

Bunkowski Gravel Pit

2025 Compliance Report

Prepared for:
City of Vergas, Minnesota

June 2025

2025

Bunkowski Gravel Pit Compliance Report

Vergas, Minnesota

Widseth Project #2025-10043

Report for the City of Vergas, MN

By: Widseth

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINTED NAME: BLAINE GREEN

SIGNATURE: 

DATE: 6/10/2025 LICENSE NUMBER: 57140

Table of Contents

EXECUTIVE SUMMARY	6
INTRODUCTION	7
MINE DESCRIPTION	8
PHASING	8
SITE REQUIREMENTS.....	8
Maximum Slopes	8
Setbacks.....	9
Limits of Excavation	9
INSPECTION	9
Process	9
REPORTING	9
Results.....	9
CONCLUSION.....	10
Recommendations	10
Summary	10

List of Table and Figures

Figure 1 - Bunkowski Gravel Pit.....	7
Table 1 - Maximum Slopes.....	8
Table 2 - Area Classifications	10

APPENDICES

Appendix A	Location Map
Appendix B	Bunkowski Legal Description
Appendix C	City of Vergas Ordinance No. 2023-004 “151 Excavation, Mining and Gravel Pits”
Appendix D	Application for Interim Use Permit - Mark Sand & Gravel
Appendix E	Current Conditions Maps
Appendix F	Setback Violations Map
Appendix G	Surface Maps

EXECUTIVE SUMMARY

The purpose of this report is to assess whether the current Bunkowski Gravel Pit adheres to the regulations set forth in City of Vergas Ordinance No. 2023-004, titled "151.7 Excavation, Mining, and Gravel Pits." As the consultant for the City of Vergas, Widseth conducted an aerial survey of the gravel pit property and created maps to obtain areas of active mining, reclamation in progress area, reclaimed area, virgin land, prohibited zone, potential minable, and non-compliant areas. These areas were then compared against the stipulations outlined in the ordinance to ascertain whether the property complies with the regulations or if any violations are present.

This report can determine the compliance of the following:

151.77.02 Fencing or Berm: The fencing on site meets the requirements of this section.

151.77.03 Screening: Obvious efforts have been made to replant dead trees. At the time of the site inspection, it appears that most of the trees are in satisfactory condition. The screening will be continually monitored.

151.77.04 Access Roads: The current access roads meet the requirements set forth by the ordinance regarding safety, noise, and dust.

151.77.08 Maximum Slopes: The slopes meet the requirements as described in this section. See maps in **Appendix G**.

151.77.09 Setbacks: Per the map in **Appendix F** there are areas in the gravel pit that do not meet the setback requirements. When comparing to the previous gravel pit report, it appears there's been an effort to remedy these setback conditions. Approximately 2.24 acres have entered "reclaimed" status in areas that were previously non-compliant.

151.77.10 Limits of Excavation: Approximately 23.27 of the 89.91 acres can be considered "active excavation" at the time of survey. This number is roughly 26% of the potential mineable area which meets the 50% requirement. A caveat to this information: Approximately 1.21 acres of the active excavation is in the prohibited zone.

151.77.11 Noxious Weeds: Obvious efforts have been made to spray noxious weeds.

Widseth's assessment indicates that the Bunkowski Gravel Pit, which is under the ownership and operation of Mark Sand & Gravel Co., is presently not in accordance with the provisions outlined in City of Vergas Ordinance No. 2023-004, titled "151.70 Excavation, Mining, and Gravel Pits." Specifically, the setback distances do not comply with the ordinance as of the reporting period. The specific violations are outlined below:

- Two setback violations located along the east side of the property line off East Looney Lane (CSAH 35) due to being within 100' of the property line. This area does not meet the setback or reclamation requirement.
- Three setback violations located along the south property line off East Looney Lane (CSAH 35) due to being within 500' of occupied structures. These areas do not meet the setback or reclamation requirement.

Widseth recommends that the applicant makes continued efforts to bring the pit back into compliance with the ordinance prior to the next inspection expected in the spring of 2026.

INTRODUCTION

The Bunkowski gravel pit, situated in Vergas, Minnesota, was established during the 1960s and is presently under the ownership of Mark Sand & Gravel. Its primary function is the extraction of non-metallic materials. The map pinpointing the gravel pit's location is in **Appendix A**, while **Appendix B** contains a copy of the contract for deed, which includes the property's legal description. The aggregate materials extracted from this pit will serve as a crucial resource for various road construction projects across the region, with a planned utilization spanning a 20-year period.

Figure 1 - Bunkowski Gravel Pit



The purpose of this compliance report is to determine if the current gravel pit is following the City of Vergas Ordinance No. 2023-004 “151 Excavation, Mining and Gravel Pits.” A copy of this ordinance can be found in **Appendix C**. The City of Vergas passed this ordinance to regulate existing and future mining operations, to establish proper land utilization, and to protect public health, life, and general welfare.

Mark Sand & Gravel submitted an interim use permit, found in **Appendix D**, for the continued use of the pit within city limits.

MINE DESCRIPTION

The gravel pit is located on the northeast corner of South Pelican Avenue and East Looney Lane (CSAH 35) on the south side of Vergas. The property consists of approximately 130 acres. Currently, 23.27 acres can be considered “active gravel pit.” Active gravel pit is defined by the ordinance as any area where the topsoil or overburden has been removed for the purpose of mining earthly deposits or minerals. 4.2 acres can be considered “reclaimed or reclamation in progress.” Reclaimed is defined as the area that has been brought back to topsoil and has been seeded. Reclamation in progress is defined as the area that has been brought to sand grade before topsoil has been placed. The remaining 102.91 acres is described as “virgin land.” Virgin land is defined as the area untouched and undisturbed by mining/excavation operations.

PHASING

The phasing plan as applied is provided in the 2025 application. The Pit owner’s intention is to reduce the overall footprint and to bring finished areas to the reclaimed status. Per the provided mining plan, the mining area will continue extending North within the site.

SITE REQUIREMENTS

City of Vergas Ordinance No. 2023-004, titled “151 Excavation, Mining, and Gravel Pits” describes a set of guidelines that must be adhered to by gravel pits situated within the city’s boundaries. Below, a summary of the stipulations concerning maximum slopes, minimum setbacks, and excavation limits can be found:

Maximum Slopes

Throughout the entire operational period, any excavations, excluding the active working face, must exhibit a slope on all sides not exceeding a one-foot horizontal to one-foot vertical ratio, unless the city grants approval for a steeper slope. In cases where excavations border a public roadway, another right-of-way, or neighboring property, the maximum allowable slope should be no steeper than four to one. When excavations are contiguous with or close to bodies of water, the slopes should not exceed a maximum ratio of six to one. See **Table 1** below.

Table 1 - Maximum Slopes

Location:	Maximum Slope (H:V)
Operating Areas other than Working Face	1:1
Adjacent to Public Roadways or Other Properties	4:1
Adjacent to Bodies of Water	6:1

Setbacks

Mining within the defined setbacks is subject to specific rules:

1. No mining is allowed within one hundred (100) feet of property lines, road right-of-way, or easements.
2. Furthermore, no part of the operation can be located within five hundred (500) feet from any occupied structure that is not owned by the Operator or Owner and existed at the time of the initial permitting.

Limits of Excavation

No more than 50% of the total potential minable area shall be open to active excavation at any one time. Before any additional land may be mined, the applicant must reclaim portions of the potential minable area to the condition that is indicated on the approved reclamation plan.

INSPECTION

The City of Vergas has made a request for Widseth to conduct annual inspections of the Bunkowski gravel pit. These inspections are intended to confirm adherence to the provisions outlined in City of Vergas Ordinance No. 2023-004, titled "151 Excavation, Mining, and Gravel Pits."

Process

Widseth conducted a visual inspection of the site premises on June 9th, and aerial surveying to obtain an aerial image and a ground surface file of the property.

REPORTING

The aerial image and lidar data was imported into AutoCAD Civil 3D software for the purpose of analyzing and quantifying the current characteristics of the gravel pit. This process resulted in the creation of comprehensive maps that delineate various aspects, including active mining regions, untouched land parcels, areas with potential for mining, restricted zones, property boundaries, and setback distances. A visual representation of the current conditions can be found in **Appendix E**.

Results

A review of the site with its current conditions was conducted. Areas of the gravel pit were classified into different sections. The sections were classified as the following: active mining, virgin land, reclaimed, reclamation in progress, potential minable, prohibited zone, and non-compliant. Several maps were made outlining these sections. The areas for the sections of

active mining, virgin land, reclaimed, reclamation in progress, potential minable, prohibited zone, and non-compliant are shown in **Table 2** below.

Table 2 - Area Classifications

Area Classification:	Acres:
Active Mining	23.27
Virgin Land	102.91
Reclamation in Progress	1.96
Reclaimed	2.24
Potential Mineable	89.91
Prohibited Zone	40.47
Non-compliant	1.21

It has been determined that several provisions outlined in the City Ordinance are not being met. Specifically, there are violations of the 100-foot property setback along the eastern property line adjacent to E Looney Ln (CSAH 35), and areas along the southern property line bordering E Looney Ln (CSAH 35) violate the 500-foot structure setback requirement. A map illustrating these setback violations can be found in **Appendix F**.

