

Record of the minutes of a regular meeting of the City Council of the City of Minto, Walsh County, North Dakota, held on March 9, 2026, at 7:00 AM.

Council President Keith Shutt called the meeting to order, and the pledge was recited. Present were Councilmen Josh Miskavige, Lucas Kelley (via phone) & John Narloch. Mayor Larry Jamieson was absent. Also present were Peyton Cole, city attorney; Carl Hunt, Ottertail; and Jake Lunski.

There was one addition to the agenda: Spark Build.

The following ordinance was introduced on its second reading:

ORDINANCE NO 195

An Ordinance granting to the Otter Tail Power Company, a Minnesota Company, its successors and assigns, permission to erect, construct, install and maintain within the City of Minto, an electric light and power system and transmission lines and to operate the same and to install conduits, poles, wires, pipes and other fixtures in, upon and under the streets, alleys, bridges, and public grounds of said City for the purpose of furnishing electric light, heat and power to said City and the inhabitants thereof.

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF Minto, North Dakota,

Hereinafter called the "City":

SECTION 1

There is hereby granted to Otter Tail Power Company, a Minnesota Company, its successors and assigns, hereinafter called the Grantee, for a period of twenty (20) years from and after the passage and approval of this Ordinance and during all of said time, subject to the conditions and requirements hereinafter set forth, permission to construct, install and maintain an electric light and power system and transmission lines and to operate and maintain the same within and through the City and to transmit electricity to and from other towns or cities for the purpose of light, power and heat and to erect, construct, install and maintain conduits, poles, wires, pipes and other necessary fixtures and attachments upon and under the streets, alleys, bridges and public grounds of said City for the purpose of furnishing and selling electricity for light, heat and power and such other purposes for which electricity may be used by the inhabitants of said City, said permission and franchise to become operative and continue under the conditions hereinafter set forth.

SECTION 2

Said Grantee shall use poles, wires, crossarms, equipment and devices to conform with the standards of construction adopted by the National Electrical Safety Code of the United States, Department of Commerce, and all apparatus connected therewith shall be located so as not to obstruct the avenues, streets, and alleys of said City or to endanger persons or property or to hinder or to obstruct the use of said avenues, streets, and alleys for public places by the inhabitants of said City, or public in general, or to interfere with any street, sidewalk, curb, gutter or park improvements that the City may deem proper to make along the lines of said avenues, streets and public places.

SECTION 3

All conduits, poles, wires and pipes installed by virtue of this Ordinance shall be installed in such places and in such manner as not unnecessarily to encroach upon streets, alleys, bridges, or public grounds of said City, and so as not to unnecessarily obstruct the use thereof for the ordinary purpose of travel thereon, and the erection thereof shall be subject to the reasonable supervision and direction of the City Council of the said City. Whenever practicable, all poles shall be set in alleys, and poles now in position upon or along the streets, whenever practicable, shall be removed, and the locations of all of said poles shall be designated by the Mayor under the supervision of the City Council of the said City.

All poles where set in alleys shall be set at or near the boundary line thereof, and where set in streets shall be located at such distances, as shall be directed by the city, from the property line of the abutting owner, and shall be placed so as not to interfere with the construction of placing of any waterpipes, sewers, or drains or the flow of water therefrom which have been or may be placed by authority of said City. In the event that said Grantee shall make any unnecessary obstruction of said streets, alleys, public grounds or places not designated by the City Council, the City may cause the removal of such obstructions and charge and collect from such Grantee the actual cost of such removals.

SECTION 4

During the construction, maintenance or enlargement of any part of said electric light and power system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said city, and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

The City reserves the right for itself and its agents to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to, such reasonable regulations of a police nature as it may deem necessary for the best interests of the City but the City will not by an such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

SECTION 5

Whenever the said Grantee in erecting, constructing and maintaining said lines or poles, shall take up any of the pavements, sidewalks crossings or curbs on any of the avenues, streets and alleys or public places in said City or shall make any excavations thereon; such excavations shall be refilled and the sidewalk, crossing or curb replaced under the direction of the said City and any excavation so made shall be properly lighted at night during the construction, and in case of the failure to do so on the part of the said Grantee, then the said City may do the same at the expense of said Grantee and said Grantee agrees to pay said City for the reasonable cost or value of said work. Said Grantee shall be liable for all loss or damage caused by the negligence of Grantee, which may result to persons or property within the said City, caused by it, or its agents, servants, or employees in erecting, operating and maintaining the said electric system within said City, and shall at all times save the City harmless from any and all damages to persons or property in erecting, operating or maintaining said electric system.

