

**Planning Commission**  
**2021 June Planning Commission Meeting**  
**Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587**  
**6:00 PM on Monday, June 28, 2021**

**1. Call to Order**

**2. Agenda Additions or Deletions**

**3. Minutes - June 9, 2021**

**4. Variance**

806 Scharf Ave E

**5. Construction Permits**

- a. 380 S Pelican Avenue, remove pea gravel and install pavers in front yard
- b. 806 E Scharf Ave, addition and remodel of existing cabin

**6. Old Business**

- a. Nuisance Properties
- b. 88 Park View Drive
- c. Grass Ordinance

**7. New Business**

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**Planning Commission  
2021 June Planning Commission Meeting  
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6:00 PM on Monday, June 28, 2021**

**2. Agenda Additions or Deletions**

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**Files Attached**

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- COnstruction Permit - Veteran's Memorial.pdf

Permit Number: \_\_\_\_\_ Date Received: 6/8/21 Parcel Number: 82000990 164000

## Construction Permit Application

To the City Council of the City of Vergas in the County of Otter Tail, State of Minnesota:  
Application is hereby made by the undersigned for a Construction Permit as provided by City Ordinance as adopted by the City of Vergas.

- GOPHER STATE ONE CALL MUST BE NOTIFIED 48 HOURS PRIOR TO ANY DIGGING, CALL 1-800-252-1166 AS REQUIRED BY MINNESOTA STATE LAW.
- THE CITY OF VERGAS WILL CHECK ALL SETBACKS ON ANY NEW CONSTRUCTION. IT IS THE APPLICANT'S RESPONSIBILITY TO HAVE ALL PROPERTY LINES LOCATED. ALL NEW CONSTRUCTION REQUIRES THE APPLICANT TO MARK THE PROPOSED BUILDING SITE AND PROPERTY LINES BEFORE THE BUILDING PERMIT WILL BE APPROVED.
- All Electrical work MUST have an electrical permit, which must be obtained separately from a MN State Contract Electrical Inspector (218)342-3345 or (218)849-6059. Parcel # 82000990 164000 - Section 24 - Township 137

Property Description: (NEW CONSTRUCTION ONLY)

Lot \_\_\_\_\_, Block \_\_\_\_\_, Addition \_\_\_\_\_ Footage 299 X 50  
Property: Width \_\_\_\_\_ feet, Length \_\_\_\_\_ feet depth 250

Must supply City with a \$1,000 deposit for tar break up. City will reimburse \$1,000 when project complete and street is approved by Utilities Superintendent.

Footage 119  
depth 250

**PLEASE NOTE: WITH ANY NEWLY CONSTRUCTED HOME, THERE ARE FEES FOR START UP OF UTILITIES. WATER HOOK-UP ASSESSMENT IS \$750.00, SEWER IS \$750.00.**

Name of Applicant: VERGAS VETERANS MEMORIAL PARK.

Address of Construction Project: 230 East FRAZER Ave - Vergas, MN

Mailing Address: 35123 Adams Point LN Phone: 701-238-1575  
FRAZER, MN 56544

Name of Owner (If not the Applicant): City of Vergas

Address of Owner (If not the Applicant): Vergas, MN

1. Permit to (CIRCLE ONE)

Build

Install

Addition

Alter

Move

Demolish

Repair

Remodel

Description of work to be done:

BUILD VETERANS MEMORIAL PARK EAST  
OF BASEBALL FIELD

2. Proposed use of building: (CIRCLE ONE) Residential Commercial

3. VALUATION (not just your cost) of work being completed: \$ 100,000

Building Contractor:

Name: SIMONBERG EXCAVATING License Number: 2315 Phone: 218-342-2167

Plumber: (must have MN License)

Name: NONE License Number: \_\_\_\_\_ Phone: \_\_\_\_\_

Electrician:

Name: ZITZOW ELECTRIC License Number: EA005251 Phone: 218-841-8643

Form approved by City of Vergas Council 09/12/2017

4. Attached a "Site Plan", showing the proposed location of any new building in reference to the property including existing buildings. If you have a copy of a professionally prepared site plan, attach a copy for review by the City's Site/Zoning Inspector. Blueprint or Design Drawings must be submitted for any new construction, addition, or remodel.
5. Certification: I hereby certify that I am the applicant herein and that the information given above and/or any exhibits submitted herewith is in all respects true and accurate to the best of my knowledge and belief, and further, if this permit is granted, said construction will comply with plans and specifications herewith submitted and applicable requirements of the City of Vegas.

