

## CITY OF VERGAS PLANNING COMMISSION MINUTES

Tuesday, January 23, 2023

6:00 pm

Event Center & Zoom Meeting

The City of Vergas Planning Commission was held on Tuesday, January 23, 2023, with the following members present: Bruce Albright, Judy Kvam and Neil Wothe. Absent: Robert Jacoby and Rebecca Hasse . Also present: Clerk-Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Engineer Blaine Green, Jeff Hatlewick and Shane Poss.

### **Call to Order**

Chairman Bruce Albright called meeting to order at 6:00 pm.

### **Agenda Additions and Deletions**

Motion by Wothe, seconded by Kvam to approved agenda with following additions: trees in right of way and permit inspections.

### **Minutes**

Motion by Albright, seconded by Wothe to approve minutes for December 8, 2022 with the correction of the date of meeting. Motion passed unanimously.

### **Status of Council Recommendations**

Albright informed Planning Commission the variance for Lawrence Lake Acres was approved by Council on January 13, 2023 with no conditions. Planning Commission had asked for a fiscal study to be done looking at feasibility with additional lots. Developer Josh Hanson informed Council he would not be doing the study and Council did not require study.

Albright stated the Council has approved the ordinance 71.04 Snow Emergency Parking and 72.05 Snowmobiles.

Discussed the whole ordinance 72 should be revised and decided they would review for February meeting.

Ordinance 91.02 regarding cats and dogs was sent back to planning commission for review.

### **Old Business:**

#### Gravel Pit Ordinance

Albright reviewed the current ordinance and wording like active gravel pit, idle, open gravel pit, processing area. Pit has been there 100 years and now we are trying to apply this ordinance. This is a big pit and one of their best, they will be in this pit many years. We have 60 days from when a permit is received, and our permit date states we must receive permit by March 1 and we do not get our inspections until our engineers can get out to the pit and write up permit. Last year the engineers could not get into the pit until the middle of May due to weather. We may want to change the date the permit is required, as permits are issued for one year. Areas we may want to change: wording in active permit and add open gravel pit, idle or previously open in definitions. Discussed limits of excavation and how many areas the city would like to allow. The intent of having a number of acres open is to control the number of acres reclaimed. This is difficult to determine because has been 2 different pits already. Land was opened when the pit was purchased by Mark Sand and Gravel. Albright stated that until this is changed the old ordinance is in effect, maybe we need to allow commissioners to provide Lammers with comments and have her get it back out to us by Feb. 21 for our next meeting. Motion by Wothe, seconded by Kvam to have comments to Lammers by February 1, 2023 and Lammers will provide an updated copy to us by February 21, 2023. Motion passed unanimously. Jeff Hattlewick, Mark Sand and Gravel stated that the main areas they are looking at is the working hours, grass mowed, dust control not what areas are open and what they are called. Albright stated this has been a concern that the Council is not holding Mark Sand and Gravel accountable.

#### Ordinances

##### Ordinance 85 Culverts

Albright reviewed culvert ordinance and a rewrite from Widseth. Encouraged commissioners to continue to look at this

ordinance. Residential culverts can have a classic corrugated steel as trucks are not continually being driven over. Under city roads a concrete (RCP pipe) strength culverts is needed. Discussed having a 15-foot diameter not circumference. Green stated we should have minimums but not maximum for culverts. Green stated, they are recommended the city issue a permit which is approved by engineers separate from the construction permit. Engineers need to verify driveways and culverts for snow storage and drainage. Lammers will collaborate with engineers to update ordinances.

Some items needed to be in an application for the permit are to furnish size, elevation and type of material of proposed culvert. This may be covered in our current right of way permits which cost \$50.00- this will not cover our engineers to review the permit. Ordinance 93.22 covers permit requirements. This needs to be revised with wordings to include road right of way. Discussed ordinance 79 and 85 which are referenced. These ordinances all need to be clearer, and we will discuss again at the February meeting. Encouraged Commissioners to bring their thoughts and comments to Lammers.

#### Ordinance 91.02 Cat and Dog

During the public hearing concerns were expressed regarding many cities do not regulate cats at all. Other concern is the cats and collars do not get along. Some other cities state animals are only required to wear collar and tags when they were at large. We may want to change our ordinance to say: Every owner shall be required to provide each cat and/or dog with a collar to which the license tag must be affixed and shall see that collar and tag are worn when animal is at large. City has had a cat bite an employee and a cat attack a dog. Motion by Kvam, seconded by Wothe to change wording of ordinance to read: Every owner shall be required to provide each cat and/or dog with a collar to which the license tag must be affixed and shall see that collar and tag are worn when animal is at large replacing the words constantly worn. Motion passed unanimously. DuFrane asked the question, how are we going to police the cats? Kvam questioned what do we do when you come across a bunch of cats? No answers were given.

