

**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 September 2, 2025, at 7:00 p.m. Present when the meeting was called to order was City Council Tom Marman, Sarah Ross, Bev Wolff, Andy Zachmann, City Auditor Kimberly Gaugler, Administrative Assistant Lea Massado, and guests Jordanna Garland and Corlene Olson.

The Pledge of Allegiance was recited.

Roll call was taken. City Council Lynn Swanson-Puckett and John Stonehocker were absent.

**Public Participation**

Mayor Losinski read the newly established policy for public participation: "The City of Beach welcomes and values public input during its meetings. We want to ensure that individuals have a fair opportunity to be heard while maintaining an orderly and efficient meeting environment. Public participation will be the first non-procedural agenda item at all regular meetings of the Beach City Council. We ask that you please state your name clearly, and the agenda item from the current meeting agenda or the previous meeting agenda that you are addressing. Each individual will be allotted three minutes to make comments. Individuals will be notified when the three minutes have expired. Comments must address the agenda item identified, be pertinent to the City of Beach and be directed to the board as a whole. Comments may not be defamatory, abusive, harassing, or unlawful, include information that is exempt or confidential under North Dakota open records law, or interfere with the orderly conduct of the meeting."

Corlene Olson complimented the Mayor and City Council on meeting procedure. Ms. Olson inquired if the side streets that are within the 2025 Street and Utility Improvement Project area would be improved as well. She noted that during this project heavy equipment caused significant damage to certain areas of the streets. Mayor Losinski mentioned her concerns will be shared with the Public Works Superintendent to be addressed.

**Additions or Corrections to the Agenda and Approval**

Mayor Losinski called for any additions or corrections to the agenda. Zachmann moved to approve the agenda as presented, second by Wolff. Motion carried unanimously.

**Minutes**

Minutes of the meeting on August 18, 2025, were presented. Wolff moved to approve the minutes as presented, second by Ross. Motion carried unanimously.

**Vouchers**

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

25027 Advanced Engineering and Environmental Services 60,828.58

25028 Beach Co-op Grain 56.50

25029 Beach Park Board 6,985.49

25030 Black Mountain Software 2,002.00

25031 Boss Office Products 640.89

25032 Cooperative Legal Services PLLC 687.50  
25033 Coral Creek Landfill 2,423.05  
25034 Eugene Padilla 685.00  
25035 Farmers Union 2,990.58  
25036 Fireside Office Solutions 198.67  
25037 First State Bank 1,074.75  
25038 G & G Garbage LLC 1,800.00  
25039 Golden Valley County 9,945.46  
25040 Greyson Stedman 152.00  
25041 GS Publishing LLC 1,629.69  
25042 Jill Schatz 45.00  
25043 John Deere Financial 199.44  
25044 Marman Plumbing & Construction 280.00  
25045 Mid-American Research Chemical 2,937.60  
25046 MDU 5,495.33  
25047 One Call Concepts 9.00  
25048 Prairie Lumber Company 486.98  
25049 Rob Curl 1,420.00  
25050 Rocky Mountain Print Solutions 199.00  
25051 Rohan's Hardware 16.98  
25052 Saber Shred Solutions Inc 3,397.50  
25053 Southwest Water Authority 22,359.42  
25054 Southwestern District Health Unit 100.00  
25055 Stockwell Cleaning 175.00  
25056 Swanston Equipment 8,700.00  
25057 Thomas Littlecreek 59.89  
25058 X Food's 450.28  
25005-25007, -87369 - 87362, 25017-25023, -87360- -87347 August Payroll 37,465.54  
25008 City of Beach 484.49  
25009 Unum Life 69.92  
25010 Badlands Cleaning Service 100.00  
25011 Beach Park Board 1,000.00  
25012 First State Bank of Golva 9,920.99  
25013 Golden Valley County 20.00  
25014 Jones Heating and Refrigeration LLC 3,084.00  
25015 BEK Consulting LLC 152,959.50  
25016 Verizon Wireless 255.36  
-87361 First State Bank of Golva 3,643.27  
-87346 First State Bank of Golva 3,910.01  
-87345 NDPERS 4,817.80  
25024 City of Beach 909.72  
25025 Blue Cross Blue Shield 11,725.90  
25026 USPS 241.12  
-99988 Bank of North Dakota 13,400.00  
-99987 Bank of North Dakota 5,320.30

