

**BERESFORD CITY COUNCIL
REGULAR MEETING AGENDA
Monday, December 6, 2021 7:00 P.M.
Beresford City Council Chambers – 103 N. 3rd St.**

[1] – Call to Order & Roll Call

[2] – Adopt Agenda

[3] – Approve Minutes – November 15 and November 22, 2021

[4] – Public Hearings

- Drinking Water and Clean Water Utility Improvements – Tanya Miller, Banner Associates and Leslie Mastroianni, SECOG
- Application for One Day Malt Beverage License from Beresford Volunteer Fire Dept. for Feb. 5, 2022

[5] – Visitors to be heard

[6] – Committee/Mayor Reports

[7] – Department Head and City Administrator Reports

- Austin Hansen – BMCT General Manager
 - Smart Rural Community Program
 - Resolution 2021-12 – Sets Internet Speeds and Rates

[8] – Old Business

- Consider 2nd Reading and Adoption of Ordinance 2021-08 Flood Damage Prevention
- Consider 2nd Reading and adoption of Ordinance 2021-09 An Ordinance Amending Ordinance 2021-05 With Respect to Licensing Provisions for Cannabis Establishments
- Consider Resolution 2021-11 Setting Fees for Cannabis Establishments
- Dog Park Project

[9] – New Business

- Review redistricting ward maps
- Request to light fireworks at the Bridges on Dec. 31 for wedding reception
- Subsidy draw down request from Beresford Senior Citizen Program
- Subsidy draw down request from Bright Beginnings Childcare Center
-

[10] – Discussion & Information Items

[11] – Travel Requests

[12] – Payment of Bills

[13] – Adjournment

Welcome to your City Council Meeting

If you wish to participate in the discussion, the meeting provides several opportunities:

1. After the minutes are approved and public hearings are held, the mayor will ask if any visitors wish to be heard. Any item **NOT** on the agenda may be discussed. Items requiring action will then be placed on the next city council agenda for formal action.

2. During the discussion of agenda topics, anyone may comment if the Council is accepting public testimony. The mayor may recognize you if you raise your hand. Please state your name and address for the city minutes. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote.

If you would like to join the meeting via Zoom, please follow the instructions below.

Topic: City Council Meeting Monday December 6, 2021

Time: December 6, 2021 07:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/5460780834?pwd=bittbHg1QjJ5SDYxaUFOb0VGZ3crQT09>

Meeting ID: 546 078 0834

Passcode: **Beresford**

One tap mobile

+12532158782,,5460780834#,,,*,140120663# US (Tacoma)

+13462487799,,5460780834#,,,*,140120663# US (Houston)

Dial by your location

+1 312 626 6799 US (Chicago)

Meeting ID: 546 078 0834

Passcode: 140120663

Find your local number: <https://us02web.zoom.us/j/5460780834?pwd=bittbHg1QjJ5SDYxaUFOb0VGZ3crQT09>

Beresford City Council
Monday, November 15, 2021

The Beresford City Council met in regular session in City Council Chambers on Monday, November 15, 2021 at 7:00 p.m.

Members Present: Mayor Nathan Anderson presiding, Troy Boone, Troy Doeden, Art Schott, Teresa Sveeggen, Mike Tiedeman

Members Absent: Will Roelke

Also Present: Elaine Johnson, Finance Officer; Jerry Zeimetz, City Administrator; Tom Frieberg, City Attorney

Adopt Agenda: Tiedeman made a motion to adopt the agenda as presented. The motion was seconded by Doeden and all present Council members voted aye; motion carried.

Minutes: A motion to approve the November 1, 2021 meeting minutes was made by Doeden, second by Sveeggen. All present Council members voted aye; motion carried.

Department Head and City Administrator Reports

Elaine Johnson - Finance Officer

- **October 2021 Financial Report:** Johnson highlighted atypical expenditures and/or revenues from the October financial reports. A motion to accept the October, 2021 financial reports was made by Doeden and seconded by Boone. All present Council members voted aye; motion carried. The Finance Committee (Doeden, Sveeggen and Tiedeman) will meet on December 6 at 5:30 p.m. to discuss end-of-year budget transfers.
- **Hearing Date:** A motion was made by Sveeggen and seconded by Tiedeman to set December 6, 2021 as the hearing date for the Beresford Volunteer Fire Department's application for a one-day malt beverage license for their February 5, 2022 casino night. All present Council members voted aye; motion carried.

Old Business

- **2022 Part-Time Wage Scale:** Finance Officer Johnson presented a wage scale for part-time employees. After brief discussion, Schott made a motion, second by Doeden to adopt the part-time employee wage scale to be effective January 1, 2022. All present Council Members voted aye; motion carried.
- **Resolution 2021-10 Flood Insurance Program:** City Attorney Frieberg summarized Resolution 2021-10 which is designed to allow residents who are located in a flood plain to purchase flood insurance through the Federal program. He also outlined the City's obligation upon adoption of the resolution. A motion was made by Schott to adopt Resolution 2021-10. The motion was seconded by Boone and all present Council members voted aye; motion carried.

RESOLUTION 2021-10

WHEREAS, certain areas of Beresford, South Dakota, are subject to periodic flooding, causing serious damage to properties within these areas; and

WHEREAS, it is the intent of this Council to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses.

NOW, THEREFORE, BE IT RESOLVED, that this Council hereby:

1. Assures the Federal Emergency Management Agency that it will enact as necessary, and maintain in force, in those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 60 of the National Flood Insurance Program Regulations; and
2. Vests Beresford City Administrator with the responsibility, authority and means to:
 - (a) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood hazards.
 - (b) Provide such information concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow) or flood-related erosion areas as the Administrator may request.
 - (c) Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest flood (including basement) of all new construction or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - (d) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
 - (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
 - (f) Submit an annual report to the Administrator concerning the community's participation in the program, including, but not limited to the development and implementation of floodplain management measures.
3. Appoints Beresford City Administrator with the responsibility, authority, and means to implement the commitments as outlined in this Resolution.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the adopted floodplain management measures.

Dated this 15th day of November, 2021.

CITY OF BERESFORD

Nathan Anderson, Mayor

ATTEST:

Elaine Johnson, Finance Officer

- **Ordinance 2021-08 Flood Damage Prevention:** The first reading of Ordinance #2021-08: An Ordinance for flood damage prevention was held and placed on file at City Hall.

