#### Water Sewer Committee Meeting

The Vergas Water/Sewer Committee met at the Vergas Event Center on Monday, December 5, 2022 at 4:00 pm with the following present: Natalie Fischer, Rebecca Hasse, Engineer Jeff Kuhn, Attorney Tom Winters, Utilities Superintendent Mike DuFrane and Clerk- Treasurer Julie Lammers.

Additions and Deletions None.

#### Vergas Water and Sewer Ordinances

#### Discussed the following ordinances and which they had proposed changing:

#### § 52.06 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.

(A) <u>Connection Mandatory.</u> Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems

(B) <u>Existing Dwelling Unit or Buildings.</u> Each lot, piece or parcel of property in the City of Vergas, abutting on any street, avenue or alley in which a municipal water main is laid, and having an existing dwelling unit or any other buildings thereon, is required to be connected with the municipal water system of the City not later than November 1, 2010, or within three (3) months after a municipal water main is constructed provided the dwelling unit or building is served is within 200 feet of the edge of the street closest to the dwelling unit or building.

(C) <u>New Dwelling Unit or Buildings.</u> Each lot, piece or parcel of property in the City of Vergas, abutting on any street, avenue or alley in which a municipal water main is laid, and upon which a new dwelling unit or any other buildings is to be constructed, is required to be connected with the municipal water system of the City provided the dwelling unit or building served is within 200 feet of the edge of the street closest to the dwelling unit or building.

#### § 51.018 MANDATORY INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.

(A) *Existing Structures within 200 feet of Public Sewer*. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, which are situated within the city and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city, shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this ordinance within 365 days of the date the public sewer is operational; provided, the public sewer is within 200 feet of the structure generating the wastewater.

(B) *New structures*. All future buildings or structures that will generate wastewater, which are to be constructed on property adjacent to or within 200 feet of the public sewer, shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, the city shall serve an official ten-day notice instructing the affected property owner to make the connection.

(C) *Structures Where Service Not Previously Available*. As the public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 365 days,

in compliance with this chapter, and within 35 days thereafter any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom of any such private wastewater disposal system shall be broken to permit drainage, and the tank, pit, or vault shall be filled with suitable material. The public sewer system will be considered available when the property to be serviced is adjacent to the public sewer or when any structure on the property that generates wastewater is within 200 feet of the public sewer.

Committee recommends making no change to ordinances at this time and to continue discussing changes that may need to be made in the near future.

### Development Proposal

A few thoughts from Engineer on the subject of private sewer and water systems on large lots within a municipality.

Things to consider before allowing Individual Sewage Treatment System (ISTS) systems within the City Limits:

- 1. responsibility for inspections for ISTS systems
- 2. setbacks for other utilities, they will restrict the way future development may occur
- 3. Larger lots will most likely add difficulty and/or will be more expensive for the city/residents to rebuild or develop in the future
- 4. If they would allow private roads and utilities, now, the residents at some point in the future would most likely petition the City to take over the roads/infrastructure.

Here is some information from the State Statues

### https://www.revisor.mn.gov/statutes/cite/462.357

# Subd. 9. Development goals and objectives.

In adopting official controls after July 1, 2008, in a municipality outside the metropolitan area, as defined by section 473.121, subdivision 2, the municipality shall consider restricting new residential, commercial, and industrial development so that the new development takes place in areas subject to the following goals and objectives:

(1) minimizing the fragmentation and development of agricultural, forest, wildlife, and open space lands, including consideration of appropriate minimum lot sizes;

(2) minimizing further development in sensitive shoreland areas;

(3) minimizing development near wildlife management areas, scientific and natural areas, and nature centers;

(4) encouraging land uses in airport safety zones that are compatible with the safe operation of the airport and the safety of people in the vicinity of the airport;

(5) identification of areas of preference for higher density, including consideration of existing and necessary water and wastewater services, infrastructure, other services, and to the extent feasible, encouraging full development of areas previously zoned for nonagricultural uses;

(6) encouraging development close to places of employment, shopping centers, schools, mass transit, and other public and private service centers;

(7) identification of areas where other developments are appropriate; and

(8) other goals and objectives a municipality may identify.

