

PUBLIC HEARING
REQUEST FOR VARIANCE
September 10, 2019 7:00 P.M.

The meeting was called to order at 7:00 p.m. by Vice Chairman Amy Jackson. Present were Amy Jackson, Ed Vest & Chris Erickson, also present was Diane Dickson recording secretary. Greg Buckley and Cam Jayson were absent.

THE APPLICANT IS: Bruce L Anderson
Address of applicant: 3551 Edmonson Ave SE Delano, MN 55328
Service Address: 4450 Cedar Island Dr. Eveleth, MN 55734
Parcel Code: 340-0042-00390

PURPOSE:

Bruce is requesting a variance from Sewer Use Ordinance 98-1 requiring each structure to have a separate building sewer line and pay separate sewer user fees for each connection. Bruce is building a sauna and running seasonal sewer and water lines to be connected into the sewer at the house. They will use a sump to pump the drain water back to the house. He is requesting the monthly sewer service charge be waived.

GUESTS: No guests.

Amy Jackson	PUC
Ed Vest	PUC
Chris Erickson	PUC
Diane Dickson	PUC

INPUT: *Input will only be heard regarding this variance for Bruce Anderson 4450 Cedar Island Dr.*

Bruce is building a sauna and running seasonal sewer and water lines to be hooked into systems at the house. They will use a sump to pump the drain water back to the house. He is requesting the monthly sewer service charge be waived.

Ed feels the variance should not be void if the property is sold. It should stay with the property otherwise we have to go through the motions again. This is item #1 on the variance stipulations which we have them sign. Chris agrees. Ed thought the title company would see this but it is only used by Fayal Township and is put in the property's file and noted within the billing memo. Chris brings up our variance stipulations and Ed believes they should be variance specific not all the same even though they may be the same. Amy questions if they have already signed it. We can change it and give it to them. Chris is wondering if we should look at all the sauna's and cross out line one on them.

Diane presented a note from Cam Jayson stating he believes in the spirit of fairness the variance should be granted. As long as they adhere to the stipulations.

Letter from Michael and Darlene Beard, Bernard and Charlene and Michele Bateson and Brian Grahek dated September 7, 2019 all in favor of granting the variance. Stating the impact would be the same if the sauna were inside of the house and the water usage would be minimal.

- **Motion by Chris Erickson to recommend the Town Board approve the variance request with the condition #1 removed so it is transferable if sold or rented, second by Ed Vest.**
- **Ayes: Amy Jackson, Chris Erickson and Ed Vest Nays: None**
- **Motion carried unanimously.**
- **Motion by Chris Erickson to adjourn the meeting second by Ed Vest. Motion carried unanimously.**

Vice Chairman Amy Jackson adjourned the meeting at 7:14.

Respectfully submitted,



Diane Dickson
Fayal Township Deputy Clerk
PUC Coordinator/Billing Clerk

Approved 10.8.2019


PUBLIC UTILITIES COMMISSION
FAYAL TOWN HALL
SEPTEMBER 10, 2019

The regular meeting of the Fayal Public Utilities Commissioners was called to order immediately following the variance hearing for Anderson at 7:15 p.m. by Vice Chairman Amy Jackson. Present were Commissioners: Amy Jackson, Ed Vest, Chris Erickson, and recording secretary Diane Dickson. Absent: Greg Buckley and Cam Jayson.

APPROVAL OF MINUTES

- **Motion to approve the regular PUC meeting minutes of August 13, 2019 made by Ed Vest, second from Chris Erickson. Motion carried unanimously.**

GUESTS

None.

CORRESPONDENCE

Delinquency Report as of 8-26-19 \$31,509.76 was reviewed and placed on file. The certification list will be sent to the Town Board at the next meeting which they will approve unless someone comes in and pays then we will remove them from the list.

August 2019 Water Wastewater Report. Reviewed and placed on file. Amy asks if the sewer line televising has been done. No but it should be done soon.