New Business

- **Telephone Dept. Surplus Equipment:** A motion was made by Boone and seconded by Schott to declare the following telephone cable pairs as surplus property with a nominal value. All present Council Members voted aye; motion carried.

6 Pair 1208'	75 Pair 5040'
25 Pair 1244'	100 Pair 2434'
50 Pair 204'	100 Pair 130'
50 Pair 2054'	150 Pair 2080'
75 Pair 3698'	200 Pair 288'

- **Step-Pay Increase:** Upon recommendation from BMTC GM Austin Hansen, Doeden made a motion to remove Telephone Technician John Ganschow from probationary status and approve a step-pay increase from \$19.14/hr. to \$19.74/hr., effective for the pay period beginning November 3, 2021. Schott seconded the motion and all present Council members voted aye; motion carried.
- **Third-Party Services Agreement:** City Administrator Zeimet explained the agreement with SECOG for voter ward redistricting. A motion was made by Doeden, second by Sveeggen, to authorize the Mayor to sign the Third-Party Services Agreement with SECOG for voter ward redistricting. All present Council members voted aye; motion carried.

Discussion & Information Items:

Rubble Site: Winter hours for the rubble site (Saturdays from 9 AM-1 PM) will begin the week of December 6, 2021. The new hours will be posted on the website and various social media sites.

Travel Request: A motion was made by Doeden, second by Schott, to approve the following travel requests. All present Council members voted aye; motion carried.

- SDTA Fall Plant & Technology Workshop, Dec. 6-7, Mitchell, Ganschow, Laurvick, VanBallegooyen

Payment of Bills: A motion was made by Doeden and seconded by Sveeggen to pay the following bills. All present Council members voted aye; motion carried.

Adapco, chemicals, \$2248.00; Alliance Comm., toll settlement, \$406.84; Amaril Uniform Co., clothing, \$301.28; Michael Antonson, safety conf., \$314.72; Appeara, service, \$748.79; Apple Inc., iPad, \$1418.00; Barnes & Noble, books, \$119.92; Beal Dist., beer, \$2180.35; BMTC, surveillance system, \$1646.00; Beresford Republic, publishing, \$809.83; Border States Elec., wire, \$13,720.41; Brosz Eng., engineering fee, \$500.00; Beresford Com. Food Cupboard, refund, \$200.00; Chesterman Co., resale, \$190.39; City of SF Public Works, tipping fees, \$4261.29; Clubhouse Hotel, lodging, \$295.60;

Core & Main, meters, \$3672.78; DAD's Auto Repair, service, \$306.00; Dakota Beverage, beer, \$1205.10; DeRaad H&C, service, \$329.30; DETCO, supplies, \$243.72; Eastway Auto, tire repair, \$19.94; Express Comm., toll settlement, \$2435.64; FARR Technologies, engineering fees, \$3087.50; Fiesta Foods, resale/food, \$104.16; First Bank & Trust, 2020 GO bond, \$128,015.00; Flowers by Bob, memorial, \$35.00; Frieberg, Nelson & Ask, city attorney, \$2092.50; Goldfield Telecom, fiber project, \$27.05; Harold K Scholz Co., east substation, \$18,329.62; Heartland Payment Systems, CC fees, \$492.83;

Heggies Pizza, resale, \$388.00; High Plains Tech., supplies, \$75.00; Hillyard, supplies, \$65.02; Interstate TRS, TRS fund, \$387.94; Jerry's Chevrolet, service, \$57.86; Johnson Bros. Famous Brands, liquor, \$2786.14; Knife River Midwest, winter mix, \$1101.00; Lands' End, clothing, \$203.85; Anthony Laurvick, meals/lodging, \$115.46; L&C Rural Water, water, \$23,934.12; Lewis Drug, supplies, \$5.98; Loffler, service, \$607.34; Michael Meinzer, fuel reimb., \$41.50; Mid America Comp. Corp., billing fees, \$2659.76; MidAmerican Energy, natural gas, \$375.96; NY Life, insurance, \$108.00;

Nexstar Broadcasting, affiliate fees, \$142.10; Northern States Power, supplies, \$78.92; Olson's Pest Tech., service, \$170.00; Power & Tel, fiber project, 349.92; Quadient Finance, postage, \$3000.00; Reinhart, food, \$749.30; Republic Nat'l Dist., liquor, \$1846.00; Ribbon Comm., central office repair, \$2137.50; Roo's Sanitation, disposal serv., \$4800.00; S&S Willers, Inc., sand, \$908.25; SD Assoc. of Rural Water Systems, annual dues, \$715.00; SD Telecom Assoc., registration, \$600.00; SDN Comm., internet, \$2594.47; Simplot Grower Solutions, tree removal, \$15.75; Southern Glazers, liquor, \$1407.29;

Taste of Home Annual Recipes, \$38.32; Taylor Made Golf Co., merchandise, \$135.26; The Tessman Co, grass seed, \$1245.00; Toast, CC fees, \$250.34 and POS subscription, \$110.50; Transource, loader repair, \$512.91; US Bank, COP/Golf Course, \$107,397.56; Vast Broadband, service, \$53.00; Washington N'tl Ins., insurance, \$84.30; Webit.com, annual website fee, \$490.00; WESCO, hardware, \$8870.47; Wholesale Supply, resale, \$155.67.

Executive Session: At 7:20 p.m. a motion was made by Doeden and seconded by Boone to enter into Executive Session to discuss a personnel matter. All present Council members voted aye; motion carried. Mayor Anderson declared Council out of Executive Session at 7:32 p.m. No action was taken.

Adjournment: As there was no further business, Mayor Anderson adjourned the meeting at 7:34 p.m.

Elaine Johnson, Finance Officer
Recorded by Kathy Stuessi

Beresford City Council
Special Meeting
Monday, November 22, 2021 5:30 P.M.

The Beresford City Council met in special session in City Council Chambers on November 22, 2021 at 5:30 p.m.

Members Present: Mayor Nathan Anderson presiding, Troy Boone, Troy Doeden, Art Schott, Teresa Sveeggen, Michael Tiedeman and William Roelke (arrived at 5:41 p.m.).

Also Present: Elaine Johnson, Finance Officer; Jerry Zeimetz, City Administrator; and Tom Frieberg, City Attorney.

Adopt Agenda: Tiedeman made a motion to adopt the agenda as presented. The motion was seconded by Doeden and all present Council members voted aye; motion carried.