6. I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

7. APPLICANT'S  
SIGNATURE: [Signature] DATE: 6-8-2021

Vegas Veterans Memorial Park  
\*\*\*\*\*

**FOR OFFICE USE ONLY**

\$ \_\_\_\_\_ Water Hook-up

\$ \_\_\_\_\_ Sewer Hook-up

\$ 250.00 Permit Fee

\$ \_\_\_\_\_ Tar Break Up Deposit

\$ 250.00 Total Fees

Receipt # 129181 Date Paid 6/8, 2021

**Form given to client to display the permit to be visible from the street & to notify office of completion.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_  
(Permitting Authority)

Date Approved by Council: \_\_\_\_\_, 20\_\_

Permit expires in one year if project is not complete please reapply for permit.

**Planning Commission**  
**2021 June Planning Commission Meeting**  
**Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587**  
**6:00 PM on Monday, June 28, 2021**

**3. Minutes - June 9, 2021**

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**Files Attached**

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- 06-09-2021 Planning Commission Meeting minutes.pdf

CITY OF VERGAS PLANNING COMMISSION PUBLIC HEARING MINUTES

Wednesday, June 9, 2021

6:00 pm

Event Center & Zoom Meeting

The City of Vergas Planning Commission held a public hearing on Wednesday, June 9, 2021, at 6:00 pm at the Vergas Event Center and on Zoom with the following members present Bruce Albright, Van Bruhn, Robert Jacoby, Neil Wothe and Paul Pinke. Absent: None. Also, present: Clerk- Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Julie Bruhn, Tyler Schmid, Jeff Zitzow, Tara Dressen, James Bonham and Engineer Scott Kolbinger.

Bruce Albright opened the public hearing at 6:00 pm.

Discussed variance application from 806 Scharf Ave E. City Ordinance 151.21 e3b regarding 10-foot setback on side yard, property owner requesting a 9-foot setback on the side yard.

James Bonham discussed project. They would like to remodel the cabin and extend it out, the lot lines were not established in the 70's. The house would have a one-foot overhang causes the house to be 8 foot 10 inches from lot line and by Scharf Avenue it would be 7.5 inches from the lot line.

Neighbors have not expressed any concerns regarding the project.

The cabin is currently 24 feet wide and 18 feet deep. They are looking at adding 24 feet towards Scharf Avenue. The addition would be 22 feet closer to the road.

Commissioners requested Bonham talk with neighbor regarding their opinion of addition and to stake property lines. Commissioners requested Lammers contact Otter Tail County regarding the ability to add on to a building near a lake.

Albright stated we have 60 days to respond to this variance request.

Albright closed public hearing.

CITY OF VERGAS PLANNING COMMISSION MINUTES

Monday, June 9, 2021

6:00 pm

Event Center & Zoom Meeting

The City of Vergas Planning Commission was held on Wednesday, June 9, 2021, at 6:20 pm at the Vergas Event Center and on Zoom with the following members present Bruce Albright, Van Bruhn, Robert Jacoby, Neil Wothe and Paul Pinke. Absent: None. Also, present: Clerk- Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Julie Bruhn, Tyler Schmid, Jeff Zitzow, Tara Dressen, James Bonham and Engineer Scott Kolbinger.

Bruce Albright opened the meeting at 6:20 pm.

Addition of Veterans Memorial was added to agenda.

Motion by Bruhn, seconded by Pinke to approve the minutes of the April 26, 2021, meeting. Motion passed unanimously.

**Status of Recommendation to City Council**

Council approved amending the City of Vergas proposals involving permanent structure(s) and/or activity on city property to require 100% funding in place.

Council approved pickle ball courts, but prior to them starting construction, if there is a site the council feels is suitable, Council can request they move the courts.

Council hired West Central Initiative to write comprehensive plan.

Council accepted Natalie Fisher's resignation and appointed Neil Wothe.

## **Variance**

Variance was discussed regarding a second variance for 75-foot front yard setback, neighbors being okay with addition, and having property staked. This item was tabled to next month's meeting.

## **Construction Permits**

Motion by Pinke, seconded by Jacoby to approve construction permit for 301 Altona Avenue for a storage shed to be located on tar. Motion passed unanimously.

Motion by Pinke, seconded by Wothe to approve construction permit for 250 1<sup>st</sup> Ave N (Vergas Auto) for awning and 6x16 seating area. Motion passed unanimously.

## **Old Business:**

Nuisance properties were discussed regarding these properties: located at parcel 82000500034000 on old trailer house and bulldozer; 401 S Pelican Ave has been cleaned up since receiving the complaint. Motion by Wothe, seconded by Pinke to send Keith Kuehne, property owner of 82000500034000 to remove nuisance of an old trailer house. Motion passed unanimously.

