

CITY COUNCIL PROCEEDINGS
PUBLISHED SUBJECT TO THE GOVERNING BODY'S REVIEW AND REVISION

A regular meeting of the Beach City Council was called to order by Mayor Jeanne Larson on December 20, 2021 at 7:00 p.m. Present when the meeting was called to order was City Council Nick Hegel, Tim Marman, Sarah Ross, Bev Wolff, Andy Zachmann, PWS Randy Dietz, and City Auditor Kimberly Gaugler.

The Pledge of Allegiance was recited.

Roll call was taken. Lynn Swanson-Puckett was absent.

Minutes

Minutes of the meeting on December 6th, 2021 were presented. Wolff moved to approve the minutes, second by Ross. Motion carried unanimously.

Vouchers

Final vouchers for the year were presented for payment. Zachmann moved to approve, second by Ross. Motion carried unanimously.

22268 AE2S 639.00

22269 Beach Food Center 16.51

22270 Black Mountain Software 3,845.00

22271 Coral Creek Landfill 1,304.00

22272 CT Electric 2,427.63

22273 G & G Garbage 1,500.00

22274 Goldenwest Electric 367.00

22275 Levi Downard 56.25

22276 Marshall Nunberg 90.00

22277 Sanitation Products 56.55

22278 Visa 835.75

22279 City of Beach 500.00

22280 JSG Agency 12,009.00

Sheriff's Report

Sheriff Muckle joined the meeting and reviewed his written report for the month of October consisting of 61 calls, 3 citations and 4 written warnings.

PWS Report

PWS Dietz's written report was reviewed. Information was provided on the new Backflow Protection and Cross Connection Control Regulations that go into effect April 1, 2022. Customers affected by the new regulations will be notified.

Auditor Report

Gaugler reviewed her written report. Gaugler reviewed the financial statement for the month of November. Wolff moved to approve the financial statement, second by Zachmann. Motion carried unanimously.

Gaugler reviewed the 2021 Revenue and Expense Budgets and necessary amendments. Wolff moved to approve the following amendments for expense budgets, second by Zachmann. Motion carried unanimously.

- Amend the General Fund Publication & Printing from \$3,500 to \$6,000 due to increased expenses.
- Amend the General Fund Office Supplies from \$4,000 to \$5,000 due to increased expenses.
- Amend the General Fund Fire Department Supplies from \$6,000 to \$10,000 due to increased expenses.
- Amend the General Fund Streets & Alley from \$0 to \$9,400 due to increased expenses.
- Amend the General Fund Health & Welfare from \$2,500 to \$5,700 due to increased expenses.
- Amend the General Fund Culture & Recreation from \$2,500 to \$3,000 due to increased expenses.
- Amend the General Fund Intergovernmental Expenditures from \$6,890 to \$9,525 due to increased expenses.
- Amend the Garbage Fund Disposal Services from \$40,000 to \$52,000 due to increased expenses.
- Amend the Water Fund to include a depreciation line item of \$9,500.00
- Amend the Sewer Fund to include a depreciation line item of \$41,700.00
- Amend the Garbage Fund to include a depreciation line item of \$13,750.00
- Amend the Mini Mall Fund to include a depreciation line item of \$9,500.00
- Amend the Conference Center Fund to include a depreciation line item of \$4,600.00

Engineer's Report

Engineer Klein's written report was reviewed.

Committee Reports

Park Board

Ross - Park Board meeting was held December 15th.

Zoning

Wolff - the meeting on December 20th was cancelled due to lack of business.

Water

Hegel and Zachmann provide a recommendation on a water rate increase to be effective with the February billing. The committee recommends a 5% increase on the base each year and 40% increase on the volume rate charged by SWA. For 2022, the recommended base rate would be \$18.00 and the volumetric rate would be \$8.00/1000. Marman moved to approve the rate increase recommendation, second by Zachmann. Motion carried unanimously.

Unfinished Business

Correspondence was read from Attorney Bouray regarding updates needing to be made to the Home Rule Charter and 1% City Sales Tax. Marman moved approve Option #2. Refer to the voters the question of allowing the City Council to amend the Sales Tax rules by Ordinance, second by Wolff. Motion carried unanimously.

New Business

Marman moved to approve the First Reading of Ordinance 393 concerning Backflow Prevention and Cross Connection Control, second by Hegel. Motion carried unanimously.

Marman moved to approve the First Reading of Ordinance 393 concerning Backflow Prevention and Cross Connection Control, second by Hegel. Motion carried unanimously.

ORDINANCE NO. 393

AN ORDINANCE ENACTING ARTICLE SIX, OF SECTION SIX TO THE CITY CODE OF THE CITY OF BEACH, NORTH DAKOTA RELATING TO THE PREVENTION OF CONTAMINATION OF THE PUBLIC WATER SYSTEM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH, NORTH DAKOTA, AS FOLLOWS:

6.0601 Purpose

The purpose of this Ordinance is to protect the City of Beach water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection.

6.0602 Authority

The authority to implement this program is contained in the following documents:

- a. North Dakota Administrative Code 33.1-17-01-19 Protection of Public Water Systems
- b. 2018 North Dakota Plumbing Code
- c. 2018 Uniform Plumbing Code

The public water system shall have the authority to survey all service connections within the distribution system to determine if the connection is a cross-connection.

The public water system shall have the authority to control all service connections within the distribution system if the connection is a cross-connection.

The public water system may control any service connections within the distribution system in lieu of a survey if the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly.

The public water system may collect fees for the administration of this program.

The public water system shall maintain records of cross-connection surveys and the installation, testing and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes.

Except as otherwise provided herein, the public water system shall administer, implement and enforce the provisions of this Ordinance.

