

CITY OF VERGAS PLANNING COMMISSION

Public Hearing

Monday, April 24, 2023

5:30 pm

Vergas Event Center

The City of Vergas Planning Commission held a Public Hearing on Monday, April 24, 2023, with the following members present: Bruce Albright, Judy Kvam and Neil Wothe. Absent: Rebecca Hasse and Robert Jacoby. Also present: Clerk-Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Engineer Blaine Green, Jeff Hattlewick, Neil Strawhorn and Bob Hager.

Bruce Albright opened the public hearing at 5:30 pm.

Jeff Hattlewick, Mark Sand and Gravel reviewed the scheduled activities for 2023. Currently there is no activity planned for a hot mix plant. They will begin making aggregate as soon as a permit is issued as they have their equipment in place.

Albright stated they are reviewing this permit with the current ordinance. The Planning Commission is working with their engineers to update the current ordinance, but actions tonight will use the existing ordinance.

Albright closed public hearing at 5:38 pm.

CITY OF VERGAS PLANNING COMMISSION MINUTES

Monday, April 24, 2023

6:00 pm

Vergas Event Center

A City of Vergas Planning Commission meeting was held on Monday, April 24, 2023, with the following members present: Bruce Albright, Judy Kvam, Rebecca Hasse and Neil Wothe. Absent: Robert Jacoby. Also present: Clerk-Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Engineer Blaine Green, Neil Strawhorn, Bob Hager and Robert Jacoby (on zoom).

**Call to Order**

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

**Agenda Additions and Deletions**

Approved agenda as presented.

**Minutes**

Motion by Hasse, seconded by Wothe to approve minutes for March 27, 2023 with changes mentioned. Motion carried.

**Status of Council Recommendations**

Albright stated there were no Council recommendations.

**Construction Permits**

Reviewed permits for 202 Townline Road and 150 E Herman St which Lammers has approved.

Robert Jacoby joined the meeting on zoom.

**Old Business:**

Interim Use Permit – Mark Sand & Gravel

Discussed permit requirements and what was in place this past year. Hattlewick questioned if the date of the new ordinance permit changes from June 1 the city will issue an extension. Albright stated Planning Commission would look at this as we would not want to leave them unable to work for a month. Motion by Kvam, seconded by Wothe to approve the interim use permit for Mark Sand and Gravel with the same conditions as 2022. Motion passed unanimously.

### Ordinances

#### Shoreline Management Ordinance

Work in process.

#### Open Burning, Ordinance 92.60

Work in process. Updated and looking for commissioner's review. Commissioners were asked to please get comments in to Lammers by May 5, and she will provide update for May meeting.

#### Streets & Sidewalks, Ordinance 93

Updated but not complete. Work in progress. The Streets committee is recommending adding a permit in this section regarding utility companies working in town and getting a permit if working within the right of way. The language would state they could put their items in the right of way but if an issue arises, they will remove them at their cost.

#### Culverts, Ordinances 79, 85, 93 and 151.32

Work in progress.

#### Gravel Pit Ordinance

Greene provided the updated gravel pit ordinance document which will be emailed to commissioners by Tuesday afternoon. Reviewed areas in red to be removed and in yellow added. Cut our redundant terms. Reduced pit to 3 different categories to the following: active gravel pit, reclaimed area and virgin land. Added 2 terms potential minable area and prohibited zone for mining operations. Reviewed the phasing plan of 50% of total potential minable area can be active at any time. No permits shall be granted for any gravel permit with lots less than 30 acres of potential minable area. Commissioners were asked to please get comments in to Lammers by May 5, and she will provide update for May meeting.

