

February 2, 2026, Mayville City Council

The Mayville City Council met in regular session on February 2nd, 2026, at 6:00 pm in the council chambers with Mayor Jorgenson presiding and the following Aldermen responding to call of the roll: Soholt, O'Brien, Halvorson, Petersen. Absent: Moen. Attending by phone: Garrett & Brandon Reber from Moore Engineering. Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Cole Short, Cassie Braaten, Meghan Hovde and Samantha Sanchez. Rich Hart was also present from the Mayville Fire Department.

Halvorson made a motion to accept the approval agenda on the following items:

1. **December 17, 2025, minutes (Special Meeting)**
2. **December 17, 2025, minutes (Executive Session)**
3. **January 5, 2026, minutes (Monthly meeting)**
4. **The audits are now done!**
5. **Dalton has completed the annual landfill report. It needs to be sent into the State by March 1, 2026.**
6. **Moore Engineering will start going door to door the week of February 9th, 2026, for lead line.**
7. **New guidance for OT, Tax Exemptions for W2, 1099, SS and WSI.**
8. **Armory HVAC changeover will start 2-4-26 – 2-6-26. Schedules adjusted for gym users.**
9. **Street Department has not yet seen any tow tags for snow removal.**
10. **Our contract with the Verizon antenna is coming up due on April 15, 2026.**
11. **Rates will be reviewed in Q1 2026 with all City rates.**
12. **The MPEDC has moved their monthly meeting to the first Tuesday of the month at noon at Tommy's.**
13. **The Traill County Auditor's office doesn't have the new number for the Sheriff's contract yet for 2026. They asked us to just keep paying the same amount as we have been paying in 2025.**
14. **Samples from the Dehyd Plant were not usable, kits have been sent to us. They are still continuing to dump.**
15. **Christian received estimates for Chlorine Analyzers from USA Blue Book \$6,617.88. Prices will go up February 2nd.**
16. **Stennes Lot Demo – Advertise for bids – should we open bids at Council meeting on 03-02-2026?**
17. **Payment has been made to Comstock Construction for their work so far on Mayville Dam 2.**
18. **Thank you to Aaron for getting the ball rolling on the lights (Xcel) at the city parking lot and sledding hill. Checks have been set to get things set up.**
19. **The Park Board has requested help from the city crew to get rid of the log cabin at Island Park.**
20. **The 2026 Spring Workshop & Elected Officials Training is on March 18-19 in Dickinson. Please let Julie know if interested in going.**
21. **A City of Mayville resident brought in a brochure from American Water Resources explaining the difficulties of paying for broken water lines. They offer insurance for such disasters – see packet.**

Petersen seconded the motion, motion carried.

ENGINEER'S AGENDA

City of Mayville Council Meeting

Monday, February 2, 2025

1.0 Street & Storm Improvement District 2022-1

- 1.1 Waiting on Response from Contractor
- 1.2 Remaining Work Quotes – Northern Improvement

2.0 Sewer & Water Improvement District 2022-2

- 2.1 **Moore Engineering Invoice SIN007268 - \$3,655.05**

3.0 Mayville Dam 2

- 3.1 **Change Order #3 - -\$251,166.00**
- 3.2 **CAP #4 - \$192,311.45**
- 3.3 **Moore Engineering Invoice SIN007266 - \$54,924.86**
- 3.4 Construction Update

4.0 Lead Service Line

4.1 Door to doors end of week into next week.

Street & Storm Improvement District 2022-1

Brandon Reber said that Moore Engineering has not yet heard anything back from R.J. Zavoral & Sons. He did mention that he is still waiting to hear back from Northern Improvements about their quote to finish the defective work.

Sewer & Water Improvement District 2022-2

Brandon Reber brought an invoice with him payable to **Moore Engineering for \$3,655.05**. Soholt made the motion to approve paying this invoice. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Garrett, O'Brien, Halvorson, Petersen, Soholt; Nay: None; Absent: Moen, motion carried.

Mayville Dam 2

Brandon said that Comstock Construction is ahead of schedule as of right now. Their completion date is January 2027. Brandon brought a change order of **\$-251,166.00**. This is because of the removal of the alternate 1. O'Brien made the motion to accept this change order as presented. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Soholt, Garrett, O'Brien, Halvorson, Petersen; Nay: None; Absent: Moen, motion carried.

