

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 January 20, 2015 at 7:00 pm. Present when the meeting was called to order was City Council Henry Gerving, Tim Marman, Mark Benes, Jeanne Larson, Wade Walworth, Public Works Supt. Mike Braden, City Auditor Kimberly Nunberg, Engineers Jon Wilczek and Thomas Schmelzenbach, and approximately 30 guests.

Public Participation – None.

Minutes - Minutes of the previous month meetings were read. Benes moved to approve, second by Larson. Motion carried unanimously.

Vouchers – Benes moved to approve the final vouchers for the year 2014, second by Walworth Motion carried unanimously.

17668 American Welding & Gas 22.00

17669 Bismarck Tribune 29.00

17670 BOSS Office & Computer Products 164.26

17671 CNH Capital 2264.57

17672 Con-Mat Supply 3537.53

17673 Dakota Dust-Tex, Inc. 71.15

17674 Ebeltuft Sickler Lawyers 805.00

17675 Fallon County Treasurer 1283.25

17676 Farmers Union 2326.49

17677 Fisher Sand & Gravel 1047.20

17678 Four Seasons 51.05

17679 G & G Garbage 4800.00

17680 Golden Valley News 197.28

17681 Mid-American Research Chemical 460.00

17682 Morrison Majerle Systems Corp 26.25

17683 Municipal Government Academy 30.00

17684 ND Department of Health 32.00

17685 One Call Concepts 3.30

17686 Ordahl Construction 600.00

17687 Prairie Lumber Company 272.19

17688 Q Business Source 83.24

17689 Rohan's Hardware 634.86

17690 Southwest Water Authority 8496.14

17691 Temp Right Service, Inc. 292.00

17692 Verizon Wireless 173.51

-89832-89829, -89827-89818, 17628-17631, 17654-17659 Wages for December - 21,968.97

17630 City of Beach 315.52

17651 Blue Cross Blue Shield 512.40

17652 Blue Cross Blue Shield 5350.42

17653 USPS 153.98

17660 ND PERS 2136.63
-89828 First State Bank of Golva 2049.37
-89817 First State Bank of Golva 2636.23
-89816 Office of State Tax Commissioner 381.14

Gerving moved to approve the following vouchers, second by Marman. Motion carried unanimously.

17693 Anthony Nelson 500.00
17694 Badlands Development LLC 16.80
17695 Beach Area Chamber of Commerce 150.00
17696 Beach Close Up 5000.00
17697 Black Mountain Software 905.00
17698 Expressway Inn
17699 Golden Valley County 9265.00
17700 Golden Valley News 34.00
17701 Jack Cook Computer Repair 90.00
17702 Justin Zich 9227.50
17703 Kim Nunberg 432.90
17704 Marshall Nunberg 200.00
17705 MFOA ND 30.00
17706 ND Building Officials Association 60.00
17707 ND Rural Water Systems Association 225.00
17708 ND Water Users 100.00
17709 NDLC 1264.00
17710 Ronald Hogan 9.32
17711 Rural Leadership ND 40.00
17712 Stockwell Cleaning 250.00
17713 Total Safety U.S. 50.00
17714 USPS 220.00

Sheriff's Report

Sheriff Steele was not able to attend the meeting but the monthly report for December consisting of 21 calls, 4 citations and 2 written warnings was reviewed.

Public Works Report

PWS Braden reported on the following: snow removal, repairs at the transfer station are still pending insurance and equipment upgrades that are necessary. Marman moved to approve the request to purchase a box blade for snow removal, second by Gerving. Motion carried unanimously.

Auditor Report:

Nunberg reviewed her written report. Nunberg requested the Council reconsider the proposal from AE2S in the amount of \$5000 to conduct a City Zoning Review. Larson moved to approve the request, second by Walworth. Discussion. Motion carried unanimously.

Committee Report:

Lagoon Project – Engineer Thomas Schmelzenbach and Jon Wilczek reported on the bid opening for the lagoon expansion project. Twelve bids were received for the project. The three lowest bids without a liner were;

Meyer Contracting, Inc. 1,832,880.90
Burski Excavating, Inc. 1,982,863.00
First Dakota Enterprise, Inc. 1,998,794.70

Three lowest bids with a liner were;
Youderian Construction, Inc. 2,184,994.46
Meyer Contracting, Inc. 2,245,173.90
First Dakota Enterprise, Inc. 2,262,062.46

Marman moved to table a decision on awarding of contract until the next meeting, second by Gerving. Motion carried unanimously.

