



City of Beach
153 East Main Street
PO Box 278
Beach, ND 58621-0278

Phone: 701-872-4103
Fax: 701-872-4924
Email & website:
cityofbeach@midstate.net
www.beachnd.com
2003 ND City of the Year
an equal opportunity employer

Mayor
Walter Losinski
PO Box 907
Beach, ND 58621

City Council
Tom Marman
PO Box 613
Beach, ND 58621

Sarah Ross
PO Box 35
Beach, ND 58621

John Stonehocker
86 5th St. SW
Beach, ND 58621

Lynn Swanson
PO Box 26
Beach, ND 58621

Beverly Wolff
PO Box 1060
Beach, ND 58621

Andy Zachmann
PO Box 112
Beach, ND 58621

City Auditor
Kimberly Gaugler

Public Works Sup.
Randy Dietz

City Council Meeting Agenda
City Hall – 153 E. Main Street
Monday, June 2, 2025 - 7:00PM

1. Call Meeting to Order, stand as able for Pledge of Allegiance
2. Roll Call of Members
3. Additions or Corrections to the Agenda & Approval
4. Recognize Visitors & Public Participation
5. Reading of May 19th Meeting Minutes & Approval
6. Review of Vouchers & Approval
7. Engineer's Written Report
8. Public Works Written Report
9. Auditor's Written Report
10. Committee Report(s)
11. Unfinished Business
 - Second Reading of Proposed Ordinance 397 – Use of Storage Containers
12. New Business
 - First Reading of Proposed Ordinance 398 - An Ordinance Revoking Current Chapter XVIII, Dealing with Floodplain Boundaries, Definitions, Regulations, and Penalties for Violations of the Ordinance
 - Resolution 2025-16 Setting Auditor Bond Limit for the City of Beach (NDCC 40-13-02)
 - Correspondence from Sentinel Recreation District and Application for Community Enhancement Funds
 - Application for Local Permit-Raffle Board submitted by Golden Valley County Fair Association
13. Adjourn

NEXT REGULAR MEETING
Monday, June 16th

*"We sweep the sidewalk not just for the dust, but for the dignity.
A tidy block becomes a mirror, and in it, a community sees itself with pride."*

Jeff Siegler

Landfill winter hours (November 1st-April 30th): first and third Saturdays of the month: 9 am - 2 pm (be sure to check www.beachnd.com and the City's app for any changes/updates to the landfill hours)



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 Monday, May 19, 2025 at 7:00 p.m. Present when the meeting was called to order was City Council Tom Marman, Sarah Ross, Lynn Swanson-Puckett, John Stonehocker, Andy Zachmann, Public Works Superintendent Randy Dietz, City Auditor Kimberly Gaugler, Administrative Assistant Lea Massado, Sheriff Dey Muckle, Engineer Zac Ranisate, Holden Hammerlund, guests Corlene Olson, Gary Howard and Deb Helpser.

The Pledge of Allegiance was recited.

Roll call was taken. City Council Bev Wolff was absent.

Mayor Losinski called for any additions or corrections to the agenda. Gaugler request adding correspondence from Beach High School Future Business Leaders of America. Ross moved to approve the agenda with the addition, second by Zachmann. Motion carried unanimously.

Public Participation

Deb Helpser inquired if there would be any improvements made to the south side of 2nd Street SW since there was a recent drainage ditch improvement made to the north side of the street. The city engineer explained the recent improvements on 2nd Street SW were made due to the road being washed out. A grant from FEMA has covered the cost of improvements to date. The city engineer will check to see if any of the remaining grant funds can be used to make improvements on the south side of the road also.

Minutes

Minutes of the meeting on May 5, 2025 were presented. Ross moved to approve the minutes, second by Swanson-Puckett. Motion carried unanimously.

Engineer's Report

Engineer Ranisate reviewed his written report. **2nd Street SW Culvert Crossing** – Culverts and flared end sections have been installed, and the surface has temporary gravel on it until the paving crew arrives. The ditch to the north has been cleaned and graded out properly. Ranisate will contact FEMA to see if cleaning out the ditch on the south side of the street could be included in the project. **2025 Street and Utility Improvement Project** – BEK has installed watermain and service connections along 3rd Avenue SE. They are working on service line verifications on Main Street, 4th Avenue SE, and Central Avenue. Planned work this week includes installing watermain and services along 4th Avenue SE. Ranisate presented Change Order #2 in the amount of \$59,828.00 to reroute 15 service lines that ran through another property or under someone else's house. Ross moved to approve Change Order #2, second by Swanson-Puckett. Motion carried unanimously. Ranisate presented a quote from BEK Consulting, LLC in the amount of \$83,614.80 to chip seal full street width on all streets where watermain is being replaced. Approximately \$60,000 is available in contingency for non-water related improvements. Marman moved to contact Bank of North Dakota requesting to increase the loan amount if necessary for the chip sealing, second by Swanson-Puckett. Motion carried unanimously. **2026 Main Street & Central Avenue Street Reconstruction** – No written protest

letters were submitted to City Hall. Swanson-Puckett moved to approve Resolution 2025-15, second by Ross. Motion carried unanimously.

