

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 April 7, 2025 at 7:00 p.m. Present when the meeting was called to order was City Council Tom Marman, Lynn Swanson-Puckett, Sarah Ross, John Stonehocker (via telephone), Bev Wolff, Andy Zachmann, Public Works Superintendent Randy Dietz, City Auditor Kimberly Gaugler, Administrative Assistant Lea Massado, Engineer Zac Ranisate, and guests Carla Beeler, Gary Howard, Corlene Olson, Kai Padilla, Crosby Dykins, Lindsay Dykins, Adam and Rebecca Smith.

Lead by Kai Padilla and Crosby Dykins, the Pledge of Allegiance was recited.

Roll call was taken. All members were present.

Additions or Corrections to the Agenda and Approval

Mayor Losinski called for any additions or corrections to the agenda. Gaugler requested adding an Application for Local Permit, an Application for Community Enhancement Funds, and an Application for License to Sell Fireworks. Zachmann moved to approve the agenda with the additional items, second by Wolff. Motion carried unanimously.

Minutes

Minutes of the meeting on March 17, 2025, were presented. Marman moved to rescind his motion of focusing only on a direct benefit assessment option for the 2026 DOT Flex Fund Project and instead focus on a city-wide benefit assessment option, second by Zachmann. Motion carried unanimously. Swanson-Puckett moved to approve the minutes with the rescinded motion, second by Wolff. Motion carried unanimously.

Vouchers

Vouchers were reviewed for payment. Zachmann moved to approve the vouchers presented, second by Wolff. Motion carried unanimously.

24707 Badlands Cleaning 100.00
24708 Advanced Engineering & Environmental Science 33,567.00
24709 Bank of ND 29,945.53
24710 Bart Bishop 276.00
24711 Basin Safety Consulting 1,215.00
24712 Beach Park Board 5,712.99
24713 Black Mountain Software 100.00
24714 Bobcat of Dickinson 245.51
24715 Boss Office Products 76.99
24716 Candlewood Suites Bismarck 99.00
24717 Civic Plus, LLC 2,748.07
24718 CNH Industrial 26.40
24719 Cooperative Legal 1,980.00
24720 Coral Creek Landfill 1,539.65
24721 Core & Main 2,330.09
24722 Dakota Dust-Tex 223.60

24723 Dakota Pump & Control 1,134.00
24724 Dakota Supply Group 263.76
24725 Farmers Union 5,655.18
24726 Fireside Office Supplies 530.00
24727 First State Bank of Golva 765.62
24728 G & G Garbage 1,200.00
24729 Golden Valley County 9,945.46
24730 Golden Valley County Fair Association 600.00
24731 GS Publishing 712.32
24732 Hach Company 84.29
24733 Home on the Range 200.00
24734 Jill Schatz 45.00
24735 John Deere Financial 1,355.69
24736 JSG Agency 304.00
24737 Kimberly Gaugler 273.40
24738 Mindt Machines 282.85
24739 MDU 6,234.59
24740 ND Department of Environmental Quality 75.00
24741 ND League of Cities 400.00
24742 Newell Media 368.22
24743 Olympic Sales 499.68
24744 One Call Concepts 12.00
24745 Point CPA 1,500.00
24746 Power Plan 769.15
24747 Prairie Lumber Company 1,883.81
24748 Randall Dietz 139.97
24749 Rohan's Hardware 142.81
24750 RTC Networks 505.00
24751 Saber Shred 3,015.00
24752 Sanitation Products 328.88
24753 Sensaphone 299.40
24754 Southwest Water Authority 14,731.94
24755 Southwestern District Health Unit 50.00
24756 Stockwell Cleaning 175.00
24757 Team Lab 2,825.00
24758 Thomas Littlecreek 99.98
24759 Vali Information 25.00
24760 Workforce Safety Insurance 2,711.68
24691–24692, -87487- -87482, 24698–24704,-87480 - -87470 March payroll 31,822.35
24693 City of Beach 389.18
-87481 First State Bank of Golva 3,013.33
24694 Unum Life Insurance 63.90
24705 City of Beach 486.58
-87469 First State Bank of Golva 3,664.89
24706 Blue Cross Blue Shield 8,083.30
-87468 ND PERS 4,479.63

24689 ND Department of Environmental Quality 100.00
24690 RTC Networks 502.00
24695 Capital City Restaurant Supply 9,725.00
24696 Verizon 255.24
24697 USPS 222.41

Engineer's Report

Engineer Ranisate reviewed his written report. **2025 Street and Utility Project:** BEK is expected to begin laying temporary water lines and milling the streets the 3rd week of April. As construction begins, BEK will deliver notifications to property owners affected. Final approval from City Council is needed to complete the Street and Utility Financing Bond.

RESOLUTION NO. 2025-10

\$810,000

**CITY OF BEACH, NORTH DAKOTA
STREET IMPROVEMENT DISTRICT NO. 2024-04
IMPROVEMENT BOND, SERIES 2025
(INFRASTRUCTURE REVOLVING LOAN FUND)
FINANCING RESOLUTION**

BE IT RESOLVED by the City Council (the "Council") of the City of Beach, Golden Valley County, North Dakota (the "City"), as follows:

1. AUTHORITY. It is hereby found, determined and declared that the City has heretofore duly created Street Improvement District No. 2024-04 (the "Improvement District") and has ordered, received and approved plans and specifications, and estimates of the cost for the construction of roadway improvements consisting of, but not limited to, utility work, drainage improvements, grading, replacing curb, gutter and sidewalk and full road reconstruction (the "Project" or "Improvements"); that the Council determined the necessity of constructing the Project; and, where applicable, by petition or after giving the owners of property liable to be specially assessed therefor the opportunity provided by law to protest against the construction of the Improvements, it was determined that protests sufficient to divest the City and the Council with reference to the making of the Improvements had not been filed or a petition having been received; that contracts for construction of the Improvements have been duly awarded and executed; that the contracts and contractors bonds have been and are hereby approved; that the City possesses and has power to exercise through this Council full and exclusive jurisdiction over all utilities, streets and places wherein the Improvements are located; that the total cost of the Improvements in excess of any other funds on hand and appropriated for the payment of such cost, including reimbursing other funds of the City for any amounts temporarily advanced to meet immediate expenses of the Improvements is estimated to be not less than \$810,000, which is expected to be financed by improvement warrants or bonds; that the total benefits to all lots, tracts and parcels of land liable to be specially assessed for benefits resulting from the Improvements in the Improvement Districts will not be less than the cost of the Improvements to be assessed against the properties as herein provided; and that all acts, conditions, and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be

performed preliminary to the issuance and sale of the improvement bonds to provide moneys to pay for the Improvements have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required.