Walking/Biking Trail Project – The bid opening date for Phase 2 of the project is February 27th

Unfinished Business:

None

New Business:

A Public Hearing was held at 7:30 for comment on Application for Building with Conditional Use submitted by Beach Co-op Grain Company & Too Far Farms, LLC. Walworth moved to open the Public Hearing for comment, second by Larson. Motion carried unanimously. Rick Miske and Sandra Applegate provided a map identifying the approximate location of the rail loop and a map showing the distance from the Michel's railroad crossing to where the new railroad crossings would be located. The distance between railroad crossings is approximately 8,093'. Applegate mentioned a 110 unit train would be 6,655' plus the engines, indicating all four crossings could not be blocked at any one given time. Others giving comment on the project were; Lea Farstveet, Randy Dietz, Gene Allen, Dan Farstveet, Corlene Olsen, Don Hardy. Larson moved to close the Public Hearing, second by Gerving. Motion carried unanimously. Larson read a list of suggested conditions provided by the Zoning Board. These conditions are only recommendations from the Zoning Board and negotiable by City Council.

1. The City of Beach must receive an engineered construction plan which will include but not be limited to; a watershed plan, weed control plan, elevation plan and project rendition.
2. The City of Beach must receive written confirmation from BNSF that Beach Cooperative Grain Company has completed BNSF's new business review process and was issued a commission to proceed from BNSF.
3. This rail loop will be for grain product only, any other product will result in the City of Beach revoking the Conditional Use Permit.
4. A berm is to be built on the west side of the property between the Residential Zoning and the Agricultural Zoning. The berm must not cause drainage problems or flooding to the adjacent residential properties and must be built to allow for proper watershed.
5. A manufactured fence, acceptable to the City, is to be installed on the west side of the property between the Residential Zoning and Agricultural Zoning. This fence must be on

the west side of the berm (not on top of the berm). A 6'chainlink fence is to be installed on the South side of the property.

6. Trees/shrubs acceptable by City Ordinance are to be planted outside the fenced area. Trees/shrubs are not to exceed 10' in height.
7. At any time railroad cars are being moved across Main Street, employees of Beach Cooperative Grain Company must be present for traffic control.
8. Flashing lights must be installed at both railroad crossings on Main Street.
9. Both railroad crossings on Main Street will be concrete material.
10. Beach Cooperative Grain Elevator will be responsible for the following improvements; Paving, curb and gutter on 6th Avenue SE between 4th and 6th Street. Paving on 6th Ave SE starting at the intersection of 6th Street to 35th Street and 35th Street to Highway 16.
11. The SE ¼ Section 25 Township 140 Range 106 is to be annexed into the city.
12. The Conditional Use Permit will be reviewed by the City Council 12 months after being issued.

Marman moved to table a decision on the suggested conditions until the next meeting, second by Benes. Motion carried unanimously.

RESOLUTION 2015-1

PUBLIC NOTICE OF REGULARLY SCHEDULED MEETING DATES TO BE HELD AT CITY HALL, BEACH, ND, AND THE HOUR BEGINNING OF MEETINGS

WHEREAS, UNDER PROVISIONS OF CHAPTER 40-04.1-05. NDCC, AND CITY ORDINANCE 1.0201 THE CITY COUNCIL HAS DETERMINED DATES FOR REGULAR MEETINGS IN THE YEAR 2015,

AND WHEREAS, THE CITY COUNCIL SHALL OBSERVE DAYLIGHT SAVINGS TIME DURING THOSE MONTHS DAYLIGHT SAVINGS TIME IS OBSERVED AND MOUNTAIN TIME DURING THOSE MONTHS MOUNTAIN TIME IS OBSERVED,

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL MEETINGS SHALL BEGIN AT 7:00 P.M. ON THE FOLLOWING DATES AND MAY ADJOURN FROM TIME TO TIME IF NECESSARY:

JANUARY 20	JULY 6 & 20
FEBRUARY 2 & 17	AUGUST 3 & 17
MARCH 2 & 16	SEPTEMBER 8 & 21
APRIL 6 & 20	OCTOBER 5 & 19
MAY 4 & 18	NOVEMBER 2 & 16
JUNE 1 & 15	DECEMBER 7 & 21

BENES MOVED TO ADOPT RESOLUTION 2015-1, SECOND BY GERVING. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2015-2

ESTABLISHMENT OF DAYS THAT CITY HALL IS CLOSED DUE TO HOLIDAYS

WHEREAS, UNDER THE PROVISIONS OF CHAPTER 1-03-01 OF NDCC AND BY THE ACTIONS OF THE CITY COUNCIL TO DECLARE DAYS THAT CITY HALL WILL BE CLOSED,