SECTION 6

There is granted to said Grantee, its successors and assigns, during the term hereof, permission and authority to trim all trees in alleys, streets and public grounds of said City so as to remove all parts of said trees interfering with the proper erection maintenance and operation of poles, cables, wires, masts or other fixtures, or appliances installed or to be installed pursuant to authority hereby granted.

Said Grantee shall have full right and authority to assign any person, persons, firm or corporation all the rights that are given it by this Ordinance, provided that the assignee of such rights by accepting such assignment shall become subject to the terms and conditions of this Ordinance.

SECTION 7

The Grantee shall use due diligence and care in furnishing electric service as herein provided but shall not be liable for any loss or damage which may arise from failure of the service, either partial or total, but this shall not be construed to exempt said Grantee from liability for negligence.

SECTION 8

The rates to be charged by said Grantee in the said City shall be filed with the Public Service Commission of the State of North Dakota, and no increase or decrease in said rates shall be made except in accordance with the rules and regulations of the Public Service Commission.

SECTION 9

This contract shall be subject to any present or future laws of a regulatory nature enacted by the State of North Dakota, or an any amendment or addition to such laws and further shall be subject to the rules and regulations laid down by the Public Service Commission of the State of North Dakota.

SECTION 10

The City reserves the right during the term hereof to enact and assess a franchise fee such as it deems necessary, upon reasonable advance notice to Grantee of not less than sixty (60) days.

SECTION 11

In the event the City should sell or transfer real property which is subject to Grantee's franchise and should it become necessary to remove conduits, poles, wires or pipes installed by virtue of this ordinance the removal shall be done at the expense of the Grantee upon the request of the City.

SECTION 12

This Ordinance shall take effect and be in full force from and after its passage and approval by the City Council. The said Grantee shall specify its acceptance of this franchise in writing, to be filed with the City Auditor and in no event shall this Ordinance be binding on said Grantee until the filing of such acceptance.

City Council President

Attest: _____

Auditor

On a motion made by Mr. Narloch, seconded by Mr. Miskavige and carried, Ordinance 195 was approved on its second reading.

Jake Lunski appeared before the Council to ask for a zoning variance for parcel 39-0000-12673-000. Presently it is zoned for residential, but Mr. Lunski would like to operate a small engine business there. On a motion made by Mr. Miskavige, seconded by Mr. Narloch and carried, the Council granted the zoning variance.

The following ordinance was introduced on its second reading:

ORDINANCE 196
FLOODPLAIN MANAGEMENT
SECTION 1.0
STATUTORY AUTHORIZATION,
FINDINGS OF FACT, PURPOSE, AND
OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-05, 11-11 and 58-06, 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 Minto, North Dakota does ordain as follows:

1.2 FINDINGS OF FACT

- (1) The flood hazard areas of Minto, North Dakota 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.
- (2) Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas caused increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

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

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects

- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) 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;
- (6) 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;
- (7) To ensure that potential buyers are notified that property is in a special flood hazard area;
- (8) To ensure that those who occupy the special flood hazard area assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

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

- (1) 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;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, degrading, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

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 Floodplain Administrator'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:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck;
- (d) 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;
- (e) 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 purpose 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 ensure 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.

SECTION 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Minto, North Dakota.

3.2 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 Minto, dated November 02, 2012,” 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 114 Harvey Ave, Minto, ND 58261.

3.3 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.

3.4 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.

3.5 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.

3.6 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 Minto, 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.

3.7 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.

SECTION 4.0 ADMINISTRATION

4.1 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 Floodplain Administrator 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.

4.2 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

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

4.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

4.3-1 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, and 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 provision of Section 5.4 is met.

4.3-2 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 Floodplain Administrator 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.

4.3-3 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 NVGD29) 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.

4.3-4 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.

4.3-5 Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

Make interpretation where needed, as to the exact location of the boundaries of the special food 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.

