

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 January 3, 2022 at 7:00 p.m. Present when the meeting was called to order was City Council Nick Hegel, Tim Marman, Lynn Swanson-Puckett, Sarah Ross (via telephone), Bev Wolff, Andy Zachmann, Public Works Supt. Randy Dietz, City Auditor Kimberly Gaugler and Sheriff Dey Muckle.

The Pledge of Allegiance was recited.

Roll call was taken. All members were present.

Minutes

Minutes of the meeting on December 20, 2021 were presented. Hegel moved to approve the minutes, second by Wolff. Motion carried unanimously.

Vouchers

Vouchers were reviewed for payment. Wolff moved to approve the vouchers presented, second by Zachmann. Motion carried unanimously.

22291 Badlands Power Fuels, LLC 175.14

22292 Bismarck Tribune 32.00

22293 Boss Office Products 34.48

22294 CNH Industrial Capital Prod. Plus 1,311.22

22295 Cooperative Legal Services, PLLC 900.00

22296 Jill Schatz 10.08

22297 Kimberly Gaugler 9.99

22298 MDU 6,975.81

22299 ND Sewage Pump Lift Station Service Co. 3,150.00

22300 PB Electric 2,150.00

22301 Prairie Lumber Company 347.99

22302 Rohan's Hardware 474.54

22303 Southwest Water Authority 10,105.76

22304 Team Laboratory Chemical, LLC 2,568.50

22305 The Badlands Patriot, LLC 195.78

22306 Total Safety US, Inc. 55.00

22307 Verizon Wireless 170.00

22261-22264 & -88223-88222, 22282-22289 & -88220-88211 Wages for December 27,507.35

22265 City of Beach 286.12

-88221 First State Bank of Golvea 2,578.00

22266 Unum Life Insurance 49.95

22267 Blue Cross Blue Shield ND 6,637.60

22281 USPS 240.05

22290 City of Beach 363.13

-88210 First State Bank of Golvea 3,265.87

-88209 Office of State Tax Commissioner 635.37

-88208 ND PERS 3,769.71
22308 Beach Area Chamber of Commerce 100.00
22309 Beach Park Board 3,484.26
22310 GV County 8,922.80
22311 Jill Schatz 45.00
22312 Loren Martian 45.00
22313 North Dakota League of Cities 1,355.00
22314 ND Rural Water Systems Association 290.00
22315 ND Water Users Association 100.00
22316 Stockwell Cleaning 275.00
22317 Thomas Littlecreek 45.00

Public Works Report

PWS Dietz reviewed his written report.

Auditor Report

Gaugler reviewed her written report.

New Business

Sheriff Muckle provided copy of the letter being delivered to individuals who have had vehicles, trailers, etc. left on the streets for an extended period of time. Notice states failure to remove vehicles, trailers, etc. within 48 hours will be subject to towing, impounding and fine.

Zachmann moved to approve the Second & Final Reading of Ordinance 393 concerning Backflow Prevention and Cross Connection Control, second by Swanson-Puckett. 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

RESOLUTION 2022-1

PUBLIC NOTICE OF REGULARLY SCHEDULED MEETING DATES TO BE HELD AT CITY HALL, BEACH, ND, AND THE HOUR BEGINNING OF MEETINGS

WHEREAS, UNDER PROVISIONS OF CHAPTER 40-04.1-05. NDCC, AND CITY ORDINANCE 1.0201 THE CITY COUNCIL HAS DETERMINED DATES FOR REGULAR MEETINGS IN THE YEAR 2022,

AND WHEREAS, THE CITY COUNCIL SHALL OBSERVE DAYLIGHT SAVINGS TIME DURING THOSE MONTHS DAYLIGHT SAVINGS TIME IS OBSERVED AND MOUNTAIN TIME DURING THOSE MONTHS MOUNTAIN TIME IS OBSERVED,