2. AUTHORIZATION AND SALE OF THE BOND. Pursuant to the authority of Section 40-24-19 of the North Dakota Century Code (“N.D.C.C.”) and in anticipation of the collection of special assessments, utility revenues and taxes, if any, and for the purpose of borrowing money to pay the cost of the Improvements, the City hereby authorizes and directs the issuance of its Improvement Bond, Series 2025 in the aggregate principal amount not to exceed Eight Hundred Ten Thousand Dollars (\$810,000) (the “Bond”). The principal of the Bond shall be advanced by the Bank of North Dakota (“BND”) in installments as provided in the Loan Agreement entered into between BND and the City of even date with the Bond (the “Loan Agreement”). Principal payments of the Bond shall be made on May 1 and November 1 of each year, commencing May 1, 2027 in an amount determined by BND to be sufficient to amortize the outstanding principal over the remaining term of the Bond, with a final maturity date of May 1, 2046, subject however to the final amortization schedule to be attached to the Bond upon the final loan advance in accordance with the Loan Agreement. The preliminary amortization schedule has been presented to the Council at this meeting and is hereby approved. Each loan advance shall be recorded on the grid on the reverse of the Bond.

The Bond shall be issued as a single bond in fully registered form, shall bear interest from the date of the first loan advance until paid at the rate of 2.00% per annum and shall mature on May 1, 2046, subject to redemption and prepayment as provided herein. The Bond shall be dated May 1, 2025.

Interest shall be payable on May 1 and November 1 in each year commencing on November 1, 2025 (“Interest Payment Date”) and shall accrued on the amount of the Bond proceeds advanced by BND and outstanding from the date of such advance to the Interest Payment Date (calculated on the basis of a 360-day year consisting of twelve months of 30 days each). The principal of and interest on the Bond shall be payable at the office of BND, Bismarck, North Dakota.

The City has received an offer to purchase the Bond from BND at a price of \$810,000 and upon the further terms and conditions hereinafter set forth, in the Loan Agreement, the commitment letter dated January 21, 2025 and the amendment thereto dated March 6, 2025 (the “Commitment Letter”) and pursuant to the requirements of the Infrastructure Revolving Loan Fund, N.D.C.C. Section 6-09-49. The City hereby accepts the offer of BND to purchase the Bond at a price equal to one hundred percent (100%) of the principal amount advanced, plus accrued interest. The Loan Agreement, in substantially the form presented to the City at this meeting, is hereby accepted and authorized to be executed on behalf of the City by its Mayor and City Auditor (the “Authorized Officers”) with such modifications as may be approved by the Authorized Officers, such execution to be conclusive evidence of the approval of any modifications with respect to the Loan Agreement.

3. FORM OF BOND. The Bond shall be printed in substantially the form on file with the City Auditor and shall contain a recital that it is issued pursuant to Section 40-24-19, N.D.C.C. The Bond shall be prepared for execution under the direction of the City Auditor and shall be

executed on behalf of the City by the manual signatures of the Mayor and City Auditor. When executed, the Bond shall be delivered by the City Auditor to BND upon payment of the initial advance.

4. REDEMPTION. The Bond is subject to redemption at the option of the City on any date with the written consent of BND, in whole or in part, at a price equal to the principal amount thereof to be redeemed plus accrued interest to the redemption date. If redeemed in part, BND shall provide a revised principal payment schedule to amortize the Bond over the remaining term. The principal of the Bond shall be subject to mandatory redemption on May 1 and November 1 in the years and amounts set forth on the amortization schedule, subject to adjustment based on the actual principal amount advanced by BND.

Unless waived by the owner of the Bond, official notice of any such redemption shall be given by the City Auditor on behalf of the City by mailing a copy of any official redemption notice by first class mail at least thirty (30) days prior to the date fixed for redemption to the registered owner of the Bond to be redeemed at such address as is furnished in writing by such registered owner. Official notice of redemption having been given as aforesaid, the Bond or portion of the Bond so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bond or portions of the Bond shall cease to bear interest. Installments of interest due on or prior to the redemption date shall be payable as provided herein for payment of interest.

5. STREET IMPROVEMENT DISTRICT NO. 2024-04 FUND. There is hereby created a special fund of the City for the Improvement District, designated as Street Improvement District No. 2024-04 Fund (the "Fund"). The Fund shall be held and administered by the City Auditor separate and apart from all other funds of the City and shall be continued and maintained as herein directed until the Bond shall have been fully paid with interest. In the Fund there shall be maintained two (2) separate accounts to be designated as the "Construction Account" and "Principal and Interest Account," respectively.

There shall be credited to the Construction Account advances of the principal of the Bond. Costs and expenses of making the Improvements, including interest coming due during construction, costs of issuance and payment of any temporary bonds, shall be paid from time to time as incurred and allowed from the Construction Account and moneys in the Construction Account shall be used for no other purpose, provided, that if upon completion of the Improvements and approval thereof by the Engineer for the City, and payment of all claims and expenses in respect to the Improvements, there shall remain any unexpended balance in the Construction Account, such balance shall be transferred to the Principal and Interest Account and handled and accounted for in the same manner as other moneys in that account.

There shall be credited to the Principal and Interest Account in the Fund (i) the revenues from the City's utilities to the extent appropriated by the Council, (ii) the entire amount of special assessments collected from the Improvement District, (iii) any taxes levied with respect to the Improvements to pay any deficiency, and (iv) any balance remaining in the Construction Account after completion of the Improvements. Moneys in the Principal and Interest Account shall be used

only for payment of the principal of and interest on the Bond and the Administrative Fee as such payments become due. The moneys and investments in the Principal and Interest Account are irrevocably pledged and appropriated to and shall be used to the extent required for the payment of principal of and interest on the Bond when and as the same shall become due and payable for that purpose only.

6. RESERVE ACCOUNT. A separate reserve account will not be established within the Fund.

7. LEVY OF SPECIAL ASSESSMENTS. With respect to the Improvement District, the City covenants and agrees with the holders of the Bond drawn on the Fund of the Improvement District that it will perform, in accordance with law, all acts and things necessary for the final and valid levy of special assessments against properties within the Improvement District benefitted by the Improvements, in an aggregate amount not less than the cost of the Improvements to be paid from the Bond. The City will cause the installments of special assessments as finally confirmed by the City to be annually certified to the Golden Valley County Auditor for collection with the general taxes chargeable against the property in the Improvement District, except to the extent that payment is provided for by dedication of a portion of the revenues or service charges, if any, available to the City pursuant Section 40-22-16, N.D.C.C. and except an amount not exceeding one-fifth (1/5) of the cost of the Improvements and not exceeding any applicable constitutional or statutory debt limit, as the City may determine to pay by the levy of ad valorem taxes upon all taxable property within its corporate limits. The City will continue to cause annual certification of balances of special assessments unpaid for the Improvement District to be certified for repayment over a period of years, pursuant and subject to Section 40-24-11, N.D.C.C. The City will forgive, rebate, or otherwise reduce special assessments to the amount necessary to match total Project costs, and any loan forgiveness. Special assessments will be first certified for collection as follows, and shall be certified and collected annually thereafter:

<u>Improvement District</u>	<u>Repayment Period (Years)</u>	<u>Year Of First Levy</u>	<u>Year Of First Collection</u>
Street Improvement District No. 2024-04	20	2026	2027

Installments of the special assessments from time to time remaining unpaid shall bear interest at an annual rate not exceeding one and one-half percentage points (1½%) above the average net annual interest rate on the Bond. Prior to November 1 of each year the City shall determine the amount of utility revenues, if any, or any other sources, to be appropriated to the Principal and Interest Account to pay the principal and interest on the Bond coming due in the following year. The City shall direct the Golden Valley County Auditor to reduce, by a proportionate amount, the total amount of special assessments that would otherwise be placed on the tax lists of the City to the extent utility revenues or other sources are appropriated to pay the Bond. In the event that the assessment should at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the City or by the Council or by any City officers or employees, whether in the making of the assessment or in the performance of any condition precedent thereto, the City and this Council covenant and agree that they will forthwith do all such further acts and take all further

proceedings as may be required by law to make such assessment a valid and binding lien upon such lot or tract.

8. GENERAL OBLIGATION OF THE CITY. With respect to the Fund, the City hereby recognizes its obligation with respect to the Bond drawn against the Fund, as set forth in Section 40-26-08, N.D.C.C., that whenever all revenues, special assessments and taxes, if any, collected for the Improvements are insufficient to pay principal of or interest then due on the Bond, the Council shall thereupon levy a tax upon all taxable property in the City for the payment of such deficiency; provided, that if the Bond has been exchanged for refunding improvement bonds pursuant to the provisions of Chapter 40-27, N.D.C.C., such deficiency tax may be made payable in the years and amounts required to pay the principal of and interest on the refunding improvement bonds as the same become due. Nothing herein contained shall be deemed to limit the power of the City and this Council under the provisions of the Section 40-26-08, as amended, to levy a general tax in anticipation of a deficiency considered likely to occur in the Fund within one year, and it is hereby declared to be the policy of the City that the Council will annually review the current requirements and resources of the Fund, at the time of the preparation of and hearing on the municipal budget, in accordance with the provisions of Chapter 40-40, N.D.C.C., to the end that provision may be made in each annual budget for any deficiency in the Fund which is deemed likely to occur within one year. Such taxes levied in accordance with the provisions of this paragraph in payment of a deficiency, or in anticipation of a deficiency, shall be paid upon collection into the Principal and Interest Account of the Fund and applied as provided in paragraph 5 hereof.

9. REFUNDING BONDS. With respect to the Fund, the City reserves the right and privilege of refunding any installments of principal of the Bond which are past due, or the redemption or exchange of which the holder thereof shall have consented, and for the payment of which moneys are not at the time available in the Fund, by issuing refunding bonds pursuant to the provisions of Section 40-27-06, N.D.C.C. Such refunding bond shall be payable from the Fund on a parity with the Bond theretofore issued which remain outstanding. With respect to the Fund, the City also reserves the right to issue additional improvement bonds for the payment of the cost of the Improvements in the Improvement District if the actual cost of the Improvements should be greater than has been estimated, such additional bonds to be payable from the Fund on a parity with the Bond.

10. AUTHENTICATION, REGISTRATION AND TRANSFER. Books for the registration and for the transfer of the Bond as provided in this Resolution shall be kept by the City Auditor, who is hereby appointed the Registrar and Paying Agent of the City for the Bond. Upon surrender for transfer of any Bond at the principal office of the Registrar duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the City shall execute and the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond for a like aggregate principal amount.

The Registrar shall not be required to (i) transfer or exchange the Bond during the period of 15 days preceding any Mandatory Payment Date or, (ii) transfer or exchange a Bond selected, called, or being called for redemption in whole or in part.

11. FURNISHING DOCUMENTS. The Authorized Officers and the Golden Valley County Auditor are authorized and directed to prepare and furnish to the purchaser of the Bond and to the attorneys approving the same, certified copies of all ordinances, resolutions, affidavits or other instruments relating to the establishment and construction of the Improvements and the operation and maintenance thereof, and the levy of special assessments and taxes therefor or the issuance of the Bond, which may be necessary or proper to show the validity of marketability of the Bond, and all instruments and transcripts so furnished, constitute representations of the City as to the correctness of the facts as stated or recited therein. The City agrees to furnish additional certifications of its officers as are necessary to establish the validity of the Bond, the absence of litigation materially affecting the issuance of the Bond and any other certifications or information reasonably necessary to insure marketability and compliance with the conditions of underwriting. Delivery of the Bond is subject to the approving opinion of bond counsel and customary closing certificates, including a certificate as to absence of material litigation and an arbitrage certificate.

12. AMENDMENT OF RESOLUTION. This Resolution may not be amended without the consent of the Bondholders.

13. CERTIFICATES. The Authorized Officers, in consultation with the counsel, are hereby authorized to deliver certificates which cure ambiguities, defects or omissions herein, correct, amend, or supplement any provision herein, all in furtherance of the financing contemplated by the Commitment Letter. Such authorization shall include adjustment of the amortization schedule and issuance of a revised bond in the event assessments are not certified for collection as provided for herein, or the preliminary amortization schedule is adjusted with the consent of BND.

14. ELECTRONIC SIGNATURES. The Council authorizes the Mayor and the City Auditor to execute documents relating to the issuance of the Bond using electronic signatures. The electronic signatures of the Mayor and the City Auditor shall be as valid as an original signature of such official and shall be effective to bind such official to any document relating to the issuance of the Bond. For purposes hereof, "electronic signature" means a manually signed original signature that is then transmitted by electronic means.

Dated: April 7, 2025.

CITY OF BEACH, NORTH DAKOTA

Attest:

Walter Losinski, Mayor

Kimberly Gaugler, City Auditor

The governing body of the City acted on the foregoing resolution at a properly noticed meeting held in Beach, North Dakota, on April 7, 2025, with the motion for adoption made by Marman and seconded by Ross, and the roll call vote on the motion was as follows:

"Aye" Marman, Swanson-Puckett, Ross, Stonehocker, Wolff, Zachmann

"Nay" _____

Absent _____

RESOLUTION NO. 2025-11

\$2,819,000

**CITY OF BEACH, NORTH DAKOTA
UTILITY IMPROVEMENT DISTRICT NO. 2024-05
IMPROVEMENT BOND, SERIES 2025**

FINANCING RESOLUTION

BE IT RESOLVED by the City Council (the “Council”) of the City of Beach, North Dakota (the “City”), as follows:

1. AUTHORITY. It is hereby found, determined, and declared that the City has heretofore duly created Utility Improvement District No. 2024-05 (the “Improvement District”) and has ordered, received and approved an engineer’s report, plans and specifications, and estimates of the cost, for the construction of the Improvements to the water system of the City consisting of, but not limited to, replacement of water mains and all other appurtenances, contrivances, and structures used for useful for a complete water supply system and related street replacement or rehabilitation and related improvements in the Improvement District (the “Project” or “Improvements”); that contracts for construction of the Improvements have been awarded; that the City possesses and has the power to exercise through this Council full and exclusive jurisdiction over all utilities, streets and places where the Improvements are located; that the total cost of the Improvements in excess of any other funds on hand and appropriated for the payment of such cost, including reimbursing other funds of the City for any amounts temporarily advanced to meet immediate expenses of the Improvements is estimated to be not less than \$2,819,000, which is expected to be financed by improvement warrants or bonds; that the total benefits to all lots, tracts and parcels of land liable to be specially assessed for benefits resulting from the Improvements in the Improvement District will be not less than the cost of the Improvements to be assessed against the properties as herein provided; and that all acts, conditions, and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed preliminary to the issuance and sale of the improvement bonds to provide moneys to pay the cost of the Improvements have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required.

2. AUTHORIZATION AND SALE OF THE BOND. Pursuant to the authority of Section 40-24-19 of the North Dakota Century Code (“N.D.C.C.”) and in anticipation of the collection of special assessments, utility revenues and taxes, if any, and for the purpose of borrowing money to pay the cost of the Improvements, the City hereby authorizes and directs the issuance of its Improvement Bond, Series 2025 in the aggregate principal amount not to exceed Two Million Eight Hundred Nineteen Thousand Dollars (\$2,819,000) (the “Bond”). The principal of the Bond shall be advanced by the North Dakota Public Finance Authority (the “Authority”) in installments as provided in the Loan Agreement entered into between the Authority and the City of even date with the Bond (the “Loan Agreement”). Principal payments of the Bond shall be made on September 1 of each year, commencing

September 1, 2026 (or in no event later than September 1 following the date of Project completion), in an amount determined by the Authority to be sufficient to amortize the outstanding principal over the remaining term of the Bond, with a final maturity date of September 1, 2055, subject however to the final amortization schedule to be attached to the Bond upon the final loan advance in accordance with Section 2.02 of the Loan Agreement. The preliminary amortization schedule has been presented to the Council at this meeting and is hereby approved. Each loan advance shall be recorded on the grid on the reverse of the Bond.

The Bond shall be issued as a single bond in fully registered form, shall bear interest from the Date of Issue until paid at the rate of 1.50% per annum and shall mature on September 1, 2055, subject to redemption and prepayment as provided herein. The Bond shall be dated as of the first date on which the advances of principal exceed the lesser of \$50,000 or five percent (5%) of the maximum principal amount (the "Date of Issue").

Interest shall be payable on each March 1 and September 1 in each year commencing on the first such date following the first loan advance ("Interest Payment Date") and shall accrued on the amount of the Bond proceeds advanced by the Authority and outstanding from the date of such advance to the Interest Payment Date (calculated on the basis of a 360-day year consisting of twelve months of 30 days each). In addition, the City shall pay an Administrative Fee (as defined in the Loan Agreement) on each March 1 and September 1, commencing September 1, 2025, in an amount equal to one-half percent (0.50%) of the principal amount of the Bond outstanding.

The principal of and interest on the Bond shall be payable at the office of the Bank of North Dakota, Bismarck, North Dakota, and the City hereby agrees to pay the reasonable and customary charges of the paying agent for the receipt and disbursement of such principal and interest.

The City has received an offer to purchase the Bond from the Authority at a price of \$2,819,000 and upon the further terms and conditions hereinafter set forth and in the Loan Agreement. The City hereby accepts the offer of the Authority to purchase the Bond at a price equal to one hundred percent (100%) of the principal amount advanced, plus accrued interest. The Loan Agreement, in substantially the form presented to the City at this meeting, is hereby accepted and authorized to be executed on behalf of the City by its Mayor and City Auditor (the "Authorized Officers") with such modifications as may be approved by the Authorized Officers, such execution to be conclusive evidence of the approval of any modifications with respect to the Loan Agreement. The City shall provide audited financial statements as set out in Section 3.01(f) of the Loan Agreement.

3. FORM OF BOND. The Bond shall be printed in substantially the form on file with the City Auditor and shall contain a recital that it is issued pursuant to Section 40-24-19, N.D.C.C. The Bond shall be prepared for execution under the direction of the City Auditor and shall be executed on behalf of the City by the manual signatures of the Mayor and City Auditor. When executed, the Bond shall be delivered by the City Auditor to the Authority upon payment of the initial advance.

4. REDEMPTION. The Bond is subject to redemption at the option of the City on any date with the written consent of the Authority, in whole or in part, at a price equal to the principal amount thereof to be redeemed plus accrued interest to the redemption date. If redeemed in part, the Authority shall provide a revised principal payment schedule to amortize the Bond over the remaining term.

The principal of the Bond shall be subject to mandatory redemption on September 1 in the years and amounts set forth on the amortization schedule, subject to adjustment based on the actual principal amount advanced by the Authority.

Unless waived by the owner of the Bond, official notice of any such redemption shall be given by the City Auditor on behalf of the City by mailing a copy of any official redemption notice by first class mail at least thirty (30) days prior to the date fixed for redemption to the registered owner of the Bond to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Bond Registrar.

Official notice of redemption having been given as aforesaid, the Bond or portion of the Bond so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bond or portions of the Bond shall cease to bear interest. Installments of interest due on or prior to the redemption date shall be payable as provided herein for payment of interest.

5. UTILITY IMPROVEMENT DISTRICT NO. 2024-05 FUND. There is hereby created a special fund of the City for the Improvement District, designated as Utility Improvement District No. 2024-05 Fund (the "Fund"). The Fund shall be held and administered by the City Auditor separate and apart from all other funds of the City and shall be continued and maintained as herein directed until the Bond shall have been fully paid with interest. In the Fund there shall be maintained two (2) separate accounts to be designated as the "Construction Account" and "Principal and Interest Account," respectively.

There shall be credited to the Construction Account advances of the principal of the Bond. Costs and expenses of making the Improvements, including interest coming due during construction, costs of issuance and payment of any temporary bonds, shall be paid from time to time as incurred and allowed from the Construction Account and moneys in the Construction Account shall be used for no other purpose, provided, that if upon completion of the Improvements and approval thereof by the Engineer for the City, and payment of all claims and expenses in respect to the Improvements, there shall remain any unexpended balance in the Construction Account, such balance shall be transferred to the Principal and Interest Account and handled and accounted for in the same manner as other moneys in that account.