Tara Dressen stated she has been sent a list of issues regarding violations with landscaping and they have been taken care of. Right of way has been staked and one rock formation is located on their property by a couple of feet. Rock structures are for water formation. The berm that had been requested prior to this meeting has been completed. Dressen requested the removal of the two rock formations outside of the culvert area and a swale be installed. Engineer Scott Kolbinger stated there is a need for rock formations and they may want to look at building up their driveway. Dressen stated they would not want to build up the driveway. Albright questioned DuFrane regarding stormwater permit and plans from Ultieg Engineering. Tabled the discussion until the June 28<sup>th</sup> meeting.

## **New Business**

Jeff Zitzow, co-owner of 105 Main Street provided information regarding their plans of removal and construction of a new building. There is an issue regarding the parking lot and alley. Tyler Schmidt, co-owner of 105 Main Street discussed the alley between liquor store and 105 Main Street. They are planning on 6 apartments and parking will be a concern. There will be parking spaces behind the building.

Grass Ordinance was provided to commissioners. Weed Inspector Julie Bruhn asked for guidance of ordinance, Does the ordinance include fences, poles and property along the railroad? Albright read the ordinance 92.38. Commissioners stated they will rewrite ordinance and asked Lammers to get ordinances from other communities.

Veteran Memorial Park committee reviewed the plans for the Veterans' Park proposed on city property. located at 230 E Frazee Avenue. Albright stated the proposal needs to be approved by the city before commissioners can approve a construction permit. Albright informed Veterans' Memorial Park committee they would need 100% of funding before they would be able to start project, but they could have project approved in stages.

Meeting adjourned at 8:30 pm.

Secretary,

Julie Lammers, CMC Clerk-Treasurer  
City of Vergas

**Follow Up Actions:**

Attorneys prepare a resolution to allow type two 4-wheelers to be allowed on County Roads (the city truck routes).  
Lammers contacts the county regarding building by the lake.  
Lammers provides other city weed grass (weed) ordinances.

**Actions Completed and Removed from Follow up:**

Ness Backhoe to build berm at 88 Park View Drive.  
Lammers contact County regarding cement slab along trail.  
Public Informational meeting June 8 at 6 pm for pickleball court.  
Public Hearing June 9 at 6pm for variance with meeting to follow.  
Lammers to provide interest amounts to Jaron Lammle.

**Council recommendations:**

None.

**Planning Commission  
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**4. Variance**

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806 Scharf Ave E

**Files Attached**

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- Application for Variance - 806 Scharf Ave.pdf

**Application for Variance**  
City of Vergas -County of Ottertail  
111 E Main Street -PO Box 32  
**CITY OF VERGAS** Vergas MN 56587  
218-342-2091

**MAY 10 2021**

**RECEIVED**

Application Fee \$ 400.00  
Receipt Number \_\_\_\_\_  
Accepted By/Date \_\_\_\_\_

Applicant's Name DANIEL BENHAM Telephone Home: \_\_\_\_\_ Cell: 701 371 5969

Address: 1306 Bay View Dr Devils Lake ND 58301

Property Owner's Name JAMES A BENHAM REV TRUST Telephone Home: \_\_\_\_\_ Cell: \_\_\_\_\_

Location of Project: 806 SCHAEF AVE E Parcel # R82000500037007

Legal Description:

Section 30 Township 137 Range 040 Lake Number: \_\_\_\_\_ Lake Name LONG Lake Class \_\_\_\_\_

Description of Proposed Project: Addition to existing Cabin about 20 feet towards Schaeff Ave E  
AND Remodel interior of existing Cabin

Specify the section of the ordinance from which a variance is sought:

151.21 E3b Setback Side yard 10ft

Explain how you wish to vary from the applicable provisions of the ordinance:

Existing Cabin may or may not be 10ft from side yard property line, it is very close to 10 feet  
(See Site Plan)

Please attach a site plan or accurate survey as may be required by ordinance.