CONCLUSION

As previously detailed, the Bunkowski gravel pit is not in accordance with the stipulations set forth in City of Vergas Ordinance No. 2023-004, titled "151 Excavation, Mining, and Gravel Pits." Specifically, there are several instances of setback violations. However, it's worth noting that the boundaries of excavation for the "Active Gravel Pit" presently adhere to the ordinance's requirements.

Recommendations

The suggested course of action is for Mark Sand & Gravel to rectify the violations identified in this report utilizing the company's internal resources, methods, procedures, sequences, or techniques. All work carried out within the gravel pit premises should follow this approach. Subsequently, these areas should undergo a grading process, be covered with topsoil, and seeded as stipulated in the interim use permit application submitted by Mark Sand & Gravel.

Summary

The conclusions and recommendations presented in this report have been formulated using measurements derived from aerial imagery. It is expected that addressing the existing violations will necessitate moderate grading and reclamation efforts before the next inspection, scheduled for the spring of 2026, in preparation for the commencement of gravel pit utilization. Rectifying these violations is essential to ensure proper land use and to safeguard the well-being, safety, and overall welfare of the public.

Widseth estimated that the gravel pit had a net change of roughly 163 cubic yards from the lidar surfaces from 2024 to 2025.

THIS PAGE INTENTIONALLY LEFT BLANK

APPENDIX A – LOCATION MAP



APPENDIX B - BUNKOWSKI LEGAL DESCRIPTION

**CONTRACT FOR DEED
Individual Seller**

Date: August _____, 2015

THIS CONTRACT FOR DEED is made on the above date by **Donald Bunkowski and Janette Bunkowski, husband and wife**, Seller (whether one or more), and **Mark Sand and Gravel Co.**, Purchaser.

Seller and Purchaser agree to the following terms:

1. **PROPERTY DESCRIPTION.** Seller hereby sells, and Purchaser hereby buys, real property in Otter Tail County, Minnesota, described as follows:

The North One Half of the Southeast One Quarter (N1/2 SE1/4), except 5 acres in the Northeast corner thereof, in Section 25, Township One Hundred Thirty-seven (137) North, Range Forty-one (41) West, which tract is described as follows: Beginning at the Northeast corner of the Southeast One Quarter (SE 1/4) of Section Twenty-five (25), of the unplatted lands of the Village of Vergas, thence South 34 rods and 4 feet following the township line between Candor and Hobart Townships to a point intersection with the Railway right of way of the Minneapolis, St. Paul & Ste. Marie Ry., then in a Northwesternly direction 58 rods and 10 feet to a place where the above named railway right of way intersects with the quarter section line thence due East 45 rods and 10 feet to place of beginning;

The East One Half of the Southwest One-Quarter, (E1/2 SW1/4), EXCEPT the following described tracts, to wit:

- 1) Beginning at the Southeast corner of the Southeast One-Quarter of the Southwest One-Quarter (SE1/4 SW1/4) of Section 25, thence in a straight line 80 rods West, thence in a straight line 80 rods North, thence in a straight line diagonally through said Southeast One-Quarter of the Southwest One-Quarter (SE1/4 SW1/4), to the place of beginning;

- 2) Beginning at a point 2 rods East of the Northwest corner of the East One-Half of the Southwest One-Quarter, (E1/2 SW1/4), running thence South 8 rods, thence East 20 rods, thence North 8 rods, thence West 20 rods to the place of beginning. Containing one acre;
- 3) Beginning at a point that is 33 feet East of the West line and 132 feet South of the North line of the East One-Half of the Southwest One-Quarter (E1/2 SW1/4) of Section 25, thence South along the East line of highway a distance of 173 feet, thence East a distance of 252 feet, thence North a distance of 173 feet, thence West a distance of 252 feet to point of beginning;
- 4) Beginning at a point that is 305 feet South of the North line of the East One-half of the Southwest One-Quarter (E1/2 SW1/4) of Section 25, thence due East a distance of 247 1/2 feet, thence due South a distance of 87 1/2 feet, thence due West 247 1/2 feet, thence North 87 1/2 feet to place of beginning, all in Section 25.

Subject to any easements, covenants, or restrictions of record.

together with all hereditaments and appurtenances belonging thereto (the Property).

SUBJECT TO THE RESERVATION OF A LIFE ESTATE IN THE SELLERS IN AND TO THE FOLLOWING:

That part of the East One-Half of the Southwest One-Quarter, (E1/2 SW1/4) of Section 25, Township 137, Range 41, lying west of the following described line:

Commencing at the northwest corner of the East One-Half of the Southwest One-Quarter, (E1/2 SW1/4), thence easterly on and long the north line of said east half a distance of 700 feet to the point of beginning; thence south and parallel to the west line of the said east half to a point of intersection with East Loony Lane and there terminating.

2. **TITLE.** Seller warrants that title to the Property is, on the date of this contract, subject only to the following exceptions:

- (a) Covenants, conditions, restrictions, declarations and easements of record, if any;
- (b) Reservations of minerals or mineral rights by the State of Minnesota, if any;
- (c) Building, zoning and subdivision laws and regulations;
- (d) The lien of real estate taxes and installments of special assessments which are payable by Purchaser pursuant to paragraph 6 of this contract; and

**APPENDIX C - CITY OF VERGAS ORDINANCE
NO. 2023-004 “151 EXCAVATION, MINING
AND GRAVEL PITS”**

**CITY OF VERGAS
COUNTY OF OTTER TAIL
STATE OF MINNESOTA
ORDINANCE NO. 2023-004**

AN ORDINANCE OF THE CITY OF VERGAS, MINNESOTA, AMENDING CHAPTER 151 OF THE VERGAS CITY CODE EXCAVATION, MINING AND GRAVEL PITS

151.70 PURPOSE AND INTENT

It is the purpose of this ordinance to regulate the existing and future Mining Operations in the city. Mining Operations are inherently accompanied by noise and dust, often create hazardous conditions, and may result in lasting disfigurement of the land where they are conducted on, and therefore can tend to interfere with the use of nearby property or the quality of life for the residents adjacent or in proximity to Mining Operations. It is also the city's intent to ensure that the disturbed areas are restored upon completion of Mining Operations, and overall, to protect public health, life and general welfare.

151.701 DEFINITIONS.

For the purposes of this section, the definitions listed below shall be construed as follows:

Abandonment. The inactivity of a worksite for one year or more without the act of extracting any minerals.

***Active Gravel Pit.** The terms "active gravel pit" and "active excavation" mean any area where the topsoil or overburden has been removed for the purpose of mining earthy deposits or minerals.

Berm. A mound of earth designated to provide screening of areas and to reduce noise.

Dust. Airborne mineral particulate matter.

Engine Retard Breaking. Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

Excavation. The movement or removal of soil and minerals.

Interim Use Permit. A permit for temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Manufacturing. Any activity that includes Portable, Permanent, or Temporary Asphalt Plants, Concrete Ready-Mix Plants, Processing and Recycling Plants.

Manufacturing Area. Such operations may include, but are not limited to, concrete mixing, concrete block production, asphalt production, the grinding and/or crushing of concrete or asphalt, and the processing of petroleum-contaminated soil being managed pursuant to the Minnesota Pollution Control Agency (MPCA) approval, so long as the processing or recycling does not violate any federal or state law or any of the requirements of any regulatory agencies having jurisdiction over said operations.

Mineral. Sand, gravel, rock, clay and similar higher density non-metallic natural minerals.

Mineral Extraction. The removal of sand, gravel, rock, clay and other minerals from the ground.

Open Gravel Pit. Open-pit mines that produce building materials and dimension stone are commonly referred to as "quarries." Open-pit mines are typically enlarged until either the mineral resource is exhausted, or an increasing ratio of overburden to ore makes further mining uneconomic.

Operator. Any person or persons, partnership, corporations or other entities or a combination or assignees thereof, including public or governmental agencies, engaging in mineral extraction and any processing, recycling, and manufacturing activities derivatives.

Operation. "Operation" includes the driving of all hauling trucks or equipment into or out of a gravel pit, loading, roadwork or engine start-up of any kind.

Owner. Any person or persons, partnership, corporation or other entities owning fee title to the Subject Property.

Processing Area. Any area that is being used for stockpiling, storage, or processing or recycling of sand, gravel, soils, or other materials or products derived from gravel mining, even if such materials did not originate or were not produced on the premises.

Processing Plant. Machinery used to crush, wash, compounding, mixing, or treat dirt, sand, gravel, rocks, or similar mineral products into consumable products such as construction grade sand, gravel, and other similar products. This does not include Asphalt Plants and Concrete Ready-Mix Plants. (see Manufacturing Area)

***Potential Minalable Area.** The area within the subject property that can be mined/excavation that meets the conditions and setbacks as described in this ordinance. This area includes any existing mined area and any virgin land that meets the conditions and setbacks within the subject property.

***Prohibited Zone for Mining Operations.** The area within the subject property that cannot be mined/excavated as it does not meet the conditions and setbacks as described in this ordinance. Potential minable area should also exclude wetlands and other areas that cannot be legally mined under any local, county, state or federal laws, rules or regulations without proper permits.

Reclamation. To claim land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this Ordinance.

***Reclaimed Area.** Areas of the subject property that have met the reclamation standards.

Rough Grade. The stage at which the grade approximately conforms to the approved plan.

Slope. An inclined ground surface the inclination of which is expressed as a rate of horizontal distance to vertical distance.

Soil. Is naturally occurring superficial deposits overlaying bedrock.

Stockpiling. Move or handle a reserve supply of goods or raw material accumulated for future use.