There shall be credited to the Principal and Interest Account in the Fund (i) the revenues from the City's utilities to the extent appropriated by the Council, (ii) the entire amount of special assessments collected from the Improvement District, (iii) any taxes levied with respect to the Improvements to pay any deficiency, and (iv) any balance remaining in the Construction Account after completion of the Improvements. Moneys in the Principal and Interest Account shall be used only for payment of the principal of and interest on the Bond and the Administrative Fee as such payments become due. The moneys and investments in the Principal and Interest Account are irrevocably pledged and appropriated to and shall be used to the extent required for the payment of principal of and interest on the Bond when and as the same shall become due and payable for that purpose only.

6. RESERVE ACCOUNT. A separate reserve account will not be established within the Fund.

7. LEVY OF SPECIAL ASSESSMENTS. With respect to the Improvement District, the City covenants and agrees with the holders of the Bond drawn on the Fund of the Improvement District that

it will perform, in accordance with law, all acts and things necessary for the final and valid levy of special assessments against properties within the Improvement District benefitted by the Improvements, in an aggregate amount not less than the cost of the Improvements to be paid from the Bond. The City will cause the installments of special assessments as finally confirmed by the City to be annually certified to the Golden Valley County Auditor for collection with the general taxes chargeable against the property in the Improvement District, except to the extent that payment is provided for by dedication of a portion of the revenues or service charges, if any, available to the City pursuant Section 40-22-16, N.D.C.C. and except an amount not exceeding one-fifth (1/5) of the cost of the Improvements and not exceeding any applicable constitutional or statutory debt limit, as the City may determine to pay by the levy of ad valorem taxes upon all taxable property within its corporate limits. The City will continue to cause annual certification of balances of special assessments unpaid for the Improvement District to be certified for repayment over a period of years, pursuant and subject to Section 40-24-11, N.D.C.C. The City will forgive, rebate, or otherwise reduce special assessments to the amount necessary to match total Project costs, and any loan forgiveness. Special assessments will be first certified for collection as follows, and shall be certified and collected annually thereafter:

<u>Improvement District</u>	<u>Repayment Period (Years)</u>	<u>Year Of First Levy</u>	<u>Year Of First Collection</u>
Utility Improvement District No. 2024-05	30	2025	2026

Installments of the special assessments from time to time remaining unpaid shall bear interest at an annual rate not exceeding one and one-half percentage points (1½%) above the average net annual interest rate on the Bond. Prior to November 1 of each year the City shall determine the amount of utility revenues, if any, or any other sources, to be appropriated to the Principal and Interest Account to pay the principal and interest on the Bond coming due in the following year. The City shall direct the Golden Valley County Auditor to reduce, by a proportionate amount, the total amount of special assessments that would otherwise be placed on the tax lists of the City to the extent utility revenues or other sources are appropriated to pay the Bond. In the event that the assessment should at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the City or by the Council or by any City officers or employees, whether in the making of the assessment or in the performance of any condition precedent thereto, the City and this Council covenant and agree that they will forthwith do all such further acts and take all further proceedings as may be required by law to make such assessment a valid and binding lien upon such lot or tract.

8. GENERAL OBLIGATION OF THE CITY. With respect to the Fund, the City hereby recognizes its obligation with respect to the Bond drawn against the Fund, as set forth in Section 40-26-08, N.D.C.C., that whenever all revenues, special assessments and taxes, if any, collected for the Improvements are insufficient to pay principal of or interest then due on the Bond, the Council shall thereupon levy a tax upon all taxable property in the City for the payment of such deficiency; provided, that if the Bond has been exchanged for refunding improvement bonds pursuant to the provisions of Chapter 40-27, N.D.C.C., such deficiency tax may be made payable in the years and amounts required to pay the principal of and interest on the refunding improvement bonds as the same become due. Nothing herein contained shall be deemed to limit the power of the City and this Council under the provisions of the Section 40-26-08, as amended, to levy a general tax in anticipation of a deficiency considered likely to occur in the Fund within one year, and it is hereby declared to be the policy of the City that the Council will annually review the current requirements and resources of the Fund, at the time of the preparation of and hearing on the municipal budget, in accordance with the

provisions of Chapter 40-40, N.D.C.C., to the end that provision may be made in each annual budget for any deficiency in the Fund which is deemed likely to occur within one year. Such taxes levied in accordance with the provisions of this paragraph in payment of a deficiency, or in anticipation of a deficiency, shall be paid upon collection into the Principal and Interest Account of the Fund and applied as provided in paragraph 5 hereof.

9. REFUNDING BONDS. With respect to the Fund, the City reserves the right and privilege of refunding any installments of principal of the Bond which are past due, or the redemption or exchange of which the holder thereof shall have consented, and for the payment of which moneys are not at the time available in the Fund, by issuing refunding bonds pursuant to the provisions of Section 40-27-06, N.D.C.C. Such refunding bond shall be payable from the Fund on a parity with the Bond theretofore issued which remain outstanding. With respect to the Fund, the City also reserves the right to issue additional improvement bonds for the payment of the cost of the Improvements in the Improvement District if the actual cost of the Improvements should be greater than has been estimated, such additional bonds to be payable from the Fund on a parity with the Bond.

10. AUTHENTICATION, REGISTRATION AND TRANSFER.

(a) Books for the registration and for the transfer of the Bond as provided in this Resolution shall be kept by the Bank of North Dakota, Bismarck, North Dakota which is hereby appointed the Bond Registrar of the City for the Bond (the "Bond Registrar"). A successor registrar may be appointed for the Bond by ordinance or resolution of the City. The Bond Registrar shall provide notice to the Authority or any successor bondholder of any change in the registrar no later than the Interest Payment Date following the change.

(b) The ownership of the Bond shall be entered and tracked in the records maintained by the Bond Registrar (the "Bond Register"), and the Bond Registrar may treat the person listed as owner in the Bond Register as the owner of the Bond for all purposes.

(c) If principal and interest payments are made by check, the Bond Registrar shall mail each payment on the respective payment date to the name and address of the bondholder, as that name and address appears in the Bond Register as of the fifteenth (15th) day of the month preceding a Bond Interest Payment Date (the "Record Date"). If principal and interest payments are made by wire transfer, the Bond Registrar shall wire each payment on or before the payment due date in accordance with the instructions from the bondholder.

(d) Upon surrender for transfer of the Bond at the principal office of the Bond Registrar duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the City shall execute and the Bond Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds for a like aggregate principal amount.

(e) The Bond Registrar shall not be required to transfer or exchange the Bond (i) during the period commencing on the fifteenth (15th) day of the month next preceding any Interest Payment Date and ending on such Interest Payment Date, (ii) fifteen (15) days before the day for the selection of any portion of the Bond to be redeemed or, (iii) with respect to any portion of the Bond being called for redemption.