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL MEETINGS SHALL BEGIN AT 7:00 P.M. ON THE FOLLOWING DATES AND MAY ADJOURN FROM TIME TO TIME IF NECESSARY:

JANUARY 3 & 18
FEBRUARY 7 & 22
MARCH 7 & 21
APRIL 4 & 18
MAY 2 & 16
JUNE 6 & 20

JULY 5 & 18
AUGUST 1 & 15
SEPTEMBER 6 & 19
OCTOBER 3 & 17
NOVEMBER 7 & 21
DECEMBER 5 & 19

HEGEL MOVED TO ADOPT RESOLUTION 2022-1, SECOND BY SWANSON-PUCKETT. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2022-2

ESTABLISHMENT OF DAYS THAT CITY HALL IS CLOSED DUE TO HOLIDAYS

WHEREAS, UNDER THE PROVISIONS OF CHAPTER 1-03-01 OF NDCC AND BY THE ACTIONS OF THE CITY COUNCIL TO DECLARE DAYS THAT CITY HALL WILL BE CLOSED,

NOW THEREFORE, BE IT RESOLVED THAT CITY HALL WILL BE CLOSED IN OBSERVANCE OF THE FOLLOWING:

DECEMBER 31 - NEW YEARS DAY
JANUARY 17 - MARTIN LUTHER KING DAY

SEPTEMBER 5 - LABOR DAY
OCTOBER 10 - COLUMBUS DAY

FEBRUARY 21 - PRESIDENTS DAY
APRIL 15 - GOOD FRIDAY
MAY 30 - MEMORIAL DAY
JULY 4 - INDEPENDENCE DAY

NOVEMBER 11 - VETERANS DAY
NOVEMBER 24 - THANKSGIVING
DECEMBER 23 – CHRISTMAS EVE ^{12PM}
DECEMBER 26 – CHRISTMAS DAY

CITY HALL CLOSING WILL ALSO BE OBSERVED UPON ACTION OF THE PRESIDENT OF THE UNITED STATES AND THE GOVERNOR OF THE STATE OF NORTH DAKOTA.

HEGEL MOVED TO ADOPT RESOLUTION 2022-2, SECOND BY SWANSON-PUCKETT.
MOTION CARRIED UNANIMOUSLY.

**RESOLUTION 2022-3
BUSINESS HOURS AT CITY HALL**

WHEREAS, THE CITY COUNCIL WILL DETERMINE THE HOURS CITY HALL WILL BE OPEN,

NOW THEREFORE, BE IT RESOLVED THAT CITY HALL WILL BE OPEN MONDAY THROUGH FRIDAY, 8:00 A.M. TO NOON AND 1:00 P.M. TO 5:00 P.M., WITH THE EXCEPTIONS OF HOLIDAYS.

HEGEL MOVED TO ADOPT RESOLUTION 2022-3, SECOND BY SWANSON-PUCKETT.
MOTION CARRIED UNANIMOUSLY.

**RESOLUTION 2022-4
REIMBURSEMENT FOR MILEAGE, MEALS AND LODGING**

WHEREAS, CITY EMPLOYEES MAY INCUR EXPENSES FOR MILEAGE, MEALS, AND LODGING IN THE PERFORMANCE OF CARRYING OUT THE DUTIES REQUIRED BY THE CITY,

AND WHEREAS, THE CITY AUDITOR, UPON BEING PRESENTED WITH DOCUMENTED EVIDENCE AND IS SATISFIED WITH AUDIT OF EXPENSES, MAY APPROVE PAYMENT BETWEEN REGULARLY SCHEDULED COUNCIL MEETING,

NOW THEREFORE, BE IT RESOLVED THAT THE CITY ALLOW REIMBURSEMENT FOR EXPENSES INCURRED ACCORDING TO CHAPTER 54-06-09 OF NDCC AS FOLLOWS:

PERSONAL VEHICLE, MILEAGE	.58.5 PER MILE
\$35.00 PER DIEM FOR BREAKFAST, LUNCH & DINNER	
LODGING	\$86.40
(ACTUAL LODGING NOT TO EXCEED \$96 PLUS ANY APPLICABLE TAXES)	

HEGEL MOVED TO ADOPT RESOLUTION 2022-4, SECOND BY SWANSON-PUCKETT.
MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2022-5
EXPEDITION OF BUSINESS

WHEREAS, IT APPEARS THE BUSINESS OF THE CITY WILL BE EXPEDITED BY AUTHORIZING THE CITY AUDITOR TO PAY CERTAIN MISCELLANEOUS ITEMS, SUCH AS POSTAGE, FREIGHT, UTILITIES, REFUND ORDERS, REGULAR EMPLOYEE PAYROLL AND APPORTIONMENTS,

NOW THEREFORE, BE IT RESOLVED THAT THE CITY AUDITOR BE ALLOWED TO PAY SUCH CLAIMS.

HEGEL MOVED TO ADOPT RESOLUTION 2022-5, SECOND BY SWANSON-PUCKETT. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2022-6
LISTING OF DEPOSITORY BANKS

WHEREAS, IT IS NECESSARY FOR THE CITY AUDITOR TO DEPOSIT MONIES FROM TIME TO TIME,

AND WHEREAS, IT IS NECESSARY FOR THE CITY AUDITOR TO DRAW UPON THE DEPOSITS,

NOW THEREFORE, BE IT RESOLVED THAT THE FOLLOWING BANKS BE NAMES FOR DEPOSITORY FUNDS;

FIRST STATE BANK OF GOLVA, GOLVA & BEACH, ND:	CHECKING ACCOUNT
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BANK OF THE WEST, BEACH, ND:	TREASURY SAVINGS
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WESTERN COOPERATIVE CREDIT UNION:	SAVINGS ACCOUNT
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HEGEL MOVED TO ADOPT RESOLUTION 2022-6, SECOND BY SWANSON-PUCKETT. MOTION CARRIED UNANIMOUSLY.

RESOLUTION 2022-7
PLEDGE OF SECURITIES

WHEREAS, IT IS NECESSARY TO HAVE PLEDGE OF SECURITIES,

NOW THEREFORE, BE IT RESOLVED THE FOLLOWING PLEDGES BE ACCEPTED:

BANK OF THE WEST, BEACH, ND	\$ 49,298.04 PLUS \$250,000.00 FDIC
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- Al Begger \$ 1,200.00 YR
- Leann Allen \$ 1,200.00 YR
- Michelle Marman \$ 1,200.00 YR
- Tom Marman \$ 1,200.00 YR

<ul style="list-style-type: none"> • Tony Wanner 	\$ 1,200.00 YR
PUBLIC WORKS SUPERINTENDENT	
<ul style="list-style-type: none"> • Randy Dietz 	\$ 26.79/HR
PUBLIC WORKS EMPLOYEES	
<ul style="list-style-type: none"> • Bart Bishop 	\$ 25.86/HR
<ul style="list-style-type: none"> • Thomas Littlecreek 	\$ 21.43/HR
SANITATION EMPLOYEE	
<ul style="list-style-type: none"> • Loren Martian 	\$ 20.91/HR
CITY AUDITOR	
<ul style="list-style-type: none"> • Kimberly Gaugler 	\$ 60,615.17/YR
DEPUTY AUDITOR	
<ul style="list-style-type: none"> • Jill Schatz 	\$ 17.67/HR

HEGEL MOVED TO ADOPT RESOLUTION 2022-9, SECOND BY SWANSON-PUCKETT.
MOTION CARRIED UNANIMOUSLY.

No other business was brought forward. Wolff moved to adjourn, second by Hegel. Motion carried unanimously. Meeting adjourned at 7:30 p.m.

ATTEST:

Jeanne Larson, Mayor

Kimberly Gaugler, City Auditor