

Planning Commission
2021 November Planning Commission Meeting
Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587
6:00 PM on Monday, November 22, 2021

1. **Call to Order**
2. **Agenda Additions or Deletions**
3. **Minutes**
October 25, 2021
4. **Status of Council Recommendations**
5. **Construction Permits**
407 W Sunset Strip, replace entry door
6. **Old Business**
 - a. Nuisance Properties
 - b. Grass Ordinance
 - c. Townline Road
 - d. Lakeshore Management
7. **New Business**
Vergas Snowmobile Ordinance

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3. Minutes

October 25, 2021

Planning Commission
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5. Construction Permits

407 W Sunset Strip, replace entry door

Files Attached

- Construction Permit 407 W Sunset Strip.pdf

Permit Number: _____ Date Received: 11/08/2021 Parcel Number: 82000500025001

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: Heath Courneya
Address of Construction Project: 407 W. Sunset Strip
Mailing Address: SAME Phone: (218) 850-1281
Name of Owner (If not the Applicant): Heath Courneya
Address of Owner (If not the Applicant): 407 W Sunset Strip

1. Permit to (CIRCLE ONE)
Build Install Addition Alter
Move Demolish Repair Remodel

Description of work to be done:
Replace Entry Door

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

3. **VALUATION (not just your cost) of work being completed:** \$ 1300.00

Building Contractor:
Name: _____ 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: _____

DATE: 11-08-21

FOR OFFICE USE ONLY

\$ _____ Water Hook-up

\$ _____ Sewer Hook-up

\$ 25 Permit Fee

\$ _____ Tar Break Up Deposit

\$ 25 Total Fees

CITY OF VERGAS

NOV 08 2021

Receipt # 144533 Date Paid _____, 20__

RECEIVED

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

Signature: *Heath Lowmyer* Date: _____, 20__
(Permitting Authority)

Date Approved by Council: _____, 20__

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

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6. Old Business

- a. Nuisance Properties
- b. Grass Ordinance
- c. Townline Road
- d. Lakeshore Management

Files Attached

- Vergas Weed Ordinance proposed.pdf
- 20211115-TownlineRd-Exhibit-Notes.pdf
- 20211122 Letter from Engineer.pdf
- OverallLocationMap.pdf

WEEDS

92.35 Short tittle

92.36 Weeds and Vegetation

92.37 Jurisdiction

92.38 Definitions; exclusions

92.39 Owners responsibility for trimming, removal and the like

92.40 Filing complaint

92.41 Notice of violations

92.42 Appeals

92.43 Abatement by city

92.44 Liability

' 92.16 PUBLIC NUISANCES AFFECTING HEALTH

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

' 92.35 SHORT TITTLE

This subchapter shall be cited as the Weed and Grass Ordinance.

' 92.36 WEEDS AND VEGETATION

(A) Purpose. The purpose of this chapter is to establish minimum standards for lawn maintenance and weed control while recognizing that a variety of landscapes within our community adds diversity and richness to the quality of life for all residents. Turf grass lawns continue to be recognized as the dominant nature in the landscape; however, alternatives to this traditional type of lawn are recognized as important parts of a diverse and successful landscape. Lands within the City of Vergas are diverse, including, but not limited to: agriculture (crops and pasture); road and railway right-of-ways; woods and trees; lakeshore; wetlands; gravel mining operations, pollinator habitat; natural areas; and public and private lands. The purpose and intent of this chapter is to protect and preserve the city's neighborhoods and the public health, safety and welfare of those who live there. The city council determines that keeping the city free of tall grass and noxious weeds improves the quality of life of all residents by improving aesthetics, by eliminating harbor for rodents and insects, and by eliminating fire hazards. At the same time, the city council recognizes that requiring the mowing of grasses and control of noxious weeds is sometimes unreasonable or impractical under certain circumstances.

' 92.37 JURISDICTION

This subchapter shall be in addition to any state statute or regulation or county ordinance presently in effect, subsequently added, amended or repealed.

' 92.38 DEFINITIONS;EXCLUSIONS.

(A) for the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DESTRUCTION ORDER. The notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation that shall conform to M.S.

' 18.83, Subd. 2, as it may be amended from time to time.

MEADOW VEGETATION. Grasses and flowering broad-leaved plants that are native to, adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, except weeds as defined herein.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as right-of-way, easement, licensee or lease.

WEEDS, GRASSES and RANK VEGETATION.