New Business:

- **Resolution 2021-11.** Attorney Frieberg explained the purpose of Resolution 2021-11– A Resolution for Cannabis Establishment Application and License Fees. After a brief discussion, no action was taken.
- **Consider 1st Reading of Ordinance 2021-09.** After a long discussion, the first reading of Ordinance #2021-09 – An Ordinance Amending Ordinance #2021-05 Licensing Provision for Cannabis Establishments was held and placed on file at City Hall.

Payment of Bills

A motion was made by Boone to pay the following bills. The motion was seconded by Doeden and all present Council members voted aye; motion carried.

CenturyLink, 911 Circuit, \$106.62; KCL Group Benefits, Group Life Ins Remit/Dec '21, \$164.70; Wellmark BC/BS of SD, Group Health Ins Remit/Dec '21, \$32,821.73; Wells Fargo, Credit Card Charges, \$3,077.62; Southeastern Electric, Electricity, \$302.28; 2014 & 2016 SRF CW & DW, \$27,792.93.

Adjournment: The meeting was adjourned at 5:57 p.m. on a motion by Boone and a second from Doeden. All present Council members voted aye; motion carried.

Elaine Johnson, Finance Officer
Recorded by Alison O'Connell

**CITY OF BERESFORD
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Beresford will hold a Public Hearing on Monday, December 6, 2021, regarding drinking water and clean water utility improvements. The purpose of the public hearing is to discuss the proposed project, the proposed financing, and the source of repayment for any loans. The public is invited to attend and comment on the project.

The City expects to apply for approximately \$15,108,000 for both drinking water and clean water improvements.

The City is seeking a portion of the project funding from the Board of Water and Natural Resources for the water distribution portion of the project. The funds could be a grant from the state Consolidated Water Facilities Construction Program and/or a loan from the Drinking Water State Revolving Funds (SRF) Program. The expected Drinking Water SRF loan terms are 1.875 percent for 30 years, and the Board of Water and Natural Resources may forgive all or a portion of the loan principal.

The City is seeking a portion of the project funding from the Board of Water and Natural Resources for the sanitary sewer portion of the project. The funds could be a grant from the state Consolidated Water Facilities Construction Program and/or a loan from the Clean Water State Revolving Funds (SRF) Program. The expected Clean Water SRF loan terms are 2.125 percent for 30 years, and the Board of Water and Natural Resources may forgive all or a portion of the loan principal.

This public hearing will be held at the following time, date and location:

7:00 PM.
December 6, 2021
Beresford City Hall
101 N. 3rd Street
Beresford, South Dakota

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the City of Beresford at (605) 763-2008. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the City to make reasonable arrangements to ensure accessibility to this hearing.

Elaine Johnson
City Finance Officer

Published once at the approximate cost of _____.

**NOTICE OF HEARING
APPLICATION FOR ONE DAY MALT BEVERAGE LICENSE**

CITY OF BERESFORD

Notice is hereby given that the following license application for temporary sale of Malt Beverages for the Beresford Volunteer Fire Department on February 5, 2022 has been filed in the City Finance Office, Beresford, South Dakota.

One Day – Temporary Malt Beverage:

Beresford Volunteer Fire Department
301 North 10th Street
Beresford, SD 57004

A Public Hearing will be held on December 6, 2021 at the Council Chambers, 103 N 3rd St. Beresford, SD in conjunction with the regular City Council meeting, which convenes at 7:00 p.m.

Any person or their representative may appear and be heard for or against approval of said license.

Dated at Beresford, South Dakota this 15th day of November, 2021

Elaine Johnson, Finance Officer

Publish: November 25, 2021

Legal, One Time

Published at an approximate cost of \$_____

jerry@bmtc.net

From: Austin Hansen <austinh@beresfordtel.com>
Sent: Thursday, December 2, 2021 4:17 PM
To: jerry@bmtc.net
Cc: Elaine
Subject: Smart Rural Community Info
Attachments: Smart Rural Community Information 2021_12_02.docx

Jerry,

Recently Beresford Municipal Telephone Co. was named a Smart Rural Community (SRC) provider and a SRC Gig-Capable certified provider by NTCA. The City of Beresford has also been recognized as a Smart Rural Community. Attached is information regarding the Smart Rural Community Program. Would you please include the Smart Rural Community information in the Council packet for the Monday, December 6th meeting?

Thanks,

Austin Hansen | General Manager
Beresford Municipal Telephone, Internet & Cable
101 N. 3rd St. | Beresford, SD 57004
O: (605) 763-2500 | M: (605) 214-5813 | F: (605) 763-7112
austinh@beresfordtel.com | www.beresfordtel.com

Smart Rural Community Program – SRC

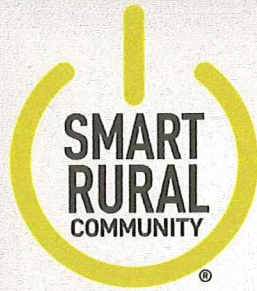
- Beresford Municipal Telephone Company was recently named a Smart Rural Community (SRC) provider and a SRC Gig-Capable certified provider by NTCA (National Telecommunications Cooperative Association). As a result of Beresford Municipal Telephone Companies recognition, the City of Beresford will now be recognized as a Smart Rural Community.
- SRC is an initiative of NTCA–The Rural Broadband Association. SRC promotes rural broadband networks and broadband-enabled applications that rural communities can leverage to foster innovative economic development, education, health care and other vital services.
- SRC providers enjoy affiliation with the nationally recognized SRC program that represents innovative and collaborative use of advanced broadband services to support important community services. SRC-designated companies can demonstrate their affiliation with program through use of the trademarked SRC logo; featured listing on the NTCA website and other public opportunities; and marketing collateral.
- SRC providers offer 100 Mbps service to at least 50% of their service area, and have at least 50% broadband adoption rates among subscribers
- SRC Gig-Capable certified providers can provide gigabit service to 95% of an exchange or census block without trenching or deploying new aerial facilities



PROVIDER



**GIG-CERTIFIED
PROVIDER**

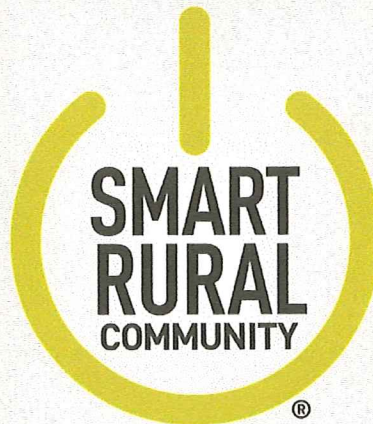


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www.smartruralcommunity.org

[YOUR TOWN NAME HERE]



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www.smartruralcommunity.org

RESOLUTION 2021-12

SUBJECT: INTERNET SPEEDS & PRICES

BE IT RESOLVED by the City of Beresford, SD effective January 1, 2022, that the following Internet speeds and prices are adopted:

50 Mbps/50 Mbps	\$ 65.00
100 Mbps/100 Mbps	\$ 90.00
250 Mbps/250 Mbps	\$ 115.00
500 Mbps/500 Mbps	\$ 140.00
1 Gig/1 Gig	\$ 180.00

Adopted this 6th day of December 2021.

