

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 President Mark Benes on May 18, 2015 at 7:00 pm. Present when the meeting was called to order was City Council Henry Gerving, Tim Marman, Jeanne Larson, Wade Walworth, City Auditor Kimberly Nunberg, Engineers Thomas Schmelzenbach, Loren Hoffman, Kenzie Robinson and guest Brian Sime.

**PWS Report:**

PWS Braden was not able to attend.

**Auditor Report:**

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

**Committee Report:**

**Capital Improvement Plan** – Loren Hoffman, representing AE2S reported on the progress of the plan. Initial mapping and model creation for the water and wastewater systems has been completed, field data collection for both systems is nearly complete, review of field data and calibration of hydraulic model has started.

**Multi –Use Trail Project** – Engineer Thomas Schmelzenbach, Kadrmas, Lee & Jackson mentioned there will be a pre-construction meeting May 20<sup>th</sup> at City Hall 2 pm for Phase 2. An initial start date is mid June. A pre-construction meeting for Phase 1 has not been set yet.

**Lagoon** – Engineer Thomas Schmalzenbach reported the project will be on hold for approximately one week to try dewatering techniques on the new primary cell floor.

**Zoning** – Nunberg reported the Zoning Board held a Public Hearing this morning for comment on an Application for Approval of Zoning Change and Application for Conditional Use submitted by Farmers Union Oil Company of Beach. The request is to change the zoning from Agriculture to Industrial with a Conditional Use to install a 45,000 gallon propane bulk facility, store smaller propane tanks, park bulk delivery trucks and fuel transport trucks. No public comment was received. The Zoning Board recommends approving the request. Gerving moved to approve the Zoning Boards recommendation and proceed to Public Hearing on June 15<sup>th</sup> at 7:30 p.m. second by Walworth. Motion carried unanimously.

**Unfinished Business:**

Larson moved to approve the Second and Final Reading of Ordinance 380, second by Walworth. Motion carried unanimously.

**ORDINANCE NO. 380**

AN ORDINANCE OF THE CITY OF BEACH, NORTH DAKOTA, ALSO KNOWN AS THE “SUBDIVISION REGULATIONS OF THE CITY OF BEACH” PROVIDING FOR THE REGULATIONS OF THE SUBDIVISION OF LAND IN THE CITY OF BEACH, NORTH DAKOTA AND UNINCORPORATED TERRITORY LOCATED WITHIN THE TERRITORIAL JURISDICTION OF THE BEACH ZONING COMMISSION; REQUIRING

AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PUPOSE; PROVIDING FOR THE VACATION OF PLATS, PROVIDING DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR ARRANGED BY THE DEVELOPER OR SUBDIVIDER; PROVIDING FOR VARIANCES; SETTINS FEES; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF IT'S PROVISIONS.

ATTEST:

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Walter Losinski, Mayor

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Kimberly Nunberg, City Auditor

First Reading: May 4, 2015

Second Reading: May 18, 2015

Final Reading: May 18, 2015

**New Business:**

An Application for Raffle submitted by Golden Valley County Fair was reviewed. Walworth moved to approve the raffle, second by Gerving. Motion carried unanimously.

Gerving recommended the parcel of land the city owns near Odland's Dam be surveyed.

Gerving moved to establish an Employee Performance Review Committee consisting of Larson, Benes, and Schatz to conduct certain employee evaluations, second by Walworth. Motion carried unanimously.

A Public Hearing was held at 7:30 regarding the annexation of the Landfill and Lagoons. Gerving moved to open the Public Hearing, second by Walworth. Motion carried unanimously. Benes opened the meeting for public comment. No public comment was given. Gerving moved to close the Public Hearing, second by Walworth. Motion carried unanimously. Gerving moved to approve Resolution 2015-10, second by Larson. Motion carried unanimously.