4.3-6 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.

4.4 VARIANCE PROCEDURE

1.4-1 Appeal Board

- (1) The Minto City Council as established by The City of Minto shall hear and decide appeals and request for variances from the requirements of this ordinance.
- (2) The Minto City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Minto City Council or any taxpayer, may appeal such decision to the District Court, as provided in N.D.C.C. §§ 40-47-11.
- (4) In passing upon such applications, the Minto 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 the 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 propped 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; he 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
 - x. 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 Minto City Council may attach such conditions, conditions to the granting of variances as it deems necessary to further the purpose of this ordinance.

(7) The Floodplain Administrator shall maintain the records of all appeal actions the report any variance to the Federal Emergency Management Agency upon request.

1.4-2 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 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 the 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 application 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.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all special flood hazard areas the following standards are

required: 5.1-1 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.

5.1-2 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.

5.1-3 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.

5.1-4 Subdivision Proposal

- (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).

5.2 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:

5.2-1 Residential Construction

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

5.2-2 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).

5.2-3 Manufactured Homes

- (1) Require all manufacturers homes placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured home must be elevated and anchored to resists 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 places or substantially improve on sites in an existing manufacture 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 manufacture home is one foot above the base elevation, or
 - ii. The manufacture 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.

5.2-4 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.

5.3 Shadow Flooding AO and AH Zones (Section 5.3 is only required if the community had 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.

5.4 FLOODWAYS

Located within the special flood hazard areas established in Section 3.2 are areas designated as floodways. Since the floodway is extremely hazardous are 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 the 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.

5.5 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.

SECTION
6.0
VIOLATI
ONS

6.1 PENALTIES FOR VIOLATIONS

- (1) Violations 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 Minto City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

This ordinance shall be in force and effect from and after its passage and its approval by the City Council for the City of Minto, North Dakota.

City Council President

Attest: _____
Auditor

On a motion by Mr. Narloch, seconded by Mr. Miskavige and carried, Ordinance #196 was approved on its second reading.

The Kilowatt Bridge situation was discussed. Ms. Cole is working on a maintenance agreement with Walsh County and the Walsh County Water Board.

On a motion made by Mr. Narloch, seconded by Mr. Miskavige and carried, the Council voted to add a ½ percentage sales tax increase measure to the June ballot. If the sales tax increase does not pass, they will consider adding a franchise fee to the Ottertail bills. Minutes from the regular meeting held on February 17, 2026, were submitted for approval. A motion was made by Mr. Miskavige to approve the minutes, seconded by Mr. Narloch, and carried. Committee reports were given:

- Streets, Utilities & Lights
 - Mr. Shutt stated there were 3 streetlights out along Harvey Avenue. Mr. Paschke will contact Samson Electric.
- Animal Warden
 - Mr. Miskavige has had some cat complaints.
- Planning & Zoning
 - Mrs. Shutt presented information she received from AE2S concerning new subdivisions. Ms. Cole suggested she talk with CHDO about our subdivision plans as they can lobby for money for this project.
 - Three of the outlying landowners have responded to the letters that were sent last month.
- Forest
 - Walsh County Soil Conservation reached out to Mrs. Shutt regarding a \$10,000.00 grant for planting new trees and/or removing old ones. Mrs. Shutt will work with Mr. Kelley on the grant which is due by April 23.

- Public Works Report
 - Mr. Paschke presented a quote from HB Sound & Light for the security cameras around the shop. The quote was \$5,226.37, but Mr. Paschke did not have time to compare this quote against the quote from Electro Watchman. No decision will be made until the April meeting.
 - Mr. Paschke informed the Council that the Highway 81 project has been delayed until 2027. He also stated that the city will be responsible for the removal of any curb stops obstructing the project and replacement of storm drains once the project starts.

