contracts and payments are to be processed through the City Council and signed by the Mayor on behalf of the City of Beach. Required reports and draw requests are to be signed by the Mayor and available to the Beach City council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Beach, North Dakota, that Mayor, Walter Losinski, is authorized to apply on their behalf and sign any grant agreements in regards to the USDA Rural Development Business Grant Program

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Walter Losinski, Mayor

ATTEST:

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Kimberly Nunberg, City Auditor

**Committee Reports:**

None

**Unfinished Business:**

None

**New Business:**

Nunberg request approval to re-issue the Off Sale Beer & Liquor License for Cedar Liquors to be printed as Cedar Liquors, LLC. Discussion. Gerving moved to approve re-issuing the licenses, second by Larson. Walworth abstained. Motion carried.

Walworth moved to approve the Second and Final Reading of Ordinance 383, second by Gerving. 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  
Second Reading: March 6, 2017

Final Reading: March 6, 2017

An Application for Raffle from First Lutheran Church was reviewed. Gerving moved to approve the Application for Raffle, second by Walworth. Motion carried unanimously.

No other business was brought forward. Benes moved to adjourn, second by Walworth. Motion carried unanimously. Meeting adjourned at 7:30 p.m.

ATTEST:

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Walter Losinski, Mayor

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Kimberly Nunberg, City Auditor