**RESOLUTION NO. 2015-10**

**A RESOLUTION FINDING THAT THE OWNERS OF LESS THAN ONE-FOURTH OF THE TERRITORY PROPOSED TO BE ANNEXED HAVE FILED WRITTEN PROTESTS**

**WHEREAS**, the City Council of the City of Beach has adopted Resolution 2015-10, regarding the annexation of certain real property to the City of Beach; and

**WHEREAS**, the City Council has met to hear and determine the sufficiency of the protests;  
and

**WHEREAS**, the City Council finds that the annexation resolution, Resolution 2015-10, was  
validly adopted; and

**WHEREAS**, the City Council finds the annexation resolution and notice of hearing were  
published once a week for two consecutive weeks in the official newspaper of the City; and a valid  
affidavit of publication has been provided to the City;

**WHEREAS**, the City Council finds that the City mailed, at least seven days before the  
meeting to hear and determine the sufficiency of written protests, by certified mail, a notice to the  
owner of each parcel of real property within the area to be annexed at the person's last-known  
mailing address; and further that the notice informed landowners of the resolution, the time and  
place of hearing, and the requirement that protests must be filed in writing; and further that the  
City Council mailed, at least seven days before the meeting to hear and determine the sufficiency  
of written protests, by certified mail, the notice of the time and place of the hearing to the governing  
body of each city, county, or township directly affected by the land area proposed to be annexed;  
and

**WHEREAS**, the City Council finds that the owners of less than one-fourth of the territory  
proposed to be annexed have filed written protests to the annexation.

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

1. Upon an absence of protests filed by the owners of more than one-fourth of the  
territory proposed to be annexed as of the date of the adoption of the resolution, the territory  
described in the resolution becomes a part of the City; and

2. The following legally-described real property, all situated, lying and being within  
Golden Valley County, North Dakota, is hereby annexed to the City of Beach, North Dakota, to-wit:

Part of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of Section 30, Township 140 North, Range 105 West, more  
particularly described as:

**DESCRIPTION - PARCEL 1**

A portion of the N1/2 Section 30, T140N, R106W, 5th PM, Golden Valley, North Dakota, and  
being further described as follows:

Beginning at the northwest corner of Section 30; thence east along the north line of said Section  
30 a distance of 50 feet, more or less, to its intersection with the northerly extension of the east  
line of the North Dakota Highway 16 right-of-way; thence south along said extension and said  
east line a distance of 550, more or less, to the northwest corner of the parcel described in Book  
16A of Deeds, Page 547, Records of Golden Valley County; thence west along the north line of  
said parcel a distance of 700 feet, more or less to the northeast corner thereof; thence

southeasterly along the northeasterly line of said parcel a distance of 483 feet, more or less, to the W1/16 line of Section 30; thence south along the W1/16 line to the north line of the parcel described in Book 26 of Deeds, Page 558, Records of Golden Valley County; thence east along said line a distance of 549 feet, more or less, to the south corner of the westernmost line of the parcel described in Doc. No. 15104906, Records of Golden Valley County; thence north along said westernmost line a distance of 450 feet, more or less, to the northwest corner of said parcel; thence east along the north line of said parcel a distance of 1440 feet, more or less, to the northeast corner thereof; thence southeasterly along the easterly line of said parcel a distance of 1344 feet, more or less, to the north line of the BNSF Railroad right-of-way; thence westerly along said north right-of-way line to the west line of Section 30; thence north along said section line to the Point of Beginning.

Said parcel contains 79 acres, more or less.

**DESCRIPTION - PARCEL 2**

A portion of the N1/2 Section 30, T140N, R106W, 5th PM, Golden Valley, North Dakota, and being further described as follows:

Beginning at the W1/4 corner of Section 30; thence north along the section line a distance of 100 feet, more or less, to the southwest corner of the exception parcel described in Book 26 of Deeds, Page 557, Records of Golden Valley County; thence east along the south line of said parcel a distance of 850 feet to the southeast corner thereof; thence north along the east line of said parcel to the south line of the BNSF right-of-way; thence southeasterly along said south line to the east line of Section 30; thence south along said section line to the E1/4 corner; thence west along the east-west mid-section line to the W1/4 corner, the Point of Beginning.

Said parcel contains 63 acres, more or less.

3. A copy of Resolution 2015-10 and an accurate map of the annexed area, certified by the executive officer of the City, shall be filed and recorded with the Golden Valley County Recorder.

Dated this 18th day of May, 2015.

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Walter Losinski, Mayor  
City Council  
City of Beach, North Dakota

ATTEST:

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Kimberly Nunberg, City Auditor

No other business was brought forward. Gerving moved to adjourn, second by Marman. Meeting adjourned at 7:45 p.m. Motion carried unanimously.

ATTEST:

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Walter Losinski, Mayor

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Kimberly Nunberg, City Auditor