Petersen made the motion to approve contractor payment to **Comstock Construction Payment #4 \$192,311.45**. Soholt seconded the motion and upon a roll call vote the following voted; Yea: Petersen, Soholt, Garrett, O'Brien, Halvorson; Nay: None; Absent: Moen, motion carried.

Brandon brought an invoice to the meeting payable to **Moore Engineering Inv SIN007265 \$54,924.86**. Soholt made the motion to approve the payment. Petersen seconded the motion and upon a roll call vote the following voted; Yea: O'Brien, Halvorson, Petersen, Soholt, Garrett; Nay: None; Absent: Moen, motion carried.

Lead Service Line

Brandon said that Moore Engineering should be starting to go door-to-door in the next few days to find out what kind of water lines people have in their homes.

O'Brien made the motion to approve December 2025 & January 2026 actual bills and February 2026 estimated expenses.

DECEMBER BILLS

22165	American Solution for Business	all	office supplies	\$60.09
22166	Demco	library	office supplies	\$199.71
22167	Flaten & Johnson	fire dept	repair/maintenance	\$1,556.96
22168	Ingram Library Services	library	books	\$991.47
22169	Jemco-Maxair	water treatment	maint/operation	\$2,736.48
22170	Miller's Fresh Foods	library	programming	\$69.92
22171	ND Sewage Pump & Lift Station	ww collection	repair/maintenance	\$3,040.00
22172	Nilson Brand Law	city attorney	legal issue - general	\$1,311.00
22173	Nova 401 K Associates	city pension	admin fee	\$556.00
22174	Patriot Fire & Safety Inc	fire dept	repair/maintenance	\$1,296.25
22175	Rough Rider Industries	streets	signs	\$172.92
22176	Soholt Bakery	city hall	misc	\$24.50
22177	The Pilcrow Foundation	library	books	\$400.00
22178	Xcel Energy	all	electricity	\$12,022.01

JANUARY 2026 BILLS

22179	Aflac	all	insurance	\$678.93
22180	Brady Martz	all	audit fee	\$39,500.00

22181	Butler	waste water collections	Riverwood generator	\$1,858.69
22182	Canon Financial Services	all	lease on copier	\$350.96
22183	Dakota Natural Gas	st, fire dept, wtr treat	heating	\$813.38
22184	ECRWD	water treatment	purchase of raw water	\$3,867.37
22185	Elan Financial Services	all	misc	\$2,204.44
ACH	Empower	all	retirement	\$3,271.58
22186	Farmers Union Oil	water & waste water	fuel for vehicles	\$128.01
22187	Goose River Bank	wtr dist, ww coll & treat	collection fee	\$17.02
22188	Grand Forks Utility Billing	water treatment	samples	\$70.00
22189	H.E. Everson	streets	maint/operation	\$51.45
22190	Hawkins	water treatment	chemicals	\$423.00
22191	Hillsboro Banner	non-dept & cemetery	printing	\$108.15
22192	Hub International	non-dept	liability insurance	\$1,015.00
22193	Jacobson Brothers	city hall	snow removal - hired	\$160.00
22193	Jacobson Brothers	library	snow removal - hired	\$200.00
22194	Kotaco Fuels	streets	fuel for vehicles	\$1,167.34
22195	Lofflers	all	software for copier	\$234.28
22196	MayPort Auto & Truck Parts	streets	maint/operation	\$19.99
22197	MayPort Hardware Hank	city hall & streets	maint/operation	\$233.12
22212	Mayville Airport Authority	airport	Prepaid specials	\$1,863.22
22198	Miller's Fresh Foods	city hall	misc	\$59.14
22213	MPEDC	sales tax	Dec rec'd in Jan	\$7,068.10
22199	Network Center	all	Office 365, anti-virus, backup	\$726.47
22200	Nilson Brand Law	city attorney	legal issues	\$501.50
22201	Patriot Fire & Safety	fire dept	repair/maintenance	\$1,835.36
22202	Precision	water treatment	maint/operation	\$135.00
22203	Precision	city hall	repair/maintenance	\$454.85
22204	RMB Environmental Labs Inc	waste water treatment	samples	\$185.00
22205	Software Innovations	auditor	software support	\$600.00
22206	Soholt Bakery	city hall	misc	\$24.50
22207	Titan Machinery	streets	both payloaders	\$1,699.89
22208	Verizon Wireless	all	cell phones	\$944.56
22209	Vestis	all	cleaning supp/misc	\$532.99
22210	Waste Management	sanitation	garbage & recycling	\$27,930.36
22211	Xcel Energy	all	electricity	\$2,141.58