(f) Each Bond delivered under this Resolution upon transfer or exchange for, or in lieu of, any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond, and each such Bond shall be so dated that neither gain nor loss in interest shall result from such transfer, exchange, or substitution. Each Bond shall be dated by the Bond Registrar as of the last Interest Payment Date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an Interest Payment Date to which interest has been paid or made available for payment, in which case such Bond shall be dated as of the date of authentication, or (ii) the date of authentication of a Bond is prior to the first Interest Payment Date, in which such Bond shall be dated as of the Date of Issue.

(g) The Bond is issuable as a single fully registered Bond payable through annual installments of principal on September 1 in the years and in the amounts determined by the Authority. As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded by the Bond Registrar and the City as the absolute owner thereof for all purposes. Payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative and neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sums paid.

(h) The Bond Registrar shall require the payment by any Bondholder requesting exchange or transfer of a sum sufficient to cover any tax or other governmental charge that may be imposed on the City or the Bond Registrar with respect to such exchange or transfer and a sum sufficient to pay the cost of preparing each new Bond issued upon such exchange or transfer.

(i) If any Bond is mutilated, lost, stolen, or destroyed, the City shall execute and the Bond Registrar shall authenticate a new Bond of the same interest rate, maturity date, and principal amount, as that mutilated, lost, stolen, or destroyed; provided that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Bond Registrar, and in the case of any lost, stolen, or destroyed Bond, there shall be first furnished to the City and the Bond Registrar evidence of such loss, theft, or destruction satisfactory to the City and the Bond Registrar, together with an indemnity satisfactory to them. In the event any such Bond shall have matured or been called for redemption, instead of issuing a duplicate Bond, the City may pay the same. The Bond Registrar may charge the owner of such Bond with their reasonable fees and expenses including reasonable attorneys' fees and expenses in connection with replacing any Bond mutilated, lost, stolen, or destroyed.

11. FURNISHING DOCUMENTS. The Authorized Officers and the Golden Valley County Auditor are authorized and directed to prepare and furnish to the purchaser of the Bond and to the attorneys approving the same, certified copies of all ordinances, resolutions, affidavits or other instruments relating to the establishment and construction of the Improvements and the operation and maintenance thereof, and the levy of special assessments and taxes therefor or the issuance of the Bond, which may be necessary or proper to show the validity of marketability of the Bond, and all instruments and transcripts so furnished, constitute representations of the City as to the correctness of the facts as stated or recited therein. The City agrees to furnish additional certifications of its officers as are necessary to establish the validity of the Bond, the absence of litigation materially affecting the issuance of the Bond and any other certifications or information reasonably necessary to insure

marketability and compliance with the conditions of underwriting. Delivery of the Bond is subject to the approving opinion of bond counsel and customary closing certificates, including a certificate as to absence of material litigation and an arbitrage certificate.

12. TAX COVENANTS. The City covenants and agrees with the holders from time to time of the Bond that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bond to become subject to taxation under the Internal Revenue Code of 1986, as amended, and regulations, amended regulations and proposed regulations issued thereunder, as now existing or as hereinafter amended or proposed and in effect at the time of such action (together, the "Code"). The City will not directly or indirectly use or permit the use of any proceeds of the Bond or any other funds of the City or take or omit to take any action that would cause the Bond to be an "arbitrage bond" within the meaning of Section 148(a) of the Code.

Unless and until the regulations under Section 148 of the Code have been modified or amended in pertinent part, the City Auditor shall ascertain monthly the amount on deposit in the Principal and Interest Account. If the aggregate amount on deposit in the Principal and Interest Account ever exceeds by more than \$100,000 the aggregate amount of principal and interest due and payable from the Principal and Interest Account within thirteen (13) months thereafter, such excess shall not be invested except at a yield less than or equal to the yield on the Bond, based upon the issue price, maturities, and interest rate on its Date of Issue, computed by the actuarial method.

The City shall assure that not in excess of ten percent (10%) of the Net Proceeds of the Bond is used for Private Business if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the principal and interest due on the Bond during the term thereof is, under term of the Bond or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a private business use or by payments in respect of property used or to be used for a private business or is to be derived from payments, whether or not to the City, in respect of property or borrowed money used or to be used for a private business use; *provided, however*, that such restriction shall be reduced to five percent (5%) where use by a nongovernmental person is unrelated or disproportionate as defined under the Code and applicable Treasury Regulations.

The City shall assure that not in excess of five percent (5%) of the Net Proceeds of the Bond are used, directly or indirectly, to make or finance a loan (other than loans constituting nonpurpose investments or assessments) to persons other than state or local government units.

The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Bond to be "federally guaranteed" within the meaning of Section 149(b) of the Code and Regulations promulgated thereunder.

13. QUALIFIED TAX-EXEMPT OBLIGATIONS. The City hereby designates the Bond as a "qualified tax-exempt obligation" for purposes of paragraph (3) of Section 265(b) of the Code and covenants that the Bond does not constitute a private activity bond as defined in Section 141 of the Code, and that no more than \$10,000,000 aggregate principal amount of obligations the interest on which is excludable (under Section 103(a) of the Code) from gross income for federal income taxes (excluding, however, private activity bonds, as defined in Section 141 of the Code, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code), including the Bond, have been or shall be issued by the City, including all subordinate entities of the City, during the calendar year 2025.

14. REBATE EXCEPTION. For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements in accordance with Section 148(f)(4)(D) of the Code, the City covenants that it is a governmental unit with general taxing powers; that the Bond is not a private activity bonds as defined in Section 141 of the Code; that 95% or more of the net proceeds of the Bond are to be used for local governmental activities of the City (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City), and that the aggregate face amount of the all tax exempt obligations (other than private activity bonds as defined in Section 141 of the Code) issued by the City including all subordinate entities of the City, during the calendar year 2025 will not exceed \$5,000,000.

15. LOAN FORGIVENESS. During the pendency of the Loan, the City may be offered a certain amount of loan forgiveness by the North Dakota Department of Environmental Quality (the "Department") and the Authority to reduce the principal amount loaned to the City. The City acknowledges that any such loan forgiveness would be made available by the Department and the Authority in connection with receiving and administering federal capitalization grants under the State Revolving Fund Program. The City agrees to accept any such loan forgiveness offered to it in connection with this Loan without any further action.

16. BUY AMERICAN REQUIREMENT. The City will comply with all federal requirements applicable to the Loan Agreement (including those imposed by the 2014 Appropriations Act, Public Law No. 113-76 and related SRF regulations and policy guidelines) which the City understands includes, among other, requirements that all of the iron and steel products used in the Project are to be produced in the United States ("American Iron and Steel Requirement") unless (i) the City has requested and obtained a waiver from the Department pertaining to the Project or (ii) the Department or Authority has otherwise advised the City in writing that the American Iron and Steel Requirement is not applicable to the Project.

17. DAVIS BACON AND RELATED ACTS. The City shall, to the extent applicable to the Loan or any related grant, comply with the Davis Bacon and Related Acts requirements (40 U.S.C. 3141, et seq).

