

Planning Commission
2022 May Planning Commission Meeting
Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587
6:00 PM on Monday, May 23, 2022

1. Public Hearing- Keilley Shores Third Addition

2. Call to Order

3. Agenda Additions or Deletions

4. Minutes

April 25, 2022

May 17, 2022

5. Status of Council Recommendations

Land dedication and/or fee

6. Construction Permits

1. Approval of permits

2. Approved Permits Review -

a. 310 W Glen Street permit

3. Permits approved by City Clerk-Treasurer

a. 105 E Main St - Lakes Fit Sign

4. Permits needing approval

a. 110 S Railway Avenue, sign

b. 1106 e Frazee Avenue, repair fence

7. Old Business

a. Lawrence Lake Project

b. Parcel Split - Keilley Shores

c. Mark Sand & Gravel Interim Use Permit

e. Ordinances

1. Snowmobile

2. Dog & Cat

f. Nuisance Properties

8. New Business

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1. Public Hearing- Keilley Shores Third Addition

Files Attached

- 05-23-22 PUBLIC HEARING NOTICEKeilley Shores Third Addition.pdf

VERGAS PLANNING COMMISSION

PUBLIC HEARING NOTICE

Notice is hereby given that the Vergas City Planning Commission will conduct a Public Hearing regarding a Final Plat of Keilley Shores Third Addition located on parcel 82-000-50-0037-000 Section 30, Township 137, Range 40. This will divide the parcel into 15 parcels along East Scharf Avenue.

All interested parties are invited to attend and will be given the opportunity to ask questions and to provide public input and/or comments. If you are unable to attend the hearing, you are invited to submit your comments in writing to the City Clerk-Treasurer prior to the scheduled hearing. Written comments and questions will be addressed at the hearing and a written response will be provided by the City. Non-English-speaking residents and other persons with special needs who plan to attend the hearing are asked to contact City Hall (218) 342-2091 prior to the hearing so arrangements can be made to address any specific requirements.

The Public Hearing on this request will be held by the Vergas Planning Commission at 6:00 p.m. on Monday, May 23, 2022, attend the meeting via Zoom, meeting id: 267-094-2170 password 56587 or at the Vergas Event Center Council Chambers.

Julie Lammers
City Clerk-Treasurer

.....
Please Publish Frazee-Vergas Forum May 10 and 17, 2022

AFFIDAVIT REQUIRED: Please send to – City of Vergas
Attn: Julie Lammers
City Clerk-Treasurer
P O Box 32
Vergas MN 56587

**Planning Commission
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4. Minutes

April 25, 2022
May 17, 2022

Files Attached

- 04-25-2022 Planning Commission Meeting minutes.pdf
- 05-17-2022 Planning Commission Meeting minutes.pdf

CITY OF VERGAS PLANNING COMMISSION MINUTES

Monday, April 25, 2022

6:00 pm

Event Center & Zoom Meeting

The City of Vergas Planning Commission was held on Monday, April 25, 2022, at 6:00 pm for a hybrid meeting with the following members present: Van Bruhn, Robert Jacoby, Neil Wothe, Bruce Albright and Paul Pinke. Absent: none. Also present: Clerk- Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Scott Kolbinger, Josh Hanson, Josh Pfeffer, Shelly Bunkowske and Keith Bunkowske.

Call to Order

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

Agenda Additions and Deletions

Approved agenda as provided.

Minutes

Motion by Jacoby, seconded by Bruhn to approve minutes of the Monday, April 11, 2022, Planning Commission meeting changing the wording from diagonal parking to parallel parking and removing the word not from a statement made by Shelly Bunkowske. Motion passed unanimously.

Status of Council Recommendations

Council has approved the Mark Sand and Gravel Interim Use Permit subject to receiving the Engineering Report, \$100,000 bond and \$7,000 fee. Inspection is not complete, Kolbinger stated they are hoping to complete this week.

Construction Permits

310 Glen Street-building

Motion by Jacoby, seconded by Pinke to approve construction permit for 310 Glen St with the requirement of either building twenty-five feet from Glen St (this is their front yard) or applying for a variance if wanting to build ten feet from property line. Motion passed unanimously.