RESOLUTION NO. 2025-15

**A RESOLUTION DETERMINING THE INSUFFICIENCY OF PROTESTS FILED
IN OBJECTION TO THE CITY OF BEACH STREET IMPROVEMENT
DISTRICT 2025-01**

WHEREAS, the City Council has adopted Resolution 2025-12, creating the City of Beach Street Improvement District 2025-01; and

WHEREAS, the City Council adopted Resolution 2025-14, declaring the necessity of making certain improvements within the City of Beach Street Improvement District 2025-01;

WHEREAS, notice of this resolution was published in the official newspaper of the City of Beach, providing notice to owners of property within the District of their right to protest the intended improvements by filing written objections within 30 days of the first publication;

WHEREAS the Beach City Council met at its next regularly scheduled meeting to hear and determine the sufficiency of the protests; and

WHEREAS, the City Council finds that owners of less than fifty percent of the property within the District have filed written protests to the planned improvements; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Beach, North Dakota, that due to the insufficiency of the protests filed objecting to the project, the project will proceed in accordance with all relevant laws and regulations.

Dated this 19th day of May, 2025.

Walter Losinski, Mayor
City of Beach, North Dakota

ATTEST:

Kimberly Gaugler, City Auditor

Sheriff's Report

Sheriff Muckle reviewed his written report for the month of April which consisted of 45 city calls, 2 written citations and 3 warning citations.

Public Works Report

PWS Dietz reviewed his written report. The timer on the flashing crosswalk light on 4th Street needs to be replaced. He has been in contact with Maguire Iron to access damages to the south water tower.

Auditor's Report

Gaugler reviewed her written report. Gaugler reviewed the financial report for the month of April. Zachmann moved to approve the financial report, second by Ross. Motion carried unanimously. Ross moved to amend page 24 of the Employee Manual to read "Upon successful and satisfactory completion of the introductory period, employees are eligible for health ~~and life~~ insurance with Blue Cross Blue Shield of ND and life insurance with Unum Life Insurance.", second by Zachmann. Motion carried unanimously. Beach's Renaissance Zone designation is set to expire on August 1, 2025. We can request an extension for an additional ten years by updating our development plan. Zachmann moved to update the development plan and request a 10 year extension, second by Ross. Motion carried unanimously. Gaugler provided legislative changes that will affect the City, Park Board and Fire Department.

Committee Reports

Zoning – Marman reported the Zoning Board met this morning at 8 am and reviewed one application for building with a variance and one application for conditional use.

Unfinished Business

Second Reading of Proposed Ordinance 397 – Use of Storage Containers. Marman suggested the term temporary use permit be clarified.

New Business

Grace PerDue, Point CPA, independent auditing firm for the city, reviewed the 2022 Audit Report, via telephone. Areas reviewed include but are not limited to; Statement of Net Position, Assets, Liabilities, and Audit Findings. Swanson-Puckett moved to approve the 2022 Audit Review, second by Ross. Motion carried unanimously.

Correspondence was read from ND Water Resources Districts Association regarding the Summer Meeting on July 9-10 in Devil's Lake.

Correspondence was read from the State of North Dakota Office of State Tax Commissioner regarding the contract for collection of city sales tax. The Tax Commission will retain \$169.00 per month of the tax collected. By no later than March 31, 2027, the city will notify the Tax Commissioner whether the tax imposed by the Ordinance is continued or terminated.

An Application for Community Enhancement Funds submitted by Golden Valley County Airport Authority was reviewed. Ross moved to donate \$500 from the Community Enhancement Fund to be used for the June 14th Fly-in Event at the airport, second by Stonehocker. Motion carried unanimously.

An Application for Community Enhancement Funds submitted by Golden Valley Manor was reviewed. Swanson-Puckett moved to donate \$500 from the Community Enhancement Fund for a beautification project, second by Stonehocker. Motion carried unanimously.

Correspondence was read from North Dakota Insurance Reserve Fund regarding the 2024 Annual Report.

Thank you correspondence was read from Beach High School Future Business Leaders of America for the donation received.

Use of the conference calling system for meetings was discussed. Mayor Losinski mentioned preference would be for City Council members to be present at the meeting rather than calling in. Discussion. Marman moved to continue allowing call in to city council meetings when necessary, second by Ross. Marman-yes, Ross-yes, Swanson-Puckett-yes, Stonehocker-yes, Zachmann-no. Motion carried.

There being no other business, Zachmann moved to adjourn, second by Swanson-Puckett. Meeting adjourned at 8:35 p.m.