6.0603 Applicability

This Ordinance applies to all commercial, industrial and multi-family residential service connections within the public water system and to any persons outside the City who are, by contract or agreement with the public water system, users of the public water system. This Ordinance does not apply to single-family-residential service connections unless the public water system becomes aware of a cross connection at the single-family connection.

6.0604 Definitions

- a. “ACTIVE DATE” means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.
- b. “AIR GAP” is a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard ASME A112.1.2.
- c. “BACKFLOW” means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water systems distribution system from any source or sources other than its intended source.
- d. “BACKFLOW CONTAMINATION EVENT” means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the North Dakota Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.
- e. “BACKFLOW PREVENTION ASSEMBLY” means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an in-line field-testable assembly.
- f. “BACKFLOW PREVENTION METHOD” means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross connection.
- g. “CERTIFIED CROSS-CONNECTION CONTROL TESTER OR REPAIRER” means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.
- h. “CONTAINMENT” means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the public water system is prevented.
- i. “CONTAINMENT BY ISOLATION” means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer’s water system such that backflow from a cross connection into the public water system is prevented.

- j. "CONTROLLED" means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.
- k. "CROSS CONNECTION" means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.
- l. "MULTI-FAMILY" means a single residential connection to the public water system's distribution system from which two or more separate dwelling units are supplied water.
- m. "SINGLE-FAMILY" means:
 - i. A single dwelling which is occupied by a single family and is supplied by a separate service line; or
 - ii. A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.
- n. "UNCONTROLLED" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.
- o. "WATER SUPPLY SYSTEM" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

6.0605 Requirements

- a. Commercial, industrial and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified an appropriate backflow prevention assembly and or method shall be installed at the customer's water service connection within 120 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within 120 days the public water system must take action to control or remove the cross connection, suspended service to the cross connection or receive an alternative compliance schedule from the North Dakota Department of Environmental Quality.
- b. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.
 - i. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.
- c. Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.
- d. Reduced pressure principle backflow preventers shall not be installed in a manner subject to flooding.
- e. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.
- f. All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The

assemblies and methods must be reinstalled and then tested by a certified cross-connection control technician upon reinstallation.

g. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.

h. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a Certified Cross-Connection Control tester or repairer.

i. The public water system shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and or methods cannot be installed.

j. All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.

k. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.

l. For new buildings, all building plans must be submitted to the public water system and approved prior to the issuance of water service. Building plans must show:

- i. Water service type, size and location
- ii. Meter size and location
- iii. Backflow prevention assembly size, type and location
- iv. Fire sprinkler system(s) service line, size and type of backflow prevention assembly.
 - i. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
 - ii. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
 - iii. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
 - iv. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system can chose to not require the backflow protection. The public water system will measure chlorine residual at location representative of the service connection once a month and perform periodic bacteriological testing at the site. If the public water system suspects water quality issues the public water system will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

6.0606 Inspection, Testing and Repair

a. Backflow prevention assemblies or methods shall be tested by a Certified Cross-Connection Control Technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer.

- i. Any backflow prevention assemblies or methods that are non-testable, shall be inspected at least once annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.
- b. As necessary, backflow prevention assemblies or methods shall be repaired and retested or replaced and tested at the expense of the customer whenever the assemblies or methods are found to be defective.
- c. Testing gauges shall be tested and calibrated for accuracy at least once annually.

6.0607 Reporting and Recordkeeping

- a. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
- b. Copies of records of test reports, repairs and retests shall be submitted to the public water system by mail, facsimile or e-mail by the testing company or testing technician.
- c. Information on test reports shall include, but may not be limited to,
 - i. Assembly or method type
 - ii. Assembly or method location
 - iii. Assembly make, model and serial number
 - iv. Assembly size
 - v. Test date; and
 - vi. Test results including all results that would justify a pass or fail outcome
 - vii. Certified cross-connection control technician certification agency
 - viii. Technician's certification number
 - ix. Technician's certification expiration date
 - x. Test kit manufacturer, model and serial number
 - xi. Test kit calibration date

6.0608 Right of Entry

A properly credentialed representative of the public water system shall have the right of entry to survey all buildings and premises for the presence of cross-connections for possible contamination risk and for determining compliance with this section. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the public water system's distribution system.

6.0609 Compliance

- a. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the public water system shall complete one of the following actions within 120 days of its discovery:
 - i. Control the cross connection
 - ii. Remove the cross connection
 - iii. Suspend service to the cross connection
- b. The public water system shall give notice in writing to any owner whose plumbing system has been found to present a risk to the public water system's distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to

contain the water service. The notice and order will give a date by which the owner must comply.

i. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention assemblies or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply.

6.0610 Violations and Penalties.

The violation of any of the provisions of this article shall be punishable as provided in Chapter II of this Code.

6.0611 Conflict with Other Codes.

If a dispute or conflict arises between the North Dakota Plumbing Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the State, then the most stringent provisions of each respective code shall prevail.

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Jeanne Larson, Mayor

ATTEST:

Kimberly Gaugler, City Auditor

Correspondence was read from ND Insurance Reserve Fund regarding 2022 Board of Directors Election.

Correspondence was read from the National Assembly of State Arts Agencies.

Employee Evaluations were reviewed. Marman moved to increase employee salaries 2%. Motion died for lack of second. Ross moved to increase employee salaries 3%, second by Zachmann. Hegel – yes, Ross – yes, Wolff – yes, Zachmann – yes, Marman – no. Motion carried. Zachmann moved to reimburse Tom Littlecreek and Loren Martian \$45 per month for use of personal cell phone, second by Hegel. Motion carried unanimously.

No other business was brought forward. Zachmann moved to adjourn, second by Wolff. Meeting adjourned at 8:15 p.m.

ATTEST:

Jeanne Larson, Mayor

Kimberly Gaugler, City Auditor