Subject Property. The real property on which Mineral Extraction Facilities, Processing Plant, Asphalt Plant and/or Ready-Mix Plant is sought to be permitted.

Topsoil. Is the upper most layer of naturally occurring soil.

***Virgin Land.** The area untouched and undisturbed by mining/excavation operations.

* Areas to be monitored annually per inspections.

151.71 PERMIT REQUIRED.

Mineral Extraction.

- A. Permit Required. Irrespective of the zoning classification of a subject property a permit, as provided herein, is required for Mineral Extraction or Manufacturing unless specifically excepted from such permit.
- B. Interim Use Permit (I.U.P.) is required for any Mineral Extraction or Manufacturing Facility.
- C. Interim Use Permits are valid for one year. City has 60 days to issue permit.

151.72 PERMIT APPLICATION REQUIREMENTS.

An application for a permit required by this Ordinance shall contain the following:

- A. The legal description of the lands from which it is proposed to excavate, remove, process, store or handle minerals.
- B. The name and address of the applicant and the name and address of the owner of the land.
- C. Names and addresses of all adjacent landowners within one-half mile radius.
- D. Copies of any agreements pertaining to the operation including the duration of any lease, if applicable.
- E. The purpose of the excavation or related activities.
- F. The estimated time required to complete the excavation or related activities.
- G. The highways, streets or other public ways within the city upon and along which the material removed shall be transported.
- H. The plan of operation, including, but not limited to:
 - 1. Soil processing (any operation other than direct mining and removal),
 - 2. Nature of the processing and equipment,
 - 3. The area to be included in the operation,
 - 4. Depth of topsoil and soil type,
 - 5. The depth and grade of excavation,
 - 6. The estimated quantity of material to be added to or removed from the premises,
 - 7. Location of the plant,
 - 8. Location of stockpiles,
 - 9. Source of water, disposal of water and reuse of water. In the event that water is used in the operation of a pit, approval from the state department of natural resources and other appropriate state or federal agencies shall be obtained as to the type, location and depth of such well and contained with such application.

10. The number and location of trees prior to excavation.
11. Adjacent and on-site buildings and land uses.
12. Map or plat of the proposed pit or excavation showing the confines or limits thereof, together with the proposed finished elevations based on sea level readings.
13. Elevations and percent slope within 100 feet beyond the perimeter of the excavation and other such information necessary to analyze the site shall be provided by the applicant. United States Geological Survey datum shall be used for all topographic mapping where feasible.
14. Phasing plan which provides no more than 50% of the total potential minable area shall be open to active excavation at any one time. Before any additional land may be mined, the applicant must reclaim portions of the potential minable area to the condition that is indicated on the approved reclamation plan.
 - I. The operation plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and rising dust out of any sand or gravel pit.
 - J. A reclamation plan including, but not limited to:
 1. Final grade of the property;
 2. Depth of topsoil reclaimed;
 3. Type of vegetation replanted;
 4. Number of trees to be replanted, replacing the trees removed during excavation.
- 15 Minimum Potential Movable Area. No permits shall be granted for lots with less than thirty (30) Acres of potential movable area.

151.73 BOND.

A. The city council shall require the applicant apply for a special use permit under this ordinance. Owner or user of the property on which the pit or excavation is located, shall post a cost bond with surety acceptable to the city or cash escrow in such form and sum as the city council shall determine, with sufficient surety running to the city, conditioned to pay the city the extraordinary cost and expense of managing or repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing material from any pit or excavation, the amount of such cost and expense to be determined by the city engineer; and conditioned further to comply with all the requirements of this ordinance, and the particular permit, and to pay any expense the city may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

The city council, for failure of any person to comply with any requirements made of them in writing, under the provisions of this ordinance, as promptly as the same can reasonably be done, may proceed to such requirement to be complied with and the cost of such work to be taxed against the property, whereon the pit or excavation is located or the city council may at its option proceed to collect such costs by an action against the entity to whom such permit has been issued and its sureties.

B. In addition to the bond required in subsection (A), the applicant for the permit shall post a performance bond of at least \$50,000.00. The amount may be greater based on the city engineer's recommendation(S). The performance bond shall be executed by a corporate surety company authorized to do business in the state. The performance bond shall be used for the subject property for which a permit is granted and conditioned upon full

performance of the terms and conditions of this chapter by the applicant and/or owner of the premises described in the permit application. The bond shall remain in effect for at least one year after the expiration of the permit or until reclamation of the subject property. The bond shall guarantee the required restoration of the entire site.

151.74 AGREEMENT TO HOLD CITY HARMLESS

No person shall open, operate or maintain any mineral extraction facility or engage in mineral extraction on a subject property without an agreement with the city, saving the city free and harmless from any and all suits or claims for damage resulting from negligent excavation, removal or storage of minerals or operation of any mineral extraction facility within the city.

151.75 FEES AND APPLICATIONS.

151.75.001. Annual fee required. An annual fee will be required for the Interim Use Permit. Such fee shall be established by council resolution as adopted from time to time.

151.75.002. Inspection and review permit fee. The inspection and review permit fee shall be established by council resolution adopted from time to time.

151.75.003. Denial of Permit. In the event an application for the issuance of a permit is denied, the city council shall retain such amount of said fees as shall be necessary to defray costs of engineering and legal services incurred by the council in connection with such application and the balance, if any, shall be returned to the applicant.

151.75.004. Reimbursement to city for engineering and legal services. In the event of the cost of engineering and legal services exceeds the permit fee, then and in that event the applicant shall, upon notice from the city, reimburse the city for the same within 30 days.

151.75.005. Form of application. The application shall be in such form and shall furnish such information as shall be required by the city council.

151.76 INSPECTIONS.

The City Engineer shall inspect operating and gravel mining pits annually, approximately May 1, weather permitting, and have the report to the City Clerk by June 1. The Engineer shall inspect and certify as compliant or, if deficient, note the deficiency and corrective action(s) to be taken pursuant to a checklist to be developed by the Engineer and the City to ensure compliance with this Ordinance.

151.77. CONDITIONS OF PERMIT.

151.77.01. Hours of Operation. Operation shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless specifically authorized by the City. No mineral extraction or manufacturing shall take place on holidays. In cases of public emergencies, hours of operation may be extended by the City Clerk. It is the specific intent of this section that no crushing, loading, hauling, or engine startup activity of any kind shall take place on or upon any area or subject property other than during those hours specified above.

151.77.02. Fencing or Berm: Where deemed necessary by the City, a fence or berm may be required prior to the commencement or as a condition of the continuous operation of any Mineral Extraction or Manufacturing operation enclosing the area authorized by the applicable permit. If required, the fencing must have a minimum

of two (2) single strand wires with posts a maximum of twelve (12) feet apart and at least four (4) feet in height. A berm must be a minimum of thirty (30) inches high and six (6) feet in width at the base.

151.77.03. Screening. The applicant or owner shall plant suitable and fast growing screening trees which shall be a minimum of six feet high placed in two rows, staggered with trees not more than ten feet apart in each row, reducing unsightly view of the operations and reducing noise and dust.

151.77.04. Access Roads. All access roads will be of a sufficient length from a public road so that any turns onto the public road can be completed with a margin of safety. All access roads shall be maintained so as to minimize noise and dust from vehicles using such access road.

151.77.05. Dust Control. The Operator shall utilize all practical means to reduce the amount of dust cause by the operation. In no case shall the amount of dust or other particulate matter exceed the standards established by the MPCA pollution control agency and the United States Environmental Protection Agency (EPA).

151.77.06. Noise. Maximum noise levels at the perimeter of the Operation will be consistent with the standards established by the MPCA and the United States EPA.

151.77.07. Air Quality. All activities on the Subject Property will be conducted in a manner consistent with the MPCA standards.

151.77.08. Maximum slopes. During the entire period of operations, all excavations other than the working face shall be sloped on all sides at a maximum ratio of one foot horizontal to one foot vertical, unless a steeper slope shall be approved by the city. Where excavations are adjacent to a public roadway or other right-of-way, or the property adjacent to the excavation, the excavation shall have a maximum four to one slope. Slopes adjacent to or contiguous to bodies of water shall be sloped at a maximum of six to one.

151.77.09. **Setbacks. The following setbacks shall apply:**

a. No mining shall take place within one-hundred (100) feet of any property lines, road right-of-way or easement;

b. No part of the operation shall be within five hundred (500) feet of any occupied structure not owned by the Operator or Owner and existing at the time of the original permitting.

151.77.10. Limits of Excavation. No more than 50% of the total potential minable area shall be open to active excavation at any one time.

151.77.11. Noxious Weeds. The Operator shall utilize all practical means to reduce and prevent the growth of noxious weeds.

151.77.12. Spillage on Public Roadways. Spillage of material on and damage to public streets used as haul roads shall be cleaned up and repaired to the satisfaction of the City Engineer in a timely manner.

151.77.13. Water pollution. Operators shall comply with all applicable state pollution control agency regulations and federal and EPA regulations for the protection of water quality. No waste products or process residue, including untreated wash water, shall be deposited in any lake or natural drainage system, except that lakes or ponds wholly contained within the extraction site may be so utilized.

151.77.131. Topsoil preservation. All topsoil shall be retained at the site until complete reclamation of the site has taken place according to the reclamation plan.