ATTEST:

Walter Losinski, Mayor

Kimberly Gaugler, City Auditor



June 2, 2025 Council Meeting – Engineer's Report

Honorable Mayor and Council:

Engineer is planning to attend the meeting virtually. Below is a summary of the status of current engineering projects and tasks. Please feel free to reach out if you have any specific questions.

1. 2nd St SW Culvert Crossing

- **Discussion Items:**

- FEMA and State stated that they cannot consider the ditch grading on the south side of the culverts as part of the project until the original scoped project is completed.
- BEK's cost estimate to complete the work:

2. Beach 2025 Street and Utility Project

- **Summary of Work Completed**

- Installed watermain and service connections through 4th Ave and two blocks on 6th Ave.

- **Summary of Work Planned**

- Install watermain and services along 6th Ave and hop back over to 5th Ave.
- Knife River will be in town on June 18th to begin paving.

- **Council Action Items:**

- Please consider motions to approve the following:
 - Pay Application #2

Action Item Document	Description
Pay App #2	\$1,580,666.50

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): Beach 2025 Street and Utility Project

Application Period: 4/27/25 thru 5/24/25

Application Number: 2

Application Date: 5/29/2025

A							B			C			D			E			F		
Item			Contract Information				Estimated Quantity Installed			Value of Work Installed to Date			Materials Presently Stored (not in C)			Total Completed and Stored to Date (D + E)			% (F / B)		
Bid Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)		Estimated Quantity Installed			Value of Work Installed to Date			Materials Presently Stored (not in C)			Total Completed and Stored to Date (D + E)			% (F / B)		
1	Bonding and Insurance	1	LS	\$30,000.00	\$30,000.00		1			\$30,000.00			\$30,000.00			\$30,000.00			100.0%		
2	Mobilization	1	LS	\$295,800.00	\$295,800.00		0.6			\$177,480.00			\$177,480.00			\$177,480.00			60.0%		\$118,320.00
3	Erosion Control	1	LS	\$8,000.00	\$8,000.00		1			\$8,000.00			\$8,000.00			\$8,000.00			100.0%		
4	Traffic Control	1	LS	\$13,000.00	\$13,000.00		0.5			\$6,500.00			\$6,500.00			\$6,500.00			50.0%		\$6,500.00
5	Temporary Water Service	1	LS	\$125,000.00	\$125,000.00		0.88			\$110,000.00			\$110,000.00			\$110,000.00			88.0%		\$15,000.00
6	Reclaim and Salvage Bituminous Pavement	15062	SY	\$5,00	\$75,310.00		11297			\$56,485.00			\$56,485.00			\$56,485.00			75.0%		\$18,825.00
7	Remove and Dispose Concrete Curb and Gutter	2600	LF	\$7,00	\$18,200.00		525			\$3,675.00			\$3,675.00			\$3,675.00			20.2%		\$14,595.00
8	Remove and Dispose Concrete Sidewalk	4825	SF	\$1,00	\$4,825.00		1089			\$1,089.00			\$1,089.00			\$1,089.00			22.6%		\$3,736.00
9	Remove and Dispose Concrete Driveway	1653	SF	\$1,00	\$1,653.00		290			\$290.00			\$290.00			\$290.00			17.5%		\$1,363.00
10	Remove and Dispose Concrete Valley Gutter	3051	SF	\$1,00	\$3,051.00		600			\$601.00			\$601.00			\$601.00			19.7%		\$2,451.00
11	Remove and Salvage 4" of Topsoil	2186	SF	\$2,00	\$4,372.00		229			\$458.00			\$458.00			\$458.00			10.5%		\$3,914.00
12	Remove and Salvage 6" of Gravel	533	SF	\$1,00	\$533.00		355			\$355.00			\$355.00			\$355.00			66.6%		\$178.00
13	Bituminous Pavement (4.5")	13299	SY	\$62.00	\$824,538.00																\$824,538.00
14	Street Crownning	14414	SY	\$9.00	\$129,726.00																\$129,726.00
15	8" Street Base (Type A3, Class 5 Aggregate)	13439	SY	\$25.00	\$335,975.00		7526			\$188,150.00			\$188,150.00			\$188,150.00			56.0%		\$147,825.00
16	Concrete Curb and Gutter	2642	LF	\$80.00	\$211,360.00		511			\$40,880.00			\$40,880.00			\$40,880.00			19.3%		\$170,480.00
17	4" Concrete Sidewalk	4835	SF	\$19.00	\$92,245.00		1101			\$20,919.00			\$20,919.00			\$20,919.00			22.7%		\$71,326.00
18	6" Concrete Driveway	2024	SF	\$19.00	\$328,456.00		258.25			\$4,906.75			\$4,906.75			\$4,906.75			12.8%		\$33,549.25
19	6" Concrete Valley Gutter	2815	SF	\$24.00	\$67,560.00		703.5			\$16,884.00			\$16,884.00			\$16,884.00			25.0%		\$50,676.00
20	4" Top Soil	2185	SF	\$7.00	\$15,295.00																\$15,295.00
21	Hydroseeding and Maintenance	2185	SF	\$7.00	\$15,295.00																\$15,295.00
22	6" Gravel (parking lot/driveway restoration)	533	SF	\$2.00	\$1,066.00																\$1,066.00
23	Central Ave. & Main St. Surface Restoration	2234	SY	\$11.00	\$24,574.00		1434			\$15,774.00			\$15,774.00			\$15,774.00			64.2%		\$8,800.00
24	2" PVC Water Main (C-900 DR-25)	158	LF	\$100.00	\$15,800.00																\$15,800.00
25	4" PVC Water Main (C-900 DR-25)	163	LF	\$102.00	\$16,626.00																\$16,626.00
26	6" PVC Water Main (C-900 DR-25)	218	LF	\$105.00	\$22,830.00		71			\$7,455.00			\$7,455.00			\$7,455.00			32.6%		\$15,435.00
27	8" PVC Water Main (C-900 DR-25)	9712	LF	\$110.00	\$10,683,20.00		4933.5			\$544,885.00			\$544,885.00			\$544,885.00			51.0%		\$523,435.00
28	1" Water Service with Curb Stop (Open Cut)	1918	LF	\$140.00	\$268,520.00		1069			\$149,660.00			\$149,660.00			\$149,660.00			55.7%		\$118,860.00
29	1" Water Service with Curb Stop (Trenchless)	2267	LF	\$140.00	\$17,380.00		1269			\$17,766.00			\$17,766.00			\$17,766.00			56.0%		\$139,720.00
30	1" Water Service with Meter Pit	1	EA	\$8,500.00	\$8,500.00																\$8,500.00
31	8" DI MI Tee	10	EA	\$2,100.00	\$21,000.00		5			\$10,500.00			\$10,500.00			\$10,500.00			50.0%		\$10,500.00
32	8"x6" DI MI Tee	14	EA	\$2,000.00	\$28,000.00		7			\$14,000.00			\$14,000.00			\$14,000.00			50.0%		\$14,000.00
33	8"x4" DI MI Tee	2	EA	\$1,900.00	\$3,800.00																\$3,800.00
34	8"x2" DI MI Tee	1	EA	\$1,500.00	\$1,500.00																\$1,500.00
35	8"x6" DI MI Reducer	10	EA	\$1,400.00	\$14,000.00		1			\$1,400.00			\$1,400.00			\$1,400.00			10.0%		\$12,600.00
36	8"x4" DI MI Reducer	1	EA	\$1,400.00	\$1,400.00																\$1,400.00