On a motion made by Mr. Miskavige, seconded by Mr. Narloch and carried, the following resolution was approved:

RESOLUTION 2026-003

WHEREAS the City of Minto recognizes the need to provide certain types of services to its citizens, and

WHEREAS the City of Minto needs to charge for those services provided, and

WHEREAS the City Council of the City of Minto recognizes the need to review and adjust rates on a regular basis to ensure all costs and obligations are met, then

BE IT RESOLVED by the City Council of the City of Minto, North Dakota that the following monthly utility service rates are in effect:

Water base rate	\$44.75
Water from 0 -10,000 gallons	\$8.50/1000 gallons
Water from 10,001 and up	\$7.30/1000 gallons
Sewer	\$17.00
Sewer commercial large user	plus .5952380/1000 gallons over 6,720 gallons
Garbage residential curb side	\$18.00
Garbage dumpster	\$36.00/3 yds
Street Lights	\$4.25
Forest	\$3.00
Snow Removal	\$10.00
Insect Control	\$6.00

BE IT ALSO RESOLVED that all payments will be due on the 10th of the month and considered delinquent after that date. A 10% late fee will be applied to all delinquent accounts, and

BE IT ALSO RESOLVED all customers will be a charged a \$75.00 deposit and the fee for turning the water on at the curbstop shall be \$100.00 nonrefundable.

This resolution was adopted at a regular meeting of the Minto City Council on March 9, 2026. New rates will be effective April 1, 2026.

President of City Council

Attest: _____
Auditor

Mrs. Shutt presented two quotes for a copy machine for the city office. On a motion made by Mr. Miskavige, seconded by Mr. Narloch and carried, the quote from Loffler for \$3646.49 was approved.

Mr. Kelley gave the Council an update on the Spark Build. CHDO is still interested in building two homes in Minto and Mr. Tarek Schanilec is willing to sell the city the two lots he previously purchased. On a motion made by Mr. Kelley, seconded by Mr. Miskavige and carried, the Council agreed to purchase the two lots from Mr. Schanilec for \$6558.00 which is the original purchase price plus the cost of the abstract Mr. Schanilec paid for as long as CHDO agrees to start building the homes this year. There will also need to be a survey done on the lots.

A motion was made by Mr. Miskavige to approve claims and financials, seconded by Mr. Narloch and carried; financials and the following claims were approved:

GENERAL FUND		
ADOBE	MONTHLY ACROBAT PRO SUBSCRIPTION	23.99
BRADY MARTZ	FILE 2025 1009'S	317.63
EINARSON LAW OFFICE	FEBRUARY MEETINGS, RETAINER	1,471.70
EINARSON LAW OFFICE	KILOWATT BRDG, OTHER LEGAL ISS	2,058.08
KOBLE, PATRICE	CLEAN OFFICE	25.00
MARCO	COPIER CONTRACT	88.24
MIDCONTINENT COMMUNICATIONS	DATA @ OFFICE	126.65
MIDCONTINENT COMMUNICATIONS	PHONE @ OFFICE	40.39
MINTO COMMUNITY CENTER	OFFICE RENT	750.00
MINTO PARK BOARD	REVENUE SHARE	1,036.88
MORGAN PRINTING	PUBLISH 2/17 MEETING MINUTES	92.13
NFP PROPERTY & CASUALTY SERVICES INC	CYBER LIABILITY PREMIUM	1,526.25
OTTER TAIL POWER COMPANY	SKATING RINK #20057078	129.65
SHUTT, ANGELA	CELL PHONE	50.00
TWO TREES TECHNOLOGIES	MONTHLY IT SERVICE	119.75
WALSH COUNTY TREASURER	POLICING CONTRACT	924.00
		8,780.34
HIGHWAY FUND		
INTERSTATE BILLING SERVICE	NUT HEX,BOLT FLUSH-LOADER	86.88
NORTHDALE OIL	GAS-PICKUP	9.97
		96.85
STREETLIGHT FUND		
OTTER TAIL POWER COMPANY	STREET LIGHTS #7026101	1,045.13
OTTER TAIL POWER COMPANY	WHITEWAY #7005015	89.85
		1,134.98
SNOW REMOVAL FUND		
NARLOCH TRUCKING	2/1 8.5 HRS SNOW REMOVAL	1,580.00
NARLOCH TRUCKING	2/2V1.5 HRS SNOW REMOVAL	260.00
NARLOCH TRUCKING	2/18 11.5 HRS SNOW REMOVAL	2,140.00
NARLOCH TRUCKING	2/19 12 HRS SNOW REMOVAL	2,240.00
NARLOCH TRUCKING	2/20 3.5 HRS SNOW REMOVAL	620.00
NARLOCH TRUCKING	2/24 2 HRS SNOW REMOVAL	360.00
		7,200.00
WATER FUND		
ADOBE	MONTHLY ACROBAT PRO SUBSCRIPTION	23.99
CORE & MAIN	12 SMART POINT RADIO RECEIVERS	2,390.58

