

Velva Regular Commission Meeting

January 18, 2022

Regular Meeting – 7:00pm

Velva City Hall

Regular Meeting:

The Regular commission meeting was called to order by President Barta at 7:00pm. The Pledge of Allegiance was recited. Barta did introductions/roll call: Ken Kitelinger – Cemetery Commissioner; Ben Zietz – Water/Sewer Commissioner; Dave Keller – Street Commissioner (speakerphone); Mary Liz Davis – Police Commissioner; Jennifer Barta – Commission President; Ron Nagle – City Assessor; Jenny Johns – City Auditor (Zoom); Alan Walter/Emma Lavacheck– Ackerman-Estvold Engineering; McHenry County Sheriff Trey Skager; Kelly Jemtrud – Public Works Director; Mike Hanson and Elizabeth Colby – VCDC representatives; Heather Tudor – Velva Area Voice and Shawn Vedaa.

Minutes - Motion by Kitelinger/Keller to approve the minutes from the December 20 regular meeting, and the December 21 special meeting. Roll Call: All-aye; motion carried.

Payroll & Bills - Motion by Davis/Zietz to approve the bills paid since the last meeting and the bills to be paid in the amount of \$52,123.28 and payroll for \$16,856.51. Roll Call: All-aye; motion carried. (Verendrye 1333.34; Bag LLC 141.93; BDS 109.70; Chemistry Lab 18.54; Circle 6374.25; Dakota Fence 190.51; First District 100; Gravel Prod. 891.08; Hartford Ins 2,787; Hawkins 1819.34; McGee 1391; McHenry County 20,325; Mouse River 1473.95; Municode 450; NAPA 22.99; NDLC 24.50; North Star 422.43; One Call 2.50; Ottertail 5562.04; P. Jemtrud 450; RDFC 5279.10; Srt 444.84; Swanston 51.91; Tc Specialties 49.25; Verizon 209.19; Workforce Safety 2198.79).

Additions - Barta asked to move an item to the top of the agenda. Shawn Vedaa was in attendance to discuss a city-owned piece of property adjacent to his property at the corner of Highways 41 and 52. Vedaa asked if the city would consider selling/deeding the property to him. The commissioners discussed the request. Nagle approximated a 2,000 square foot piece of land at \$2,000, however, the only person that this particular piece could be used by is Mr. Vedaa, it does not hold any value to the city given its location. Keller would like to see some value placed on the property. Vedaa offered to pay \$500 for the piece of property. Kitelinger/Keller made a motion to accept the offer of \$500 for the purchase of the property, and to quit claim deed the property with legal description: *the alley North of Lot 8 and West of Lot 10; commencing at the NW corner of Lot 10, Block 2, South Addition to the City of Velva, Section 22, Township 153 North, Range 80 West, McHenry County; thence bearing S0-00-00W along the west boundary of Lot 10 a distance of 20.00 feet to the SW corner of Lot 10; Thence bearing N90-00-00W along north boundary of Highway 52 Right-of-way a distance of 137.00 feet; Thence bearing N0-00-00E along said highway Right-of-Way a distance of 20.00 feet to a point on the south boundary of Lot 4; Thence bearing S90-00-00E along the south boundary of Lot 4 & 5 a distance of 137.00 feet to the point of beginning. Said tract contains 2740 s.f., more or less.* to Shawn Vedaa. Roll Call: All-aye; motion carried. Johns asked where to allocate the money. Davis/Kitelinger made a motion to allocate the \$500 to the highway fund. Roll Call: All-aye; motion carried.

Mike Hanson and Elizabeth Colby of the VCDC were in attendance. Hanson presented an application submitted to the VCDC by the new Mint Bar owner, Debbie Feller, for renovation assistance. The original request was for \$10,000. Both the VCDC and Sales Tax Committee recommended to approve \$5,000 to the City Commission. Kitelinger/Keller made a motion to approve \$5,000 of sales tax money, fund 8020, to the Mint Bar for renovations. Roll Call: All-aye; motion carried.

Reports of The President/Finance Commissioner

Barta presented the agenda for the Spring Workshop conducted by the NDLC. The workshop will be in Mandan on March 29-30, anyone wanting to attend should contact Johns or Wyche in the office. Barta also thanked Jemtrud, Leo Walter for their efforts done on snow removal so far this season; Barta also thanked Ken Kitelinger for volunteering his time to assist in the snow removal as well!