### **New Business**

#### Nuisance Properties

Albright reviewed the property at 88 Park View Avenue regarding working in the easement area and removing 7 trees the Council has asked to have removed in October. Bob Hager, resident of property located at 88 Park View Avenue (owner is his daughter and son-in-law) explained in the fall of 2021 he had permission to plant trees (from the park board) and then in September of 2022 a resident complained about a wheelbarrow full of dirt was put in the easement area. Hager read the trail easement wording (he did not include the wording of the 2 draining easements). He explained the city is in violation as it states the easement says snowmobiles, four wheelers, etc. can be on the trail. We have a sign up saying no motorized vehicles. Hager stated he is working with the Soil Conservation Office to know what plants could be put along trail. Hager stated everything was going fine until October when DuFrane was given the job to remove the trees. He stated he had permission to plant the trees and now Council wants them removed. Hager told the planning commission to leave well enough alone and keep out of the work he is doing in the easement. Hager is working at keeping the willow trees out of the area, which is the city's job to remove, but that will end if he continues to be harassed. Albright questioned if erosion would be a concern, when we have heavy rain, due to areas needing to be established. Hager stated fabric will be put down – Albright explained a permit will be needed before he does this. The tree removal that has not happened needs to be addressed by the City Council. Hager stated he will take the 3 trees down by the fence if the Council still wants them removed but would ask for a variance for the 2 trees by the bench. Albright stated there are 4 trees next to the wall (Council asked to have removed per recommendation of employee of SWCS) and 2 trees in trail easement by the bench. In reality, we need to go back to what the trail easement says. Hager brought up the stairs in the right of way and the planning commission needs to be reasonable. Albright stated the Council needs to discuss trees as they have requested the removal of the trees.

Reviewed sidewalk ordinance 93.03 A

**' 93.03 MATERIALS ON STREET OR SIDEWALK.**

(A) No person shall encumber any street, sidewalk, or right-of-way. No owner, occupant, or person having the care of any building or lot of land, bordering on any street, sidewalk, or right-of-way shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

The property located at 137 East Main Street has placed a pallet of mulch on the sidewalk bordering Railway Avenue. The sidewalk is 72 inches wide and with the mulch it leaves a passable area of 28 inches within the passageway. Checking with the ADA requirements we need 36 inches of passable area. Last year, a sidewalk was torn up and replaced due to not being ADA complaint and if this is checked somebody is going to get sued. DuFrane stated when he spoke with the property owners, they stated we have pop machines, benches, flowerpots on sidewalks. Discussed other business in town who has had items sitting in road right of way for years and the city has not done anything about it. Jacoby stated it is inconsistency that makes our residents complain. Reviewed the sidewalk and right of way area cannot be obstructed. Discussed pallets that may be in the right of way. The street committee has been in contact with the county who has stated they will contact the property owner of the tractors which are placed in the right of way. DuFrane explained he goes to the LMC schools who has stated there are people who go to communities to look for items that are not in ADA compliance just to sue the city. Motion by Albright, seconded by Kvam to send letter to 137 Main Street East with the ordinance and giving them 10 days to remove. Motion passed unanimously. (Jacoby not able to vote due to the residents were not being notified he would be on zoom). Albright explained that the city has a sidewalk map, and this sidewalk is on the map. Hasse explained she works with ADA compliances and the city does not want to be sued. Basically we need to ask them to be in compliance or they need to apply for a variance.

Motion by Hasse, seconded by Wothe to adjourn the meeting at 7:25 pm. Motion passed unanimously.

Secretary,

Julie Lammers, Vergas City Clerk-Treasurer

*Follow Up Actions:*

Snow emergency routes.

Send a letter to the property owner at 311 Park View Drive regarding the shed. (June 1, 2023)

Send letter to property owner on Bennett regarding trees in right of way. (June 1, 2023)

Review and update Ordinance 72.

Updated Shoreline Management Ordinance (Lammers & Kvam)

Lammers keep planning commission up to date with Otter Tail County ordinances regarding THC.

Lammers, DuFrane, Engineers to review and update Ordinance 79, 85 and Ordinance 93 regarding culverts and right of ways.

Commissioners to review gravel pit ordinance and provide comments to Lammers by Friday, May 5, 2023.

Commissioners to review and update Ordinance 92.60-92.99 Open Burning and provide comments to Lammers by Friday, May 5, 2023.

Lammers to update ordinance materials from League of MN Cities.

*Council recommendations:*

None.