

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 October 17, 2016 at 7:00 p.m. Present when the meeting was called to order was City Council Dell Beach, Tim Marman, Mark Benes, Jeanne Larson, Wade Walworth, City Auditor Kimberly Nunberg, City Attorney Gene Allen, City Engineer Kenzie Robertson and guest Jim Groll.

Mayor Losinski added two items to the agenda; Resolution 2016-15 and Resolution 2016-16.

PWS Report:

PWS Braden was not able to attend the meeting.

Auditor Report:

Nunberg reviewed her written report. Nunberg reviewed the financial report for the month of September. Benes moved to approve the financial report, second by Larson. Motion carried unanimously.

Committee Report:

Sheriff Report

The Sheriff's Report for the month of September consisting of 22 calls and 7 citations was reviewed.

Multi Use Trail

Marman reported on work that needs to be done to complete the Multi Use Trail Project. Once the Settlement Agreement and Release has been signed by both parties, the City will see that the necessary repairs are made and will be reimbursed by Kadrmas, Lee & Jackson.

Engineer Report

Robertson asked if the Council had any questions or concerns on the map and cost estimate of the proposed street improvement project in the NW and SE areas of the City which was reviewed at the previous meeting. Discussion. Mayor Losinski allowed Jim Groll to comment. Jim requested his property be removed from the project. Discussion. Larson moved to approve Resolution 2016-15, second by Walworth. Discussion. Walworth – yes, Larson – yes, Benes – yes, Marman – yes, Beach – no. Motion carried.

RESOLUTION NO. 2016-15

**A RESOLUTION CREATING THE CITY OF BEACH STREET
IMPROVEMENT DISTRICT 2016-02 OF THE CITY OF BEACH, NORTH
DAKOTA.**

BE IT RESOLVED by the governing body of the City of Beach, North Dakota, as follows:

WHEREAS, a municipality is empowered under North Dakota law, NDCC Ch 40-22, to establish special assessment districts for the purpose of, among other things, improvements of the municipal street system and any part thereof; and

WHEREAS, the City of Beach desires to establish a special assessment district to provide for the improvement of City streets throughout the City of Beach;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEACH, as follows:

1. There is hereby created **The City of Beach Street Improvement District 2016-02** for the purpose of making certain specified improvements to the municipal streets within the City of Beach.
2. The said **City of Beach Street Improvement District 2016-02** shall encompass all of the following legally-described real property:

Butte View, BLK 2, LOT 1
Butte View, BLK 2, LOT 5
Hunter's 5 th , BLK 9, LOTS 7-8-9
Hunter's 5 th , BLK 9, LOTS 10-11-12
Hunter's 5 th , BLK 10, LOTS 1-2
Hunter's 5 th , BLK 10, LOTS 3-4-5-6-10
Hunter's 5 th , BLK 10, LOTS 11-12
Hunter's 5 th , BLK 10, LOTS 13-14
Hunter's 5 th , BLK 11, LOT 6
Hunter's 5 th , BLK 11, LOTS 7-8-9-10

Woodhull's 1 st , BLK 11, LOTS 7-8
Woodhull's 1 st , BLK 11, LOTS 9-10
Woodhull's 1 st , BLK 11, LOTS 11-12 & N 33' of vacated Elizabeth Ave.
Woodhull's 1 st , BLK 12, LOT 1
Woodhull's 1 st , BLK 12, LOTS 7-8 & S 33' of vacated Elizabeth Ave.
Woodhull's 1 st , BLK 12, LOTS 9-10-11-12
Woodhull's 1 st , BLK 13, LOT 6
Woodhull's 1 st , BLK 13, LOT 7
Woodhull's 2 nd , BLK 1, LOTS 1-2-3-4-5-6 & S 33' of vacated Elizabeth Ave.
Woodhull's 2 nd , BLK 2, LOTS 1-2-3-4-5-6 & N 33' of vacated Elizabeth Ave.
Woodhull's 2 nd , BLK 2, LOTS 7-8
Woodhull's 2 nd , BLK 2, LOTS 9-10
Woodhull's 2 nd , BLK 2, LOTS 11-12 & N 33' of vacated Elizabeth Ave.
Woodhull's 2 nd , BLK 3, LOT 1
Woodhull's 2 nd , BLK 3, LOTS 7-8-9 & N ½ of 10
Woodhull's 2 nd , BLK 3, LOTS S ½ of 10, 11-12
Woodhull's 2 nd , BLK 3, S 33' of vacated Prospect Ave.
Woodhull's 2 nd , BLK 4, LOTS 7-8-9-10
Woodhull's 2 nd , BLK 4, LOTS 11-12 & N 33' of vacated Prospect Ave.
Woodhull's 2 nd , BLK 5, LOTS 1-2-3 & N 33' of vacated Prospect Ave.
Woodhull's 2 nd , BLK 5, LOTS 4-5-6

Woodhull's 2 nd , BLK 6, LOTS 1-2-3
Woodhull's 2 nd , BLK 6, LOTS 4-5-6
Woodhull's 2 nd , BLK 6 , LOTS 7-8-9 & S 33' of vacated Prospect Ave.
Woodhull's 2 nd , BLK 7, N ½ of W ½
Woodhull's 2 nd , BLK 7, N ½ of E ½
Woodhull's 2 nd , BLK 10, LOT 6
Woodhull's 2 nd , BLK 10, LOT 7
Woodhull's 2 nd , BLK 11, LOT 1
Woodhull's 2 nd , BLK 11 LOT 12

3. The report of the City Engineer regarding the general nature, purpose, and feasibility of the proposed improvements, and the City Engineer's estimate of the probable cost of the improvements is hereby approved.
4. The plans and specifications for the project, as prepared by the City Engineer, are hereby approved.
5. The plans and specifications and estimates shall be the property of the municipality and shall be filed in the office of the city auditor and shall remain on file in the city auditor's office subject to inspection by any interested person.