Communications

Johns stated that the attorney has written a “notice of termination of water service” letter that the commission would need to adopt prior to sending to home owners. The notice gives property owners, refusing access, up to 60-days to either allow an authorized employee of the City of Velva, or a master plumber, licensed by the ND State Board of Plumbing, to install a water meter at their premises, or the municipal water service could be terminated. If a master plumber is used, a written proof of the installation would need to be provided to the city auditor; as well as, the cost of the plumber would be at the cost of the property owner or party requesting the installation. Also, if the water service was terminated, a water meter specified by the city commission, and any unpaid water charges and/or reconnection fees would have to be paid in full before the service was reconnected. Davis/Zietz made a motion to approve the Notice of Termination of Water Service letter, to be used as designated by the attorney, to allow the water meter project to continue to property owners refusing access. Roll Call: All-aye; motion carried.

Reports of Officers, Boards, Committees

-Water/Sewer Commissioner: Zietz mentioned the need for property owners to clear snow around fire hydrants on their property.

-Street Commissioner: Keller stated that he was contacted by Jemtrud about hiring a third party to remove snow piles from city streets as there was an urgent need with the recent snowfall. Jemtrud stated that the work had been completed within 8-hours today.

-Police Commissioner: Davis asked to skip her until Skager returned from his call.

-Cemetery Commissioner: Kitelinger had no issues to discuss.

-Engineer’s Report: Walter provided a grant opportunity from the state to replace lead water lines in cities. The grant would cover 90% of the cost to replace lines from the water meter to the main line. Walter stated that he would need commission approval to pursue the grant application. Davis/Keller made a motion for Ackerman-Estvold to pursue the state funding grant to replace lead water service lines in Velva. Roll Call: All-aye; motion carried. Lavacheck stated that Quality Control has submitted an owner’s manual for the Goldade lift station, and she would be skimming through it and making it digital for the public works department’s use, when needed. Lavacheck also mentioned that the paperwork was near completion to send to the SRJB regarding the Main lift station. Johns asked Lavacheck to contact her in the morning regarding the renewal of the Sam.gov registration.

-Police Commissioner: Davis asked Jemtrud how the last snow removal went, and if cars were parking on the street. Jemtrud said that it went very well, and only 6-cars total were in violation; and that the Sheriff’s department was in town issuing citations. Davis asked Skager if his department could do random checks at the school’s parking lot, specifically handicapped parking spots being illegally used. Skager said that he would do his best to get afterschool coverage in Velva. Skager stated that his department has had some turnover, but the current deputies are “muscling” through and doing a great job. There is another deputy living in Velva now, who will be done with the academy in April. Alan Walter asked Skager what his total deputy staff was? Skager said that they have a total of 8, including himself, but per FBI standards, a county this size should have 14-total staff. The Commissioners thanked Skager for his department’s service and for his attendance at the meeting.

-Auditor's Report: Johns included the utility rate increases in the packet, approved during the 2022 final budget hearing. Johns stated that the garbage rate needed to be increase by \$1.00, as the contract with Circle Sanitation was also increasing this year. Johns gave insight into the \$0.25 water and \$1.00 sewer increases as well, stating that a family with average usage would see an increase around \$2.50/month. Zietz/Davis made a motion to approve the utility rate increases for 2022 as presented. Roll Call: All-aye; motion carried. *Johns included the year end transfers to the commission for final approval, to be sent to the newspaper for publication. Davis/Zietz made a motion to accept the year-end transfers as presented. Roll Call: All-aye; motion carried. *Kerry Wyche submitted a letter to the commission regarding utility bill payments being taken at the PSB in Velva, and the various ways that residents can pay their bill. According to veteran employees, this was set into place several years ago, with the bank taking water bill payments in exchange for no utility charges applied to the bank, including water, sewer, repair and main street charges. There is currently no account set up in the utility billing system for the People's State Bank. Zietz/Davis made a motion to install a water meter at the bank. Discussion. Zietz/Davis amended their motion to include, "and to discontinue the bank taking utility payments." Roll Call: All-aye; motion carried. *Jemtrud stated that there is one other property in town that is not receiving a bill because of the same agreement. Johns is to research this agreement, or rewrite an agreement, stipulating a mandatory meter being installed. The issue will be addressed at the next meeting. *Johns presented an amendment to the personnel policy manual, section 2.4 Employee Classifications, allowing part-time employees to receive 4-hours for holiday pay and to accrue 40-hours of vacation time per year. Kitelinger/Zeitz made a motion to approve the amendments to section 2.4 as presented. Roll Call: All-aye; motion carried. *Johns proposed an amendment to Section 5.02 – Sick leave, pertaining to coverage of sick leave to the employee's children, spouses and parents, as well as, maximum accumulation of sick hours. Zietz/Kitelinger made a motion to table section 5.02 – sick leave, for further review. Roll Call: All-aye; motion carried. *Finally, Johns distributed a 2022 municipal calendar, along with the meeting and holiday calendar schedules for 2022. Johns then thanked Jemtrud, Walter and Kitelinger for all their hard work and long hours pushing snow. Johns also stated that if there were any questions or concerns regarding snow removal, to please call the city office. Kitelinger added that the city's dump truck is on its last leg, and should be replaced.