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purpose and intent of the ordinance? Yes (X) No ( ) Why or why not?  
The ordinance was created after the property line was created. Now conforming
2. In your opinion, is the variance consistent with the comprehensive plan? Yes (X) No ( ) Why or why not?  
The addition will only extend on the same lines as the existing cabin. It  
will not detract from the visual look of the property
3. In your opinion, does the proposal put property to use in a reasonable manner? Yes (X) No ( ) Why or why not?  
This will provide another bedroom for the family to use
4. In your opinion, are the unique circumstances to the property not created by the landowner? Yes (X) No ( ) Why or why not?  
The lot line was created when the old resort cabins were parcelled out for sale in the  
late 60's/early 70's
5. In your opinion, will the variance, if granted, alter the essential character of the locality? Yes ( ) No (X) Why or why not?  
This will only extend what is already in place

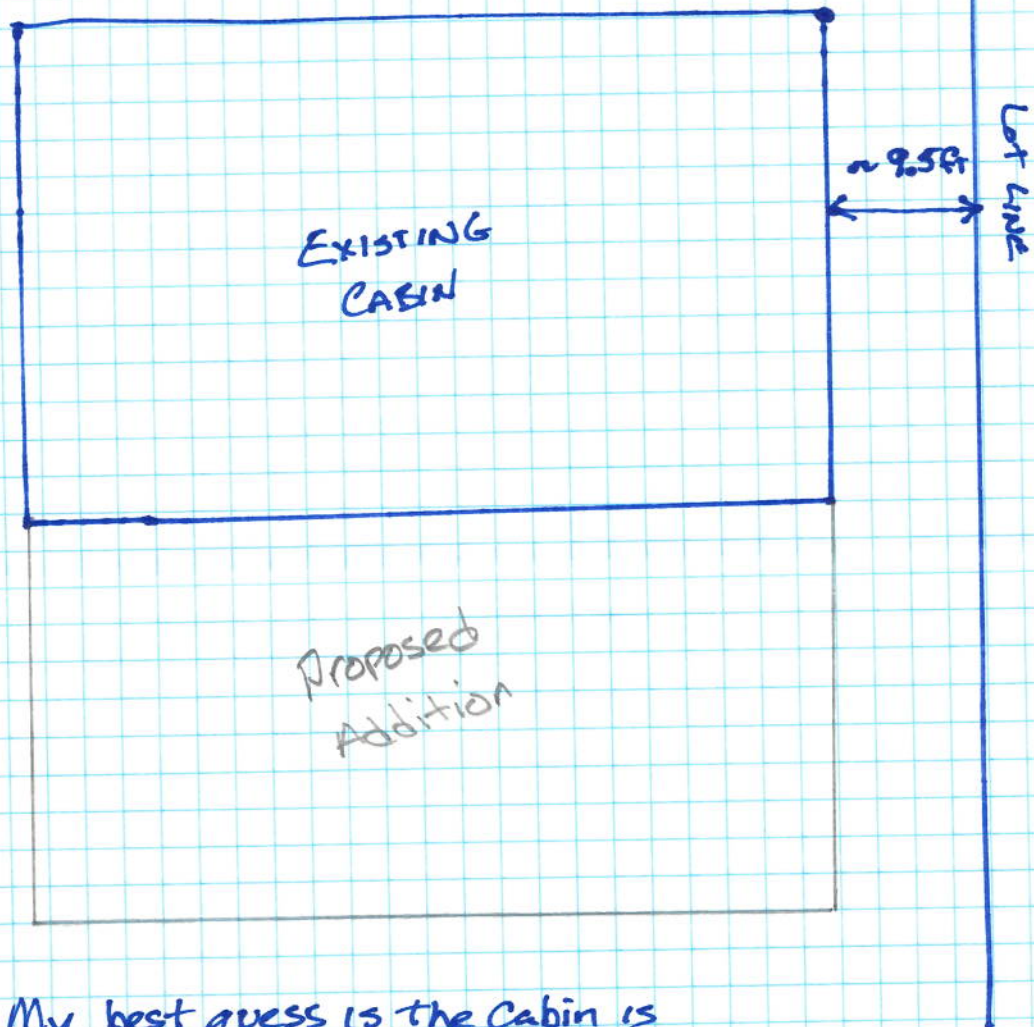
The Planning Commission must make an affirmative finding on all the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant's Signature: [Signature]

Date: 5-4-21

Long  
LAKE



My best guess is the Cabin is  
Approximately 9.5 ft from the  
Property line.

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**5. Construction Permits**

---

- a. 380 S Pelican Avenue, remove pea gravel and install pavers in front yard
- b. 806 E Scharf Ave, addition and remodel of existing cabin

**Files Attached**

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- Construction permit for 380 S Pelican Ave.pdf
- Construction permit for 806 E Scharf Ave.pdf

Permit Number: 2021 Date Received: 6-16-21 Parcel Number: 82000 99 0131000

## Construction Permit Application

To the City Council of the City of Vergas in the County of Otter Tail, State of Minnesota:  
Application is hereby made by the undersigned for a Construction Permit as provided by City Ordinance as adopted by the City of Vergas.