FEBRUARY 2026 BILLS

22214	Aflac Inc (Dental & Vision	all	dental & vision insurance	\$268.43
ACH	Bank of North Dakota	Sewer #24	bond payment	\$12,450.00
ACH	Bank of North Dakota	Water 26 pt 1	bond payment	\$6,000.00
22215	Midcontinent Communications	all	internet & phones	\$1,504.72
ACH	NDPERS	all	insurance	\$8,687.64
22216	Nilson Brand Law	sanitation	monthly retainer	\$275.00
22217	Polar	auditor	lease on phones	\$59.00
22218	Reliance Life Insurance	all	life insurance	\$191.75
22219	Traill County Treasurer	sheriff	monthly payment	\$26,587.97
22220	USPS	water dist & ww coll & tr	postage for water bills	\$364.10

H2O Deposits refunded

\$183,901.15

Halvorson seconded the motion, motion carried.

Approval of financial reports: 2025 – through November 2025. Financials were tabled until next month.

Review Calendars: February 2026 – March 2026:

Note: City Offices closed for the following holidays with Council Approval:

President's Day 02/16/2026

Physical Plant 7a 02/25/26, 04/01/26

Admin 4:30p 02/02/26, 03/02/26

Council 6p 02/02/26, 03/02/26, 04/13/26

Tax Equalization Meeting 04/13/26 6:30 pm

Committee meetings: Council meetings are on the first Monday in the month unless it is a holiday, then they are held the second Monday. The Physical Plant Committee is 7a the Wednesday preceding Council and Admin Committee is held Council Monday 4:30pm.

Exceptions that arise will be reviewed at the City Council meetings and changes will be posted and on the calendar. Soholt made the motion to approve the calendars as presented. Halvorson seconded the motion, the motion carried.

O'Brien made the motion to approve the Second Reading of Flood Plain Ordinance Legislative Requirement: Petersen seconded the motion and upon a roll call vote the following voted; Yea: Garrett, O'Brien, Halvorson, Petersen, Soholt; Nay: None; Absent: Moen, motion carried.

AN ORDINANCE TO AMEND ORDINANCE CHAPTER XVII OF THE REVISED ORDINANCES OF THE CITY OF MAYVILLE BY AMENDING ARTICLE 16

BE IT ORDAINED BY THE CITY COUNCIL AND THE MAYOR OF THE CITY OF MAYVILLE:

Section 1: Amendment: That the revised flood plain management ordinance of the City of Mayville shall be amended as follows:

FLOODPLAIN MANAGEMENT

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

16.1.1. 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 the City of Mayville, North Dakota does ordain as follows:

16.1.2. FINDINGS OF FACT

- (1) The flood hazard areas of City of Mayville 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 cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

16.1.3. 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 areas assume responsibility for their actions.

16.1.4. 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, dredging, 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 16.2 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 zoning 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
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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 built on a single chassis;

(a) 400 square feet or less when measured at the largest horizontal projection;

- (b) designed to be self-propelled or permanently towable by a light duty truck;
- (c) 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;
- (d) 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.

SECTION 16.3.0 GENERAL PROVISIONS

16.3.1. LANDS TO WHICH THIS ORDINANCE APPLIES

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

16.3.2. 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 Mayville, dated October 16, 2015 with an accompanying Flood Insurance Rate Map Dated April 16, 2009 is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Auditor’s Office City Hall, Mayville, North Dakota.

16.3.3. 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.

16.3.4. 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.

16.3.5. 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.

16.3.6. 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 Mayville, North Dakota 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.

16.3.7. 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 16.4.0 ADMINISTRATION

16.4.1. 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 zoning 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.