151.78. **RECLAMATION.**

151.78.01. All mining areas shall be reclaimed immediately after mining operations cease. Reclamation shall be complete within one (1) year. The following standards shall apply:

- 1) The peaks and depressions shall be graded and backfilled to a surface which will result in a gentle rolling topography in substantial conformity to the land area immediately surrounding. All interior slopes shall be graded to a maximum of 4:1.
- 2) The slope to adjacent properties shall be four foot horizontal to one foot vertical (4/1) of mined areas;
- 3) Reclaimed areas shall be surfaced with an amount equal to the surrounding area with a minimum of 2 inches of soil of a quality at least equal to the topsoil of the land areas immediately surrounding; and
- 4) The reclaimed areas shall be seeded, sodded or planted with native grasses, legumes and grasses. Trees and shrubs may also be planted, but not as a substitute to native grasses, grasses and legumes. Erosion control measures must be implemented until ground cover is established.

151.79. Standards for filling and compaction.

- 1) Prior to reclamation, the operator shall provide to the city engineer the location, area, and depth of the land before and after the anticipated activity. Such activity and the materials used shall be subject to the following:
- 2) Prior to such activity, the operator shall submit an engineering analysis of the proposed fill and compaction method to the city engineer. Side slopes of the excavation shall be graded to a maximum 1:1 slope prior to the placement of fill and achieve a maximum final slope of 4:1 after filling operations are complete.
- 3) Unless otherwise approved by the city council, materials including, but not limited to, organic soils and debris (topsoil, peat, muskeg, muck, stumps, roots, logs, brush, etc.), demolition debris (broken concrete or bituminous fragments, brick, lumber, metal, etc.) and any other solid or hazardous wastes shall not be used as fill in reclamation.
- 4) Imported materials used as fill in reclamation shall consist of mineral soils which typically demonstrate a minimum soil bearing capacity.
- 5) The top ten feet of all fill areas shall be compacted by mechanical equipment as the fill is placed, unless otherwise approved by the council, to a minimum of 95 percent of maximum density for a particular soil as determined by the Standard Proctor method.

151.79.00 PERMIT RENEWAL

Operations in compliance with the Interim Use Permit may renew the permit on an annual basis. Renewal applications must be submitted to the City, 60 days before current permit expires.

151.80.00 TERMINATION OF PERMIT.

- 1) Violations. The Council may terminate an Interim Use Permit for violation of this Ordinance, or a condition of this permit, or for violation of other applicable laws.
- 2) Notice to Terminate. To terminate a permit, the Council shall give notice of the violation or other cause for termination along with an order that the condition be remedied. If the condition has not been repaired within two (2) weeks, the Council shall hold a hearing to determine whether the permit should be terminated.
- 3) Cease Operation Upon Termination. No mining shall take place after the permit is terminated.

151.81.000 PENALTY

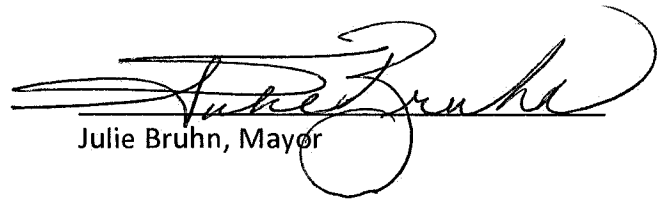
1) Violation a misdemeanor. Any person, firm or corporation who violates or who fail to comply with any of the provision of this ordinance or who make any false statement or omission in any document required to be submitted under the provisions shall be guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.

2) Each day an offense. Each day that a violation continues shall constitute a separate offense.

151.82 ENFORCEMENT.

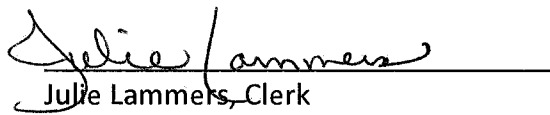
Shall be pursuant to Ordinance 151.99, as amended.

Adopted this 13th day of June, 2023 by the City Council of the City of Vergas.



Julie Bruhn, Mayor

ATTEST:



Julie Lammers, Clerk

Established: January 25, 2017

Updated: June 13, 2023

APPENDIX D - APPLICATION FOR INTERIM USE PERMIT - MARK SAND & GRAVEL

APPLICATION FOR INTERIM USE PERMIT

CITY OF VERGAS
 111 Main Street
 Vergas, Minnesota 56587
 218-342-2091

APPLICATION FOR INTERIM USE PERMIT

Application is hereby made for an Interim Use Permit for (description of Interim Use Permit)_____

Continued use of the existing gravel pit for extraction, stock piling and portable hot mix plant

Address of Property: 560 Pelican Ave S, Vergas, MN 56587

Owner: Mark Sand & Gravel Co.

Address: 525 Kennedy Park Rd, Fergus Falls, MN 56537

Phone: 218-736-7523

Applicant: Mark Sand & Gravel Co.

Address: 525 Kennedy Park Rd, Fergus Falls, MN 56537

Phone: 218-736-7523

The following information is submitted in support of this application.

- ☒ 1) Completed application for Interim Use Permit.
- ☒ 2) Cash fee \$400.00
- ☒ 3) Legal description of the property. See affirmation of sufficient interest form.
- ☒ 4) Acknowledgement of Responsibility form completed. See attachment
- ☒ 5) Affirmation of Sufficient Interest form completed. See attachment
- ☒ 6) A narrative explaining the purpose of the request, the exact nature of the Interim use, and the justification for the request. See attachment
- ☒ 7) Copies of all MPCA permits. See attachments
- ☒ 8) Other See attachments as required by the Sand & Gravel ordinance

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I **am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

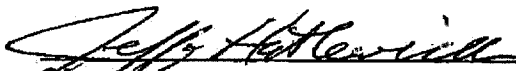
Name of Applicant: Mark Sand & Gravel Co.

Phone: 218-736-7523

Street address/legal description of subject project: _____

560 Pelican Ave S, Vergas, MN 56587

N1/2 SE1/4 EX 5 AC TR IN NE COR & NELY 1/2 SE1/4 SW1/4 & NE1/4 SW1/4


Signature

04/14/2025
Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I **am responsible for complying with all City requirements** with regard to this request. This application should be processed in my name and **I am the party whom the City should contact** regarding any matter pertaining to this application.

I have read and understand the instructions supplies for processing this application. The documents and/or information I have submitted are true and **correct** to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

If this is an application for **underground tank installation**, I understand that I must notify the Fire Marshall immediately in writing upon any change in required resident agent information.

I further understand that additional information, such as a traffic analysis or expert testimony, may be required for analysis of this request, and that upon my authorization the fees for such will be my responsibility.

I agree to allow access by City authorized persons in, on, or to the property for purposes of review of this application and any necessary inspections.


Applicant's Signature

04/14/2025

Date

Name of Applicant: Mark Sand & Gravel Co.

Address: 525 Kennedy Park Rd., Fergus Falls, MN 56537

Phone: 218-736-7523

Name and Address of Additional Contract(s): Jeff Hatlewick, Vice President of Administration

PO Box 458, Fergus Falls, MN 56538

Phone: 218-766-6977

APPLICATION FOR INTERIM USE PERMIT

I fully understand that all of the above required information must be submitted at least **28** days prior to a Planning Commission meeting to ensure review by that date.


Applicant's Signature

04/14/2025
Date

Comments/Revisions. _____

Received by:

City Clerk's Signature

Date

MINUTES OF MEETING OF DIRECTORS

The meeting of the Board of Directors of MARK SAND & GRAVEL CO. was held at the offices of Mark Sand & Gravel Co., Fergus Falls, MN on February 20, 2025, at 11:30 am.

Present were Mark Thorson, the sole director, Justin Rodeman Vice President, Jeffrey Hatlewick, Vice President/Secretary and Brianne Balcer, Vice President.

The director and officers discussed the business of the corporation as it relates to the Bunkowski Pit Conditional Use Permit thereafter, upon motion duly made, seconded and carried, adopted the following resolutions:

RESOLVED, That Mark Thorson as sole director directed the following:

Mark Sand & Gravel Co. continues to have interest in mining and material production for aggregate supply and bituminous asphalt production. The company shall again apply for a conditional use permit as required on an annual basis to continue this production.

There being no further business to come before the meeting, the meeting adjourned.

A handwritten signature in blue ink, appearing to read "Jeff Hatlewick", is written over a horizontal line.

Secretary, Mark Sand & Gravel Co.

Application for Interim Use Permit

Date: April 14, 2025

Application Fee: \$400.00

1. Applicant's Name: Mark Sand & Gravel Co. Phone: 218-736-7523
525 Kennedy Park Road
Fergus Falls, MN 56537 Fax: 218-736-2647
2. Owner of premises on which Mining and Reclamation is to take place:
Mark Sand & Gravel Co. Phone: 218-736-7523
525 Kennedy Park Rd
Fergus Falls, MN 56537 Fax: 218-736-2647
3. Legal description or other description of land:
 - Bunkowski Pit
 - - **N1/2 SE1/4 Ex 5 AC TR in NE corner & NELY1/2 SE1/4 SW1/4 & NE1/4 SW1/4**

Appendix I

Plan of Operation

Purpose

To continue the extraction of non-metallic minerals from this existing non-conforming use mine that was established in the late 1960's during the installation of the sewer system in the City of Vergas. Mark Sand & Gravel Co., under current ownership, has actively leased, mined aggregate materials and operated portable hot mix plants at this location since 1998. The aggregates from this mine are used for various road construction projects throughout the region. This particular mine has an extremely large aggregate deposit with hundreds of thousands of tons of aggregate materials still remaining to be mined. The rate of mining will depend on the local road construction projects offered for bid letting and the number of those projects awarded to Mark Sand & Gravel Co. At the current rate of mining there may be up to 20 years or more of aggregate materials remaining in this deposit.