- GOPHER STATE ONE CALL MUST BE NOTIFIED 48 HOURS PRIOR TO ANY DIGGING. CALL 1-800-252-1166 AS REQUIRED BY MINNESOTA STATE LAW.
- THE CITY OF VERGAS WILL CHECK ALL SETBACKS ON ANY NEW CONSTRUCTION. IT IS THE APPLICANT'S RESPONSIBILITY TO HAVE ALL PROPERTY LINES LOCATED. ALL NEW CONSTRUCTION REQUIRES THE APPLICANT TO MARK THE PROPOSED BUILDING SITE AND PROPERTY LINES BEFORE THE BUILDING PERMIT WILL BE APPROVED.
- All Electrical work MUST have an electrical permit, which must be obtained separately from a MN State Contract Electrical Inspector (218)342-3345 or (218)849-6059.

Property Description: (NEW CONSTRUCTION ONLY)

Lot \_\_\_\_\_, Block \_\_\_\_\_, Addition \_\_\_\_\_

Property: Width \_\_\_\_\_ feet, Length \_\_\_\_\_ feet

Must supply City with a \$1,000 deposit for tar break up. City will reimburse \$1,000 when project complete and street is approved by Utilities Superintendent.

PLEASE NOTE: WITH ANY NEWLY CONSTRUCTED HOME, THERE ARE FEES FOR START UP OF UTILITIES. WATER HOOK-UP ASSESSMENT IS \$750.00, SEWER IS \$750.00.

Name of Applicant: Bobbie Schrupp Jorgensen

Address of Construction Project: 380 S. Pelican Ave

Mailing Address: Vergas mn Phone: 218-234-3415

Name of Owner (If not the Applicant): \_\_\_\_\_

Address of Owner (If not the Applicant): \_\_\_\_\_

1. Permit to (CIRCLE ONE)

Build	Install	Addition	<u>Alter</u>
Move	Demolish	Repair	Remodel

Description of work to be done:

Remove pea gravel install pavers in front yard.

2. Proposed use of building: (CIRCLE ONE) Residential Commercial

3. VALUATION (not just your cost) of work being completed: \$ 150-

Building Contractor:

Name: B. Jorgensen <sup>home owner</sup> License Number: \_\_\_\_\_ Phone: \_\_\_\_\_

Plumber: (must have MN License)

Name: \_\_\_\_\_ License Number: \_\_\_\_\_ Phone: \_\_\_\_\_

Electrician:

Name: \_\_\_\_\_ License Number: \_\_\_\_\_ Phone: \_\_\_\_\_

4. Attached a "Site Plan", showing the proposed location of any new building in reference to the property including existing buildings. If you have a copy of a professionally prepared site plan, attach a copy for review by the City's Site/Zoning Inspector. Blueprint or Design Drawings must be submitted for any new construction, addition, or remodel.

5. Certification: I hereby certify that I am the applicant herein and that the information given above and/or any exhibits submitted herewith is in all respects true and accurate to the best of my knowledge and belief, and further, if this permit is granted, said construction will comply with plans and specifications herewith submitted and applicable requirements of the City of Vegas.

6. I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

7. APPLICANT'S  
SIGNATURE: B. Jorgensen DATE: 6-15-21

\*\*\*\*\*

**FOR OFFICE USE ONLY**

\$ \_\_\_\_\_ Water Hook-up                      \$ \_\_\_\_\_ Sewer Hook-up  
\$ \_\_\_\_\_ Permit Fee                              \$ \_\_\_\_\_ Tar Break Up Deposit  
\$ 25.00 Total Fees

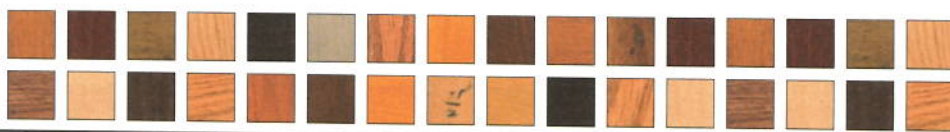
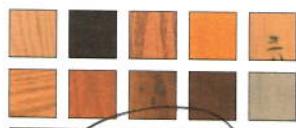
Receipt # 129194 Date Paid June 16, 2021

\_\_\_\_ Form given to client to display the permit to be visible from the street & to notify office of completion.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_  
(Permitting Authority)

Date Approved by Council: \_\_\_\_\_, 20\_\_\_\_

Permit expires in one year if project is not complete please reapply for permit.