16.4.2. DESIGNATION OF THE ZONING 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.

16.4.3. DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR

Duties of the zoning administrator shall include, but not be limited to:

16.4.3-1 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, 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.

16.4.3-2 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 Zoning 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.

16.4.3-3 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 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.

16.4.3-4 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.

16.4.3-5 Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

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

16.4.3-6 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.

16.4.4. VARIANCE PROCEDURE

16.4.4-1 Appeal Board

- (1) The Appeal Board as established the city council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Appeal Board or any taxpayer, may appeal such decision to the Traill County 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 Appeal Board 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 Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) The Zoning Administrator shall maintain the records of all appeal actions the report any variances to the Federal Emergency Management Agency upon request.

16.4.4-2 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 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.

SECTION 16.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

16.5.1. GENERAL STANDARDS

In all special flood hazard areas the following standards are required: 16.5.1-1

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.

16.5.1-2 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.

16.5.1-3 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.

16.5.1-4 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).

16.5.2. 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:

16.5.2-1 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.

16.5.2-2 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).

16.5.2-3 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 manufacture homes placed or substantially improved 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 flood 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.

16.5.2.4 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

16.5.3. 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.

16.5.4. 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.

16.5.5. 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 16.6. VIOLATIONS

16.6.1. 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 City of Mayville from taking such other lawful action as is necessary to prevent or remedy any violation.

FIRST READING PASSED 01-05-2026

Motion: Moen Second: Halvorson

Aye: Halvorson, Garrett, Moen, O'Brien

Nay: None

Absent: Soholt, Petersen

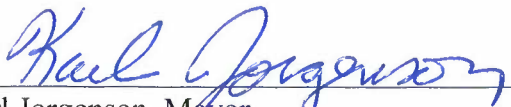
AMENDED SECOND READING PASSED 04-13-2026.

Motion: O'Brien Second: Petersen

Aye: Garrett, O'Brien, Halvorson, Petersen, Soholt, Moen

Nay: None

Absent: None


Karl Jorgenson, Mayor

ATTEST:

February 2, 2026


Gail Olstad Auditor.

Amended Adoption Date: April 13, 2026

Publication Date: April 17, 2026

Effective Date: April 17, 2026

Authorizing the Auditor to advertise for Bids for Insurance. Open bids on March 2nd, 2026, at City Council Meeting. O'Brien made the motion to allow the auditor to advertise for bids for insurance for the City of Mayville and to open bids at Council on March 2nd, 2026. Petersen seconded the motion, the motion carried.

Gaming Site authorization at the armory for the MayPort Youth Center (Hockey Smoker) to be held on April 17, 2026. Soholt made the motion to approve this gaming site authorization for the MayPort Youth Center. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Soholt, Garrett, O'Brien, Halvorson, Petersen; Nay: None; Absent: Moen, motion carried.

Resolution approving the replats of Lot (s) 1 through 5, Block 4, Eastvold Third Addition to the City of Mayville. Soholt made the motion to accept this resolution approving the replat of those lots in Eastvold Third Addition. Halvorson seconded the motion and upon a roll call vote the following voted; Yea: Petersen, Soholt, Garrett, O'Brien, Halvorson; Nay: None; Absent: Moen, motion carried.

CITY OF MAYVILLE, NORTH DAKOTA

RESOLUTION NO. ____

A RESOLUTION APPROVING THE REPLAT OF LOT(S) 1 THROUGH 5, BLOCK 4, EASTVOLD THIRD ADDITION TO THE CITY OF MAYVILLE, TRAILL COUNTY, NORTH DAKOTA

WHEREAS, Venture Investments LLC as owner(s) of the property described below, submitted a replat entitled "Replat of Lot(s) 1 Through 5, Block 4, Eastvold Third Addition to the City of Mayville, Traill County, North Dakota," prepared by Shawn M. Thomasson, Registered Land Surveyor.

