

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 March 3, 2014 at 7:00 pm. Present when the meeting was called to order was City Council Paul Lautenschlager, Henry Gerving, Tim Marman, Mark Benes, Jeanne Larson, Wade Walworth, PWS Mike Braden, City Auditor Kimberly Nunberg, City Engineer Jon Wilczek, Fire Chief Dan Buchholz, Tom Marman, Deb Walworth, Darrin Maus, Roy Klym, Janie Rathbun, Gene Hamilton, Dell Beach, Skip Beach, Tom Wilhelmi, and Pat Lynch.

**Public Participation** – None

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

**Vouchers** - Lautenschlager moved to approve the following vouchers, second by Walworth. Motion carried unanimously.

17023 Beach Area Chamber of Commerce 450.00  
17024 Beach Food Center 33.11  
17025 Bismarck Tribune 42.45  
17026 Black Mountain Software 3241.00  
17027 BOSS 72.19  
17028 CT Electric 279.80  
17029 Dakota Dust Tex 71.65  
17030 Dave Ekre Repair 300.00  
17031 Fallon County Treasurer 1435.50  
17032 Fargo Water Equipment 3519.18  
17033 G & G Garbage Inc 1800.00  
17034 Golden Valley County 7900.00  
17035 Golden Valley News 20.79  
17036 Jill Schatz 9.82  
17037 John Deere Financial 168.74  
17038 Kim Nunberg 11.40  
17039 La Playa 660.00  
17040 Marman Plumbing & Construction 180.00  
17041 MDU 5685.94  
17042 Mid-American Research Chemical 639.17  
17043 Midstate Communications 468.59  
17044 Mike Braden 98.31  
17045 Municipal Government Academy 400.00  
17046 NAPA 101.68  
17047 One Call Concepts 3.30  
17048 Power Plan 57.50  
17049 Prairie Lumber Co. 3702.40  
17050 Q Business Source 185.88  
17051 Radisson Inn 468.20

17052 Rohan's Hardware 119.03  
17053 SBM 656.00  
17054 Southwest Water Authority 12202.04  
17055 Spirit of the West 32.00  
17056 Stockwell Cleaning 225.00  
17057 USPS 112.00  
17058 Verizon Wireless 273.61  
17059 Walt Losinski 73.45  
17060 West Plains Inc. 39.50  
16995 – 16999 & 17005 -17019 City Employees Wages for February 16625.15  
17000 City of Beach 200.87  
17001 USPS 49.00  
17002 Blue Cross Blue Shield 3559.38  
17003 Blue Cross Blue Shield 454.70  
17004 Southwest Water Authority 11539.66  
17020 ND PERS 1907.45  
17021 City of Beach 45.87  
17022 USPS 142.75  
-89940 First State Bank of Golvá 1853.71  
-89941 First State Bank of Golvá 1489.30

### **Sheriff's Report**

Sheriff Steele was not able to attend the meeting but will present his report at the next regular meeting.

### **Public Works Report**

PWS Braden reported on snow removal and upcoming work to be completed.

### **Auditor Report:**

Nunberg reviewed her written report. Nunberg reviewed the financial statement for the month of February. Benes moved to approve the financial reports, second by Walworth. Motion carried unanimously.

### **Committee Report:**

**Lagoon Expansion Project** – Engineer Wilczek, Nunberg and Mayor Losinski will be meeting with Gene Weinreis this week to finalize details on the land negotiation. Nunberg and Braden have provided data to Wilczek to determine how much ground water is infiltrating the wastewater system at this time.

**Airport** – Lautenschlager requested the city consider providing a rental car service at the airport for individuals who fly in. Discussion. The suggestion was made that individuals needing this amenity contact the Community Transportation Service.

**Zoning** – Nunberg reported on the Zoning Board Meeting & Public Hearing held February 24<sup>th</sup>.

**Unfinished Business:**

Nunberg mentioned a property owner would like clarification on the request for a one-way alley behind the courthouse. Discussion. Gerving moved to amend his motion from the minutes of January 21, 2014 to read, Gerving moved to approve the request to make the alley a one-way but allow current residence to access the alley from the north, second by Walworth. Motion carried unanimously.

**New Business:**

Tom Wilhelmi representing Midstate Communications requested their franchise with the City be renewed. Benes moved to approve the First Reading of Ordinance 379, second by Gerving. Motion carried unanimously.

**ORDINANCE NO. 379**

AN ORDINANCE RENEWING A FRANCHISE TO MIDSTATE COMMUNICATIONS, 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 TEN (10) YEARS FROM THE EFFECTIVE DATE HERETO, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING A GENERAL TELECOMMUNICATION SYSTEM WITHIN SAID CITY.

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

**Section 1. Rights Granted**

That Midstate Communications, 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 ten (10) years from the effective date hereof, for the purpose of constructing, maintaining and operating a general telecommunication 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 Midstate Communications when it shall have been enacted according to law, and when the provisions hereof shall have been accepted in writing by said Midstate Communications 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 telecommunications 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)

---

Mayor, City of Beach, North Dakota

ATTEST:

---

Kimberly Nunberg, City Auditor

First Reading: March 3, 2014

Deb Walworth reported on the Golden Valley County Community Meeting held on February 26<sup>th</sup> regarding the Beach Medical Wellness Center.

Fire Chief Dan Buchholz reported the Fire Department is looking to replace the water tender truck. The current truck has a 4000 gallon tank and well over one million miles. Estimated cost of a new truck is \$280,000.

Roy Klym and Darrin Maus representing the Community Ambulance Service informed the Council they are planning to purchase a new ambulance. Estimated cost of a new ambulance is \$260,000. Any assistance the City could provide would be appreciated.

Park Board Manger, Janie Rathbun requested \$40,000 from Swimming Pool Fund Tax. Benes moved to approve, second by Lautenschlager. Discussion. Motion carried unanimously.

Correspondence was read from ND Petroleum Council. Gerving requested the sidewalks and parking lot around City Hall be cleaned on a timelier basis.

Gerving moved to adjourn, second by Walworth. Motion carried unanimously. Meeting adjourned at 8:15 p.m.

---

Walter Losinski, Mayor

ATTEST:

---

Kimberly Nunberg, City Auditor