Plan of Operation

Mining will continue an existing pit face to the north and away from Otter Tail County Highway 35 in the existing pit until resources are exhausted. Approximate depth of material to be mined is 25 to 40 feet. All entrances and exits will occur off of Otter Tail County Highway 35 from the existing approach. All materials will be transported by trucks on Otter Tail County Highway 35, Otter Tail County Highway 4 and/or Otter Tail County Highway 17. Any material that is hauled by Mark Sand & Gravel Co. authorized trucks and is spilled on these roadways will be removed as soon as reasonably possible.

The open portion of this aggregate resource (currently 30 acres) has had the topsoil stripped and piled in berms at the edge of the excavation. This top soil will be spread over the areas that have been completely mined as they are reclaimed. If there is not sufficient top soil to cover the entire mined area to the desired depth it may be feasible to borrow topsoil from the eastern most lowland pasture area or import topsoil during the final reclamation process.

We will move in portable crushing/screening machines with several conveyors to stockpile the materials. These machines will be located in the area necessary to complete the mining of each phase. Stockpiles of aggregate materials will be located in each area of the mine. These stockpiles will be hauled to the end user as needed or used in the reclamation process. Our primary source of power will be a self-contained generator. Water during heavy rainfalls may be pooled in an approximate 1 acre area located at the lowest elevation. We will utilize front-end loaders, track excavators, skid steers, and dozers on this site to mine the land. Dump trucks and semi-trucks will be used to haul the equipment in as well as truck the finished product to the end-users. Dust control will be applied to ensure minimal disturbance for the neighbors near the pit.

Water resources are used for dust control as needed. In the past the water has been acquired through purchasing from the City of Vergas or by an approved Department of Natural Resources water appropriation permit for the pumping of water from nearby lakes. All of the water that is used for the mining operation, including dust control is allowed to pool and absorb into the soil at the lowest elevation of the pit. Dust control at the crusher is mainly attained by spraying water at the point of rock crushing. Dust

control for the gravel roads within the pit area is attained by spraying a mixture of calcium chloride and water onto the roadway. The pit entrance driveway has been paved to reduce the amount of fugitive dust created by vehicles entering and exiting.

The trees on this property are considered a valuable resource. It is our intention to avoid removing any trees if possible and especially those that are located near the property boundaries. Please see included maps for additional information on tree locations. The proposed direction of mining map impacts an extremely limited number of trees.

The on-site buildings will remain intact and are currently used for storage of personal belongings as related to the farming operation of Tom Bunkowski. Terry Bunkowski continues to rent the farmhouse. The hobby farm has great potential value and will remain as it is now and into the future as a rental property. Adjacent properties consist of seasonal storage garages, residential homes, vacant lots and agricultural land.

Mining Plan – Currently there are just under 30 acres that have been mined or have been stripped to prepare for mining or stockpiling. Once the areas are completely mined the sloping and backfilling will begin to a rough grade as the mining continues near that area. It is important that this sloped area be brought to finish grade before spreading the topsoil. The sloped area will need to be leveled again to fix any possible area of erosion before the land is seeded into grassland.

Hot Mix Asphalt Plant –This existing site includes approximately 7 acres of level ground at the pit bottom. Included in this 7-acre area will be at least two stockpiles of aggregate materials. The hot mix plant is portable and temporary. It will be placed only as long is needed to complete the local road construction projects and removed promptly when completed. The existing paved approach will be the entrance and exit to the hot mix asphalt production area. Semi-trucks will be utilized to haul the equipment into the pit area and to truck the finished product to the construction sites.

Reclamation

Reclamation and sloping of the boundaries of the mined area will continue to occur at a ratio of at least four to one as the mining progresses. Sloped areas that have been rough graded after the completion of mining in that area are considered to be partially reclaimed. At the completion of a mining in each area the topsoil will be spread at the depth of the surrounding area or a minimum of 3 inches and it will be seeded with a MNDOT approved natural grass mixture. This mix is a general dry prairie mix for native roadsides, ecological restoration, or conservation program plantings. Our goal will be to leave the land mostly level with gently rolling hills and sloped borders near the mine boundaries. Any on-site water will be minimized into a temporary pond. 250 trees will be maintained and/or replaced as needed along the County Highway 35 property border for privacy and security until future development occurs.

Hot Mix Asphalt Plant – A seven-acre level stockpile area may be utilized throughout the permit period. The Hot Mix Asphalt Plant will be set in the pit bottom as the mining continues to the north. The plant site will follow the mining to the north to allow for future sloping along the south border of the pit.

Appendix II

151.72 PERMIT APPLICATION REQUIREMENTS.

An application for a permit required by this article shall contain the following:

- A. The legal description of the lands from which it is proposed to excavate, remove, process, store or handle minerals. **See affirmation of sufficient interest form.**
- B. The name and address of the applicant and the name and address of the owner of the land. **See application for interim use permit**
- C. Names and addresses of all adjacent landowners within one-half mile radius.
See attached list of property owners.
- D. Copies of any agreements pertaining to the operation including the duration of any lease, if applicable. **Not applicable**
- E. The purpose of the removal. **See attachment Appendix I**
- F. The estimated time required to complete removal. **See attachment Appendix I**
- G. The highways, streets or other public ways within the city upon and along which the material removed shall be transported. **See attachment Appendix I**
- H. The plan of operation, including, but not limited to:
 - 1. Soil processing (any operation other than direct mining and removal),
 - 2. Nature of the processing and equipment, **See attachment Appendix I**
 - 3. The area to be included in the operation, **See attached maps**
 - 4. Depth of topsoil and soil type, **See attached Soils Map and legend**
 - 5. The depth and grade of excavation, **See attachment Appendix I**
 - 6. The estimated quantity of material to be added to or removed from the premises, **See attachment Appendix I**
 - 7. Location of the plant, **all plants are portable, See attached map**
 - 8. Location of stock piles, **See attached maps**
 - 9. Source of water, disposal of water and reuse of water. In the event that water is used in the operation of a pit, approval from the state department of natural resources and other appropriate state or federal agencies shall be obtained as to the type, location and depth of such well and contained with such application. **See attachment Appendix I**
 - 10. The number and location of trees prior to excavation, **See attachment Appendix I and several maps**
 - 11. Adjacent and on-site buildings and land uses **See attachment Appendix I**

12. Map or plat of the proposed pit or excavation showing the confines or limits thereof, together with the proposed finished elevations based on sea level readings. See attached maps
13. Elevations and percent slope within 100 feet beyond the perimeter of the excavation and other such information necessary to analyze the site shall be provided by the applicant. United States Geological Survey datum shall be used for all topographic mapping where feasible. See attached maps
- I. The operation plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and rising dust out of any sand or gravel pit. **See attachment Appendix I**
- J. A reclamation plan including, but not limited to:
 1. Final grade of the property; **See attachment Appendix I**
 2. Depth of topsoil reclaimed; **See attachment Appendix I**
 3. Type of vegetation replanted; **See attachment Appendix I**
 4. Number of trees to be replanted, replacing the trees removed during excavation. **See attachment Appendix I and attached maps**

151.73 Bond

A. A cost bond of \$10,000.00 as determined by the city council will be placed in escrow once this permit application is approved.

B. A performance bond of \$100,000.00 will be provided for upon approval of this permit. This property is owned by Mark Sand & Gravel Co. and will be maintained at a high level during the future of this operation. We want this property to maintain the high value that it has for future sales and development once the area has been completely mined.

151.74 Agreement to hold city harmless

Mark Sand & Gravel Co. will provide the city with a certificate of current insurance upon approval of this permit which will name the city as an additional insured. We will hold the city harmless as required.

151.75.002 Inspection and Review Permit Fee

Upon approval of this permit application Mark Sand & Gravel Co. agrees to provide the City of Vergas with the established inspection and review permit fee. This fee is to be held in an escrow account and used strictly for the engineering fees that are required due to the ordinance.

151.76 Inspections

Mark Sand & Gravel Co. wishes to be notified of each inspection by the city engineer so that we may accompany him on site during the inspection.

151.77.03 Screening

Mark Sand & Gravel Co. will continue to maintain and or upgrade the trees as necessary during the 2025 season.