-Additions: the petition to vacate was addressed. Keller/Davis made a motion to table the issue until April, and hold a meeting on location. Roll Call: All-aye; motion carried.

-Assessor/Building Inspector's Report: Nagle handed out the final drawing for the building permit storage units submitted by Ben Duchsherer. The commission concurred to accept the final drawing. *Nagle presented the building permit list, with one shed permit listed.

-Public Works Report: Jemtrud stated that all of his issues had previously been addressed.

-Introduction & Adoption of Resolutions/Ordinances: Johns presented Ordinance Change 2021-06 – Backflow prevention/Cross Connection Control, which was required by the NDDEQ for approval. *The NDDEQ supplied a sample ordinance for cities to adopt as follows:*

- (1) Purpose
The purpose of this Ordinance is to protect the public 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.
- (2) 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.

(3) 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.

(4) 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.

(5) 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) 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.
- (7) 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
- (8) Right of entry
- a. 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.
- (9) 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.
- (9) Violations and Penalties.
- a. Any violation of the provisions of this ordinance, shall, upon conviction be punishable as provided in all applicable statutes, laws, and regulations.
- (10) Conflict with other codes.
- a. 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.

Davis/Zietz made a motion to approve the 2nd Reading of Ordinance Change 2021-06 Backflow Prevention/Cross Connection Control. Roll Call: Davis-yes; Zietz-yes; Keller-yes; Kitelinger-yes; Barta-yes; motion carried.

** The second reading of Municode **Section 4-16. - Hours of sale.**

No licensee shall sell, serve, or permit to be sold, served, or consumed on the premises named in the license any intoxicating liquor between the hours of 2:00 a.m. and 8:00 a.m. on any day other than Sunday nor after 2:00 a.m. and before 8:00 am on any Sunday. No sale or dispensing of intoxicating liquor shall be made after 6:00 p.m. on Christmas Eve; any time on Christmas Day; and after 2:00 a.m. on Thanksgiving Day.

Keller/Davis made a motion to approve the 2nd reading of Sec. 4-16 Hours of Sale. Roll Call: Keller-yes; Davis-yes; Zeitz-yes; Kitelinger-yes; Barta-yes – motion carried.

Barta presented Resolution 2021-12 Cemetery/Code Enforcement Commissioner Portfolio. Davis made a motion to approve the 1st reading of the Cemetery Commissioner portfolio. Barta asked for a second. Barta asked for a second. Barta asked for a second; hearing no second – motion failed.

Barta presented Municode Division 2 Planning Commission; Sec. 2-445 - Members Appointed. Barta would like this to be looked into to adhere to the code.

Unfinished Business: No unfinished business.

New Business: No new business.

Miscellaneous: No other business to discuss.

Adjournment

-With no other business to discuss, Barta adjourned the meeting at 8:36 pm.

The next Commission Meeting will be Tuesday, February 22, at 7:00pm.

If you would like to be on the agenda in the future, the deadline is Thursday at noon before a meeting.

*****Minutes are Subject to Amendment and Approval*****

Jennifer Barta
Commission President

Jenny Johns
Auditor