(A) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;

(B) Bushes of the species of tall, common, or European barberry, further known as Berbers vulgarism or its horticultural varieties;

(C) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches;

(D) Rank vegetation includes the uncontrolled growth of annuals and perennial plants;

(E) The term WEEDS does not include shrubs, trees, cultivated plants and crops.

Any other weed designated by M.S. ' 18.77, or as they may be amended from time to time, as noxious.

(A) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

' 92.39 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

(A) All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds; or grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of the notice, is in excess of 12 inches in height.

These provisions shall not apply to an area established with meadow vegetation if:

(1) The prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means; and

(2) A sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This sign must be no smaller than 10 inches square, no larger than on square foot, and no higher than three feet tall.

Penalty, see ' 92.99

' 92.40 FILING COMPLAINT.

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated, and filed with the City Clerk. If the city makes the complaint, an employee, officer or Council Member of the city shall file the complaint in all respects as set out above.

' 92.41 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of weeds or other uncontrolled plant growth in violation of this subchapter, a person designated by the the City Council shall make an inspection and prepare a written report to the City Council regarding the condition. The City Council, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a Destruction Order to the property owner or the person occupying the property as that information is contained within the records of the City Clerk or any other city agency. The notice shall be served in writing by certified mail. The notice shall provide that within seven regular business days after the receipt of the notice that the designated violation shall be removed by the property owner or person occupying the property.

(B) (1) All notices are to be in writing and all filings are to be with the City Clerk.

(2) Certified mailings to the City Clerk or others is deemed filed on the date of posting to the United States Postal Service.

' 92.42 APPEALS

- (A) The property owner may appeal by filing written notice of objections with the City Council within 72 hours of the notice, excluding weeks and holidays, if the property owner contests the findings of the City Council. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.
- (B) An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council Members in attendance and being at a regularly scheduled or special meeting of the City Council.

' 92.43 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the Destruction Order within seven regular business days and has not filed a notice within 72 hours to the City Clerk of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds or uncontrolled vegetation to conform to this subchapter by all lawful means.

' 92.44 LIABILITY.

- (A) The property owner is liable for all costs or removal, cutting or destruction of weeds as defined by this subchapter.
- (B) The property owner is responsible for all collection of costs associated with weed destruction, including but not limited to court costs, attorney's fees and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used.
- (C) All sums payable by the property owner are to be paid to the City Clerk and to be deposited in the general fund as compensation for expenses and costs incurred by the city.
- (D) All sums payable by the property owner may be collected as a special assessment as provided by MS ' 429.101, as it may be amended from time to time.