Nathan Anderson, Mayor

ATTEST: Elaine Johnson, Finance Officer

Adding.

500 Mbps/500 Mbps
and 1 Gig/1 Gig Rates
No other changes

ORDINANCE 2021-08

FLOOD DAMAGE PREVENTION ORDINANCE

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL FOR THE CITY OF BERESFORD, UNION AND LINCOLN COUNTIES, STATE OF SOUTH DAKOTA, AS FOLLOWS:

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of South Dakota has in SDCL 11-2-13 and 11-4-1 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Beresford, South Dakota, does ordain as follows:

The City of Beresford elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and the City of Beresford's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the City of Beresford having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, the City of Beresford may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

SECTION B. FINDINGS OF FACT

The flood hazard areas of the City of Beresford are subject to periodic inundation by flood waters, which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief; all of which adversely affect the public health, safety and general welfare of the inhabitants of the City of Beresford.

These potential flood losses are caused by:

1. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
2. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

SECTION C. STATEMENT OF PURPOSE

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

1. Protect human life and health;
2. Minimize damage to public infrastructure, including but not limited to utilities, streets, and bridges that are susceptible to flooding;
3. Minimize prolonged business interruptions caused by flooding;
4. Minimize public expenditures on flood control projects;
5. Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the public;
6. Protect and safeguard the welfare and safety of first responders should an emergency response is needed;
7. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
8. Promote that potential buyers are notified if properties are in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

To accomplish the purposes outlined in **ARTICLE I, SECTION C. STATEMENT OF PURPOSE**, this ordinance applies the following methods:

1. Restricts or prohibits land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
2. Requires that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Controls filling, grading, dredging and other developments that may increase flood damage; and
5. Prevents or regulates the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

ARTICLE II DEFINITIONS

SECTION A. DEFINITIONS

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

100-Year Flood means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.

100-Year Floodplain means the area of land susceptible to being inundated due to the occurrence of a 1-percent-annual-chance flood.

500-Year Flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.

500-Year Floodplain means the area of land susceptible to being inundated due to the occurrence of a 0.2-percent-annual-chance flood.

Accessory Structure is a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure the ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.

Addition is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

Alluvial Fan Flooding means flooding occurring on the surface of an alluvial fan or similar landform that originates at the apex. It is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant Structure—see **Accessory Structure**.

Area of Future-Conditions Flood Hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

Area of Shallow Flooding means a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-Related Erosion Hazard is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed

evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

Area of Special Flood Hazard is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Base Flood means the flood having a 1-percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

Basement means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

Best Available Data is existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.

Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

Building—see *Structure*.

Channelization means the artificial creation, enlargement, realignment, or alteration of a stream channel’s slope, shape, or alignment. Streambank restoration may be deemed as channelization.

Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

Conditional Letter of Map Revision Based on Fill (CLOMR-F) is FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

Crawlspace means an under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation. Reference: **ARTICLE V, SECTION B.4 CRAWLSPACE**

Critical Facility means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.

Deed Restriction refers to a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

Detached Garage is a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

Development means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.

Elevated Building is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an "elevated

building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Enclosure refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

Erosion means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

Existing Construction refers to structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as **Existing Structures**.

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.

Existing Structures—see **Existing Construction**.

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).

FEMA means the Federal Emergency Management Agency.

Fill refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

Flood or Flooding means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this ordinance and are akin to a river of liquid and flowing mud on the surfaces of

normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this ordinance.

Flood Insurance Manual is the document FEMA produces twice a year and is used to write flood insurance policies underwritten by the NFIP. The document contains definitions, policy rates, coverage and limitations, application and insurance policy forms.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the SFHAs and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) or Flood elevation study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain Development Permit is a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of ***Flooding***).

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

Flood Opening refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

Flood Protection System means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

Floodway—see ***Regulatory Floodway***.

Floodway encroachment lines mean the lines marking the limits of floodways on federal, state, and local flood plain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the

- Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Amendment (LOMA) means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

Letter of Map Revision (LOMR) means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

Levee means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Adjacent Grade (LAG) means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building

access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3.

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 attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”; however, a manufactured home may be used for both residential and non-residential use.

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.

Map means the FHBM or the FIRM for a community issued by FEMA.

Mean Sea Level means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

Mixed Use Structures are structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.

New Construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

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.

No-Rise Certifications are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

Physical Map Revision (PMR) is FEMA’s action whereby one or more map panels are physically revised and republished.

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; and
- (d) Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

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 a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

Section 1316 refers to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

Special Flood Hazard Area—see *Area of Special Flood Hazard*.

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home. **Structure**, for insurance purposes, means:

- (1) A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;

- (2) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- (3) A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure 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 reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, if the alteration will not preclude the structure's continued designation as a “historic structure.”

Variance means a grant of relief by a community from the terms of a flood plain management regulation. Reference: **ARTICLE IV, SECTION E. VARIANCE PROCEDURES**

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 in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

Watercourse means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

ARTICLE III GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard identified by FEMA within the jurisdiction of the City of Beresford.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for City of Beresford, dated January 15, 2021, accompanying FIRMs, and any Letters of Map Change including Letters of Map Amendment, Letters of Map Revision based on Fill, and Letters of Map Revision, thereto are hereby automatically adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, 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.

SECTION E. 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.

SECTION F. 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. On rare occasions, greater floods can and will occur and flood heights may be increased by human-made or natural causes.

This ordinance does not imply that land outside the areas of special flood hazards 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 community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION G. SEVERABILITY

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

SECTION H. COMPLIANCE

No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the City of Beresford Commissioners from taking such lawful action as is necessary to prevent or remedy any violations.