Progress Estimate - Unit Price Work

Contractor's Application

Contractor's Application Stored Material Summary

ACTION ITEMS:

- Bart and Tom both passed their latest tests. Bart is fully certified operator for water & sewer. Tom will be continuing his education.

WATER/SEWER:

- Water Supplies: \$12,186
- Water Repair Parts: \$21,934
 - Replaced lights on N Tower
 - Meters being replaced following completion of Water Mains.
 - South Tower
 - Insurance Co has a list of demands for claim.
- Sewer Supplies: \$12,880
- Sewer Repair Parts: \$16,473
 -

STREETS:

- Gen Fund - Repair & Maintenance (Equipment): \$25,789
- Gen Fund - Street and Alley: \$40,290
- Hwy Fund - Repair & Maintenance (Equipment): \$5,936
- Hwy Fund - Street and Alley: \$9,601
- Total Sales Tax Fund Remaining Budget \$865
- Total Remaining Snow Removal: \$446
 - 1 of 6 totes of Emulsion used.
 - Contracted Rick Noll to haul in 8 loads of scoria for Gooseneck Road.
 - Filled MDU holes with millings temporarily on 2nd Ave NW./

SHOP/EQUIPMENT/BUILDING/PROPERTY/PERSONNEL:

- S650 Bobcat Large Hydraulic leak – Tom Working on.
- S250 Bobcat Making bizarre noise – Waiting for troubleshooting
- Rubber Wheeled packer Rear Wheel section axle work.
- Case IH tractor – WPI to fix code.
- Patch heater has arrived.

LANDFILL/Garbage/Cardboard:

- Supplies: -\$2,619
- Repair & Parts: \$5,908
 - **G&G back to hauling containers.**
 - **Containers need repair of DOT safety hooks. – Baker Metal is handling in between loads.**