WHEREAS, the proposed replat affects the following described real property situated in the City of Mayville, Traill County, North Dakota:

Lot(s) 1 Through 5, Block 4, Eastvold Third Addition to the City of Mayville, Traill County, North Dakota *according to the plat thereof on file and of record in the office of the Traill County Recorder*; and

WHEREAS, the City Council finds that the proposed replat constitutes a re-subdivision of a previously recorded plat and therefore requires a public hearing pursuant to North Dakota Century Code § 40-50.1-06; and

WHEREAS, notice of the public hearing was duly published in the official newspaper of the City of Mayville at least fifteen (15) days prior to the hearing, as required by law; and

WHEREAS, the City Council held a public hearing on January 5, 2025 at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council has reviewed the proposed replat and finds that it complies with applicable provisions of NDCC Chapter 40-50.1 and relevant Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAYVILLE, NORTH DAKOTA:

1. The City Council hereby approves the replat entitled
“Replat of Lot(s) 1 Through 5, Block 4, Eastvold Third Addition to the City of Mayville, Traill County, North Dakota,” prepared by Shawn M. Thomasson, Registered Land Surveyor.
2. The Mayor and City Auditor are hereby authorized and directed to endorse the approval of the City on the face of the replat in accordance with NDCC § 40-50.1-07.
3. Upon execution by the City and all required parties, the replat shall be filed for record with the Traill County Recorder, after which it shall constitute the legal plat of the property described therein.
4. This Resolution shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED by the City Council of the City of Mayville, North Dakota, this 2nd day of February, 2026

CITY OF MAYVILLE


Karl Jorgenson, Mayor

ATTEST:


Gail Olstad, Auditor

Motion made by Soholt Seconded by Halvorson

For: Petersen, Soholt, Garrett, O'Brien, Halvorson

Against: None

Abstain: None

Absent: Moen

AUDITOR'S CERTIFICATION

I, the undersigned, the duly qualified and acting City Auditor of the City of Mayville, North Dakota, hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the City Council at a regular meeting held on February 2nd, 2026, as the same appears in the official records of my office.

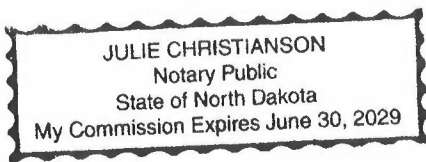
Dated this 2nd day of February, 2026

Gail Olstad, Auditor

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF TRAILL)

On this 2nd day of February, 2026, before me personally appeared Gail Olstad, City Auditor of the City of Mayville, North Dakota known to me to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same on behalf of the City.

(SEAL)



Julie Christanson
Notary Public

Fire Department Presentation by Fire Chief: Rich Hart brought some expense reports for the trucks. The Mayville Fire Department has a contract for deed with the Titan Machinery building for \$2.9 million. They want to become an Emergency Training Center (Regional) at a cost of \$2.1 million for a total of \$5 million. They don't have any plans to become a fire district at this time. They have hired a fund-raising company to help them with raising funds so they can pay for this building in one year's time. They still want the city owned building left empty so they can fill their trucks with water from there instead of using water from ECRWD. The Council asked them to have an audit of their books done every year. It hasn't been done for a few years now.

Purchase Agreement for Aaron Sperling & Heather Torgeson – 557 7th Ave SE Riverwood Addition – Blk 1 Lot 5 no plans as of yet. The builder is Skyline Builders. Petersen made the motion to approve this purchase agreement contingent on building plans and approval of planning and zoning committee and Riverwood Committee. Soholt seconded the motion and

upon a roll call vote the following voted; Yea; O'Brien, Halvorson, Petersen, Soholt, Garrett; Nay: None; Absent: Moen, motion carried.

Accept the audit: Tabled till next month!

Purchase Agreement for Daniel & Lindsay Aberle – 560 7th Ave SE Riverwood Addition – Blk 2 Lot 12 & N ½ Lot 11. No plans yet. Petersen made the motion to approve the purchase agreement contingent on building plans, approval from planning & zoning and Riverwood committees. O'Brien seconded the motion and upon a roll call vote the following voted; Yea: Garrett, O'Brien, Halvorson, Petersen, Soholt; Nay: None; Absent: Moen, motion carried.

Nothing for the Sheriff's report

Soholt made the motion to adjourn the meeting. Petersen seconded the motion, motion carried.

Attest: Julie Christianson
Julie Christianson, Deputy Auditor

Mayor: Karl Jorgenson
Karl Jorgenson