SECTION I. STOP WORK ORDER

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in **ARTICLE III, SECTION J. PENALTIES FOR NONCOMPLIANCE**.

SECTION J. PENALTIES FOR NONCOMPLIANCE

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the NFIP regulation, to qualify for the sale of federally subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes."

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. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days, or both, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Beresford from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE IV ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City of Beresford City Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

SECTION B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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

1. Uphold the goals of the community and the NFIP to reduce risk when possible and increase the community's resistance to future disasters.
2. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.
3. Maintain and hold open for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
4. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
5. Review, approve, or deny all applications for development permits required by adoption of this ordinance.
6. Ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the South Dakota Office of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
10. When BFE data has not been provided by FEMA, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this ordinance.

11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH 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 1.00 foot at any point within the community.
12. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP Regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than 1.00 foot, provided that the community first meets the requirements of Section 65.12 for a conditional FIRM revision through FEMA's CLOMR process.
13. If the project is determined or reasonably believed to cause an adverse effect on the BFE(s), boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the community may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.

SECTION C. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

1. The property owner or developer shall notify FEMA by submittal of a LOMR within 6 months of project completion when an applicant had obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.
2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
3. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state federal, and local laws.

SECTION D. PERMIT PROCEDURES

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to:

1. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations.
2. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
3. Location of the foregoing in relation to SFHAs.
4. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;

5. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) shall be floodproofed.
6. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this ordinance and the NFIP Regulations.
7. Description of the extent to which any watercourse or natural drainage will be altered or relocated because of proposed development, if applicable.
8. At the community's discretion, the community may charge a fee for issuance of floodplain development permits.
9. Copies of all floodplain development permits and the associated documents shall become property of the community and a permanent record.

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The danger that materials may be swept onto other lands to the injury of others.
4. The compatibility of the proposed use with existing and anticipated development.
5. The safety of access to the property in times of flood for ordinary and emergency vehicles.
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
8. The necessity to the facility of a waterfront location, where applicable.
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION E. VARIANCE PROCEDURES

The Appeal Board or Variance Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance after a floodplain development permit has been denied.

1. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
2. The Appeal Board, as established by the community, shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement of administration of this ordinance.
3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to FEMA and the State Coordinating Agency upon issuing a variance.
4. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by

lots with existing structures constructed below the base flood level, providing the relevant factors in **ARTICLE IV, SECTION E. VARIANCE PROCEDURES** have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

5. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term "substantial improvement" does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
 - a. Showing a good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.
2. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
3. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria outlined in **ARTICLE IV, SECTION E. VARIANCE PROCEDURES** are met; and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE V PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
4. All new construction or 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. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
7. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.

SECTION A.1. SUBSTANTIAL IMPROVEMENT

Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds 50 percent of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. For Substantial Damage, refer to **ARTICLE V, SECTION A.2. SUBSTANTIAL DAMAGE**. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION A.2. SUBSTANTIAL DAMAGE

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure only before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds 50 percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and

will be required to meet the development requirements set forth within this ordinance for substantial improvement.

SECTION A.3. SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATION

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable community officials and staff, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the **ARTICLE V, SECTION A.1. SUBSTANTIAL IMPROVEMENT**.
4. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage, that compliance with the floodplain management ordinance is required.

SECTION B. SPECIFIC STANDARDS

In all SFHAs has been selected, areas of known or suspected flood risk areas, the following provisions are required:

SECTION B.1. RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to the BFE, unless a freeboard option is noted below. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.

SECTION B.2 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to the base flood level, unless a freeboard option is noted below, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance, **ARTICLE V, SECTION B.1 RESIDENTIAL CONSTRUCTION**. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

SECTION B.3. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement, and 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 must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than 1 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 1 foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

SECTION B.4. CRAWLSPACE

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

1. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure

resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.

2. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the LAG.
3. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.
4. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
5. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
6. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the LAG.
7. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed 4 feet at any point.
8. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
9. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

SECTION B.5. MANUFACTURED HOMES

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, 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.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision;) in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a

manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at the BFE, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at the BFE; or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

SECTION B.6. RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use;
 - a. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
2. Or meet the permit requirements of **ARTICLE IV, SECTION D, PERMIT PROCEDURES**, and the elevation and anchoring requirements for "manufactured homes" of this section.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this ordinance.
2. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
3. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this ordinance.
4. BFE data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, or whichever is lesser.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall minimize flood damage.
6. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. FLOODWAYS

Floodways located within SFHAs are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood level more than 1 foot.

2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet in flood levels within the community during the occurrence of the base flood discharge.
3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V in this ordinance.
4. Under the provisions of 44 CFR Chapter 1, 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 a conditional FIRM and floodway revision through FEMA.

First Reading: November 15, 2021

Second Reading: December 6, 2021

Publication Date: December 16, 2021

Effective Date: January 5, 2022

CITY OF BERESFORD, SOUTH DAKOTA

Nathan Anderson – Mayor

ATTEST:

Elaine Johnson – Finance Officer

ORDINANCE 2021-09

AN ORDINANCE AMENDING ORDINANCE 2021-05 WITH RESPECT TO LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS.

BE IT ORDAINED by the City Council of the City of Beresford that Ordinance 2021-05 which was codified into Title 4 of the Ordinances of the City of Beresford as Chapter 4.05 be amended as follows:

1. Section 4.0504 be amended to read as follows:

- A. An application for a cannabis establishment license must be made on a form provided by the City. No other application form will be considered.
- B. The applicant must submit the following:
 - 1. A non-refundable application fee which shall be in such amount as established by the City Council from time to time by resolution.
 - 2. An initial license fee in such amount as established by the City Council from time to time by resolution. The initial license shall be for a period running from the date of issuance through the remainder of the calendar year without proration for any portion of the year which precedes the date of issuance of said license. The license fee shall be refunded if the applicant fails to obtain a registration certificate from the South Dakota Department of Health.
 - 3. An application that will include, but is not limited to the following:
 - A. The legal name of the prospective cannabis establishment;
 - B. The physical address of the prospective cannabis establishment that meets the zoning requirements in Chapter 9.05 Zoning Regulations as well as any local requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
 - C. The name, address and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.
 - D. A sworn statement that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction.
 - E. Any additional information requested by the City.

2. That a new section be added as follows: Section 4.0504A Procedure for Consideration of Application for Available Cannabis Dispensary Licenses.