18. LOBBYING AND LITIGATION. The City shall comply with Title 30 CFR Part 34, New Restrictions on Lobbying pursuant to Section 2 of the Certificate Relating to Lobbying and Litigation executed by the officers of the City.

19. RECORD AND REPORTING REQUIREMENTS. The City will comply with all record keeping and reporting requirements under the Clean Water Act/Safe Drinking Water Act, including any reports required by a federal agency, the Department, or the Authority such as performance indicators of program deliverables, information on costs and project progress. The City understands that (i) each contract and subcontract related to the Project is subject to audit by appropriate federal and state entities and (ii) failure to comply with the Clean Water Act/Safe Drinking Water Act and the American Iron and Steel Requirement may be a default hereunder that results in a repayment of the Loan in advance of the maturity of the Bond and/or other remedial actions.

20. AMENDMENT OF RESOLUTION. This Resolution may not be amended without the consent of the Bondholders.

21. CERTIFICATES. The Authorized Officers, in consultation with the counsel, are hereby authorized to deliver certificates which cure ambiguities, defects or omissions herein, correct, amend,

or supplement any provision herein, all in furtherance of the financing contemplated herein. Such authorization shall include adjustment of the amortization schedule and issuance of a revised bond in the event assessments are not certified for collection as provided for herein, or the preliminary amortization schedule is adjusted with the consent of the Authority.

22. ELECTRONIC SIGNATURES. The Council authorizes the Mayor and the City Auditor to execute documents relating to the issuance of the Bond using electronic signatures. The electronic signatures of the Mayor and the City Auditor shall be as valid as an original signature of such official and shall be effective to bind such official to any document relating to the issuance of the Bond. For purposes hereof, "electronic signature" means a manually signed original signature that is then transmitted by electronic means.

Dated: April 7, 2025.

CITY OF BEACH, NORTH DAKOTA

Attest:

Walter Losinski, Mayor

Kimberly Gaugler, City Auditor

The governing body of the City acted on the foregoing resolution at a properly noticed meeting held in Beach, North Dakota, on April 7, 2025, with the motion for adoption made by Marman and seconded by Ross, and the roll call vote on the motion was as follows:

"Aye" Marman, Swanson-Puckett, Ross, Stonehocker, Wolff, Zachmann

"Nay" _____

Absent _____

DOT Flex Fund Project – Design is ready to proceed with full street reconstruction including subgrade, surfacing, curb & gutter, and sidewalk where necessary. Coordination with public and business access is a priority in design. Ranisate presented Engineering Task Order #11 for Design and Bidding Services in the amount of \$427,000. Marman moved to approve Engineering Task Order #11, second by Swanson-Puckett. Roll call vote was taken. Marman-yes, Swanson-Puckett-yes, Ross-yes, Stonehocker-no, Wolff-yes, Zachmann-yes. Motion carried. An Agreement for Geotechnical Engineering Services from Terracon in the amount of \$13,300 was presented. Marman moved to approve the Geotechnical Engineering Services Agreement, second by Swanson-Puckett. Roll call vote was taken. Marman-yes, Swanson-Puckett-yes, Ross-yes, Stonehocker-no, Wolff-yes, Zachmann-yes. Motion carried.

**CITY OF BEACH, NORTH DAKOTA
RESOLUTION NO. 2025-12**

**A RESOLUTION CREATING CITY OF BEACH
STREET IMPROVEMENT DISTRICT NO. 2025-01
OF THE CITY OF BEACH, NORTH DAKOTA.**

BE IT RESOLVED by the governing body of the City of Beach, North Dakota, as follows:

WHEREAS, a municipality is empowered under North Dakota law, NDCC Ch 40-22, to establish special assessment districts for the purpose of, among other things, improvements to the city street network and any part thereof; and

WHEREAS, the City of Beach desires to establish a special assessment district to provide for the improvement of the city street system in the area shown on the attached map, within the City of Beach;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEACH, as follows:

1. There is hereby created **City of Beach Street Improvement District No. 2025-01** for the purpose of making certain specified improvements to the municipal streets in the area referenced on the attached map.
2. The said **City of Beach Street Improvement District No. 2025-01** shall encompass all of the real property referenced on the attached map.
3. The City Engineer is hereby directed to prepare and submit to the City Council a report regarding the general nature, purpose, and feasibility of the proposed improvements.
4. The report shall contain (a) a separate statement of the estimated cost of the work for which proposals must be advertised under NDCC section 40-22-19, and (b) a separate statement of all other items of estimated cost not included under (a) which are anticipated to be included in the cost of the improvement to be specially assessed against benefited property under NDCC sections 40-23-05 and 40-23.1-04.
5. The plans and specifications and estimates shall be the property of the municipality and shall be filed in the office of the city auditor and shall remain on file in the city auditor's office subject to inspection by any interested person.

Dated: April 7, 2025.

CITY OF BEACH, NORTH DAKOTA

Attest:

Walter Losinski, Mayor

Kimberly Gaugler, City Auditor

The governing body of the City acted on the foregoing resolution at a properly noticed meeting held in Beach, North Dakota, on April 7, 2025, with the motion for adoption made by Marman and seconded by Ross, and the roll call vote on the motion was as follows:

"Aye" Marman, Swanson-Puckett, Ross, Wolff, Zachmann

"Nay" Stonehocker

Absent _____

**CITY OF BEACH, NORTH DAKOTA
RESOLUTION NO. 2025-13**

**RESOLUTION ACCEPTING PRELIMINARY REPORT
AND DIRECTING PREPARATION OF ENGINEER'S
DETAILED REPORT AND COST ESTIMATE**

BE IT RESOLVED by the governing body of the City of Beach, North Dakota (the "City"), as follows:

1. The governing body of the City of Beach has created the City of Beach Street Improvement District No. 2025-01 and has received the City Engineer's preliminary report as to the general nature, purpose and feasibility of the proposed improvement in and for the City of Beach Street Improvement District No. 2025-01.
2. The report of the City Engineer regarding the general nature, purpose, and feasibility of the proposed improvements, and the City Engineer's estimate of the probable cost of the improvements is hereby approved, and the same shall be forthwith filed in the office of the City Auditor and shall remain on file in the City Auditor's office subject to inspection by anyone interested therein.
3. The City Engineer is hereby directed to prepare detailed plans and specifications for construction of the improvements.

Dated: April 7, 2025.