220 Bennett Road- house and garage

Motion by Pinke, seconded by Jacoby to approve construction permit for 220 Bennett Road for house and garage. Motion passed unanimously.

311 Park View Drive -deck, shed & walkway

Motion by Pinke, seconded by Bruhn to approve construction permit for 311 Park View Drive for walkway and shed being placed ten feet from property line. Motion passed unanimously.

820 Scharf Avenue, siding and windows

Motion by Pinke, seconded by Jacoby to approve construction permit for 820 Scharf Ave for siding and windows. Motion passed unanimously.

Old Business:

Lawrence Lake Project

Motion by Pinke, seconded by Wothe to combine the following parcels 82000500024001, 82000500024000 & 82000500034000 as they have fulfilled requirements of having all parcels in one name (JRMH Holdings LLC) and taxes are paid in full for 2022. Motion passed unanimously.

Motion by Pinke, seconded by Bruhn to hold a public hearing regarding the lot split of combined parcels 82000500024001, 82000500024000 & 82000500034000 on Tuesday, May 10, 2022. Motion passed unanimously.

Kolbinger reviewed the preliminary plan of this development and supplied a list of questions and Meadowland Survey (contracted by JRMH Holdings LLC) responded to questions. (Questions and responses are on file at the city office). Discussed if commission consider approving the six lots or if we are looking at 28 lots and doing the project in phases. Kolbinger questioned if we should have preliminary plat of six lots and roadway and current document would be changed to development concept for ultimate plan as a preliminary plan is only good for 1 year. After reviewing ordinances it was found that there is no benefit to approving more than the six parcels and the road at this time.

Discussed Glen Street and the issue of the current street not being fully developed. This road will need to be developed to meet this development. The proposed road meeting with W Lake Street will make the neighboring property a non-conforming lot due to the current garage being within twenty-five feet of the road. This issue will need to be dealt with by the road moving or by giving them a variance for that shed.

Motion by Pinke, seconded by Bruhn to conduct a public hearing on May 17 at 6:30 pm and cancelling the public hearing scheduled for May 10 regarding a parcel lot split. The public hearing will include the parcel lot split, City water and sewer vs septic systems and wells, a City Street and preliminary plan of parcels 820005000240000, 82000500024000 and 82000500034000. Preliminary Plan of Lawrence Lake Acres Section 25, Township 137, Range 41. Motion passed unanimously.

Discussed allowing septic systems and wells on the four lots being split on the parcel. Commissioners discussed 3-foot separation to sanitation and the kind of system required. Josh Hanson will contact the county regarding requirements of septic systems on lots and provide information at the public hearing. Discussed the donation of park land as part of the project the commissioners need to decide if they are going to require land and or a monetary donation with this development. Ordinance reads that for sixty-seven acres there will need to be 4.2 units for a 10% dedication. Discussed needing fill to improve our part of Glen Street and W Lake Street is going to need to be updated. We need to decide if this will be one street project or two.

Discussed if we are going to have a planning commission meeting after the public hearing or if we are going to wait until the scheduled May 23 meeting. Decided to not have a planning commission meeting on the 17th but to make the decision on the 23rd.

Parcel Lot Split on Scharf Avenue

Keith Bunkowske reviewed change in map regarding parcel 82000500037000 with natural drainage displayed and with an addition of a sediment basin between lots 2 and 3. Planning to add drain tile to go to Long Lake with rocks to filter sediment and this will differ any increase in water for current Scharf Avenue residents. An easement will be provided to the city for the filtration basin (Kolbinger stated this needs to have no standing water within 48 hours) and they will provide city with Storm Water Sewer Prevention Plan from the MPCA for the project. Discussed length of road being

short on ½ mile and there being space to put in a road connecting Town Line Road if adjacent property is developed in the future.