- A. If any licenses to operate a cannabis dispensary is available from the City on the first day of any month, the City shall publish an invitation for applications on the City's website stating the deadline to apply is the last business day of that month and the location where applications may be submitted. No applications will be accepted prior to the publication of the invitation or after the deadline established in the published invitation.
- B. Applications must adhere to the requirements of this chapter but must also be sealed. No supplementing of an application may be done after the deadline has passed.
- C. Once the deadline for submission of applications has passed, if the number of applications exceed the number of available licenses, all applications shall be placed into order by the City utilizing a lottery system to establish the order in which applications would be considered. Prior to conducting the lottery, the City shall publish notice of the lottery on the City's website at a minimum of 24 hours in advance of the lottery being conducted and such lottery shall be open to the public.

- D. After placed in order, the licensing person designated by the City shall open all sealed applications received during the invitation submittal window and review each application for completeness and the requirements established by the City. Any application that is incomplete shall be rejected and ineligible for further consideration.
- E. After all eligible applications have been approved or denied, the time period for these special procedures will be deemed to have passed. All applications not drawn and approved for a dispensary license are denied and a new application will be required when a new dispensary license next becomes available.

3. Section 4.0508 of Ordinance 2021-05 be amended to read as follows:

- A. Each license expires on December 31 and may be renewed only by making application as provided in Section 4.0504. Applications for renewal must be submitted at least 30 days before the expiration date. The license holder must continue to meet the license requirements to be eligible for a renewal.
- B. The renewal fee shall be in such amount as established by the City Council from time to time by resolution.
- C. Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the City may order closure of the cannabis establishment.
- D. If a license holder has not operated an establishment for which it holds a license in the proceeding twelve (12) months, the license will not be renewed.

Passed and adopted this _____ day of _____, 2021.

By: _____
Nathan Anderson, Mayor

ATTEST:

Elaine Johnson
Municipal Finance Officer

First Reading:
Second Reading:
Date Adopted:
Date Published:
Effective Date:

RESOLUTION 2021-11

Be it resolved by the City Council for the City of Beresford that fees for cannabis establishment applications and licenses within the City of Beresford shall be as follows:

1. A non-refundable application fee in the amount of \$5,000.00.
2. An initial license fee to be submitted at the time of application in the amount of \$25,000, subject to reimbursement if the license holder does not obtain certification from the South Dakota Department of Health.
3. Renewal license application fee in the amount of \$25,000.00, \$20,000.00 of which shall be refunded if the applicant does not obtain certification from the South Dakota Department of Health.

Dated this 6th day December, 2021.

Nathan Anderson, Mayor

ATTEST:

Elaine Johnson, Finance Officer

MICHAELS FENCE & SUPPLY



3900 N. Potsdam Ave. ♦ Sioux Falls, SD 57104
(605) 336-7886 Phone ♦ (605) 336-7594 Fax
www.MichaelsFenceCompany.com

November 16, 2021

City of Beresford
101 N 3rd St
Beresford, SD 57004

RE: Dog Park Fence

P R O P O S A L

We propose to provide materials, equipment and labor to install the following:

444' 4' High Commercial Grade Chain Link Fence
2 4' High x 4' Opening Swing Gate
1 4' High x 8' Opening Double Swing Gate

Chain Link Fabric..... 9 Gauge
Top Rail..... 1-5/8" Pipe
Line Posts..... 1-7/8" Pipe
Corner & End Posts..... 2-7/8" Pipe

Cost for Galvanized..... \$ 14,897.00
Cost for Black Coated..... \$ 19,586.00

Offer Good for 30 Days.

Sincerely,

A handwritten signature in blue ink that reads "Corey Visscher". The signature is written in a cursive style.

Corey Visscher

Accepted By: _____

Date: _____



6' x 10'
Leashing Area

68'

146'

jerry@bmtc.net

From: elaine@bmtc.net
Sent: Tuesday, November 30, 2021 4:06 PM
To: jerry@bmtc.net
Subject: RE: City of Beresford - Redistricting

I looked quickly - looks like #1 would leave the current council members in their same ward.

-----Original Message-----

From: jerry@bmtc.net <jerry@bmtc.net>
Sent: Tuesday, November 30, 2021 3:43 PM
To: elaine@bmtc.net; Thomas Frieberg <tfrieberg@frieberglaw.com>
Subject: FW: City of Beresford - Redistricting

Take a look. Looks like Beresford's population is 2250.

-----Original Message-----

From: Jason Rosas <gis@secog.org>
Sent: Tuesday, November 30, 2021 3:18 PM
To: jerry@bmtc.net
Subject: RE: City of Beresford - Redistricting

Elaine,

Here are the redistricting maps. They include current boundaries along with 3 alternatives. Let me know which one will work for you.

Jason Rosas
South Eastern Council of Governments (SECOG)
500 N. Western Ave. Suite 100
Sioux Falls, SD 57104
(605) 681-8174

-----Original Message-----

From: jerry@bmtc.net <jerry@bmtc.net>
Sent: Wednesday, November 17, 2021 1:41 PM
To: elaine@bmtc.net; Jason Rosas <gis@secog.org>
Subject: RE: City of Beresford - Redistricting

Here is our zoning map with boundaries.

-----Original Message-----

From: elaine@bmtc.net <elaine@bmtc.net>
Sent: Wednesday, November 17, 2021 11:20 AM
To: 'Jason Rosas' <gis@secog.org>; jerry@bmtc.net
Subject: City of Beresford - Redistricting

Hello Jason,
Following is the list of currently seated council members;

Ward 1 Council Member, Art Schott, 200 E Main St. Beresford, term expires May 2023 Ward 1 Council Member, Troy Boone, 610 S 3rd St. Beresford, term expires May 2022

Ward 2 Council Member, William Roelke, 706 W Main St. Beresford, term expires May 2023 Ward 2 Council Member, Michael Tiedeman, 1205 Grandview Dr Beresford, term expires May 2022 Ward 3 Council Member, Troy Doeden, 911 S 3rd St. Beresford, term expires May 2023 Ward 3 Council Member, Teresa Sveeggen, 304 W North Maple St. Beresford, term expires May 2022

I will send you a current city boundary map shortly.
Thanks!