OLD BUSINESS

2nd home one parcel- Researched if there is another SAC for a second home on a 30 acre parcel on Horseshoe Lake if the land is not split, or is it just a \$50 building sewer permit? 98-2. See map. Diane talked to Mark at SLC planning, there are a couple of options. They do not have to split the property, but they must show how they could sub divide it and meet all of the performance standards. If they were to sell they would have to split the parcels, according to St Louis County. Ed Vest questions the use, one is a cabin connected to the sewer. Chris reviewed the ordinance we have the assessment and a connection fee. The assessments have all been placed at the beginning of the project there are no more assessments. The connection fee has been changed a couple of times, the fee to be determined by the Town board. Not necessarily the same as the assessment. The SAC is in a resolution for the \$6,625 which is the connection fee. Ed asks what we do with a twin home, 2 homes in one building they both have toilets and connect to the sewer. We do not have a procedure at this time. Ed states we need to come up the procedure for apartment buildings, twin homes, trailer parks. Ed states building twin homes is very popular there a lot of them in Hermantown. Ed does not find anything within our ordinance at this time that handles these situations. Diane explains the Ordinance is made and then the revisions to the ordinance are made via resolution, such as the Sewer Access Charges. The ordinance does not deal with two homes on one parcel at this time. Chris states regarding this issue there is no assessment because that was in the past, it needs to be subdivided in order to charge a connection fee, that doesn't apply here. So even if we wanted to charge a fee there is no basis that allows us to charge another SAC according to the ordinance. Amy states they will still be paying the monthly sewer bill. Diane states there will be a \$50 building sewer permit fee paid to the Town. Ed states he paid a SAC when his property was subdivided and there is a pole building but he does not pay the monthly sewer charges. Chris states the only fee to be charged will be the \$50 fee. And our ordinance is deficient there are gaps and holes that need to be addressed for the twin homes and apartments etc. Ed feels there should be a fee to be a user. Maybe the charges should be different.

- **Motion by Chris Erickson to recommend the Town Board not impose a SAC on Horseshoe Lake for the second home until the property is subdivided, at that time in the future, the SAC will apply, second by Ed Vest. Discussion - based on the ordinance as it is currently written. Motion carried unanimously.**

Penalty amounts- Diane and Chris researched and found we could change our system to not penalize penalty balances, this would keep our total amounts more in line with what we thought it would come out to with the 10% each and every month. Banyon advised most Cities and Towns do not penalize penalty amounts.

Diane explains the billing program and by penalizing the penalty amounts it is almost triple penalizing because it is compounding. We did not realize the compounding factor. Chris states it is like simple interest and compound interest. Greg and Chris were trying to figure out how the penalty was getting so high, because the penalties are being compounded.

- **Motion by Ed Vest to recommend the Town to no longer penalize the penalty balances, second by Chris Erickson. Effective immediately. Motion carried unanimously.**

GIS SEH-June 25, 2019 SEH Agreement for professional services for collect all available information of all Fayal Township water main and sanitary collection for \$12,800. Tabled until the spring of 2020.

Test Fee-MN Dept of Health -(yearly) change from \$6.36 to \$9.72 effective Jan 1, 2020 need to update our fee schedule change.

John West-Scott Neff is going to send a letter. Chris questions what is happening, there has been no action at this time.

NEW BUSINESS

FYI-Chairman Tammaro wanted to inform the PUC that MN DOT is still planning on moving their operations to the Eveleth Pit on St Mary's Lake although, they will not have lakeshore. Ed says the people on the lake are not in favor of this project. Tony said they are planning on keeping a strip of land on the lakeshore to be sold to others. Ed says that will destroy the noise buffer and the lake neighbors are opposed to that.

Add to the agenda for next time the #1 in the variance stipulations for saunas.

Add for next time Ordinance 98-2 deficiency's.

TREASURER REPORT

Treasurer report provided by Clerk Coldagelli as of 8-31-19-2019. Year to date.

FWC Beginning balance 2019 \$55,549.10 Revenues \$46,392.69 Expenditures \$47,493.25.

Current cash balance \$58,076.88.

FSC Beginning balance 2019 \$247,045.40 Revenues \$409,426.61. Expenditures \$372,017.32.

Current cash balance \$274,766.92.

Depreciation 4M \$204,798.85 PUC Truck Depreciation 4M \$19,306.98.

PUC Beginning balance -\$3,188.26 Revenues \$7,262.53 Expenditures \$7,141.00. Ending balance -\$3,066.73.

Chris reports the water company is pretty even on the revenues and expenses. The sewer company is a little bit ahead for revenues vs expenses. So far so good unless Gilbert increases the rate again. The PUC fund Chris asks how is the negative balance going to be dealt with. Tony had said they are going to start putting the excess tourism fees into the PUC fund to offset the sewer dump fees. Chris can talk to Heidi regarding the amounts.

CABLE

Nothing at this time.

STREET LIGHTS

Nothing at this time.

FYI

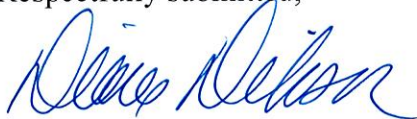
Next PUC meeting will be Tuesday October 8th, 2019 at 7:00 p.m.

ADJOURNMENT

- **Motion to adjourn the regular meeting made by Ed Vest, support from Chris Erickson. Motion carried unanimously.**

Vice Chairman Amy Jackson adjourned the regular meeting at 7:55 p.m.

Respectfully submitted,



Diane Dickson
Fayal Township Deputy Clerk
PUC Coordinator/Billing Clerk

Approved 10.8.2019
