

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 Jeanne Larson on October 18, 2021 at 7:00 p.m. Present when the meeting was called to order was City Council Nick Hegel, Tim Marman, Lynn Swanson-Puckett, Sarah Ross, Bev Wolff, Andy Zachmann, PWS Randy Dietz, City Auditor Kimberly Gaugler, Engineer Jasper Klein, and Sheriff Dey Muckle.

The Pledge of Allegiance was recited.

Roll call was taken. All members were present.

Mayor Larson called for any additions or corrections to the agenda. Gaugler request adding correspondence from Beach High School and two Applications for Special Event Permit.

**Minutes**

Minutes of the meeting on October 4<sup>th</sup>, 2021 were presented. Zachmann moved to approve the minutes, second by Ross. Motion carried unanimously. Minutes of the special meeting on October 12<sup>th</sup> were presented. Hegel moved to approve the minutes, second by Swanson-Puckett. Motion carried unanimously.

**Sheriff's Report**

Sheriff Muckle reviewed his written report for the month of September consisting of 51 calls, 0 citations and 7 written warnings. A recommendation was given to amend the 48 hour parking ordinance to better address trailers, campers, boats, etc. parking on the street for extended periods of time.

**PWS Report**

PWS Dietz reviewed his written report.

**Auditor Report**

Gaugler reviewed her written report. Gaugler reviewed the financial statement for the month of September. Zachmann moved to approve, second by Ross. Motion carried unanimously. Swanson-Puckett moved to approve making the semi-annual Infrastructure Loan payment to the Bank of North Dakota in the amount of \$29,945.53, second by Ross. Motion carried unanimously. Special assessments for sidewalk replacement and uncollected water bills were presented. Wolff moved to approve the special assessments, second by Ross. Motion carried unanimously.

**Engineer's Report**

Engineer Klein reviewed his written report. **2021 6<sup>th</sup> Street Watermain Improvement Project:** Elite will be completing the final punch list items this week. Project closeout will commence once punch list is complete. A bill in the amount of \$3,714.60 for an emergency line break west of the Golden Valley Manor was reviewed. A letter will be drafted and sent to the contractor addressing the charges.

**2021 Street and Utility Improvement Project:** Project is complete and assessment is ongoing.  
**2022 Multi-Use Trail Project:** ND DOT extended the bid date to October 2022 with construction in 2023.

**Beach Dam Rehabilitation:** An inspection report from the ND Water Commission & State Engineer was previously presented. Klein requested permission to submit an application for advance assistance funding through Department of Emergency Services Hazard Mitigation Grant Program for preliminary planning purposes. Swanson-Puckett moved to approve the request, second by Wolff. Motion carried unanimously.

## **Committee Reports**

### **Zoning**

Wolff reported an Application for Building a garage was approved at the Zoning Board meeting held earlier in the day.

### **Park Board**

Ross reported the pool and park board buildings have been winterized for the season.

### **Unfinished Business**

Discussion on increasing the City Sales Tax – A resolution is being drafted to propose an increase to the sales tax at the next election. Data is being compiled on what projects were completed with sales tax funds along with future projects that could be funded by the sales tax.

### **New Business**

Correspondence was read from Golden Valley County Auditor stating two properties are set to sell at the annual tax sale. A special meeting will be held on October 27<sup>th</sup> at the Courthouse 11 am to set the minimum sale price.

Correspondence was read from ND Water Users regarding the Annual Water User's Convention.

Swanson-Puckett moved to approve the First Reading of Ordinance 392, second by Wolff. Motion carried unanimously.

### **ORDINANCE NO. 392**

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER TEN ARTICLE 405 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA AS HEREINAFTER SET FORTH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH, NORTH DAKOTA, AS FOLLOWS:

**Section 1: Section 10.0405 entitled "License – Classes of" is hereby amended and re-enacted as follows:**

#### **10.0405 LICENSE -- CLASSES OF:**

1. On and off sale liquor licenses at an annual fee of one thousand one hundred dollars (\$1,100.00).

2. Off sale liquor license at an annual fee of nine hundred fifty dollars (\$950.00).

3. On and off sale beer license at an annual fee of two hundred fifty dollars (\$250.00).

4. Off sale beer license at an annual fee of two hundred dollars (\$200.00).

5. In addition to the licenses authorized in 1 through 4 above, specialty restaurant beer and wine licenses may be issued permitting on-sale beer sales and/or wine sales subject to the following restrictions and conditions:

(a) A licensee hereunder shall comply with all of the laws of the state relating to the sale and dispensation of alcoholic beverages.