Elaine Johnson
City of Beresford / Finance Officer
101 N 3rd St. Beresford, SD 57004
605-763-2008
elaine@bmtc.net

-----Original Message-----

From: Jason Rosas <gis@secog.org>
Sent: Wednesday, November 17, 2021 10:39 AM
To: jerry@bmtc.net
Cc: elaine@bmtc.net
Subject: RE: SECOG redistricting agreement signed

Good morning Jerry,

I got the contract you signed. Thank you very much. Can you please send me the addresses of the currently seated Council Members? Also, I am not sure if I have the most accurate city boundaries.

Jason Rosas
South Eastern Council of Governments (SECOG)
500 N. Western Ave. Suite 100
Sioux Falls, SD 57104
(605) 681-8174

-----Original Message-----

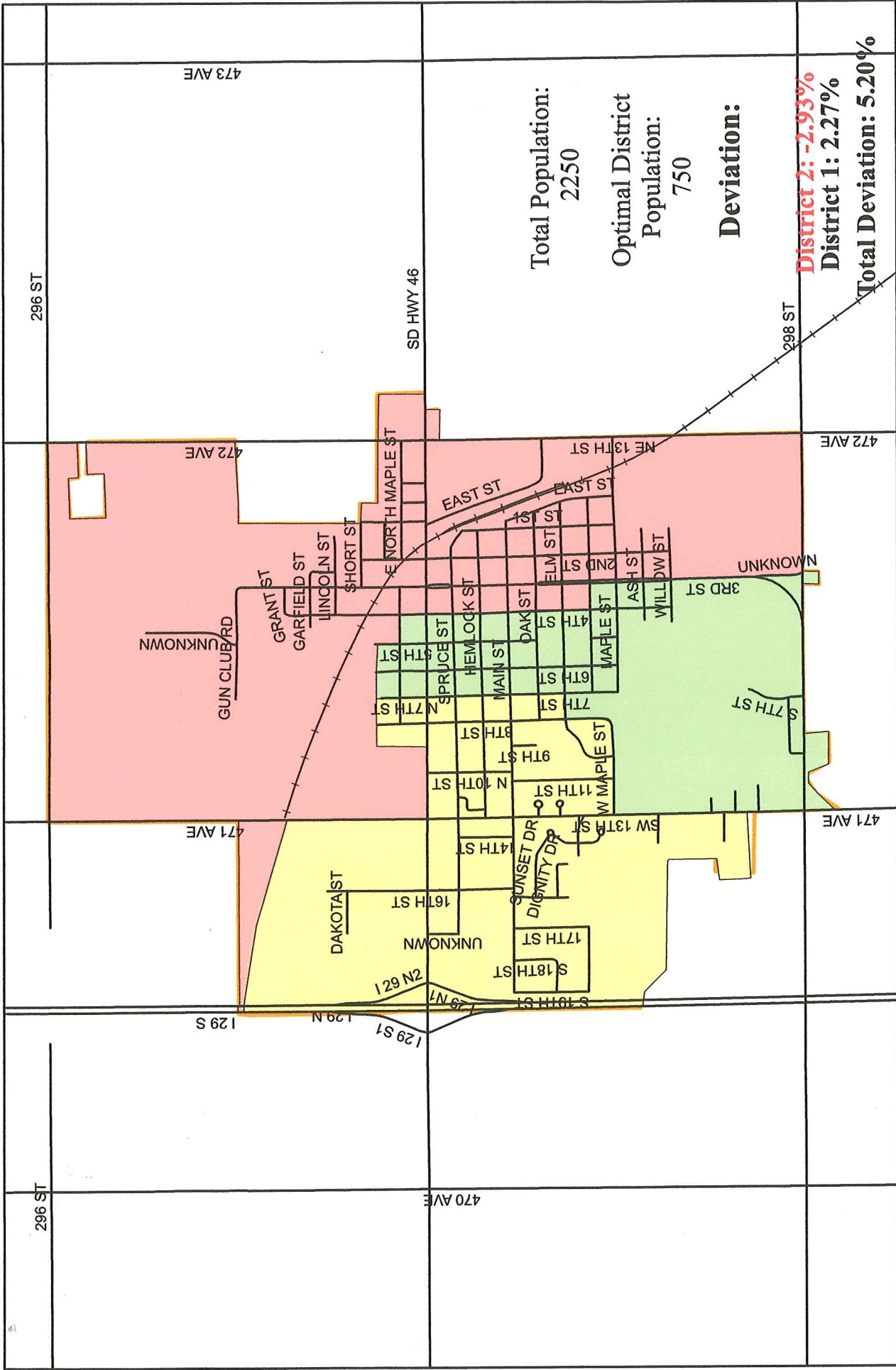
From: Lynne Keller Forbes <lynne@secog.org>
Sent: Wednesday, November 17, 2021 10:25 AM
To: jerry@bmtc.net
Cc: elaine@bmtc.net; Jason Rosas <gis@secog.org>
Subject: RE: SECOG redistricting agreement signed

I have passed it onto Jason so you will now be on his list. He will take great care of you!

Lynne Keller Forbes
Direct: (605) 681-8172

-----Original Message-----

From: jerry@bmtc.net <jerry@bmtc.net>



December 2, 2021

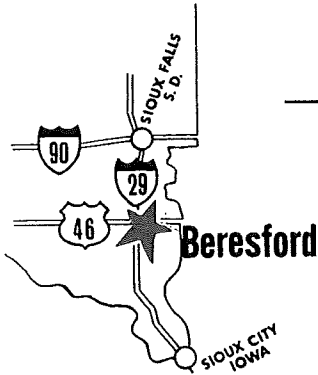
To: The Beresford City Council

From: Sara Cain 605-359-6878
Josh Kobernusz 605-610-7794

Our wedding reception will be held at the Bridges on December 31. As fireworks are legal on that day we are hoping to shoot some smaller fireworks (no loud booms) to help us celebrate our wedding. We would shoot them on the driveway /road east of the event center between the patio and the cart shed (or any other place you would designate). Our plan is to shoot ground fireworks (cones) and roman candles with sparklers for our guests.

Thank you for your consideration.

Sara and Josh



101 N. Third
Beresford, S.D. 57004-1796
PHONE: (605) 763-2008
FAX: (605) 763-2329

MUNICIPAL SUBSIDY DRAWDOWN REQUEST
CITY OF BERESFORD

Beresford Senior Citizen Program hereby requests the drawdown of the monetary subsidy appropriated for the agency on the FY2021 Municipal Budget in the amount of \$3,000.00.