NOW THEREFORE, BE IT RESOLVED THAT CITY HALL WILL BE CLOSED IN OBSERVANCE OF THE FOLLOWING:

JANUARY 1 - NEW YEARS DAY	SEPTEMBER 7 - LABOR DAY
JANUARY 19 - MARTIN LUTHER KING DAY	OCTOBER 12 - COLUMBUS DAY
FEBRUARY 16 - PRESIDENTS DAY	NOVEMBER 11 - VETERANS DAY (OBS.)
APRIL 3 - GOOD FRIDAY	NOVEMBER 26- THANKSGIVING
MAY 25 - MEMORIAL DAY	NOVEMBER 27- IF COUNCIL APPROVES
JULY 3 - INDEPENDENCE DAY	DECEMBER 24 – CHRISTMAS EVE 1-5
	DECEMBER 25 – CHRISTMAS DAY

CITY HALL CLOSING WILL ALSO BE OBSERVED UPON ACTION OF THE PRESIDENT OF THE UNITED STATES AND THE GOVERNOR OF THE STATE OF NORTH DAKOTA.

BENES MOVED TO ADOPT RESOLUTION 2015-2, SECOND BY GERVING. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2015-3

BUSINESS HOURS AT CITY HALL

WHEREAS, THE CITY COUNCIL WILL DETERMINE THE HOURS CITY HALL WILL BE OPEN,

NOW THEREFORE, BE IT RESOLVED THAT CITY HALL WILL BE OPEN MONDAY THROUGH FRIDAY, 8:00 A.M. TO NOON AND 1:00 P.M. TO 5:00 P.M., WITH THE EXCEPTIONS OF HOLIDAYS.

BENES MOVED TO ADOPT RESOLUTION 2015-3, SECOND BY GERVING. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2015-4

REIMBURSEMENT FOR MILEAGE, MEALS AND LODGING

WHEREAS, CITY EMPLOYEES MAY INCUR EXPENSES FOR MILEAGE, MEALS, AND LODGING IN THE PERFORMANCE OF CARRYING OUT THE DUTIES REQUIRED BY THE CITY,

AND WHEREAS, THE CITY AUDITOR, UPON BEING PRESENTED WITH DOCUMENTED EVIDENCE AND IS SATISFIED WITH AUDIT OF EXPENSES, MAY APPROVE PAYMENT BETWEEN REGULARLY SCHEDULED COUNCIL MEETING,

NOW THEREFORE, BE IT RESOLVED THAT THE CITY ALLOW REIMBURSEMENT FOR EXPENSES INCURRED ACCORDING TO CHAPTER 54-06-09 OF NDCC AS FOLLOWS:

PERSONAL VEHICLE, MILEAGE	.56.5 PER MILE
\$30.00 PER DIEM FOR BREAKFAST, LUNCH & DINNER	
LODGING	77.00
(ACTUAL LODGING NOT TO EXCEED \$77 PLUS ANY APPLICABLE TAXES)	

BENES MOVED TO ADOPT RESOLUTION 2015-4, SECOND BY GERVING. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2015-5

EXPEDITION OF BUSINESS

WHEREAS, IT APPEARS THE BUSINESS OF THE CITY WILL BE EXPEDITED BY AUTHORIZING THE CITY AUDITOR TO PAY CERTAIN MISCELLANEOUS ITEMS, SUCH AS POSTAGE, FREIGHT, UTILITIES, REFUND ORDERS, REGULAR EMPLOYEE PAYROLL AND APPORTIONMENTS,

NOW THEREFORE, BE IT RESOLVED THAT THE CITY AUDITOR BE ALLOWED TO PAY SUCH CLAIMS.

BENES MOVED TO ADOPT RESOLUTION 2015-5, SECOND BY GERVING. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2015-6

LISTING OF DEPOSITORY BANKS

WHEREAS, IT IS NECESSARY FOR THE CITY AUDITOR TO DEPOSIT MONIES FROM TIME TO TIME,

AND WHEREAS, IT IS NECESSARY FOR THE CITY AUDITOR TO DRAW UPON THE DEPOSITS,

NOW THEREFORE, BE IT RESOLVED THAT THE FOLLOWING BANKS BE NAMES FOR DEPOSITORY FUNDS;