82x130  
aprox

Bobbie Jorgensen  
Schrupp  
218 234 3415

Acclimated Entry Systems

PRE-FINISHING

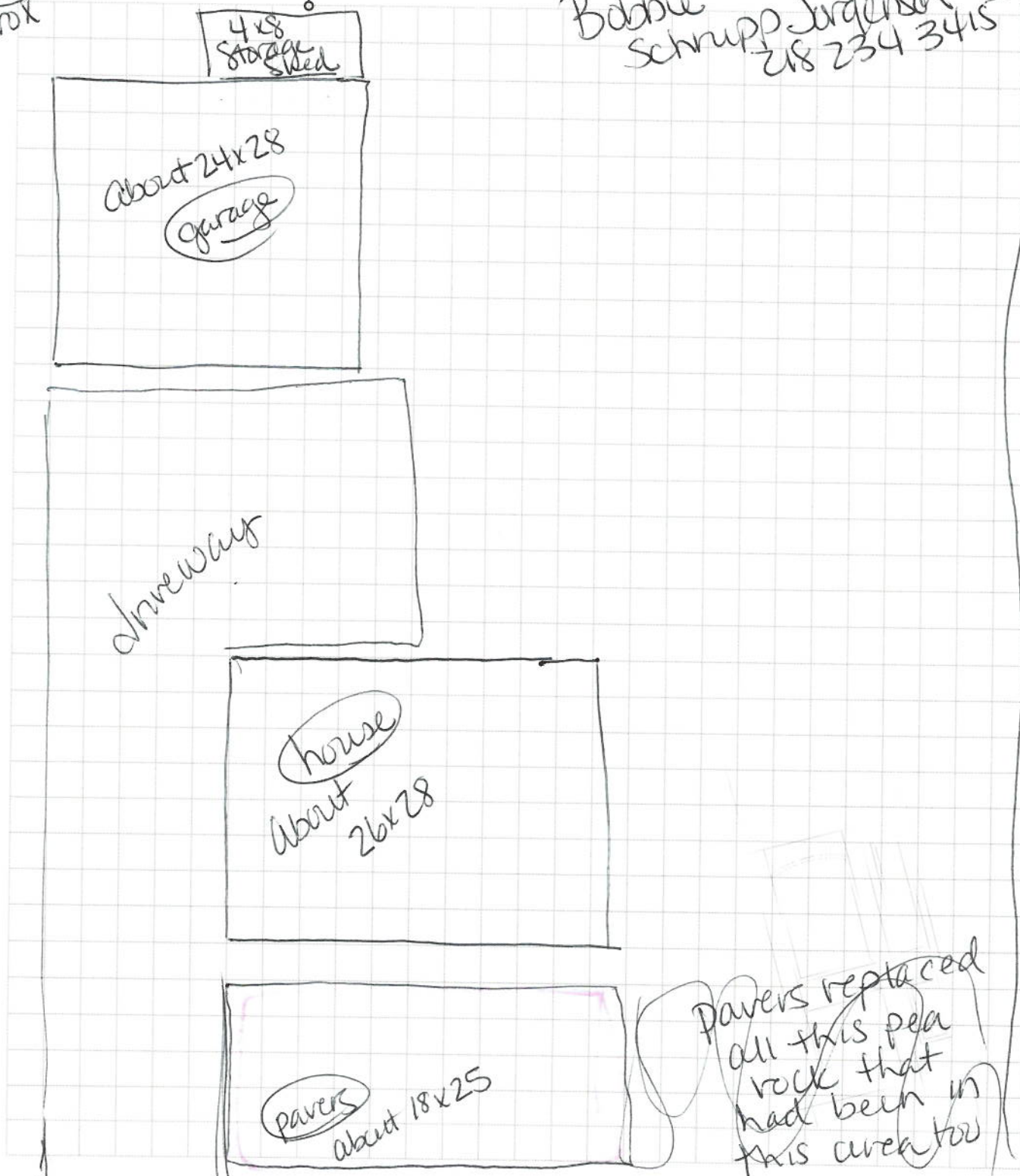
INTERIOR DOORS

MOULDINGS

STAIR PARTS

COLUMNS

ALUMINUM RAIL



Permit Number: \_\_\_\_\_ Date Received: 06/24/21 Parcel Number: \_\_\_\_\_

## Construction Permit Application

To the City Council of the City of Vergas in the County of Otter Tail, State of Minnesota:  
Application is hereby made by the undersigned for a Construction Permit as provided by City Ordinance as adopted by the City of Vergas.