Motion by Pinke, seconded by Jacoby to accept storm water management plan for Keilly Shores third addition. Motion passed unanimously. Motion by Jacoby, seconded by Wothe to approve preliminary plat of Keilly Shores Third Addition. Motion passed unanimously. Wothe asked if current water and sewer could manage new development and if any additions would need to be made to system. Kolbinger stated the current water and sewer systems can manage new development and the only area of concern is the current lift station on Scharf Avenue. Issue with current lift station is due to it being placed in a swamp, not a compacity issue. Motion by Pinke, seconded by Bruhn to schedule public hearing for the final plat at 6 pm on May 23, 2022 if final plat drawing is submitted to the City by May 9, 2022. Motion passed unanimously.

Plan Review Fee

Discussed ordinances 151.53 and 152.10 and the face City regulations already require developers to reimburse City for engineering costs. Commissioners discussed ordinance 152.105 and would like to request direction from the Council on how to proceed with dedication of land or fee.

§ 152.105 DEDICATION REQUIREMENTS.

(A) As a condition of subdivision approval, subdividers shall dedicate a portion of any proposed subdivision for conservation purposes or for public use as parks, recreational facilities as defined and outlined in M.S. § 471.191, playgrounds, trails, wetlands or open space; provided that the city may choose to accept an equivalent amount in cash for part or all of the portion required to be dedicated based on the fair market value of the land following the criteria of M.S. § 462.358, Subd. 2b, as it may be amended from time to time.

(B) Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location. Land with trash, junk, pollutants, flooding or wetlands and unwanted structures is generally not acceptable.

(C) The Planning Commission, if the city has a Planning Commission, and the City Council, shall determine the land and/or cash contribution requirements for proposed subdivisions.

Parking

Railway/Main

DuFrane stated he has spoken with Otter Tail County, and they will be moving stop sign and reviewing placement of no parking signs.

First Avenue

Street committee will review and inform Planning Commission of their decision at May meeting.

Vergas Snowmobile Ordinance

Bruhn and DuFrane provided updated copy and commissioners reviewed. Looking at updating multiple ordinances at the same time and will continue to review the ordinance.

New Business:

Gravel Tax

Otter Tail County is looking at adding a gravel tax. This tax would be distributed as 42.5% to county roads, 42.5% to city or township with gravel pit and 15% administration. County has just finished having public hearings regarding the

tax and planning commission will be updated as more information is provided to the city.

Meeting adjourned at 8:43 pm.

Secretary,
Julie Lammers, Vergas City Clerk-Treasurer

Follow Up Actions:

350 Pelican Avenue construction assessment (Tanya at Otter Tail County HRA)

Nuisance property located at parcel 82000500034000 of an old trailer house and loader removed by June 1, 2022.

Snow emergency routes and parking will be discussed at the May meeting.

Council recommendations:

Provide information to planning commission regarding land dedication or fees for new developments.

Lawrence Lake Acres
Preliminary Plat Hearing
May 17, 2022

In accordance with the City of Vergas Land Usage Statute, 152.07, and any other applicable Statutes, the Planning and Zoning Commission (P&Z) held the public hearing on the preliminary plat on Tuesday, May 17, 2022, at 6:30 PM, Vergas Event Center. Members of the P&Z present were Bruce Albright, Van Bruhn, Neil Wothe, and Robert Jacoby, absent was Paul Pinke. Others included: Mike DuFrane, Vergas Public Works Director; Julie Bruhn, Vergas Mayor; Josh Hanson, Subdivision Developer; Josh Pfeffer, Meadowland Surveying; and Patricia Wallace, Loren K. Menz, Charles Hillstrom, and Sherri Hanson.