FIRST STATE BANK OF GOLVA, GOLVA & BEACH, ND: CHECKING ACCOUNT

BANK OF THE WEST, BEACH, ND: TREASURY SAVINGS

WESTERN COOPERATIVE CREDIT UNION: SAVINGS ACCOUNT

BENES MOVED TO ADOPT RESOLUTION 2015-6, SECOND BY GERVING. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2015-7

PLEDGE OF SECURITIES

WHEREAS, IT IS NECESSARY TO HAVE PLEDGE OF SECURITIES,

NOW THEREFORE, BE IT RESOLVED THE FOLLOWING PLEDGES BE ACCEPTED:

BANK OF THE WEST, BEACH, ND \$129,900.00 PLUS
\$250,000.00 FDIC

FIRST STATE BANK OF GOLVA, GOLVA & BEACH, ND \$ 2,375,000.00 PLUS
\$ 250,000.00 FDIC

BENES MOVED TO ADOPT RESOLUTION 2015-7, SECOND BY GERVING. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2015-8

CITY AUDITOR TO INVEST AND REINVEST FUNDS

WHEREAS, CITY FUNDS MAY BE INVESTED IN CERTIFICATES OF DEPOSIT OR US TREASURY NOTES TO DRAW INTEREST,

AND WHEREAS, THESE FUNDS MATURE FROM TIME TO TIME,

NOW THEREFORE, BE IT RESOLVED THAT THE CITY AUDITOR BE AUTHORIZED TO INVEST FUNDS AND REINVEST UPON MATURITY OF CERTIFICATES OF DEPOSITS. ALL CERTIFICATES OF DEPOSITS THAT ARE REDEEMED OR REINVESTED SHALL REQUIRE THE SIGNATURE OF BOTH THE CITY AUDITOR AND THE MAYOR.

BENES MOVED TO ADOPT RESOLUTION 2015-8, SECOND BY GERVING. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2015-9

SALARIES OF HIRED AND APPOINTED OFFICIALS

WHEREAS, THE CITY COUNCIL SHALL SET FORTH SALARIES OF CITY OFFICIALS AND EMPLOYEES,

NOW THEREFORE, BE IT RESOLVED THAT THE FOLLOWING SALARIES HAS BEEN SET EITHER ON A YEARLY, MONTHLY OR HOURLY BASIS:

MAYOR

Walter Losinski \$ 5,400.00 YR

CITY COUNCIL

Dell Beach \$ 3,600.00 YR

Mark Benes \$ 3,600.00 YR

Henry Gerving \$ 3,600.00 YR

Jeanne Larson \$ 3,600.00 YR

Tim Marman \$ 3,600.00 YR

Wade Walworth \$ 3,600.00 YR

ZONING BOARD

Al Begger \$ 1,200.00 YR

James Harchenko \$ 1,200.00 YR

Tom Marman \$ 1,200.00 YR

Leann Allen \$ 1,200.00 YR

Tony Wanner \$ 1,200.00 YR

PUBLIC WORKS SUPT.

Mike Braden \$ 21.00 HR

PUBLIC WORKS EMPLOYEES

Bart Bishop \$ 21.67 HR

Randy Dietz \$ 18.00 HR

Tony Wanner (PT) \$ 13.00 HR

CITY AUDITOR

Kimberly Nunberg \$ 50,790.00 YR

DEPUTY AUDITOR

Jill Schatz \$ 14.00 HR

BENES MOVED TO ADOPT RESOLUTION 2015-9, SECOND BY GERVING. MOTION CARRIED UNANIMOUSLY.

Brian and Rachel Keohane expressed interest in purchasing Auditor's Tract A65 and portions of A64 totaling approximately 2.52 acres of land. Discussion. Marman moved to table a decision until the next meeting, second by Gerving. Motion carried unanimously.

Correspondence from ND Petroleum Council, Dickinson Area Chamber of Commerce, ND Forest Service and Roosevelt Custer Regional Council was read. Nunberg and Braden requested the Council approve submitting Application to Golden Valley County for Oil Impact Funds for the following projects; 1. Purchase of a Dura Patcher 2. Purchase of a single axel dump truck 3. Lagoon Expansion Project. Gerving moved to approve submitting application for these three projects, second by Walworth. Motion carried unanimously.

The Zoning Board has made recommendation to the Mayor to appoint Leann Allen to the vacant seat on the Board. Gerving moved to approve the recommendation, second by Walworth. Motion carried unanimously.

No other business was brought forward. Gerving moved to adjourn, second by Walworth. Motion carried unanimously. Meeting adjourned at 9:50 p.m.

ATTEST:

Walter Losinski, Mayor

Kimberly Nunberg, City Auditor