## **Public Works Report**

PWS Randy Dietz joined the meeting at 7:15, providing updates on utility and street projects. The south water tower has been repaired, disinfected, and waiting for water test results before it can be put back online. McGuire Iron, Inc. is also inspecting the north water tower for a leak.

## **Auditor's Report**

Gaugler reviewed her written report. Gaugler mentioned expenses to date are \$6,288,597.01 and revenues to date are \$6,570,511.80. A Public Hearing is scheduled on September 15th at 7:30 p.m. for comments or questions on the Preliminary Budget for the year ending 2026. The amounts approved to be levied are:

General Fund \$207,880.00

City Specials \$17,000.00

Special Assessment Deficiency \$1,050.00

Emergency \$3,250.00

Total levy \$229,180.00

## **Committee Reports**

There were no committee reports given.

## **Unfinished Business**

There was no unfinished business.

## **New Business**

Correspondence was presented from Building Inspector Melvin Zent regarding an Order of Condemnation and Demolition at Lot 15 S1/2, Block 1, Original Plat to the City of Beach. Ross moved to accept the Building Inspector's report and proceed with the condemnation process, second by Andy Zachmann. Motion carried unanimously.

Correspondence was read from Prairie Public Broadcasting formally notifying the City of Beach of their desire to extend their lease for an additional thirty years as is allowed by the original lease. Zachmann moved to approve the extension, second by Wolff. Motion carried unanimously.

The 2026 Law Enforcement Service Contract with Golden Valley County for an annual amount of \$117,041.52 was reviewed. Zachmann moved to approve the contract, second by Wolff. Motion carried unanimously.

**Resolution No. 2025-18**

**\$3,424,000**

**CITY OF BEACH, NORTH DAKOTA**  
**STREET IMPROVEMENT DISTRICT NO. 2025-01**  
**(MAIN AND CENTRAL STREET RECONSTRUCTION)**  
**IMPROVEMENT BOND, SERIES 2025B**  
**(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. 2025-01 (Main and Central Street Reconstruction) (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 \$3,424,000, 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. The Project will comply with all Americans with Disabilities regulations and requirements per the North Dakota Department of Transportation.

**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 2025B in the aggregate principal amount not to exceed Three Million

Four Hundred Twenty Four Thousand Dollars (\$3,424,000) (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 September 15, 2025.

Interest shall be payable on May 1 and November 1 in each year commencing on May 1, 2026 (“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 \$3,424,000 and upon the further terms and conditions hereinafter set forth, in the Loan Agreement, the commitment letter dated August 14, 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. 2025-01 FUND.** There is hereby created a special fund of the City for the Improvement District, designated as Street Improvement District No. 2025-01 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. 2025-01	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. Any supplemental or amended documents may be executed by the Mayor and City Auditor without Council approval.

**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: September 2, 2025.

**CITY OF BEACH, NORTH DAKOTA**

**Attest:**

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Mayor

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City Auditor

The governing body of the City acted on the foregoing resolution at a properly noticed meeting held in Beach, North Dakota, on September 2, 2025, with the motion for adoption made by Zachmann and seconded by Ross, and the roll call vote on the motion was as follows:

"Aye": Marman, Ross, Wolff, and Zachmann

"Nay":

Absent: Swanson-Puckett and Stonehocker

No other business was brought forward. Wolff moved to adjourn, second by Zachmann. Meeting adjourned at 7:35 p.m.

**ATTEST:**

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Walter Losinski, Mayor

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Kimberly Gaugler, City Auditor