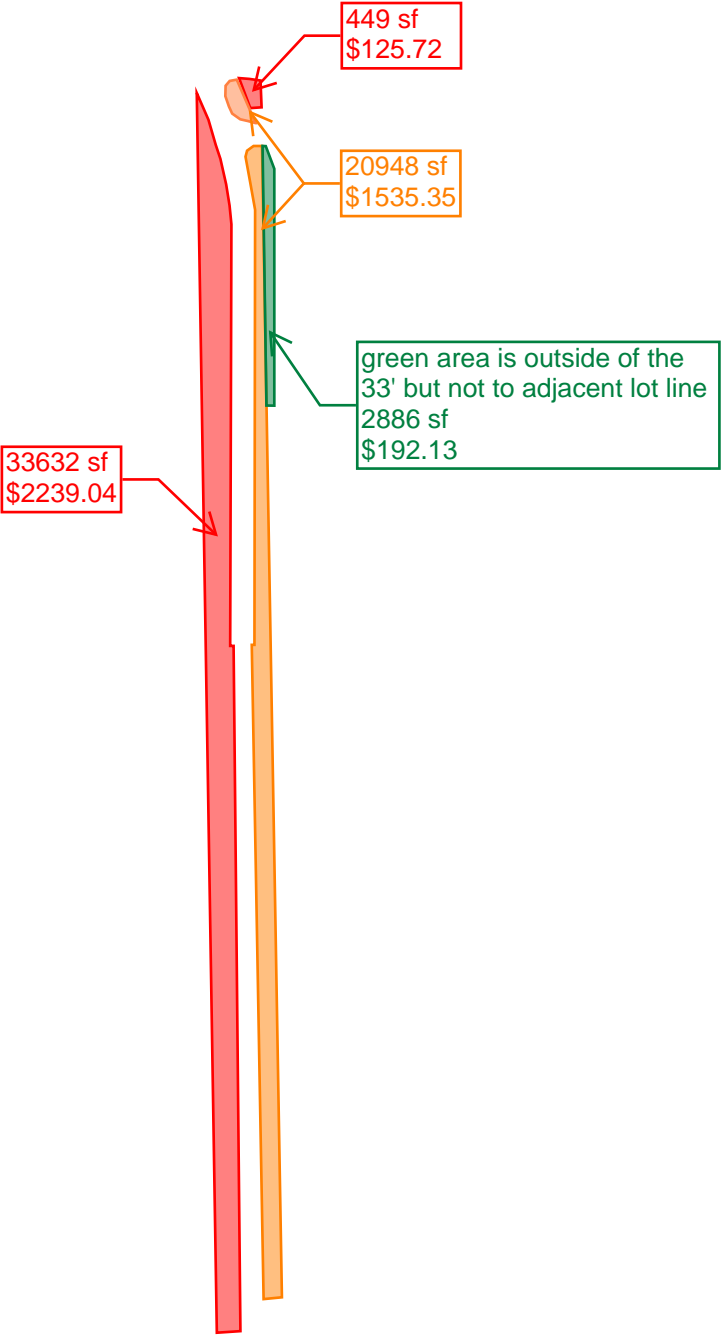
EXHIBIT

TOWNLINERoad, CITY OF VERGAS ON THE EAST LINE OF SECTION 25, TOWNSHIP 137 NORTH, RANGE 41 WEST,
FIFTH PRINCIPAL MERIDIAN,
OTTER TAIL COUNTY, MINNESOTA
6/24/21



- EX. ASPHALT EDGE
- PROPOSED EASEMENT
- APPROX. PROPERTY LINE
- SECTION LINE
- EX. GRAVEL EDGE
- FOUND SECTION LINE MONUMENT





Julie,

We completed the land valuation along Townline Road.

Agricultural Homestead and Agricultural Homestead Commercial have a valuation of \$2,900 per acre
Residential Non-Homestead valuation of \$0.28 per square foot
Residential Homestead valuation of \$0.45 per square foot

The breakdown looks like this. This is also summarized in the exhibit which shows the area. There is one area that is goofy, highlighted in green. Not sure how the council will want to handle this portion.

Larry Gdkowsk – Agriculture Homestead - \$2,900 per acre. **Total \$2239.04**

Terry Engel – Agriculture Homestead - \$2,900 per acre. **Total \$2156.36**

Keith Bunkowski – Agriculture Homestead - \$2,900 per acre. **Total out to 33' \$1535.35**, green area adds an additional \$192.13

Keith Bunkowski – Agricultural Homestead Commercial - \$2,900 per acre. **Total \$1762.24**

Maynard Johnson – Residential Non-Homestead - \$0.28 per square foot. **Total \$125.72**

Kerry Strand – Residential Homestead - \$0.45 per square foot. **Total \$0**

All of this is based on areas outside of the roadway surface to 33' from the section line, with the exception of the green hatched area.

Let me know if you have any questions regarding the information.

Thank you.

Scott Kolbinger, PE (ND, SD & MN)



701-271-4846 **Direct**

612-219-9019 **Cell**

300 23rd Ave E, Suite 100

West Fargo, ND 58078

kljeng.com

Untitled Map

Write a description for your map.

Legend

- ? ?Skål
- Feature 1

Residential Non-Homestead - Maynard Johnson

Residential Homestead - Kerry Strand

Agriculture Homestead - Larry Gdkowski

Agriculture Homestead - Keith Bunkowski

Agriculture Homestead Commercial - Keith Bunkowski

Agriculture Homestead - Terry Engel



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7. New Business

Vergas Snowmobile Ordinance

Files Attached

- Vergas Snowmobile Ordinance.pdf

CHAPTER 72: SNOWMOBILES

Section

- 72.01 Intent
- 72.02 Definitions
- 72.03 Application of traffic ordinances
- 72.04 Restrictions
- 72.05 Stopping and yielding
- 72.06 Persons under 18
- 72.07 Equipment
- 72.08 Unattended snowmobiles
- 72.09 Emergency operation permitted

' 72.01 INTENT.

It is the intent of this chapter to supplement M.S. ' ' 84.81 to 84.91, and M.S. Ch. 169, as these statutes may be amended from time to time and Minn. Rules parts 6100.5000 through 6100.6000, as these rules may be amended from time to time, with respect to the operation of snowmobiles. These statutes and rules are incorporated herein by reference. This section is not intended to allow what the state statutes and rules prohibit, nor to prohibit what the state statutes and rules allow.

