

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 June 20, 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, Engineer Kenzie Robertson, and 29 guests.

Mayor Losinski called for any additions or corrections to the agenda. Gerving requested the following items be added to the agenda; results on a water sample taken from his residence and correspondence from himself which was previously emailed to all City Council, City Attorney and City Auditor. Nunberg requested the following item be added to the agenda; 2015 Annual Operating Report from Southwest Water Authority. Walworth moved to approve the addition of items to the agenda, second by Larson. Motion carried unanimously.

PWS Report:

PWS Braden was not able to attend the meeting.

Auditor Report:

Nunberg reviewed her written report. Preliminary election results are as follows; Publication of Minutes: Yes – 224, No – 14. City Council: Mark Benes - 159 Wade Walworth – 144 Jeanne Larson – 121 Robert Schmeling – 121 Theresa Medina 103 Park Board: Jennifer Erickson – 206 Rachel Keohane 205 Mike Braden – 197. The Re-Count Board is still reviewing ballots on the tie between Larson and Schmeling. Nunberg reviewed the financial report for the month of May. Benes moved to approve the financial report, second by Gerving. Motion carried unanimously.

Committee Report:

Sheriff's Report - Sheriff Steele was not available for the meeting. The Sheriff's Report for the month of May consisting of 34 calls and 9 citations was reviewed. Nunberg mentioned she was notified the rate for Contracted Police Services will be increased from \$47.00 per hour to \$52.13 per hour for the year 2017.

Unfinished Business:

None

New Business:

Gerving mentioned he took a water sample from his residence and sent the sample to an independent lab for testing. Test results were all within established parameters, with the exception of sodium which was higher than allowed. Applications for Beer and Liquor License were reviewed. Benes moved to approve On/Off Sale Beer & Liquor Licenses for Legion Club, Inc. and The Backyard, second by Larson. Gerving and Walworth abstained. Motion carried. Benes moved to approve Off Sale Beer License for Farmers Union Oil Company of Beach, second by Larson. Gerving and Walworth abstained. Motion carried. Benes moved to approve Off Sale Beer & Liquor License for Cedar Liquors, LLC, second by Larson. Gerving and Walworth abstained. Motion carried. Two Applications for Special Events were reviewed.

Gerving moved to approve the Applications for Special Events on Friday, August 5th for Buffalo Gap Guest Ranch and Saturday, August 6th for Cedar Liquors, second by Benes. Walworth abstained. Motion carried.

Nunberg read correspondence from Tom Wilhelm, Manager of Beach Cable requesting the extension of the current franchise agreement with the City of Beach. Wilhelm requested the 3% franchise fee be applied only to the basic cable rate. Gerving moved to approve the request extending the franchise agreement for fifteen years but the 3% franchise fee remain the same, second by Marman. Discussion. Gerving – yes, Beach – yes, Marman – yes, Larson – yes, Benes – no, Walworth – no. Motion carries.

A Public Hearing was held at 7:30 p.m. for the purpose of determining the sufficiency of protests filed in objection to Beach Street Improvement District 2016-01. Gerving moved to open the Public Hearing, second by Walworth. Motion carried unanimously. Engineer Kenzie Robertson provided a map of the project area along with a list of property owners showing that 62% of the project area protested. Lea Farstveet asked if the SE portion of the project could still proceed since only one property owner protested. Nunberg explained a new special assessment district would need to be developed and as long as a majority did not protest the project could proceed. Terry Egan questioned if new scoria would be placed on 4th Ave NW because after the last heavy rain it was washed away. Carrie Zachmann offered to continue looking for grants that could assist in paying for the improvement project as something needs to be done with the street and drainage in this area. Robertson will explore other options for street improvements.

Gerving moved to close the Public Hearing, second by Larson. Motion carried unanimously. Benes moved to approve Resolution 2016-14, second by Walworth. Motion carried unanimously.

RESOLUTION NO. 2016 - 14

A RESOLUTION DETERMINING THE SUFFICIENCY OF PROTESTS FILED IN OBJECTION TO BEACH STREET IMPROVEMENT DISTRICT 2016-01

WHEREAS, the City Council has adopted Resolution 2016 - 10, creating the Beach Street Improvement District 2016-01; and

WHEREAS, the City Council adopted Resolution 2016 - 11, declaring the necessity of making certain improvements within the Beach Street Improvement District 2016-01;

WHEREAS, notice of this resolution was published in the official newspaper of the City of Beach on May 12th, and 19th, 2016 providing notice to owners of property within the District of their right to protest the intended improvements by filing written objections within 30 days of the first publication;

WHEREAS the Beach City Council met at its next regularly scheduled meeting to hear and determine the sufficiency of the protests; and

WHEREAS, the City Council finds that owners of more than fifty percent of the property within the District have filed written protests to the planned improvements; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Beach, North Dakota, that due to the protests filed objecting to the project, the project will not proceed, and the Beach Street Improvement District 2016-01 shall be dissolved.

Dated this 20th day of June, 2016.

Walter Losinski, Mayor
City of Beach, North Dakota

ATTEST:

Kimberly Nunberg, City Auditor

Nunberg provided the 2015 Annual Operating Report from Southwest Water Authority. Gerving asked for discussion on an email he previously sent to the City Council, City Attorney and City Auditor. Mayor Losinski mentioned emails sent to a majority of the Council could violate the Open Records and Meetings Law. Gerving provided the email to those present. There was no further discussion on the email. Marman moved that if City representatives contact the City Attorney they must have approval first from City Council to do so, second by Walworth. Nunberg asked for clarification. Gerving stated each City Council member is entitled to contact the City Attorney for city related matters. Discussion. Marman moved to rescind his motion, second by Walworth. Motion carried unanimously. Nunberg will contact the City Attorney for an opinion.

No other business was brought forward. Larson moved to adjourn, second by Walworth. Meeting adjourned at 8:35 p.m. Motion carried unanimously.

ATTEST:

Walter Losinski, Mayor

Kimberly Nunberg, City Auditor