- The City Ordinance should be reviewed to see what the minimum lot size is for the subject property. In general, if it is allowed by the Ordinance, the City is obligated to allow the landowner to subdivide to that Ordinance requirement unless there are provisions that tighten it up further. One such provision is requiring a "Minimum Buildable Area" in addition to the minimum gross lot area. This has been incorporated by some communities, such as Nisswa. These provisions exclude steep slopes (>12%), wetland area, etc. and the developer must size the lot to meet the minimum buildable area requirements.
- What is a large lot? Within a municipal area that is served (or will be served as part of the long-range plan) there is a point where lot size becomes cost prohibitive for the Developer and the City. That lot size has been discussed repeatedly by many communities. In Baxter and other lake communities around Brainerd, the maximum lot size within a service area has been discussed as ranging from 15,000 to 20,000 square feet. That is also the point where sustaining onsite utilities becomes difficult because the lots are too small; especially when you are required to have a primary and secondary wastewater treatment area.
- Many Counties, which primarily deal with rural onsite system permitting, generally require a minimum 30,000-40,000 square foot lot size within a shoreland zone to enable setbacks from well and septic to be met. These minimum lot sizes usually range up from there.
- What does the City's Comprehensive Plan say? Is protecting natural resources such as groundwater and area lake water quality important? Allowing onsite sewer systems within a community is typically viewed as being counterproductive to those water quality objectives.
- Does the City have a water and wastewater service area boundary defined? Many communities have established this (such as Baxter, Crosslake and others) and do not allow subdivision to occur within the service area boundary without connection to city utilities.
- Does the City have a Drinking Water Supply Management Area (DWSMA) for its municipal water system? Allowing private wastewater systems within the DWSMA is counter to safe public water supply and may be prohibited within its wellhead protection plan.
- Large lots also create a barrier. The subdivided area becomes a void where extension of future sewer and water utilities becomes exceedingly difficult to extend due to cost and, more importantly, to go around to serve other areas that have a higher density of development.

Committee asked Kuhn to check on wellhead protection plan information and provide to committee regarding wells in the DWSMA area.

Committee has discussed having new developments receive 1/3 of cost from utility customers.

Kuhn suggested City look at paying for lift station due to it being used for future development instead of payment project costs. Water is more flexible as to where it can be placed but sewer is dependent on gravity.

Pros for allowing rural water and sewer:

Cost for municipal water and sewer is \$1.7 million.

Developments are not adjoining current water and sewer lines.

Private development providing housing, tax base and people.

Currently there is only 1 home for sale in Vergas.

No cost to city utility customers if lots do not sell.

Lots can be larger due to not having large connection lines.

Pros for requiring municipal water and sewer:

Drain field life span is 10 years and new drain fields cannot be placed in the same area.

Contamination in current wells in the area.

Development is in the DWSMA.

Our wellhead protection plan does not encourage wells to be drilled in our DWSMA.

Public water suppliers are required to meet drinking water health and safety standards and ensure adequate supply to their connections.

Committee recommends no city utility funds be spent on development until developer requests items (such as lift station) be paid by city due to other developments using item.

Committee recommendation: Allow rural water and sewer if the state allows wells to be drilled in the DWSMA.

## Pond Grease

Currently we are waiting for the Minnesota Pollution Control Agency (MPCA) to allow bugs to be used in our current lagoon. We will be adding 5 pounds a week to our sewer lines. When sewer lines were televised and areas with the most grease are the lines held by Billy's and the Loon's Nest and the line by Wanna Be's and Skal. Committee feels education is the key to slowing down the grease accumulation in sewer lines. Committee asked Lammers to send letters to area restaurants and to put an article in the newsletter.

Meeting adjourned at 5:50 pm.

Julie Lammers City Clerk-Treasurer City of Vergas

### Follow up actions:

Kuhn to provide information on what is allowed in DWSMA areas. Lammers to send letters to restaurants regarding proper grease disposal. (Letters to be sent to Skal, Billy's, The Loon's Nest, Vergas 66 and Wanna Be's) Lammers to have information on proper drain disposal City newsletter.

### **Recommendations to Council:**

Not changing ordinances at this time. Allow developments to have rural water and sewer if variance is applied.

### Information received after the meeting:

Items to consider when determining municipal water and sewer vs rural water and sewer. How will this effect the city 50 years from now? If the City needs to drill another well – where would it be drilled? Is it a risk to the City to have wells drilled within its City Limits? Wellhead Protection Area-Wells within the Wellhead Protection Area (WHPA) that are 275 feet and deeper are a concern to the drinking water quality for the city since this is the depth of the aquifer from which the city draws their water. Wells drilled 275 ft and deeper within the WHPA (blue area) which are mismanaged can be a direct conduit for contamination to enter into the city's aquifer. Any wells shallower than 275 ft will not have an impact on the city's drinking water supply due to the geologic protection the city has in place. Deeper wells that are mismanaged (cracks in the casings, caps not on the wells etc.) allow pollution at the land surface to bypass this geological protection by traveling down the inside of the casing. Wells outside the WHPA (blue area) but still in the Drinking Water Supply Management Area (DWSMA) should have little to any impact on the city's water supply especially the further west from town you get.

Language from the City's Delineation and Vulnerability Report created by MDH:

DWSMA vulnerability -The vulnerability of the city's aquifer throughout the DWSMA is based on the geologic sensitivity ratings of wells and their monitoring data. Based on this information MDH has assigned a low vulnerability to the

DWSMA. This suggests that the clay-rich sediments that overlie the city's aquifer prevent water and contaminants from moving quickly from the land surface into the city's aquifer and implies a vertical time of travel of decades or longer. The principal threats to this aquifer are unsealed abandoned wells that penetrate through this clay layer. Such wells are 275 feet or greater in depth in the Vergas area.