#### 311 Parkview Drive

Shed has not been moved off of the sewer line. Motion by Kvam, seconded Wothe for Lammers to send letter stating he needs to have shed moved or a variance must be applied for by July 1, 2023. Motion passed unanimously.

#### Grade and Fill Permit

Engineering firm has requested more information from the Engineering firm collaborating with developer. Green stated Widseth can not sign off of plan until they receive drainage reports, and some items look undersized. Drainage is coming pretty steep down Glen Street and this needs to be adjusted. Green stated their requests would be sent to Lammers to send to developer. Tabled any action until Engineer approves.

#### Nuisance Procedure

Lammers provided with packet.

#### Developers Notice Procedure

Albright reviewed the notices that have been discussed. This has to jive with Ordinances 152.07-152.99 we may not want to put this in a process. Do we want to have a policy or procedure to how the ordinances need to be followed? Do we need to develop another policy, or do we need to take a look at the ordinance again? May need to add a preapplication meeting in the ordinance. Motion by Kvam, seconded by Wothe to review ordinances 152.07-152.99. Motion passed unanimously.

#### **New Business**

##### Nuisance Cars

##### Red Car on Elm Street

Motion by Wothe, seconded by Kvam to have Lammers call Otter Tail County Sheriff department to remove abandon car located in driving lane of Elm St. Motion passed unanimously.

##### Car 301 E Frazee Ave

Motion by Wothe, seconded by Kvam to have Lammers send property owner a nuisance letter for the car located in

parking lot on property. Motion passed unanimously.

### Ordinances

#### Shoreline Management Ordinance

Albright reviewed the fact the City ordinance is not as updated as the Otter Tail County or the State of MN. Commissioners decided to review the differences between the DNR model Shoreline Ordinance, Otter Tail County and ours. Motion by Kvam, seconded by Wothe to authorize staff to update our shoreline ordinance as time allows. Motion passed unanimously. Kvam offered to help Lammers review the ordinances.

#### 92.60-92.71 Open Burning

Lammers reviewed the open burning ordinance which is being violated by one commercial business. Planning Commissioners have told other businesses they could not burn and they are calling the office stating they should be able to burn if this other business is allowed to burn. Discussed changing the ordinance to state they need a burning permit issued from the City as well as from DNR. DuFrane asked how the City can burn at yard waste if we do not allow burning. Discussed what burning we would want in town. Commissioners were asked to research this ordinance and what DNR regulations are.

#### Trees in Boulevard

Albright reviewed a property on Bennet Road that has planted 3 Pine trees in the ditch. Motion by Wothe, seconded by Kvam to send letter to property owner on Bennett to have trees removed from road right of way by June 1, 2023. Motion passed unanimously.

#### Construction Permits

Permits are not followed up on and we need to review the information provided and what is actually being done. Wothe volunteered to review permits and close out those who have completed their permits. If he has questions, he will bring them to the city office. Motion by Albright, seconded by Kvam to recommend to Council for Wothe to volunteer to be the permit inspector. Motion passed unanimously.

Meeting adjourned at 8:55 pm.

Secretary,

Julie Lammers, Vergas City Clerk-Treasurer

#### *Follow Up Actions:*

Snow emergency routes.

Call Sherriff on red car located on Elm Street-completed 01/24/2023

Send nuisance letter to 301 E Frazee Ave for unlicensed car- completed 01/24/2023

Send letter to property owner at 311 Park View Drive regarding the shed.

Send letter to property owner on Bennett regarding trees in right of way.

Work with Engineers and Apex for information regarding Grade and Fill Permit for Lawrence Lake Acres.

Review and update Ordinance 72.

Updated Shoreline Management Ordinance (Lammers & Kvam)

Review and update Ordinance 92.60-92.71 Open Burning

Review and update Ordinance 85 and Ordinance 93 regarding culverts.

Update gravel pit ordinance by Feb. 21, 2023. (all PC members comments by Feb. 1)

#### *Council recommendations:*

Approve ordinance 91.02 Cat and Dog with change made by planning commission.

Approve Neil Wothe to review and close out construction permits as a volunteer.