Auditor's Report

Monday, June 2nd, 2025

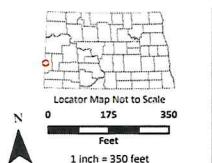
1. Legal notice to property owners regarding mowing and spraying for noxious weeds has been published in the Golden Valley News issues May 15, 22, 29 & June 5. A fee of \$300.00 per lot will be charged if/when the city has to mow/spray.
2. On May 20th, nine individuals from the city attended the Roosevelt Custer Regional Council State of Region 8 held in Medora. Over 100 people from across the region were at the event. Several legislators provided updates on new legislation that will impact cities, counties, etc.
3. On May 20th, the Management Representation Letter was signed by the Mayor and myself acknowledging the findings of the 2022 Audit Report. The letter was sent back to our independent auditors, Point CPA. The 2022 Audit Report has been submitted to the State Auditor's Office for review. Point CPA has determined they have staff capacity to immediately start the 2023 audit. Next week, we will begin submitting documentation they've requested for the 2023 audit.
4. Legal notice was published in the Golden Valley News on May 29th and June 5th regarding the Application for Conditional Use at 524 Central Avenue N to allow a commercial business in Residential 1 zoning. Notice will be mailed to all property owners within 150' of the area requesting the Conditional Use. The Zoning Board will hold a Public Hearing, June 16th at 8:15 am for comments or questions on the request. The Zoning Board will make a recommendation to the City Council based on information obtained at the Public Hearing.
5. Legal notice was published in the Golden Valley News on May 29th and June 5th regarding the Application for Building with Variance of 9' at 160 3rd Avenue SE. A Public Hearing is scheduled for June 16th at 7:30 pm for comments or questions on the request for variance.
6. City offices were closed on Monday, May 26th in observance of Memorial Day.
7. As of May 30th, expenses for the year are \$1,262,954.97 and revenues collected are \$1,399,422.99. Eighteen percent (18%) of the amended expense budget has been spent and sixty-five percent (65%) of the revenue budget has been collected.
8. Staff at the Tourist Information Center started May 23rd. Hours will be 9am-4pm to start with and then extended as the summer goes. I'm requesting your approval of wages for the staff; Jan Kuchera-\$17/hr, Maria Marman-\$15/hr. There is enough funding in the Occupancy Fund to cover staffing this season. Occupancy tax received has decreased substantially over the past few years. We will need to re-evaluate what Fund pays for staffing next year, unless there is a positive change in lodging tax collections.
9. We are conducting the preliminary work for renewing the Renaissance Zone Plan for a 10 year period. Please let us know if you have suggestions of areas that should be included in our next proposed Renaissance Zone designation. Our current designation is set to expire on August 1, 2025. A map of our current zone is included.
10. The North Dakota League of Cities SW Regional Listening Session will be held at the Dickinson City Hall on June 11 starting at 3 p.m.

11. We've met several times this month with the owners of Dobre Brewhouse, in preparation of placing the final order for the brewing equipment. At this time, there is a remaining balance of \$65,550 from the USDA Rural Business Development Grant. The project must be completed by September 30, 2025.
12. We've met with a representative from Fireside Office Supply regarding the necessary computer upgrades. The quote for the four devices is \$5,310.
13. Please be sure to stay connected by checking our City social media sites for community messages.





Information depicted may include data unverified by AE2S. Any reliance upon such data is at the user's own risk. AE2S does not warrant this map or its features are either spatially or temporally accurate. Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Intl | Edited by: dlisick | C:\Data\Projects\WAPS\B\Beach\05066-2019-000\GIS\05066-2019-000 - Beach.aprx | Renaissance Zone



RENAISSANCE ZONE

Beach | Golden Valley County, ND

ORDINANCE NO. 397

AN ORDINANCE ADDING SECTION 19.0407 OF THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA, REGARDING USE OF STORAGE CONTAINERS WITHIN THE CITY LIMITS OF THE CITY OF BEACH, AS HEREINAFTER SET FORTH

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

Section 1: Section 19.0407 entitled “STORAGE CONTAINERS” is hereby added and enacted as follows:

19.0407 STORAGE CONTAINERS – Storage Containers shall be defined as container units that are used for storage purposes, also known as shipping containers, cargo containers, cargo-trailer containers, metal freight containers, metal containers designed for freight and cargo, and the like. This definition does not include dumpsters actively used for solid waste or recycling collection, construction trailers, containers being used at an active job site, or trailers normally associated with private use such as stock car trailers, boat trailers, utility trailers, campers, or other similar equipment. Containers defined herein may be utilized as permitted uses in the following types of zones: C-1 Commercial, C-2 Highway Commercial, Industrial, as well as a Conditionally Permitted Use in PUD zones in accordance with the requirements of PUD zones. Storage containers, as defined herein, may be permitted in R-1 and R-2 zones as a temporary use, so long as the required temporary use permit is obtained. Any person violating any portion of this Section shall be subject to the penalties described in this Chapter, including 19.0605-2.

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.