(b) The food and beer and/or wine license hereunder shall be for the sale of beer and/or wine for consumption on the premises only, and no sales for consumption off the premises shall be made.

(c) A licensee hereunder shall sell tap beer only which shall be dispensed by the licensee or an employee from kegs or barrels, and the sale of beer in bottles, cans or similar packages shall not be permitted. Wine may be sold on tap or by bottles for consumption on the premises with food.

(d) Beer and wine shall be consumed at tables or booths only, and no beer or wine shall be consumed at a counter or bar.

(e) Reserved for future use.

(f) An establishment holding a license hereunder shall provide adequate off-street parking, within the discretion of and subject to the approval of the City Council.

(g) The license fee for food and beer and/or wine license shall be Five Hundred Dollars (\$500.00) per year, payable in the manner provided in Section 10.0404 above.

(h) Licenses issued under this Section shall be limited to the current number of licenses issued, which is based on the 2010 population of 1,019. Thereafter, one additional license may be issued for each 1,000 additional people in the City as determined by the City Council.

(i) Gross receipts from sales of beer and wine hereunder shall not exceed twenty-five percent of the gross receipts from sales of all food items and beer and wine combined.

(j) Except as modified in this Section, a license hereunder shall comply with and be subject to all of the remaining provisions of this Ordinance.

6. In addition to any alcoholic beverage licenses that may be issued under subsections 1 through 5 above of this section, it is hereby provided that the City may grant an alcoholic beverage license for both on and off-sale to any hotel or motel within the City limits which has seventy-five or more rental units or rooms which has, as an integral part of such hotel or motel, adequate meeting room space and sufficient dining area and facilities to adequately serve its patrons, as well as the public generally. In order to qualify for an alcoholic beverage license under this provision, it is necessary that the dining area and other food service facilities be in operation and open for business at least as many hours daily as the alcoholic beverage portion of the premises. The annual fee for said license shall be \$1,200.00 per year, payable in the manner provided in Section 10.0404 above.

~~7. Any eating establishment that (i) is licensed to engage in the sale of alcoholic beverages at retail pursuant to ordinances pertaining thereto, (ii) and who shall meet the definitions hereafter, and (iii) has paid the fee hereinafter described, shall have the right to dispense and sell beer and wine in conjunction with the sale of prepared meals on Sunday between the hours of eleven a.m. and 9:00 p.m. for consumption only in that part of the eating establishment habitually used for the serving of prepared meals.~~

~~(a) As used in this subsection 7 "eating establishment" means a restaurant or other commercial establishment that is licensed as above described to engage in the sale of alcoholic beverages, and which derives 50% of more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.~~

~~(b) Any establishment conducting sales on Sunday under this subsection 7 shall pay an additional annual fee of \$150.00.~~

**Section 2: Repeal of Ordinances in Conflict.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**Section 3: 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 Ordinance shall continue in full force and effect.

**Section 4: Effective Date:** This Ordinance shall be in full force and effect from and after final passage.

(Seal)

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Jeanne Larson, Mayor

ATTEST:

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Kimberly Gaugler, City Auditor

Applications for Special Events on November 13<sup>th</sup> and November 19<sup>th</sup> submitted by Golden Valley County Fair Board were reviewed. Zachmann moved to approve both special events, second by Wolff. Motion carried unanimously.

Correspondence was read from Beach Public School District regarding the 5<sup>th</sup> Annual Trunk or Treat in the High School parking lot on October 31<sup>st</sup>.

No other business was brought forward. Zachmann moved to adjourn, second by Wolff. Meeting adjourned at 7:50 p.m.

ATTEST:

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Jeanne Larson, Mayor

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Kimberly Gaugler, City Auditor