- GOPHER STATE ONE CALL MUST BE NOTIFIED 48 HOURS PRIOR TO ANY DIGGING, CALL 1-800-252-1166 AS REQUIRED BY MINNESOTA STATE LAW.
- THE CITY OF VERGAS WILL CHECK ALL SETBACKS ON ANY NEW CONSTRUCTION. IT IS THE APPLICANT'S RESPONSIBILITY TO HAVE ALL PROPERTY LINES LOCATED. ALL NEW CONSTRUCTION REQUIRES THE APPLICANT TO MARK THE PROPOSED BUILDING SITE AND PROPERTY LINES BEFORE THE BUILDING PERMIT WILL BE APPROVED.
- All Electrical work MUST have an electrical permit, which must be obtained separately from a MN State Contract Electrical Inspector (218)342-3345 or (218)849-6059.

Property Description: (NEW CONSTRUCTION ONLY)

Lot \_\_\_\_\_, Block \_\_\_\_\_, Addition \_\_\_\_\_

Property: Width \_\_\_\_\_ feet, Length \_\_\_\_\_ feet

Must supply City with a \$1,000 deposit for tar break up. City will reimburse \$1,000 when project complete and street is approved by Utilities Superintendent.

PLEASE NOTE: WITH ANY NEWLY CONSTRUCTED HOME, THERE ARE FEES FOR START UP OF UTILITIES. WATER HOOK-UP ASSESSMENT IS \$750.00, SEWER IS \$750.00.

Name of Applicant: JAMES A BONHAM REV TRUST DAN BONHAM

Address of Construction Project: 806 E SCHARF AVE

Mailing Address: 1306 Bay View Dr Phone: 701-371-5969  
DEVILS LAKE, ND 58501

Name of Owner (If not the Applicant): JAMES A BONHAM REV TRUST

Address of Owner (If not the Applicant): \_\_\_\_\_

1. Permit to (CIRCLE ONE)

Build	Install	<u>Addition</u>	Alter
Move	Demolish	Repair	Remodel

Description of work to be done:

Addition + Remodel of Existing Cabin

2. Proposed use of building: (CIRCLE ONE) Residential Commercial

3. VALUATION (not just your cost) of work being completed: \$ 60,000

Building Contractor:

Name: DAN BONHAM License Number: \_\_\_\_\_ Phone: 701 371 5969

Plumber: (must have MN License)

Name: TBD License Number: \_\_\_\_\_ Phone: \_\_\_\_\_

Electrician:

Name: TBD License Number: \_\_\_\_\_ Phone: \_\_\_\_\_

Form approved by City of Vergas Council 09/12/2017

4. Attached a "Site Plan", showing the proposed location of any new building in reference to the property including existing buildings. If you have a copy of a professionally prepared site plan, attach a copy for review by the City's Site/Zoning Inspector. Blueprint or Design Drawings must be submitted for any new construction, addition, or remodel.

5. Certification: I hereby certify that I am the applicant herein and that the information given above and/or any exhibits submitted herewith is in all respects true and accurate to the best of my knowledge and belief, and further, if this permit is granted, said construction will comply with plans and specifications herewith submitted and applicable requirements of the City of Vegas.

6. I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

7. APPLICANT'S  
SIGNATURE: David S. Brown DATE: 6-18-21

\*\*\*\*\*

**FOR OFFICE USE ONLY**

\$ \_\_\_\_\_ Water Hook-up

\$ \_\_\_\_\_ Sewer Hook-up

\$ \_\_\_\_\_ Permit Fee

\$ \_\_\_\_\_ Tar Break Up Deposit

\$ \_\_\_\_\_ Total Fees

Receipt # \_\_\_\_\_ Date Paid \_\_\_\_\_, 20\_\_

\_\_\_\_ Form given to client to display the permit to be visible from the street & to notify office of completion.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_  
(Permitting Authority)

Date Approved by Council: \_\_\_\_\_, 20\_\_

Permit expires in one year if project is not complete please reapply for permit.

LAKE SIDE

EXISTING  
DECK

10 X 24

I HAVE SPOKEN TO GLEN BUNKOWSK. ABOUT  
THIS VARIANCE HE HAS NO PROBLEMS WITH PLAN

EXISTING

CABIN

18 X 24

EXISTING  
ROOFLINE

Proposed  
ROOFLINE

PROPOSED  
ADDITION  
24 X 24

New Addition  
will be Slab  
on grade.

