

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 May 16, 2016 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, City Auditor Kimberly Nunberg, PWS Mike Braden, Engineer Kenzie Robertson, guests Theresa Medina, Juliet Thomas, Dan Farstveet and Levi Hall.

Mayor Losinski called for any additions or corrections to the agenda. Nunberg requested the following items be added to the agenda; Application for Special Events Permit, Request from Golden Valley County Fair Association to hold a fireworks display, Correspondence from USDA, Resolution 12-2016, Executive Session. Walworth moved to approve the addition of items to the agenda, second by Larson. Motion carried unanimously.

PWS Report:

PWS Braden reported City Clean-Up Week went well but will be extended two days this week since the landfill had to be closed two days last week due to rain. The North water tower has been filled and fire hydrants will be flushed Wednesday and Thursday of this week. Next week, weather allowing, the city crew will be trimming trees and grinding stumps in the boulevard. ND Game & Fish will be making improvements to the pier at the fishing pond in the near future. A meter pit is scheduled to be installed at the fairgrounds next week. Seasonal help was discussed. Marman moved to hire back one seasonal employee from last summer at the same wage, second by Benes. Motion carried unanimously.

Auditor Report:

Nunberg presented her written report. Benes moved to approve starting wage of \$12 for two staff at the Tourist Information Center, second by Larson. Walworth abstained. Motion carried. The Bank of ND has given an extension to June 30th on the \$3.888 m loan for the proposed road project in the NW and SE areas of the city. The Tourist Information Center will open on May 28th. The Consumer Confidence Report (Annual Water Quality Report) has been completed and will be published in the next available issue of the newspaper. Nunberg reviewed the financial statement for the month of April. Benes moved to approve the financial statement, second by Larson. Motion carried unanimously.

Committee Report:

Sheriff's Report - Sheriff Steele was not available for the meeting. The Sheriff's Report for the month of April consisting of 31 calls and 7 citations was reviewed.

Zoning Board – Nunberg reported the Board is nearly finished with review of the Zoning Ordinance. Upon completion the Board will be making recommendations for the City Council to consider adopting.

Unfinished Business:

An email for Attorney Bouray regarding progress on the Contract for Transfer of Service Area with Southwest Water Authority (SWA) was read. Discussion. Nunberg will relay agreed upon terms to Attorney Bouray.

New Business:

A Public Hearing was held at 7:30 p.m. regarding a request for Conditional Use of a commercial elevator and accessory structures at SE ¼ LESS TR. A-72 & TRACTS, SEC 25-140-106.

Gerving moved to open the Public Hearing, second by Walworth. Motion carried unanimously.

Farstveet inquired if shareholders of Beach Cooperative Grain Company will be given an opportunity to vote on the project, being it is now a joint venture. Hall indicated a joint venture is being worked on and at the proper time shareholders would be involved with that decision. Discussion continued on annexation of the property to the city, taxable value of the project and impacts to the city and surrounding area. Marman requested Nunberg read the previous conditions set in February 2015 when the first Conditional Use Permit was issued which was only for a rail loop. Conditions set in February 2015 were;

1. The City Engineer must approve the project's engineered construction plan prior to commencement of construction. The plan shall include at minimum, provisions for storm water management, and weed control, as well as elevations, and a project rendering.
2. The City must receive written confirmation from Burlington Northern Santa Fe (BNSF) that the applicant has completed BNSF's new business review process and has been issued a commission to proceed.
3. Applicant shall construct a berm along the west side of the property to provide a buffer between the project and the residential areas to the west. The berm shall not cause any drainage or runoff with regard to neighboring properties.
4. A manufactured fence, of a material and size deemed acceptable to the City, shall be installed west of the berm described above.
5. A landscaped buffer consisting of trees or shrubs not in excess of ten (10) feet in height shall be planted outside of the fence.
6. The facility shall handle grain or fertilizer products only. No other products such as crude oil, hazardous, explosive, or highly flammable materials shall be permitted on site. Violation of this condition shall result in immediate revocation of this Permit.
7. Applicant shall provide for flashing lights to be installed at both railroad crossings of Main Street.
8. Both railroad crossings of Main Street shall be of concrete material, and shall not affect the "Quiet Zone" crossings on Central Avenue and 2nd Avenue NE.
9. Applicant shall be responsible for contacting City dispatch when the crossings on Main Street will be blocked, so all emergency responders have notice.
10. The applicant shall take steps to have the property annexed in to the City of Beach.
11. The Permit shall have a term of 12 months, at which point it may be reviewed by the City Council.
12. The Permit shall expire with any change of ownership. All subsequent owners of the property shall be required to reapply for Permit approval.

13. Operation of the facility shall comply with all applicable City, County, State and Federal requirements.

Discussion. Gerving moved to close the Public Hearing, second by Benes. Motion carried unanimously. Marman moved to apply these same conditions to this project with the exception of condition 12. which should be changed to read “The Permit shall expire with any change of ownership exceeding 50% of the initial project”, second by Benes. Motion carried unanimously.