Albright called the hearing to order at 6:30 PM. A signup sheet was circulated to record attendance. He stated the purpose of tonight's hearing was to combine three separate parcels purchased by Hanson (the former Donald Bunkowski property, the City of Vergas property, formerly Todd Bunkowski's, and a parcel Hanson purchased from Keith Kuehne); the preliminary plat for 28 lots and the extension of Glenn Street (ST) with a cul-de-sac; and that the first four lots that will be put up for sale (former Todd Bunkowski property) will not have City sewer or water because it has been determined that it is unfeasible for said services. After tonight's hearing, the P&Z will review the comments at their 05/23/22 regular meeting, and if all statute requirements have been met, including comments to the notice of plat, and a review of the preliminary plat from the standpoint of environmental impact, compatibility with surrounding area, suitability of area for subdividing, public health and welfare, crowding potential, and the compatibility with the city Comprehensive Plan and overall city planning, the P&Z can either recommend approval, conditional approval, or denial of the preliminary plat. The P&Z action is then submitted to the City Council for their consideration. If approved, the City Council would most likely place it on their 06/14/22 meeting agenda. If approved by both the P&Z and Council, the process repeats itself with the final plat hearing, with includes more details.

Josh Hanson said the project's goal is to create some residential lots in Vergas, starting off with 4 lots along West Lake ST, and up to 28 lots in the future. He'll be happy to try and answer any questions the audience or P&Z might have. The goal is to keep the process rolling. His goal is to follow the City's rules. The final plat will only include the first four lots, the roads, and the larger leftover parcel. The road is being dedicated to the City at this time, so the City can possibly apply for sewer, water and road grants for construction. A lift station for the sewer for these first four lots was estimated to cost \$150,000, and due to time restraints, grants, etc., the first four lots will have their own individual sewer treatments systems and wells. He would like to start marketing the first four lots later this summer.

Josh Pfeffer, Meadowland Surveying, said he's also available to answer any questions. The first phase will just be the four lots as indicated. The Mayor asked if he could point out the location of these lots on the maps on display in the room. Pfeffer highlighted said lots. The City will need to be involved with the City sewer and water for the remaining lots.

Loren Menz questioned when the sewer and water is supplied to the remaining 24 lots, where will the sewage be lifted to? Pfeffer said he didn't know at this time, that will be part of further engineering after tonight's hearing. Albright said from the City's perspective, there are some United States Department of Agriculture (USDA) small cities grants available for possibly roads, sewers, and water. The City has to be applicant for said funds, which might pickup up to 50% of said costs. The grant(s) have not been applied for at this time.

Sherri Hanson questioned if the present owners on West Lake ST have city sewer and water? Albright said they did not, and this was confirmed by DuFrane. Menz asked if the former Tim

Hanson house had city sewer and water. Albright said it does not. While somewhat related, Albright said the City intends to look at future road improvements for Glenn and Lake ST. About a year ago, there was a realignment of Glenn ST, which placed the road where it is now located, rather than where it was shown on the plat. Property was traded with the affected landowners for a 66' right-of-way (R/W) that fit with the adjoining properties. Albright felt the City will need to make improvements for Glenn ST, so it connects with Hanson's property. We're currently waiting to start the review of Glenn and West Lake ST, as the City recently done a Request for Proposals (RFP) for engineering services. The Council is doing interviews this Thursday night, and there will be a new engineer, as of the 6 proposals we received, KLJ did not meet the cut for an interview. One of the new engineer's first tasks will be a preliminary review of Glenn ST and West Lake ST. The work on West Lake ST will need to be coordinated with Candor Township, as they have residents that use this road for their access. Once the preliminary numbers are assembled, there will be separate meetings with each affected road group. Assignment of road improvement costs will also be reviewed at the preliminary meetings. Menz said he was concerned about the cost of Glenn ST, as he is a major frontage owner along said road. He feels that he could have major costs, with no benefit, and he is not willingly agreeable to pay said costs. He thought that typically with new developments, the developer should pick up the majority of the new road costs. Albright said the new road costs in the proposed development are all the developers costs. Albright felt with or without the proposed development, someday, Glenn ST should be realigned to match the new R/W. There would have been those road improvement costs either way. The other question is if the existing Glenn ST was improved and extended to Hanson's property, who does it benefit. Menz said it wouldn't benefit him. Albright said if the existing roads are improved, that is a separate process, and any proposed assessment of costs could always be challenged. Hanson said is aware that he is responsible for his development road costs. Menz said the extension of Glenn ST to meet Hanson's property could cost him considerable money, and does him no good. Albright thought that if the City explores grant funding for the roads, maybe the extension of existing Glenn ST could be part of said grant.