Property Overview

Legal

Taxpayer

Alternate Addresses

Property Values

Credits and Exclusions

Multi Parcel Groups

Property Divisions

Property Transfer History

Maps

Land Information

Additional Structures

Property Tax Information

Pay Taxes Online

Property Tax Payments

Property Taxes Due

Special Assessments

Drainage Assessments

PARID: 82000500022000
MARK SAND & GRAVEL COMPANY

ROLL: REAL PROPERTY
560 PELICAN AVE S

Record Navigator

1 of 1

Asmt Year 2025 ▼

Actions

Printable Summary

Printable Version

Reports

Tax Statement

Go

Parcel

Assessment Year: 2025
 Poy Year: 2026
 Property Address: 560 PELICAN AVE S
 City: VERGAS
 State: MN
 Zip: 56587
 Market NBHD: 0000 - NA
 Class: III - 2B/1B RURAL VACANT LAND
 Land Use Code:
 Deeded Acres 132.34
 Plot: -
 Lot
 Block
 Section-Twp-Range 25-137-041
 Tax District: 8201 - VERGAS/SD023/COHRA
 Town/City 012300 - VERGAS CITY
 School District: 020023 - FRAZEE/VERGAS ISD 23 (BECKER)
 TIF Project # -

Parcel Status

In Forfeiture: No
 COJ: No
 In Bonkrupctcy
 Mortgage Company
 ACH No
 Delinquent No
 Homestead N ? Nan-Homestead
 Relative Homestead N

Legal

SECT-25 TWP-137 RANGE-041 132.34 AC N1/2 SE1/4 EX 5 AC TR IN NE COR & NELY 1/2
 SE1/4 SW1/4 & NE1/4 SW1/4 EX TRS



Government Services Center

500 W Fir Ave

Fergus Falls, Minnesota 56537

Contact/Directory

Facebook

Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

June 9, 2009

Mr. Jeff Hatlewick
Director of Safety and Compliance
525 Kennedy Park Road
Fergus Falls, MN 56537

RE: Air Emission Permit No. 11100082-001 and Voiding Air Emission Registration Permit
Nos. 99000305-001, 99000234-002, 99000264-001, 99000263-001, and 99000306-001

Dear Mr. Hatlewick:

The enclosed permit, Air Emission Permit No. 11100082-001, authorizes operation of your nonmetallic mineral processing facilities.

Please read through the permit and review its conditions and requirements. Distribute the permit to staff members responsible for ensuring compliance with the conditions and limitations in the permit.

Minn. R. 7007.1110, subp. 2b requires facilities that hold a registration permit and are eligible for a nonmetallic mineral processing general permit to apply for the general permit. This letter also serves as your notice that the MPCA has voided, effective the date of this letter, the following Air Emission Permits in accordance with Minn. R. 7007.1110, subp. 17 (see below):

<u>Permit No.</u>	<u>Name of Facility</u>	<u>Date Permit Issued</u>
99000305-001	Mark Sand & Gravel Acquisition – Plant 2	April 25, 2002
99000234-002	Mark Sand & Gravel Acquisition – Plant 3	January 17, 2003
99000264-001	Mark Sand & Gravel Acquisition – Plant 4	August 8, 1997
99000263-001	Mark Sand & Gravel Acquisition – Plant 5	August 8, 1997
99000306-001	Mark Sand & Gravel Acquisition – Plant 6	April 25, 2002

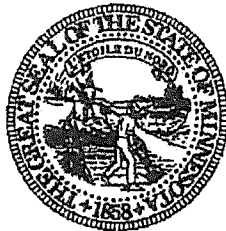
Minn. R. 7007.1110

Subp. 17. Voiding an existing permit. The commissioner shall void a part 70, capped, or state permit for a stationary source which is issued a registration permit. A stationary source which is covered under the terms of a general permit is no longer covered by the general permit when it is issued a registration permit. The commissioner shall void a registration permit issued under one registration permit option for a stationary source that is issued a registration permit for a different registration permit option. The commissioner shall void a registration permit for a stationary source that is issued a part 70, state, capped, or general permit.

The reason to void the registration permits is the issuance of Air Emission Permit No. 11100082-001.

St. Paul | Brainerd | Detroit Lakes | Duluth | Mankato | Marshall | Rochester | Willmar





AIR EMISSION PERMIT NO. 99000150 - 002
'OPTION D' REGISTRATION PERMIT
FOR A
HOT MIX ASPHALT FACILITY

According to Minnesota Statutes Chapter 115 and 116, Minnesota Rules Chapters 7001 and 7007, and 40 CFR part 52, subp. Y:

Mark Sand & Gravel Acquisition Co
PO Box 458
Fergus Falls, MN 565380458

(hereinafter Permittee) is issued an Air Emission Registration Permit by the Minnesota Pollution Control Agency for its Mark Sand & Gravel Acquisition - Plant 9 facility located at various locations throughout the state of Minnesota.

The permit authorizes modification, construction, reconstruction, and operation of the stationary source under the conditions set forth below.

Issue Date: 09/26/2002

Expiration: Pursuant to Minn. Rules pt. 7007.1050, subp. 3a, the permit shall be considered not to expire until a new permit is issued.

Compliance Requirements: The Permittee shall comply with Minn. Rules pts. 7007.1110 (Registration Permit General Requirements) and 7007.1130 (Option D Requirements) and all applicable requirements.

Karen A. Studders
for Karen A. Studders
Commissioner
Minnesota Pollution Control Agency

MINNESOTA POLLUTION CONTROL AGENCY

National Pollutant Discharge Elimination System/State Disposal System MNG490000

Permittee: Multiple
Facility name: Nonmetallic Mining/Associated Activities General Permit
Issuance date: June 10, 2022
Expiration date: May 31, 2027

The Permittee is an owner or operator of facilities within the boundary of the state of Minnesota that:

- a. Discharge stormwater to waters of the state, including groundwater, from the construction sand and gravel, industrial sand, dimension stone, crushed and broken limestone, crushed and broken granite, crushed and broken stone (not elsewhere classified) mining and quarrying areas, asphalt production areas, (including portable asphalt plants), concrete block and brick, concrete products (other than block and brick), and ready-mix concrete, as well as aggregate dredging operations and uncontaminated asphalt and concrete rubble recycling at sites already listed.
- b. Discharge mine site dewatering to waters of the state, including groundwater, from construction sand and gravel, industrial sand, dimension stone, crushed and broken limestone, crushed and broken granite, and crushed and broken stone (not elsewhere classified) mining and quarrying areas.
- c. Non-stormwater discharges that meet the requirements of this permit and occur at the above-mentioned facilities.

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to construct, install and operate a disposal system at the facilities named above and to discharge to a receiving water of the state of Minnesota in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: *Elise M. Doucette*

This document has been electronically signed.

Elise M. Doucette, Supervisor
Water Section
Industrial Division

for the Minnesota Pollution Control Agency

Submit eDMRs

Submit via the MPCA e-Services at

https://rsp.pca.state.mn.us/TEMPO_RSP/Orchestrate.do?initiate=true

Submit WQ reports to:

Electronically: wq.submittals.mPCA@state.mn.us

Include *Water quality submittals form*:

<https://www.pca.state.mn.us/sites/default/files/wq-wwprm7-71.docx>

Questions on this permit?

For eDMR and other permit reporting issues, use the directory listed at the bottom of the DMR page:

<https://www.pca.state.mn.us/water/discharge-monitoring-reports>

For specific permit requirements, contact your compliance staff:

<https://www.pca.state.mn.us/water/wastewater-compliance->

wq-wwprm7-33b

LICENSE AND PERMIT BOND**KNOW ALL MEN BY THESE PRESENTS:**

THAT WE, Mark Sand & Gravel Co., PO Box 458, Fergus Falls, MN 56538 as Principal, and Liberty Mutual Insurance Company, a Massachusetts Corporation, as Surety, are held and firmly bound unto City of Vergas, PO Box 32, 111 Main St., Vergas, MN 56587 in the sum of One Hundred Thousand and 00/100 DOLLARS (\$100,000.00) for the payment of which sum, well and truly to be made, we bind ourselves, our personal representatives, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION of this bond is such that the Principal has applied for an Interim Use Permit for Reclamation of Aggregate Mining at 560 Pelican Ave S, Vergas, MN 56587, Vergas, Minnesota; Plat or Addition 82000500022000 in accordance with the requirements of ordinances of said Obligee, and has agreed to hold said Obligee harmless from suffering and loss or damage occasioned by said Principal's failing to comply with any provisions of any ordinances applicable to the work performed by said Principal.

NOW, THEREFORE, if the Principal shall, during the period commencing on the aforesaid date, faithfully perform all the duties according to the requirement of the Ordinances regulating said license, and protect said Obligee from and damage as hereinbefore stated, then this obligation shall become void and of no effect, otherwise to be and remain in full force and virtue.

This bond may be terminated as to future acts of the Principal upon thirty (30) days written notice by the Surety. Otherwise, this bond expires at midnight May 19, 2025. All claims must be made before the expiration date.

Dated this 19th day of March, 2024.