An Application for Special Event submitted by the Golva Bar was reviewed. Gerving moved to approve the Special Event contingent on approval from the Sheriff, second by Walworth. Motion carried unanimously. Correspondence was read from the Golden Valley County Fair Association requesting permission to hold a fireworks display on Friday, August 5, 2016. Benes moved to approve the request contingent there is no burn ban in place, second by Gerving. Motion carried unanimously. Correspondence from USDA Rural Development was read. Gerving moved to approve Resolution 12-2016, second by Beach. Motion carried unanimously.

RESOLUTION NO. 12-2016

A RESOLUTION TO CALL FOR AND AUTHORIZE THE SALE OF REAL PROPERTY OF THE CITY OF BEACH, NORTH DAKOTA

WHEREAS, the City of Beach desires to sell real property it owns within Golden Valley County, to wit:

A two (2.0) acre parcel located in the Southwest quarter (SW $\frac{1}{4}$) of Section Sixteen (16), Township One Hundred Forty One (141) West, Range One Hundred Five (105) North, Golden Valley County, North Dakota, more particularly described as:

Commencing at the Southwest Section corner of said Section 16 marked by a found chisel mark; thence on the South Section line of said Section 16, an azimuth of 90°02'34", a distance of 632.17 feet; thence on an azimuth of 0°02'34", a distance of 33.00 feet to a point on the North line of a county road right of way and the Point of Beginning marked by a rebar with yellow plastic cap (YPC); thence on an azimuth of 0°02'08", a distance of 400 feet to a YPC; thence on an azimuth of 90°02'34", a distance of 217.80 feet to a YPC; thence on an azimuth of 180°02'08", a distance of 400.00 feet to a YPC; thence on a said North right of way line an azimuth of 270°02'34", a distance of 217.80 feet to the Point of Beginning.

WHEREAS, the City Council has been advised that a parcel adjoining the property described above is owned by Golden Valley County, and that Golden Valley County is interested in pursuing a sale of said parcel, said parcel being described as a 1.84 acre parcel of land in the Southwest Quarter of Section 16, Township 141, Range 105 West, more particularly described as follows:

Beginning at a point North 33 feet and East 860 feet from the S.W. Corner of the SW $\frac{1}{4}$, said Section 16, thence North a distance of 400 feet, thence east a distance of 500 feet, thence south a distance of 400 feet, thence West a distance of 500 feet to a place of beginning.

WHEREAS, the City Council has been approached by Golden Valley County with the proposal to offer the City's above described parcel for sale in conjunction with the adjoining parcel owned by Golden Valley County;

WHEREAS, the City Council of the City of Beach deems it advisable and in the best interests of the City of Beach to offer the real property identified herein for public sale, in conjunction with the sale of Golden Valley County's adjoining real property;

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Beach North Dakota, as follows:

1. That the City Council of the City of Beach hereby calls for and authorizes the public sale of the following real property:

A two (2.0) acre parcel located in the Southwest quarter (SW $\frac{1}{4}$) of Section Sixteen (16), Township One Hundred Forty One (141) West, Range One Hundred Five (105) North, Golden Valley County, North Dakota, more particularly described as:

Commencing at the Southwest Section corner of said Section 16 marked by a found chisel mark; thence on the South Section line of said Section 16, an azimuth of 90°02'34", a distance of 632.17 feet; thence on an azimuth of 0°02'34", a distance of 33.00 feet to a point on the North line of a county road right of way and the Point of Beginning marked by a rebar with yellow plastic cap (YPC); thence on an azimuth of 0°02'08", a distance of 400 feet to a YPC; thence on an azimuth of 90°02'34", a distance of 217.80 feet to a YPC; thence on an azimuth of 180°02'08", a distance of 400.00 feet to a YPC; thence on a said North right of way line an azimuth of 270°02'34", a distance of 217.80 feet to the Point of Beginning.

to be offered for sale in conjunction with the real property owned by Golden Valley County, described as a 1.84 acre parcel of land in the Southwest Quarter of Section 16, Township 141, Range 105 West, more particularly described as follows:

Beginning at a point North 33 feet and East 860 feet from the S.W. Corner of the SW $\frac{1}{4}$, said Section 16, thence North a distance of 400 feet, thence east a distance of 500 feet, thence south a distance of 400 feet, thence West a distance of 500 feet to a place of beginning.

2. The public sale shall be held by sealed bids in a manner to be approved by the City Council and City Attorney.

3. A notice containing a description of the property to be sold and designating the place where and the day and hour when the sale will be held shall be published in the City's official newspaper once each week for two consecutive weeks with the last publication being at least ten days in advance of the date set for the sale.

WITNESS my hand and the official seal of the City of Beach, North Dakota, this 16th day of May, 2016.

Mayor, City of Beach

ATTEST:

Kimberly Nunberg, City Auditor

Gervings moved to retire into executive session per ND Century Code 44-04-19-1(1) & 44-04-19.2(1) to discuss Attorney work product, second by Walworth. Motion carried unanimously. City Council retired into executive session at 8:30 p.m.

*****EXECUTIVE SESSION*****

Mayor Losinski called the meeting back to order at 9:03 p.m.

No other business was brought forward. Gervings moved to adjourn, second by Walworth. Motion carried unanimously. Meeting adjourned at 9:05 p.m.

ATTEST:

Walter Losinski, Mayor

Kimberly Nunberg, City Auditor