00.5 ft  
to Project from SPLIT

7' 2"

1 Foot  
overhang  
SPLIT

**Planning Commission**  
**2021 June Planning Commission Meeting**  
**Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587**  
**6:00 PM on Monday, June 28, 2021**

**6. Old Business**

---

- a. Nuisance Properties
- b. 88 Park View Drive
- c. Grass Ordinance

**Files Attached**

---

- Weed Ord for other communities.pdf

**Sec. 34-104. - Weeds; elimination.**

*Declared nuisance; abatement by owner.* Any weeds or grass, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the city to a greater height than five inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.

(b)

*Notice of violation to owner; abatement deadline.* When the owner and occupant permit a weed or grass nuisance to exist in violation of subsection (a) of this section, the weed inspector shall serve notice upon the owner of the property if residing in the city and can be found or upon occupant in other cases, by registered mail or by personal service, ordering such owner and/or occupant to have such weeds or grass removed within five days after receipt of the notice and also stating that in case of noncompliance such work will be done by the city at the expense of the owner and that, if unpaid, the charge for such work will be made a special assessment against the property concerned. When no owner, occupant or agent of the owner or occupant can be found, the provision for notice shall not apply.

(c)

*Failure of owner to comply; abatement by city; record of costs.* If the owner or occupant fails to comply with the notice within five days after its receipt, or if no owner, occupant or agent of the owner or occupant can be found, the city shall cut and remove such weeds and grass. The clerk/treasurer shall keep a record showing the cost of such work.

(Ord. No. 359, § 3, 10-3-95; Ord. No. 444, § 1, 7-9-08)

## City of Breckenridge

### **§ 161-3 Weeds and grass.**

All weeds whether noxious as defined by law or not, and grass, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the City of Breckenridge, to a greater height than six inches, or which have gone or are about to go to seed, are a nuisance. The owner and the occupant shall abate or prevent such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.

In the event that an owner or occupant fails to remove weeds and grass, the Codes Administrator for the city shall mail or deliver to such owner or occupant a written notice requiring removal of such weeds and grass within 72 hours after the delivery notice.

#### **B.**

If the owner or occupant fails to take any action to remove such weeds and grass within the 72 hours, the Codes Administrator shall cause such weeds and grass to be removed and shall send a record of the cost thereof to the City Administrator or his/her designee.

[Amended 5-7-2018 by Ord. No. 499]

#### **C.**

All charges for removing weeds and grass shall be a perpetual lien against the property. The City Administrator or his/her designee shall bill the owner or occupant for the cost of removing such weeds and grass, and if such bills are not paid, a special assessment shall be levied against the property involved.

[Amended 5-7-2018 by Ord. No. 499]

#### **D.**

Notwithstanding anything in this article to the contrary, when it is not possible to notify the owner or occupant or in cases where an owner or occupant has ignored a previous notice, no notice need be given.

**ORDINANCE NO. 36**  
**DECLARING WEEDS AND GRASS OVER ONE FOOT IN HEIGHT AND WEEDS WHICH HAVE**  
**GONE TO SEED OR GROWING IN THE CITY OF WILLIAMS TO BE A NUISANCE,**  
**AND PROVIDING A METHOD FOR THE REMOVAL THEREOF**

**SECTION 1.** The word "weeds" as used in this ordinance shall be construed to mean and include not only such noxious weeds as are enumerated in Chapter 18.171 of the General Statutes of the State of Minnesota for the year 1965, but also such useless and troublesome plants as are commonly known as weeds to the general public. The word "weeds" shall also be construed to mean all rank vegetable growth which exhales unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits.

**SECTION 2.** Any weed or grass growing upon any lot or parcel of land in the City of Williams to a greater height than one foot or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety and good order of the City.

**SECTION 3.** When any conditions exist on any lot or parcel of land in the City of Williams violative of the provisions hereof, it shall be the duty of the City Weed Inspector to serve a notice on the owner, occupant or agent of such lot or parcel of land, ordering such owner or agent to have such weeds or grass cut and removed within ten days after the service thereof, and also stating that in case of non-compliance, the same will be done by the City Weed Inspector at the owner's expense.

**SECTION 4.** Upon the failure of the owner, occupant or agent to comply with the provisions of said notice, and after the expiration of ten days, the said Inspector shall proceed to cut and remove such weeds or grass, and determine the cost thereof and charge the owner of the premises therewith, and shall, not later than the first day of October of each year, certify to the County Auditor, the amount so charged against premises, lots or parcels of land, together with a description of the premises and collection enforced in the same manner as taxes against said premises. Such charge shall be a perpetual lien on said premises until paid; or when unknown then said Inspector may proceed without the service of said notice.

(State Statute 18.77 is hand written in the margins of the original page in the binder in Clerk's office)