Attached is the required financial statement to be filed in lieu of a formal audit, as per statute.

Authorized Signature: *Darla J Jacob - Pres.*
Date: *11/30/2021*

BERESFORD SENIOR CENTER

Monthly Treasurer's Report

September / October 2021

Balance last statement (September 3, 2021)

\$7,312.52

Income in September & October (as of September 3, 2021 November 5, 2021)

A. Game Days - September	\$73.00
B. Game Days - October	\$66.00
C. Rentals - September	\$225.00
D. Rentals - October	\$250.00
E. Hot Dog Fundraiser	\$274.00
F. Bingo	\$50.00
G. Endowments	\$77.06
H. Potluck	\$46.00

Total Income through November 5, 2021

\$1,061.06

Total income + Balance last statement

= \$8,373.58

Expenses in September & October (as of September 3, 2021 November 5, 2021)

A. City of Beresford- September	\$354.56
B. City of Beresford- October	\$267.60
C. Mid American Energy	\$80.00
D. Mid American Energy	\$80.00
E. Fiesta Foods - Cookies	\$20.21
F. Centerville NH - Hot Dogs	\$32.64
G. Michele Bendt - Zebra Donuts	\$40.00
H. Ace Hardware - supplies	\$67.99
I. Bob's Lock & Key	\$195.96
J. Marion Neuroth - cleaning - September	\$130.00
K. Marion Neuroth - cleaning - October	\$191.75
L. Erickson's Heating & Cooling	\$3,877.52
<u>Total expenses through November 5, 2021</u>	- <u>\$5,338.23</u>

Ending Balance through November 5, 2021

= \$3,035.35 ✓

✓ means ending balance matches checkbook balance on this date

Memorial fund balance as of last statement September 3, 2021

\$1,553.87

minus

plus

\$10.00

Memorial Fund Balance to date

\$1,563.87

(These funds are included in the ending balance of financial report)

2021 Memberships to date: 34 paid memberships through November 5, 2021 ☺

New memberships & renewals to begin January 1, 2022

MUNICIPAL SUBSIDY DRAWDOWN REQUEST
CITY OF BERESFORD

Bright Beginnings Childcare Center hereby requests the drawdown of the monetary subsidy appropriated for the agency on the FY2021 Municipal Budget in the amount of \$4,000.

Attached is the required financial statement to be filed in lieu of a formal audit, as per statute.

Authorized Signature: Meg Andrusen

Date: 11/23/2021

Beresford Childcare, Inc.

Statement of Activity

January - September, 2021

	JAN 2021	FEB 2021	MAR 2021	APR 2021	MAY 2021	JUN 2021	JUL 2021	AUG 2021	SEP 2021	TOTAL
Revenue										
Food Reimbursement	914.56	879.44	940.76	1,088.68	1,078.12	1,015.00	994.20	1,763.10	1,912.93	\$10,586.79
Grants								8,800.00	1,900.00	\$10,700.00
Interest			1.45			1.49			1.55	\$4.49
Parent Fees	14,559.52	11,501.45	11,654.07	14,635.41	10,388.21	10,798.36	11,418.50	11,197.00	10,172.85	\$106,325.37
Parent Fees II	6,031.12	3,227.00	4,904.68	5,426.65	5,077.40	4,905.85	6,444.55	5,265.20	5,544.22	\$46,826.67
Total Revenue	\$21,505.20	\$15,607.89	\$17,500.96	\$21,150.74	\$16,543.73	\$16,720.70	\$18,857.25	\$27,025.30	\$19,531.55	\$174,443.32
GROSS PROFIT	\$21,505.20	\$15,607.89	\$17,500.96	\$21,150.74	\$16,543.73	\$16,720.70	\$18,857.25	\$27,025.30	\$19,531.55	\$174,443.32
Expenditures										
Accountant fees				532.50						\$532.50
Advertising	73.75					420.00			100.00	\$593.75
Building Supplies	91.31	440.42	250.56	230.72	290.86	77.53	256.72	498.84	228.36	\$2,365.32
Educational Supplies					28.73					\$28.73
Emp Training	92.18	215.98		150.00	105.00				140.00	\$703.16
Govt Fee	10.00									\$10.00
Groceries	971.37	750.97	1,165.48	663.99	1,180.69	853.72	1,155.97	926.97	1,335.17	\$9,004.33
Insurance	624.09	268.09	452.81	301.82	657.80	301.80	301.80	301.80	301.80	\$3,511.81
Lawncare					25.00	75.00	50.00	50.00	50.00	\$250.00
Miscellaneous								0.00		\$0.00
Natural Gas	92.00	63.00	60.00	60.00		92.00	92.00	92.00	92.00	\$703.00
Office Supplies	149.77	135.79	205.86	138.45	143.78	226.08	149.11	154.43	190.31	\$1,493.58
Payroll Expenses										\$0.00
Taxes	943.91	1,079.05	968.14	993.59	1,152.44	1,128.28	925.81	1,156.52	1,097.92	\$9,445.66
Wages	12,338.64	14,105.17	12,655.47	12,987.86	15,064.64	14,748.47	12,102.25	15,118.15	14,351.83	\$123,472.48
Total Payroll Expenses	13,282.55	15,184.22	13,623.61	13,981.45	16,217.08	15,876.75	13,028.06	16,274.67	15,449.75	\$132,918.14
Postage	125.65			12.20	3.00	1.40		44.00	-22.00	\$164.25
Repairs						106.50	5,417.71	86.05		\$5,610.26
Repairs & Maintenance	53.96		257.80	26.80			45.72	148.00	26.14	\$338.56
Toys	88.27		37.23	40.44						\$385.80
Utilities	397.35	453.47	468.08	496.99	503.41	508.74	483.54	545.14	534.73	\$4,391.45
Total Expenditures	\$16,052.25	\$17,511.94	\$16,521.43	\$16,635.36	\$19,215.35	\$18,539.52	\$20,980.63	\$19,121.90	\$18,426.26	\$163,004.64
NET OPERATING REVENUE	\$5,452.95	\$-1,904.05	\$979.53	\$4,515.38	\$-2,671.62	\$-1,818.82	\$-2,123.38	\$7,903.40	\$1,105.29	\$11,438.68
NET REVENUE	\$5,452.95	\$-1,904.05	\$979.53	\$4,515.38	\$-2,671.62	\$-1,818.82	\$-2,123.38	\$7,903.40	\$1,105.29	\$11,438.68