Dated this 17th day of October, 2016.

ATTEST:

Walter Losinski, Mayor
City of Beach

Kimberly Nunberg, City Auditor

Walworth moved to approve Resolution 2016-16, second by Larson. Walworth – yes, Larson – yes, Benes- yes, Marman – yes, Beach – no. Motion carried.

RESOLUTION NO.2016 – 16

**A RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT
IN CITY OF BEACH STREET IMPROVEMENT DISTRICT 2016-2.**

WHEREAS, the City Council of the City of Beach have previously created **The City of Beach Street Improvement District 2016-2**, and

WHEREAS, the City Engineer for the City of Beach has prepared a report describing the general nature, purpose, and feasibility of the proposed improvements to be included in the City of Beach Street Improvement District 2016-2; and

WHEREAS, a true and accurate map showing the location of the City of Beach Street Improvement District 2016-2 is attached hereto; and

WHEREAS, the City Council has considered the contents of said report, and found and determined that the proposed improvements are necessary for the orderly and proper maintenance and upkeep of the City; and

WHEREAS, the City Council finds that it is necessary to provide notice of the proposed improvements to the owners of property located within the City of Beach Street Improvement District 2016-2;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Beach, North Dakota, as follows:

1. That the City Council hereby authorizes and directs the City Auditor to have a copy of this resolution, and map published in the official newspaper of the City, once each week for two weeks;

2. The owners of property within said improvement district shall be afforded an opportunity to file written protests with the City Auditor any time within 30 days after the first publication of the Resolution. The City Council shall meet to hear and determine the sufficiency of any written protests that are filed with the City Auditor on or before November 26th.

Dated this 17th day of October, 2016.

Walter Losinski, Mayor
City of Beach

ATTEST:

Kimberly Nunberg, City Auditor

New Business:

Mayor Losinski requested the Law Enforcement Service Contract with Golden Valley County Sheriff's Department be tabled until the next meeting.

Correspondence was read from Golden Valley County Auditor regarding property that has been turned back to the County.

The Second and Final Reading of Ordinance 382 was read. Larson moved to approve the Second and Final Reading of Ordinance 382, second by Benes. Beach – yes, Marman – yes, Benes – yes, Larson – yes, Walworth – no. Motion carried.

ORDINANCE NO. 382

AN ORDINANCE RENEWING A FRANCHISE TO BEACH CABLE, LLC, ITS SUCCESSORS AND ASSIGNS, ARE HEREBY GRANTED THE RIGHT TO USE AND OCCUPY THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY OF BEACH, FOR A TERM OF FIFTEEN (15) YEARS FROM THE EFFECTIVE DATE HERETO, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING A CABLE TELEVISION SYSTEM WITHIN SAID CITY.

Be it ordained by City Council of the city of Beach, North Dakota.

Section 1. Rights Granted

That Beach Cable, LLC, its successors and assigns, are hereby granted the right to use and occupy the streets, alleys and other public places of the city of Beach, North Dakota, for a term of fifteen (15) years from the effective date hereof, for the purpose of constructing, maintaining and operating a cable television system within said city.

Section 2. Rights Subject to Law Enforcement Power

That the rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon said city.

Section 3. Effective Date

That this ordinance shall be in full force and effect, and shall constitute a binding contract between the city of Beach and Beach Cable, LLC when it shall have been enacted according to law, and when the provisions hereof shall have been accepted in writing by said Beach Cable, LLC and such acceptance filed with the City Auditor.

Section 4. Unnecessary Impediments or Conditions

During the construction, maintenance or enlargement of any part of said cable television system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said City and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

The City reserves the right to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to such reasonable regulations of the police nature as it may deem necessary for the best interests of the City, but the City will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the carrying of its business in accordance with the franchise hereby granted.

Section 5. Disturbance at Own Cost

In case of disturbance of any street, sidewalk, alleys public way, or paved area, the Grantee shall, at its own cost and expense and in manner approved by the City Public Works Superintendent or Engineer, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done. Grantee shall not be required to pay a fee for street openings.

Section 6. 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.

APPROVED: CITY OF BEACH

(Seal)

Walter Losinski, Mayor,
City of Beach, North Dakota

ATTEST:

Kimberly Nunberg, City Auditor

First Reading: October 3, 2016

Second Reading: October 17, 2016

Final Reading: October 17, 2016

No other business was brought forward. Walworth moved to adjourn, second by Larson. Meeting adjourned at 7:35 p.m. Motion carried unanimously.

ATTEST:

Walter Losinski, Mayor

Kimberly Nunberg, City Auditor