' 72.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEADMAN THROTTLE or **SAFETY THROTTLE**. A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

OPERATE. To ride in or on and control the operation of a snowmobile.

OPERATOR. Every person who operates or is in actual physical control of a snowmobile.

OWNER. A person, other than a lien holder having the property in or title to a snowmobile, or entitled to the use or possession thereof.

PERSON. Includes an individual, partnership, corporation, the state and its agencies and subdivision, and any body of persons, whether incorporated or not.

RIGHT-OF-WAY. The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

ROADWAY. That portion of a highway or street improved, designed or ordinarily used for vehicular travel.

SNOWMOBILE. A self-propelled vehicle designed for travel on snow or ice, steered by skis or runners.

STREET. A public thoroughfare, roadway, alley or trail used for motor vehicular traffic which is not an interstate, trunk, county-state aid, or county highway.

' 72.03 APPLICATION OF TRAFFIC ORDINANCES.

The provisions of Ch. 70 of this code shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.

Penalty, see ' 10.99

' 72.04 RESTRICTIONS.

(A) It is unlawful for any person to enter, operate or stop a snowmobile within the limits of the city:

(1) On the roadway of any street, except the most right hand lane then available for traffic or as close as practicable to right hand curb or edge of the roadway, except when overtaking and passing another vehicle stopped in the lane or proceeding in the same direction, or in making a left turn. Snowmobiles may also be operated upon the outside slope of trunk, county-state aid and county highways where the highways are so configured within the corporate limits. The City Council may, pursuant to M.S. ' 84.87, Subd. 3, as it may be amended from time to time, adopt a resolution designating certain city streets as available for snowmobile operation and prescribe such time and speed limits as are necessary.

(2) On a public sidewalk provided for pedestrian travel.

(3) On boulevards within any public right-of-way.

(4) On private property of another without specific permission of the owner or person in control of the property.

(5) Upon any school grounds, except as permission is expressly obtained from responsible school authorities.

(6) On public property, playgrounds and recreation areas, except areas previously listed or authorized for the use by resolution of the City Council, in which case the use shall be lawful, and snowmobiles may be driven in and out of those areas by the shortest route.

(7) On streets as permitted by this chapter at a speed exceeding 10 miles per hour.

(8) During the hours of 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and 12:01 a.m. to 8:00 a.m. on other days closer than 100 feet from any residence. This provision is not intended to prohibit snowmobiles from operating on city streets during the hours specified herein.

(B) It is unlawful for any person to operate a snowmobile within the limits of the city:

(1) So as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile; provided, that a disabled snowmobile may be towed to a private residence or a place of business where snowmobiles are repaired without the use of a rigid tow bar.

(2) Within 100 feet of any fisherman, pedestrian, skating rink or sliding area where the operation would conflict with use or endanger other persons or operation.

(3) To intentionally drive, chase, run over or kill any animal.

Penalty, see ' 10.99

' 72.05 STOPPING AND YIELDING.

No snowmobile shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Penalty, see ' 10.99

' 72.06 PERSONS UNDER 18.

(A) No person under 14 years of age shall operate on streets or make a direct crossing of a city street as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on streets as permitted under this chapter and make a direct crossing of those streets only if he or she has in his or her immediate possession a valid snowmobile safety certificate issued pursuant to M.S. ' 84.872, as it may be amended from time

to time.

(B) It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provision of this section.

Penalty, see ' 10.99

' 72.07 EQUIPMENT.

It is unlawful for any person to operate a snowmobile any place within the limits of the city unless it is equipped with the following:

(A) Standard mufflers which are properly attached, and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, bypass straight pipe or similar device on a snowmobile motor.

(B) Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.

(C) A safety or so called dead man throttle in operating condition.

(D) When operated between the hours of one-half hour after sunset to one-half hour before sunrise, or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

(E) Snowmobiles shall fly a pennant flag or red or blaze material, of a size not less than 12 inches by 9 inches, at a height of not less than six feet from ground level at any time when the vehicle is operated on public streets.

(F) Reflective material at least 16 square inches on each side, forward of the handlebars and at the highest practical point on any towed object, so as to reflect lights at a 90 degree angle.

Penalty, see ' 10.99

' 72.08 UNATTENDED SNOWMOBILES.

Every person leaving a snowmobile on a public place shall lock the ignition, remove the key and take the same with him or her.

Penalty, see ' 10.99