ATTEST:

Walter Losinski, Mayor

Kimberly Gaugler

First Reading: April 21, 2025

Second Reading:

Final Passage:

ORDINANCE NO. 398

AN ORDINANCE REVOKING CURRENT CHAPTER XVIII, DEALING WITH FLOOD PLAIN BOUNDARIES, DEFINITIONS, REGULATIONS, AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

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

SECTION 1: Chapter 18, Articles 1 through 6, inclusive. is hereby amend and re-enacted as follows:

18.0101. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

A. STATUTORY AUTHORIZATION

The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-47, 11-33 and 58-03, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the City Council of Beach, North Dakota does ordain as follows:

18.0102. FINDINGS OF FACT

- i. The flood hazard areas of the City of Beach are subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety, and general welfare.
- ii. Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

18.0103. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- i. To protect human life and health;
- ii. To minimize expenditure of public money for costly flood control projects;
- iii. To minimize the need for rescue and relief efforts associated with flooding

and generally undertaken at the expense of the general public;

- iv. To minimize prolonged business interruptions;
- v. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;
- vi. To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future flood blight areas;
- vii. To ensure that potential buyers are notified that property is in a special flood hazard area;
- viii. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

18.0104. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- i. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- ii. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- iii. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- iv. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- v. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

ARTICLE 2.0

DEFINITIONS

18.0201. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the City Auditor's interpretation of any provision

of this ordinance or a request for a variance.

"Base flood or 100-year flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation" (BFE) means the height of the base flood or 100-year flood usually in feet, measured in the same datum (either NAVD88 or NGVD29) as the FIRM.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Best Available Information" (BAI) means water elevation information from any source used to estimate or determine a base flood elevation (i.e. high water mark).

"Community" means any political subdivision that has the authority to zone, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Conveyance or hydraulic conveyance" means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood Insurance Rate Map" (FIRM) means the official map issued by the Federal Emergency Management Agency where special flood hazard areas are designated as Zone A, AE, AO, AH, A1-A30 or A-99.

"Flood Insurance Study" (FIS) means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or; from the unusual and rapid accumulation or runoff of surface waters from any source.

"Floodproofing" (Dry) means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

"Floodway or regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Lowest floor" means the lowest floor of a structure including the basement.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle" but does include "mobile home".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Person" means any person, firm, partnership, association, corporation, limited liability company, agency, or any other private or governmental organization, which includes any agency of the United States, a state agency, or any political subdivision of the state.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational vehicle" means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck;
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to;
5. travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.

"Special Flood Hazard Area" (SFHA) means an area of land that would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Watercourse” means only the channel and banks of an identifiable watercourse, and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel, except in the case of alluvial fans, where a channel is not typically defined. The definition of watercourse in N.D.C.C. § 61-01-06 is not applicable in this ordinance.

“Variance” means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the community’s floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE 3.0 GENERAL PROVISIONS

18.0301. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Beach.

18.0302. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study for the City of Beach, dated September 19, 2025” with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, Beach, North Dakota.

18.0303. COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

18.0304. GREATER RESTRICTIONS

This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

18.0305. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

18.0306. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Beach, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

18.0307. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

ARTICLE 4.0 **ADMINISTRATION**

18.0401. ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 3.2. Application for a development permit shall be made on forms furnished by the City Auditor and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM, of the lowest floor of all structures;
- (2) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5.2-2; and,
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

18.0402. DESIGNATION OF THE CITY AUDITOR AS ADMINISTRATOR

The City Auditor is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

18.0403. DUTIES AND RESPONSIBILITIES OF THE CITY AUDITOR

Duties of the City Auditor shall include, but not be limited to:

18.0403-1. Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

- (2) Approve or deny all applications for development permits required by adoption of this ordinance.
- (3) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- (4) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.4 are met.

18.0403-2. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS, the City Auditor shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available (known as best available information) from any other federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with Section 5.2, SPECIFIC STANDARDS.

18.0403-3. Information to be Obtained and Maintained

- (1) Obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
 - (i) obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), to which the structure has been floodproofed;
 - (ii) maintain the floodproofing certifications required in Section 4.1(3).
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

18.0403-4. Alteration of Watercourses

The responsible person shall:

- (1) Notify nearby communities, water resource districts, and the North Dakota Department of Water Resources, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and,
- (3) Notify the appropriate water resource district prior to removal or placement of fill within two hundred feet of the bank of a body of water during normal flow or stage.

18.0403-5. Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

Make interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

18.0403-6. Encroachment Analysis

When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

ARTICLE FIVE

VARIANCE PROCEDURE

18.0501. APPEAL BOARD

- (1) The Beach City Council as established by the City of Beach, shall hear and decide appeals and requests for variances from the requirements of this ordinance.

- (2) The Beach City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Auditor in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Beach City Council, or any taxpayer, may appeal such decision to the District Court, as provided in N.D.C.C. §§ 40-47-11, 11-33-12, or 58-03-14.
- (4) In passing upon such applications, the Beach City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre to less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (6) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this ordinance, the Beach City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) The City Auditor shall maintain the records of all appeal actions the report any variances to the Federal Emergency Management Agency upon request.