CITY OF BEACH, NORTH DAKOTA

Attest:

Walter Losinski, Mayor

Kimberly Gaugler, City Auditor

The governing body of the City acted on the foregoing resolution at a properly noticed meeting held in Beach, North Dakota, on April 7, 2025, with the motion for adoption made by Marman and seconded by Ross, and the roll call vote on the motion was as follows:

"Aye" Marman, Swanson-Puckett, Ross, Wolff, Zachmann

"Nay" Stonehocker

**CITY OF BEACH, NORTH DAKOTA
RESOLUTION NO. 2025 - 14**

**RESOLUTION DECLARING THE NECESSITY OF THE CITY OF BEACH STREET
IMPROVEMENT DISTRICT NO. 2025-01, CITY OF BEACH, NORTH DAKOTA**

BE IT RESOLVED by the governing body of the City of Beach, North Dakota (the “City”), as follows:

1. The governing body of the City of Beach has hereby found, determined, and declared it to be necessary and desirable for the City to improve streets and incidentals as described in Resolution 2025-13, and the detailed plans and specifications discussed therein, concerning the City of Beach Street Improvement District No. 2025-01.
2. The Preliminary Engineering Report prepared by the City Engineer recommends roadway and utility improvements consisting of utility work, drainage improvements, grading, repairing soft spots, replacing small areas of curb, updating sidewalks at street returns, milling, reconstructing, and placing Aggregate Base Course and Hot Mix Asphalt Pavement along the project area. The purpose of this reconstruction and mill and overlay project is to extend the life of the street and stormwater drainage systems. The estimated project cost is \$7,741,980 and one approximately \$3,413,580, or Forty Four percent (44%) of the project cost will be paid with special assessments levied to the benefitted property owners, and the remainder of the cost being funded through grant funding. The improvement District includes all properties located within the District boundaries, as shown on the attached map.
3. The owners of the property liable to be specially assessed for said improvements may file written protests with the City Auditor PO Box 278, Beach ND 58621, against the said improvements within thirty (30) days after the first publication of this resolution. The City Council shall at its next meeting after the expiration of said period, on May 19, 2025, or such other date as determined by the City Council, to meet at Beach City Hall, for the purpose of hearing and determining the sufficiency of any protests so filed and of taking any such further action with respect to said improvements as may then be deemed necessary and expedient.
4. That the City Auditor is hereby authorized and directed to cause this resolution, including a map of the Improvement District boundaries, showing the proposed improvement district, to be published once each week for two consecutive weeks in the official newspaper of the City.

Dated: April 7, 2025.

CITY OF BEACH, NORTH DAKOTA

Attest:

Walter Losinski, Mayor

Kimberly Gaugler, City Auditor

The governing body of the City acted on the foregoing resolution at a properly noticed meeting held in Beach, North Dakota, on April 7, 2025, with the motion for adoption made by Marman and seconded by Ross, and the roll call vote on the motion was as follows:

"Aye" Marman, Swanson-Puckett, Ross, Wolff, Zachmann

"Nay" Stonehocker

Absent _____

Public Works Report

PWS Dietz reviewed his written report. Tony Wanner will be working the landfill on Tuesday's, Thursday's and Saturday's. Dietz requested his wage be set at \$15/hr. Marman moved to approve the request, second by Swanson-Puckett. Motion carried unanimously. Dietz presented a Lawn Service Contract proposal from Rob Curl. Swanson-Puckett moved to approve the proposal, second by Wolff. Motion carried unanimously. Dietz presented a quote for an LT Plus Hot Patch Heater in the amount of \$5,945.00. Marman moved to approve the quote presented, second by Wolff. Motion carried unanimously.

Auditor's Report

Gaugler reviewed her written report.

Committee Reports

Personnel – Ross and Zachmann recommended continuing with the current health insurance plan Classic Blue 250. Gaugler will complete the necessary documentation to stay on the current plan and return it to Blue Cross Blue Shield.

Zoning – Marman mentioned the Zoning Board is recommending the City Council approve proposed Ordinance 397 Regarding Use of Storage Containers Within the City Limits. Consideration will be given at the next meeting.

Unfinished Business

Building Inspector Mel Zent is attempting to contact the property owner of a building recently inspected.

New Business

At 7:30 p.m., Wolff moved to adjourn as the Beach City Council and meet as the Board of Equalization, second by Ross. Motion carried unanimously. Minutes of the Board of Equalization meeting on April 15, 2024, were approved. Golden Valley County Tax Director

Carla Beeler provided information on increases/decreases in true and full valuation of property, eligible property tax exemptions and sales ratio analysis. Total True & Full Valuation for 2025 in the City of Beach is \$89,183,600, an increase of \$2,223,620 or 2.6% from 2024. Overall, Commercial Lots increased \$53,300, Commercial Structures increased \$270,920, Residential Lots increased \$29,300, and Residential Structures increased \$1,737,300. Based on Sales Ratio Study for the 2025 assessments, the average sale price for a residential structure is \$214,457 and average sale price for a commercial structure is \$107,672. Sixteen applicants are tax exempt under Non-Profit, and Religious Organization. Sixty-one applicants qualified for Homestead Credit Exemption, and Disabled Persons Credit Exemptions. Mayor Losinski opened the meeting for public comment or questions. No public comments were received.

Ross moved a finding be made that all classifications of property have been reviewed and they are proper as assessed, second by Zachmann. Motion carried unanimously. Zachmann moved that a finding be made that we have reviewed all Exemptions and find them proper as presented, second by Wolff. Motion carried unanimously. Zachmann moved that a finding be made that the overall Assessment Roll for the City of Beach for 2025 has been reviewed and find it proper as assessed, second by Ross. Motion carried unanimously. Marman moved based on preceding findings, we declare the Assessment Roll for 2025 for the City of Beach equalized, second by Ross. Motion carried unanimously. At 8:00 p.m., Zachmann moved to adjourn as the Board of Equalization and reconvene as the Beach City Council, second by Wolff. Motion carried unanimously.

Correspondence was read from ND Insurance Reserve Fund regarding the city receiving a conferment check for the year 2024. Also mentioned was the NDIRF Annual Meeting on May 8th at the North Dakota Heritage Center in Bismarck.

Correspondence was read from Federal Emergency Management Agency and ND Water Resources stating our new Flood Insurance Rate Map will take effect on September 19, 2025.

An Application for Local Permit for Raffle submitted by Beach Firearm & Trap Club was reviewed. Zachmann moved to approve the Local Permit for Raffle, second by Wolff. Motion carried unanimously.

An Application for Community Enhancement Funds submitted by the Golden Valley County Fair Association was reviewed. Zachmann moved to approve donating \$600.00 from the Community Enhancement Fund, second by Ross. Motion carried unanimously.

An Application for License to Sell Fireworks submitted by Double V Fireworks was reviewed. Zachmann moved to approve the License to Sell Fireworks, second by Wolff. Motion carried unanimously.

Correspondence from Southwest Water Authority regarding their 2024 Consumer Confidence Report was read.

For safety reasons, Ross requested a gate be added to the stairs in the Community Center. All were in agreement.

No other business was brought forward. Zachmann moved to adjourn, second by Wolff. Meeting adjourned at 8:15 p.m.

ATTEST:

Walter Losinski, Mayor

Kimberly Gaugler, City Auditor