

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 17, 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, Sheriff Scot Steele, City Engineer Jon Wilczek, Fire Chief Dan Buchholz and guests Jared Burian, Pete Wirtzfeld, Deb Walworth, Deb Helsper, Pat Lynch, Tom Togni, Gene Hamilton, Buster Schneider, Skip Beach, Dell Beach, John Thompson, Vanessa Ueckert, Joe Michels, Jack Andrews, Drew Hall, Carrie Zachmann, Larry Jandt and Gene Allen.

Public Participation

None

Sheriff's Report

Sheriff Steele presented the monthly report for February consisting of 18 calls, 3 citations and 6 written warnings.

Public Works Report

PWS Braden mentioned the new bobcat has arrived. Gerving moved to approve payment of \$28,600 to West Plains Inc. for the bobcat, second by Larson. Motion carried unanimously.

Auditor Report:

Nunberg reviewed her written report.

Committee Report:

Zoning – Larson reported the Zoning Board met this morning and is recommending the City approve a request to change 275 acres from Agricultural to Industrial. A Public Hearing will be held on April 7, 2014 at 8:30 pm for comment on the recommendation to change zoning.

Unfinished Business:

Lagoon Expansion Project - City Engineer Wilczek reported on the progress made in acquiring the land necessary for the expansion.

Walking & Biking Trail Project - Wilczek mentioned ND DOT will be opening bids in April.

Quiet Zone Project - We are still waiting for approval from the Federal Railroad Administration. Gerving provided Wilczek with contact information of another individual overseeing the project.

Request for funds by Volunteer Fire Department – Benes moved to amend the General Fund Fire Department Supplies Budget from \$15,000 to \$75,000 if they receive the grant for a new water tender truck requested from USDA Rural Development, second by Larson. Motion carried unanimously.

Request for funds from Community Ambulance Service – Marman moved to provide the Community Ambulance Service with an Application for Community Enhancement Funds, second by Walworth. Motion carried unanimously. Once the application is returned a determination on funding will be made.

New Business:

Pete Wirtzfeld, County Road Supt. and Jared Buriun, County Weed Agent inquired if any long range developments are planned for 7th Ave NW. The County Weed Board recently purchased lots adjacent to 7th Ave NW to construct a new office and storage building. There was discussion on grade, zoning, water and sewer. Marman recommended they meet with the City Engineer to address concerns of building in this area.

Gerving moved to approve the Second and Final reading of Ordinance 379, second by Walworth. 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
Second Reading: March 17, 2014
Final Reading: March 17, 2014

An Application for Community Enhancement Funds submitted by Post Prom was reviewed. Benes moved to approve donating \$500, second by Larson. Motion carried unanimously.

Carrie Zachmann expressed concerns on water drainage in the NW residential area of the city.

No other business was brought forward. Walworth moved to adjourn, second by Gerving. Motion carried unanimously. Meeting adjourned at 8:05 p.m.

ATTEST:

Walter Losinski, Mayor

Kimberly Nunberg, City Auditor