18.0502. CONDITIONS FOR VARIANCES

- (1) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (2) Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 4.4-1(4), or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE 6.0 **PROVISIONS FOR FLOOD HAZARD REDUCTION**

18.0601. GENERAL STANDARDS

In all special flood hazard areas the following standards are required:

18.0601-1. Anchoring

- (1) All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

18.0601-2. Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

18.0601-3. Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

-
-
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

18.0601-4. Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

18.0602. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation data have been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS or Section 4.3-2, Use of Other Base Flood Data, the following provisions are required:

18.0602-1. Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

18.0602-2. Nonresidential Construction

Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities shall:

- (1) Be floodproofed to at least two feet above the base flood elevation, so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water.
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

-
-
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 4.3-3(2).

18.0602-3. Manufactured Homes

- (1) Require all manufactured homes placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) Require all manufactured homes placed or substantially improved within Zones A 1-30, AH, or AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision which has incurred substantial damage, be elevated on a permanent foundation so the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
- (3) Require that manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A 1-30, AH, or AE not subject to other requirements of this section be elevated so that either:
 - (i) the lowest floor of the manufactured home is one foot above the base flood elevation, or
 - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36" in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

18.0603. RECREATIONAL VEHICLES

In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must:

- (i) be elevated and anchored to meet the requirements in 5.2-3; OR
- (ii) be on the site for less than 180 consecutive days; AND
- (iii) be fully licensed and highway ready

18.0604. SHALLOW FLOODING AO AND AH ZONES (Section 5.3 is only required if the community has Flood Zones AO and/or AH on the effective FIRM)

Located within the areas of special flood hazard established in Section 3.2, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of **non-residential** structures;
 - (i) have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard as specified in Section 5.2-2.
- (3) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

18.0605. FLOODWAYS

Located within the special flood hazard areas established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Any increase, as is used in this section, means any modeled impact greater than 0.00 feet.
- (2) If Section 5.4 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction requirements of this ordinance.

(3) Under the provisions of 44 CFR Section 65.12 of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

18.0606. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic entry and exit of floodwaters.

ARTICLE 7.0

VIOLATIONS

18.0701. PENALTIES FOR VIOLATIONS

- (1) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding \$500 or by imprisonment not to exceed 30 days or by both such fine and imprisonment for each such offense, and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (2) Nothing herein contained shall prevent the Beach City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

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 Chapter 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)

First Reading:

Second Reading:

Final Passage:

APPROVED:

Walter Losinski, Mayor, City of Beach, North Dakota

ATTEST:

Kimberly Gaugler, City Auditor

RESOLUTION NO. 2025-16

**A RESOLUTION SETTING AUDITOR BOND LIMIT FOR THE
CITY OF BEACH, NORTH DAKOTA**

WHEREAS, the City of Beach is covered by a blanket bond by the North Dakota State Bond Fund; and,

WHEREAS, the North Dakota State Bonding Fund provides fidelity bond coverage for city employees and public officials in dealing with public funds; and,

WHEREAS, the bond is fixed by the city governing body and set by resolution as outlined in NDCC §40-13-02; and,

WHEREAS, at the June 2, 2025 regular city council meeting of the Beach City Council the current bond limits were reviewed and found to be sufficient.

NOW, THEREFORE, be it resolved by the City Council of the City of Beach, North Dakota, that the Auditor Bond coverage by the State Bonding Fund in the amount of Eight Hundred Six Thousand and Twenty Dollars (\$921,828.00) has been reviewed and found sufficient.

Andy Zachmann, Council President

ATTEST:

Kimberly Gaugler, City Auditor

May 27, 2025

Sentinel Recreation District
402 East Grove St
Sentinel Butte, ND 58654

Dear City of Beach:

The Sentinel Recreation District is a Nonprofit Organization. Our building is available for everyone to use. We have many events from Banquets, BBQ's, weddings, funerals and much more. We have served many communities. We are working towards the goal of installing 2 split unit air conditioners in the Sentinel Butte Hall. This building has never had air conditioning before.

The Hall would be used more if it had air conditioning, especially for the elderly and people with medical conditions. We hosted an FFA banquet a few weeks back, it was 92 degrees and the Hall was full, you can imagine how it felt inside.

We applied for the ND Community Foundation Grant and did receive an amazing amount of \$8000.00, but we are still short and are asking for support to make this air conditioning project successful. The total project is \$18,276.14. We need to raise an additional \$10,276.14. I have enclosed the proposed billing for the air conditioning units as well as the Electrical hook-up. We want to get started on this project as soon as possible.

If you are interested in contributing, please make check out to Sentinel Recreation District by June 6th, 2025. Thank you in advance for your contribution and support!

If you need additional information or have questions, please contact Tammy Schumacher at 701-290-0235 or you can email me at tammydarin@gmail.com.

Thank you very much for your time!