Patricia Wallace questioned if the roads in the subdivision will be gravel roads or tarred roads? Hanson said to start with, the roads will be gravel. Asphalt would only be added once the majority of the work in the subdivision was complete. This preserves the roadway from heavy truck traffic associated with home construction.

Chuck Hillstrom questioned if any of the first four lots touch Lawrence Lake? The answer was no. His next question was how many boat accesses will there be? Pfeffer said when fully developed, there will be 8 lots that have frontage on Lawrence Lake. Hillstrom asked if there will be an access for the other subdivision lots? Pfeffer said there is not. Hillstrom asked if there will be lot covenants? Hanson said proposed covenants have been drafted. Hillstrom asked for an example, such as square footage for a house. Hanson said a "shouse" would not be allowed on the lake lots. Hillstrom asked if storage sheds would have height restrictions? Hanson thought it was a maximum of 35', which is in accordance with Otter Tail County ordinances.

Mayor Bruhn asked about the size of the lots on the lake. Hanson said they average one acre. The average frontage along Lawrence Lakes is about 150'. Wallace questioned what will be their road access? Hanson said it will be off the new Glenn ST extension.

Albright said there have been a number of meetings between the City and the developer. At the last meeting, there was talk about preserving the large number of wetlands on the site. Albright thought that one of the amenities of living in the development area is the natural features, such as wetlands that already exist. The wetlands can also be used for stormwater storage, drainage, etc. Pfeffer said the plat could contain "conservation easements" on the wetland areas, but they are not that popular. The State already has numerous regulations that

govern over wetland areas. Another issue is that the plat cannot show the conservation areas. Legal descriptions would need to be developed for the wetland areas, and an easement for the areas would need to be granted to somebody, such as the City. It would be the City's responsibility to maintain the easement areas. He hasn't seen this type of easement deeded to anyone else. It normally isn't the developer's responsibility to maintain said easement areas. Hanson said this was the intent of the development, to maintain the wetland areas, with lots large enough to have buildable sites without impacting the wetlands. The City of Vergas's Shoreline Management Ordinance, adopted in 1992, pertains to the area within 500' of Lawrence Lake, which is a "General Development" lake, versus Long and Loon Lakes, which are "Recreational Development". The minimum lot size for Lawrence Lake is 40,000 square feet (sq.ft.). This is for unsewered lots, and if public sewers are added, the minimum lot size could decrease to 20,000 sq.ft. Hanson said all of the proposed lots exceed the minimum requirements.

Albright said proposed subdivisions also need to consider "dedication requirements". "Subdividers shall dedicate a portion of any proposed subdivision for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space". The City may choose to accept an equivalent in cash for part or all of the portion required to be dedicated based on the fair market value of land. The developers have proposed dedication of 4.81 acres as shown on the plat along the east side as a "public" area. The area could be used as a sliding hill. Pfeffer showed the area on the map. It contains a wetland area. With the public dedication, Lot 1, Block 2, also lessens the amount of frontage along Glenn ST. Menz said that particular lot is about "90%" swamp. Pfeffer said it is not 90%, but maybe about 60% wetland. Menz questioned the development status of Lawrence Lake, which was deemed earlier to be "General Development". Patricia Wallace thought it was an "Environmental Lake". Menz said the status deals with setback requirements, lot sizes, etc. Pfeffer agreed. Wallace concurred that there will be no public access to Lawrence Lake. Wothe questioned if the developer thought about allowing the other lots in the development, not on the lake, access? Hanson said they thought about that, but didn't want to impact Lawrence Lake. Hanson felt the lake couldn't stand that pressure. Wallace said the lake owners like their swans. Albright said Lawrence Lake is very shallow, and 50 years ago, he used to duck hunt out there. Menz commented that there is all kinds of wildlife that use the proposed subdivision area. There are 20-30 deer that use the area regularly, wolves that frequent the area, foxes that use the area, loons, turkeys, and geese that all use the area. That's probably his biggest concern about the subdivision. He feels all of that could be gone with the development. Albright said the area is already in the City limits, and zoned residential.