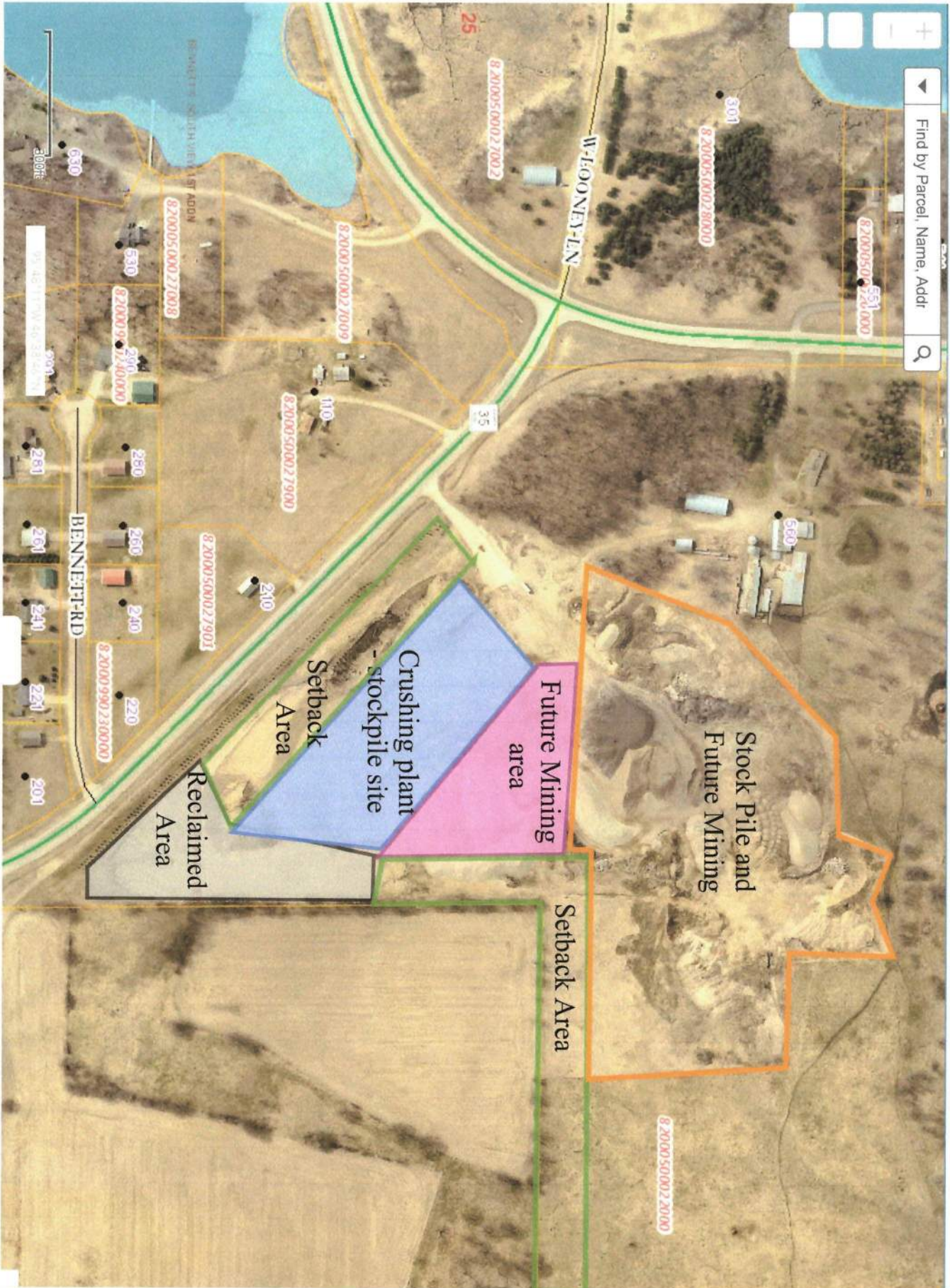
Mark Sand & Gravel Co.

Principal

Liberty Mutual Insurance Company

Surety

Joshua R. Loftis, Attorney-in-Fact





[Give Feedback](#) [Report an Error](#)

Page 55 of 62













































**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

2/19/2021
Page 1 of 3

MAP LEGEND

	Area of Interest (AOI)		Spoil Area
	Area of Interest (AOI)		Stony Spot
	Soils		Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
	Special Point Features		Water Features
	Blowout		Streams and Canals
	Borrow Pit		Transportation
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow		Background
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Otter Tail County, Minnesota
Survey Area Date: Version 16, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 25, 2014—Oct 23, 2016

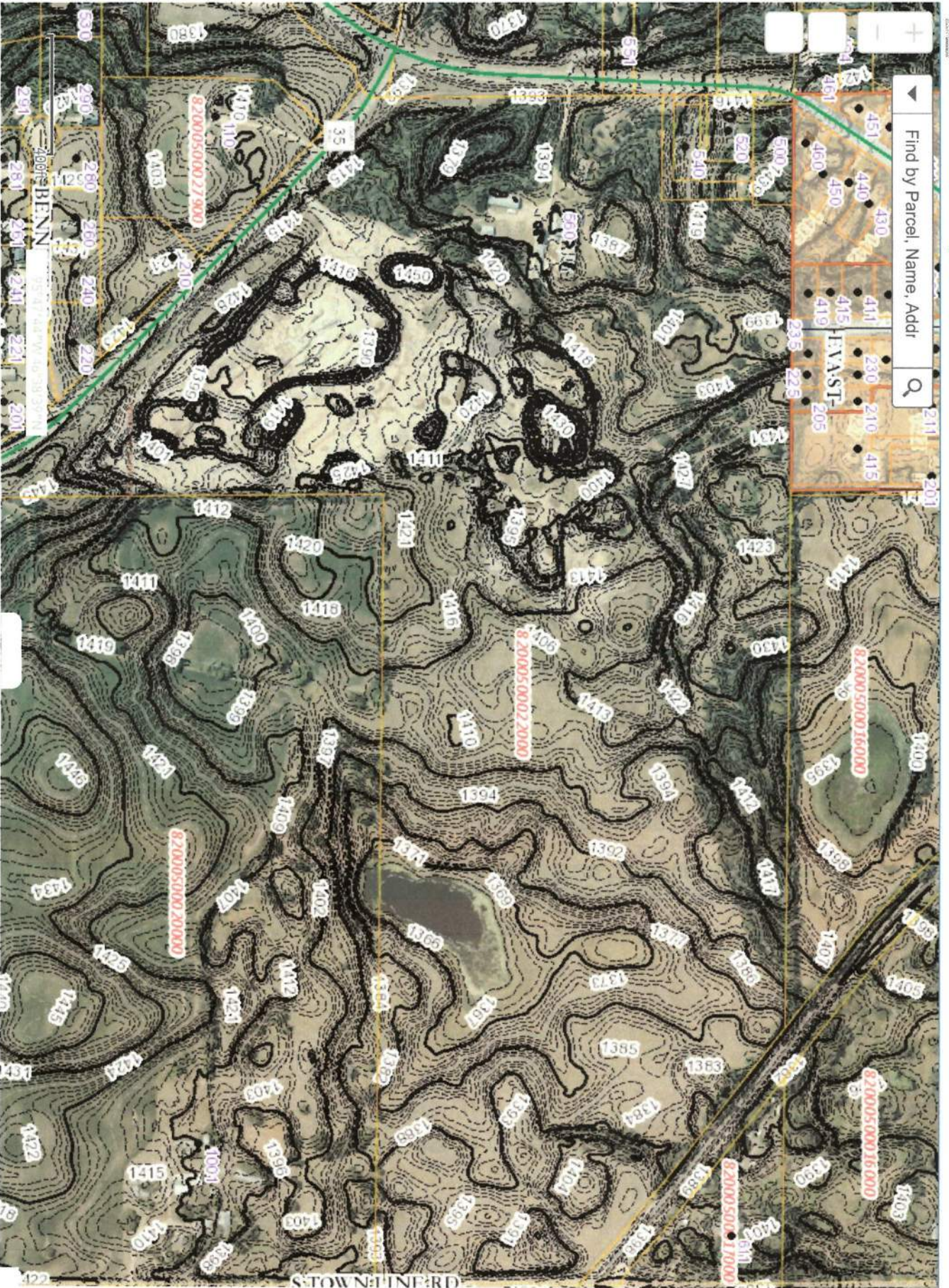
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

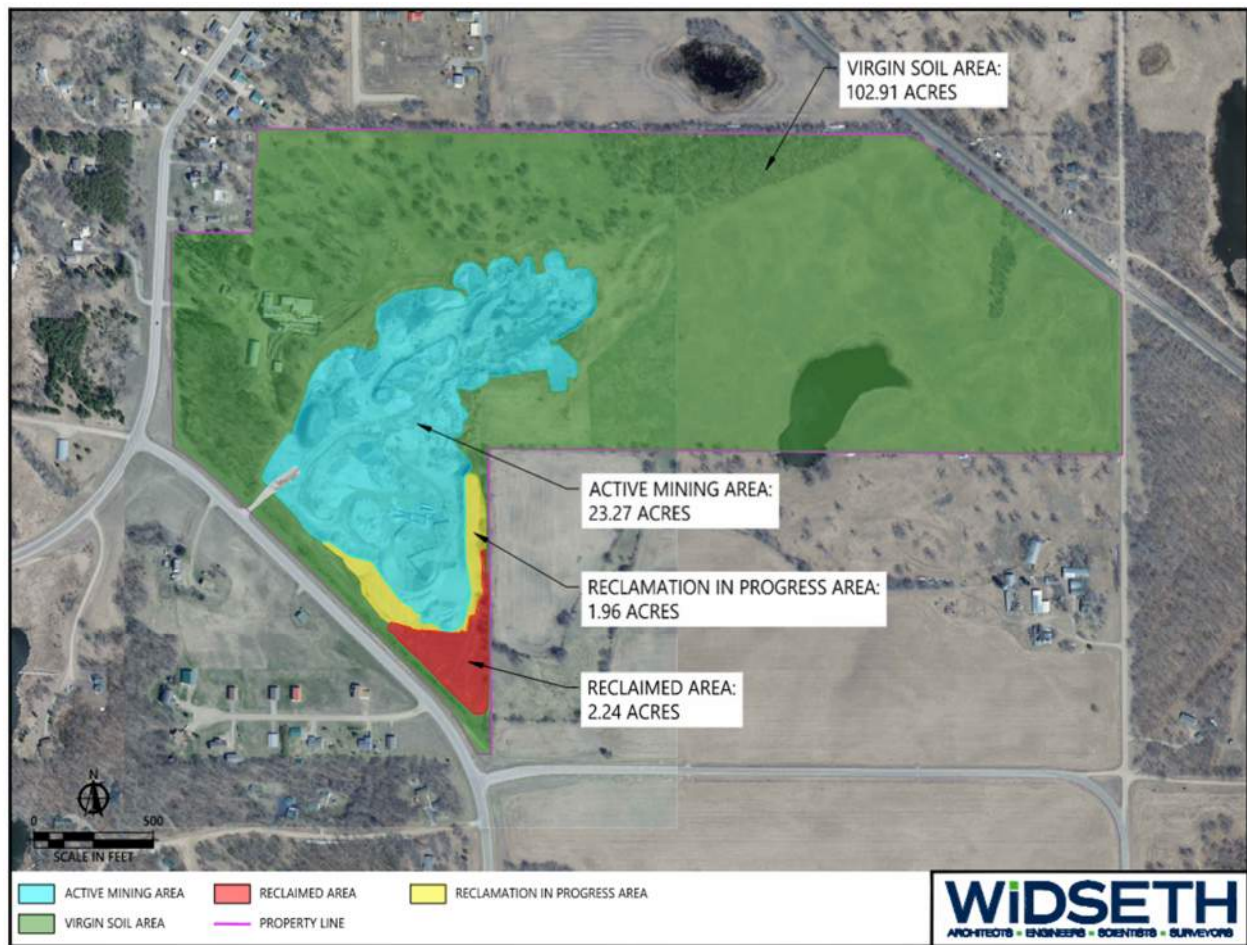
Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
441B	Almora loam, 2 to 6 percent slopes	4.9	13.8%
1196B	Lida-Two Inlets complex, 1 to 8 percent slopes	26.8	76.2%
1196C	Lida-Two Inlets complex, 8 to 15 percent slopes	3.5	10.0%
Totals for Area of Interest		35.2	100.0%