EXPRESSWAY SUITES	ROOM CHARGE WATER EXPO	198.00
GF UTILITY BILLING	JANUARY WATER SAMPLE	26.00
MIDCONTINENT COMMUNICATIONS	DATA @ SHOP	141.40
MINTO POST OFFICE	WILLING BILLING POSTAGE	125.05
NORTHDAL OIL	GAS-PICKUP	46.50
OTTER TAIL POWER COMPANY	PUMP HOUSE #7027163	620.67
PASCHKE, PAT	CELL PHONE	100.00
TWO TREES TECHNOLOGIES	MONTHLY IT SERVICE	23.75
VESTIS	RUGS & COVERALLS	31.04
WALSH RURAL WATER DISTRICT	FIXED O & M COSTS	558.00
WALSH RURAL WATER DISTRICT	GALLON COSTS - 1,090,000	6,540.00
		10,824.98
SEWER FUND		
ND SEWAGE PUMP & LIFT STATION INC	NEW HYDRAULIC KITS-N LIFT STATION	5,250.00
NORTHDAL OIL	GAS-PICKUP	9.96
OTTER TAIL POWER COMPANY	NORTH SEWER LIFT #7005019	195.60
OTTER TAIL POWER COMPANY	SOUTH SEWER LIFT #7005020	113.51
OTTER TAIL POWER COMPANY	LAGOON #20018644	55.38
		5,624.45
GARBAGE FUND		
REFUSE DISPOSAL SERVICE	COLLECTIONS	4,958.00
		4,958.00
PAYROLL		
BC/BS	HEALTH INSURANCE	3,337.62
DEPT OF TREASURY	FEDERAL WITHHOLDING	2,158.75
NDPERS	DEFERRED COMP	300.00
NDPERS	LIFE INSURANCE	102.86
NDPERS	RETIREMENT	1,447.82
PASCHKE, PAT	157 HRS,11 OT,3 DT, 8 HOLIDAY,2 SICK	4,396.81
SHUTT, ANGELA	126.75 HRS,8 HOLIDAY,6.25 VACATION	2,486.63
		14,230.49
TOTAL CLAIMS FEBRUARY 2026		52,850.09

Mrs. Shutt informed the Council that Walsh Rural Water District is now charging the city \$6.00/1000 gallons of water.

On a motion made by Mr. Kelley, seconded by Mr. Narloch and carried, 11 special event permits were approved:

- *Dusek wedding 1/3/26
- *Bologna Feed 1/16/26
- *Rocket Launch Packs Bingo 1/23/26
- *Gianna Home Fundraiser 1/30/26
- *Minto Museum Fundraiser 2/6/26
- *Super Bowl Party 2/8/26
- *Allen Sitzer Scholarship Fundraiser 2/20/26
- *Friends of Lauren's Rescue & Gabbey's Gang Bingo 3/27/26
- *Nice/Zikmund wedding 4/10/26
- *Carrigan wedding 5/9/26
- *Gessinger wedding 6/6/26

On a motion made by Mr. Miskavige, seconded by Mr. Narloch and carried, one gaming permit was approved:

*Friends of Lauren’s Rescue & Gabbey’s Gang-bingo

NDIRF is now offering a Public Sewer Back-Up and Water Main Break Coverage Endorsement. Mrs. Shutt is waiting to hear what the city’s premium will be for this endorsement should we choose to add it to our insurance.

On a motion made by Mr. Narloch, seconded by Mr. Miskavige and carried, the Council approved the BC/BS renewal numbers for 2025-2026. The monthly premium increased from \$3337.62 to \$3762.22.

Mrs. Shutt will send out letters to local gravel businesses asking for their current prices.

There being no further business, on a motion made by Mr. Narloch, seconded by Mr. Miskavige, and carried, the meeting was adjourned at 7:45 AM. The next regular meeting will take place on Monday, April 13, 2026, at 7:00 AM.

President of City Council

Attest: _____
Auditor