Sincerely,



Tammy Schumacher

Sentinel Recreation District

**APPLICATION FOR COMMUNITY ENHANCEMENT
FUNDING FROM THE
CITY OF BEACH**

Organization's Name: Sentinel Recreation District

Address: 402 E Grove St Sentinel Butte ND 58654

Telephone: 701 290 0235 Email: tammy.darin@gmail.com

Contact Person: Tammy Schumacher

Board Chair/President: Mike Van Horn

Annual Operating Budget: No budget Non Profit organization
We used the money collected from when people rent the hall

Amount Requested: We are greatly appreciative of any amount

Total Project Budget: \$ 18,276.14

Proposed time frame for use of monies: From June 2025 To June 2025 - End ^(Beginning)

Briefly describe the organization's current programs: We host community
events.

State specifically how the monies would be spent: Installing air conditioners
in the Sentinel Butte Hall for Banquets, Weddings
and more. This is to help with elderly
and people with medical conditions plus comfort
while hosting these events. See Attached Letter

Return the completed application to: City Hall
153 Main Street E
PO Box 278 Beach, ND 58621
or email cityofbeach@midstate.net



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 9338 (9-2023)

Applying for (check one)

Local Permit Restricted Event Permit*

Games to be conducted Raffle by a Political or Legislative District Party

Bingo Raffle Raffle Board Calendar Raffle Sports Pool Poker* Twenty-One* Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group Golden Valley County Fair Association	Dates of Activity (Does not include dates for the sales of tickets) 7/12/25		
Organization or Group Contact Person Renae Smith	E-mail Renaesmith26@gmail.com	Telephone Number 406-480-4164	
Business Address 504 4th St NW	City Beach	State ND	ZIP Code 58621
Mailing Address (if different) PO Box 68	City Beach	State ND	ZIP Code 58621

SITE INFO

Site Name Golden Valley County Fairgrounds	County Golden Valley		
Site Physical Address 504 4th St NW	City Beach	State ND	ZIP Code 58621
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.) 7/12/25 at 1, 2, 3, 4 and 8pm on the top of each hour			

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
Chicken Bingo	1/2 of the raffle sales (\$5 x 25 /2) at 1, 2, 3 and 4pm	\$62.50
Chicken Bingo	1/2 of the raffle sales (\$5x 50/2) @8pm	\$125
	Total (limit \$40,000 per year)	\$

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds

County Fair Operations

Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)

Yes No

Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)

Yes No

Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)

No Yes - Total Retail Value: (This amount is part of the total prize limit for \$40,000 per fiscal year)

Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)

Yes No

Printed Name of Organization Group's Permit Organizer Renae Smith	Telephone Number 406-480-4164	E-mail Address Renaesmith26@gmail.com
Signature of Organization Group's Permit Organizer 	Title Treasurer	Date 5/21/25

Information required to be preprinted on a standard raffle ticket:

1. Name of organization;
2. Ticket number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of the merchandise prize or eight thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time for each drawing and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on the same day of the week or month, print the day and time of the drawing;
8. Location and physical street address of the drawing;
9. If a merchandise prize requires a title transfer involving the Department of Transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning prize is restricted to a person of a minimum age, a statement that a person must be at least "-" years of age to buy a ticket or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep, or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or six thousand dollars.

PRIZE RESTRICTIONS:

A single cash prize cannot exceed \$8,000

The retail value of a merchandise prize cannot exceed \$8,000.

The total of all cash prizes and retail value of all merchandise prizes for all games cannot exceed \$40,000 per year.

If the value of the planned cash and merchandise prizes exceed \$40,000, the organization or group must reduce the prizes to this limit or a nonprofit corporation may apply for a state gaming license with the Office of Attorney General.

LOCAL PERMIT AND RESTRICTED EVENT PERMIT DIFFERENCES:	<u>Local Permit</u>	<u>Restricted Event Permit</u>
Number of events per year	Limited by prizes	One
Must file an information report	Yes, if political party	Yes
May pay employees compensation	Yes	No
Must use chips as wagers	No	Yes
Use of net income	Unrestricted	Restricted
Games allowed	Bingo Raffles Sports Pools	Bingo Raffles Sports Pools Poker Twenty-One Paddlewheels

Compared to a "Local Permit," an organization or group with a "Restricted Event Permit" may conduct three more game types, but is restricted to one event per year, must file a "Report on a Restricted Event Permit" with the city or county and Office of Attorney General, and disburse net income to eligible uses. These uses are described by North Dakota Century Code 53-06.1-11.1(2) and North Dakota Administrative Code 99-01.3-14-02. Refer to the backside of the "Report on a Restricted Event Permit" form for a general list of eligible uses.

For a Restricted Event Permit, one method to ensure that the total of all cash prizes and retail value of all merchandise prizes do not exceed \$40,000 is to charge each player a standard amount at the start of the event for a certain number or value of chips. If a player loses all of the player's chips, the player may re-buy chips. The player would play games and, at the end of the event, the organization would auction merchandise prizes to the players. The player who bid the highest number or value of chips for a prize would win that prize. For those players who have chips but did not successfully bid on a prize, the organization may redeem the chips for a predetermined cash value per chip. For this method, the value of the players' chips redeemed for cash is no a prize.