

Cavalier City Council

February 2, 2026

7:00 PM

Roll Call: Mayor Hinkle, council members Beard, Cluchie, Koenig, Hay, Vaughn

Absent: Hunter

Guests: Auditor Blair, OM Walton, Attorney Fleming, COP Osvold, Library Director Olmstead, Ron Jenson, Ron Storie, 1 unidentified caller.

Public Comment

None

Amendments

None

Approve Minutes

Motion made to approve the regular meeting minutes from January 5, 2026. M/S/P- Hay, Koenig; 5:0 mc.

Approve Bills & Financials

Motion made to approve the payment of all city and CMU bills and financials as submitted for January 2026. M/S/P- Beard, Hunter; 5:0 mc.

Gaming/Raffle/Special Event Permits

Motion made to approve gaming permits for Faith In Action, Cavalier Fire Dept, and North Valley Student Organizations. M/S/P- Beard, Hay; 5:0 mc. Motion made to approve special permit for the Beer and Bacon Bash. M/S/P- Cluchie, Hay; 5:0 mc.

Rec Report

Auditor Blair updated the council. Motion made to hire Hannah Muth for recreation director/admin assistant starting at \$19.23 per hour. RCV M/S/P- Cluchie, Koenig; 5:0 mc.

Library Report

Library Director Olmstead updated the council. Motion made to hire Dawna Werven as part time library clerk. RCV M/S/P- Vaughn, Hay; 5:0 mc. Motion made to accept 2025 annual report. M/S/P- Koenig, Vaughn; 5:0 mc.

PD Report

Chief Osvold updated council.

Attorney Report

Motion made to approve 2nd reading of overdue accounts ordinance. RCV M/S/P- Vaughn, Hay; 5:0 mc.

**RESOLUTION TO AMEND CITY OF CAVALIER ORDINANCE, CHAPTER 7 §7.0520 – OVERDUE ACCOUNTS;
DISCONNECTION OF SERVICE**

WHEREAS, the City Council of the City of Cavalier, North Dakota, declares it to be in the public interest to establish a policy regarding the payment of delinquent utility bills and for the establishment of delinquency penalties, disconnection and reconnection fees.

NOW, THEREFORE, be it resolved by the City Council of the City of Cavalier, North Dakota, that, in accordance with Section 7.0520 of Chapter 7 of the Ordinances of the City of Cavalier, North Dakota, the City of Cavalier hereby enacts the following policy with regard to the payment of municipal utilities.

- A. Any consumer of municipal utilities whose bill(s) shall remain unpaid for 20 days after the date of the bill(s), shall then have added to the amount of said bill, an amount equal to 10%, thereof, as a penalty.
- B. At the time said penalty, as above referenced, accrues, the City of Cavalier shall send notice to consumer of said utilities and to the owner/landlord, where applicable, of the property to which utility services are provided, that a delinquency has occurred.
- C. Any consumer of municipal utilities, whose bill remains unpaid for 35 days after the date of said bill, shall have all municipal services provided under said billing(s) discontinued or disconnected.
- D. Any consumer of municipal utilities whose service has been disconnected or discontinued under the provisions of the preceding paragraph, shall not have the service reconnected or recommenced until the delinquent amount with penalty, current charges, and reconnection charge of \$75.00 has been paid in full.

The owners of all real property within the City of Cavalier shall be responsible for all City utility services, including electric, water, sewer, and garbage, used or provided to lands or premises owned by them, whether occupied in person or by tenant, and shall be responsible for the payment of the charges for these services. The City may, at the request of the property owner, bill the occupant or tenant of any such premises for such services, but the owner will remain liable for the payment if the bill is not paid by the occupant or tenant. The City Auditor will, upon request by any property owner, notify the property owner when an occupant's or tenant's bill is past due. In addition to any other remedies available to the City, if the established service charges are not paid when due, such sum may be recovered by the City in an action at law, or such sum may be assessed against the premises served and collected and returned in the same manner as other county and municipal taxes are assessed, certified, collected and returned.

Motion made to approve 1st reading of Floodplain Management Ordinance. RCV M/S/P-Vaughn, Koenig; 5:0 mc.

CITY OF CAVALIER
FLOODPLAIN MANAGEMENT

SECTION 1.0

Regular Meeting February 2, 2026

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 Council of Cavalier, North Dakota does ordain as follows:

1.2 FINDINGS OF FACT

- (1) The flood hazard areas of City of Cavalier 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.

1.3 STATEMENT OF PURPOSE

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

- (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.

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 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 Planning & Zoning Committee 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 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 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 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all proposed construction or development within the jurisdiction of the City of Cavalier.

3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

Since Special Flood Hazard Areas have not been identified, water surface elevations have not been provided, nor has sufficient data identifying the floodway been provided by the Federal Emergency Management Agency (FEMA), the community shall obtain, review, and reasonably utilize flood hazard data available from any other Federal, State or other sources.

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 Cavalier, 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 any construction or development begins within the community, including the placement of manufactured homes to determine if the proposed location is within a floodplain. Application for a development permit shall be made on forms furnished by the City Auditor.

4.2 DESIGNATION OF THE PLANNING & ZONING COMMITTEE

The Planning & Zoning Committee 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 PLANNING & ZONING COMMITTEE.

Duties of the Planning & Zoning Committee 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, or local governmental agencies from which prior approval is required.

4.3-3 Information to be Obtained and Maintained

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, and receive regulatory authorization, 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.

4.4 VARIANCE PROCEDURE

4.4-1 Appeal Board

- (1) The Board of Adjustment as established
By the City of Cavalier shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The City Council shall hear and decide appeals when it
(appeal board)
is alleged there is an error in any requirement, decision, or determination made by the Board of Adjustment in the enforcement or administration of
(local administrator)
this ordinance.
- (3) Those aggrieved by the decision of the City Council,
(appeal board)
or any taxpayer, may appeal such decision to the District Court of Pembina County as provided in N.D.C.C. §§ 40-47-11, 11-33-12, or 58-03-14.
(statute)

- (4) In passing upon such applications, the Board of Adjustment (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 Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) The City Auditor shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

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 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 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 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,

SECTION 6.0
VIOLATIONS

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 Cavalier from taking such other lawful action as is necessary to prevent or remedy any violation.

First Reading: 2/2/2026

Second Reading:

PASSED THIS ____ of _____, 2026.

APPROVED:

Lacey Hinkle, Mayor

ATTEST:

Danielle Blair, City Auditor

Administrative Reports

Motion made to approve MRES resolution appointing Barry Walton as representative and Danielle Blair as alternate. RCV M/S/P- Cluchie, Beard; 5:0 mc. 2025 Financial report was presented. Discussion on maintenance worker position. Motion made to extend newspaper advertisement for maintenance worker position.

Mayor and council comments

Mayor- Checked in with Angela Longtin to set up time to compare notes on Car Spa utilities.
Compliments on auditorium

Vaughn-Good work getting Arena ready. Hockey game rescheduled for February 14, 2026

Adjournment

Motion to adjourn 7:36 pm Vaughn

Approved By:

Lacey Hinkle, Mayor

Attested To:

Danielle Blair, City Auditor