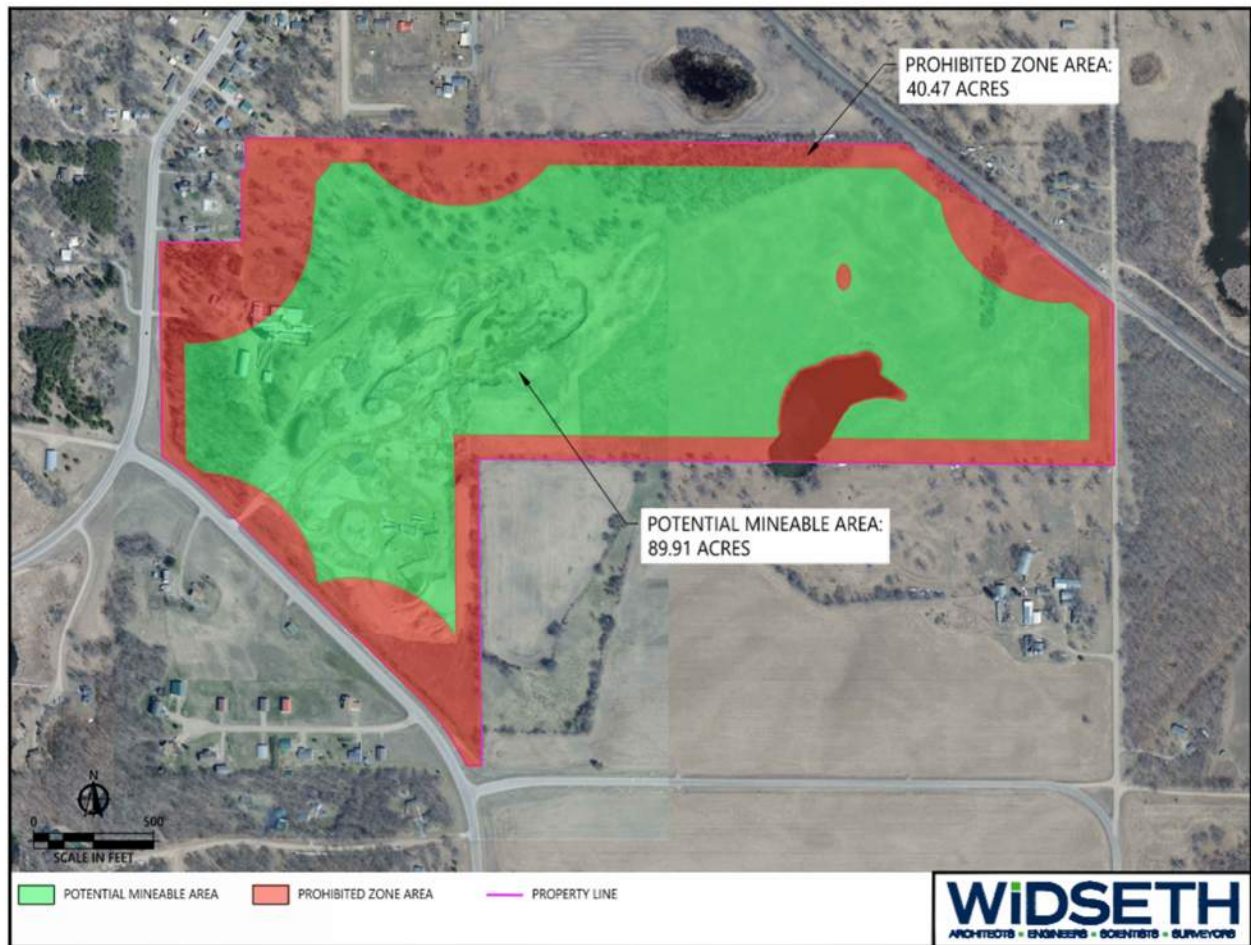


Bunkowski Topographical Map 2025

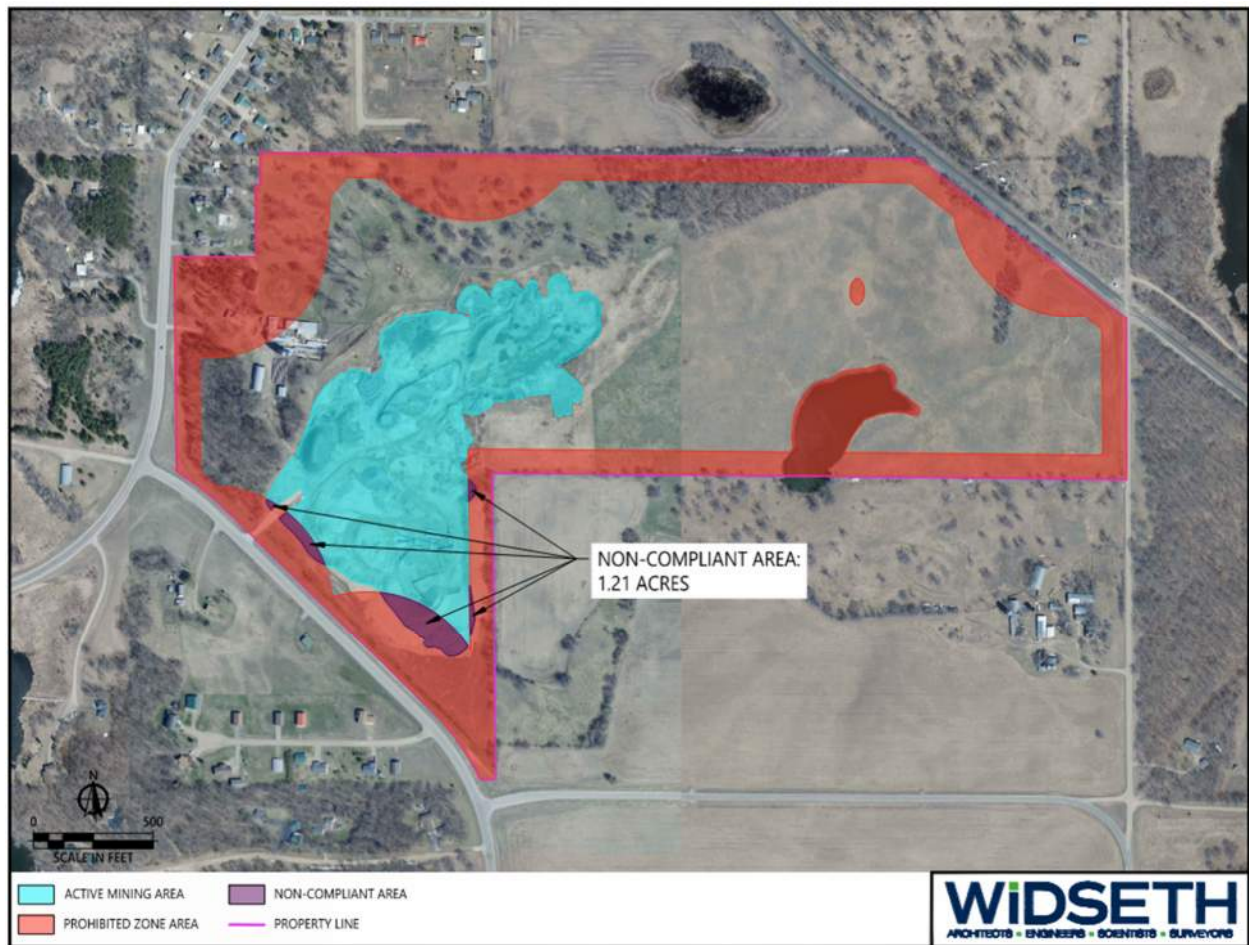


APPENDIX E – CURRENT CONDITIONS MAPS





APPENDIX F – SETBACK VIOLATIONS MAP



Appendix G - Surface Maps