Menz questioned if this was the hearing tonight for the first 4 or 6 lots as noted. Albright said this was the preliminary hearing for the entire plat (28 lots). The final plat could and will differ as noted. There are some time frame restrictions, but maybe we won't have to hold another "preliminary" hearing for the next phases. Menz confirmed that tonight's hearing was for the preliminary plat containing all 28 lots. Albright agreed. Menz questioned the lake's classification. Albright felt one would have to go the Minnesota Department of Natural Resources (DNR) classification system for the variances between the different classifications.

Hanson questioned the City's timeline for approving the preliminary plat?

Jacoby questioned if there is adequate separation between the water level for individual sewage treatment systems on the first four lots? Pfeffer said this was discussed. There is really no way for him to know the groundwater level, but the lots all have considerably higher ground than the elevation of Lawrence Lake. The first four lots are 10'-15' than the Lake. Jacoby thought that Otter Tail County could verify that the elevation is sufficient. Pfeffer said that if a particular lot had an issue, the house could always be raised with fill. Pfeffer said that

earlier, Jacoby had questioned the setback distance to some buildings in the northeast corner of the proposed subdivision in relationship to the proposed road. Pfeffer moved the road slightly to alleviate these setback concerns. Jacoby thanked him for doing this.

Wallace questioned if there has been much interest in the lots? Hanson said they really haven't tried to market them yet. Albright said from a Council perspective, additional residential lots should be a good idea. We have a quite a bit of land in the City limits, but not all if it is available or suitable for development. We hope to grow in an orderly fashion. That is why the City is finishing their Comprehensive Plan. Lots of people say they liked Vergas the way it was. He felt change was going to happen, and it made sense to use the Rules and Regulations we have, along with the Comprehensive Plan, to guide that change. Jacoby asked if the proposed covenants are on file with the City? Hanson said Lammers does have a copy. Jacoby asked if the entire development is limited to single family homes? Hanson said at this time, it was. Albright said there was a list of questions developed by the City's engineer, Scott Kolbinger, KLJ, about the subdivision. There was also replies to said questions from Meadowland. He felt it would be beneficial if that list was available to the P&Z members Monday night. Jacoby questioned Hanson's thought process for Phase II? Hanson said it would be to continue to work along West Lake ST, moving south towards Lawrence Lake. Jacoby felt that marketing will determine if people want the lake lots first. If done in phases, future phases could have smaller lots if demanded by the public. Hanson agreed. Albright thought the City Staff should look at the proposed covenants to make sure they are consistent with the City's rules, regulations, and ordinances. Hanson said the covenants contain language that the City's rules would supersede, should a discrepancy be noted. Someone asked if all the hills on the property will be leveled? Hanson said the intent at this time was to leave the area pretty much as is and natural.

Albright asked three times if there was any other comments, testimony, or questions to come before tonight's hearing, being none, he asked for a motion to adjourn. Motion by Wothe, seconded by Bruhn, approved. Albright adjourned the hearing at 7:05 PM.

Respectfully prepared and submitted by Bruce E. Albright.

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 - a. 310 W Glen Street permit
- 3. Permits approved by City Clerk-Treasurer**
 - a. 105 E Main St - Lakes Fit Sign
- 4. Permits needing approval**
 - a. 110 S Railway Avenue, sign
 - b. 1106 e Frazee Avenue, repair fence

Files Attached

- Construction Permit 310 Glen St.pdf
- Construction Permit 110 E Frazee Ave.pdf
- Construction Permit 1106 E Frazee Ave.pdf
- 2022-0014 Lakes Fit.pdf
- Construction Permit 310 Glen St information - please review property before meeting.pdf

Permit Number: _____ Date Received: 4/18/22 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 7, Block 3, Addition Nesbitt

Property: Width 339.72 feet, Length 459.38 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: Loren Menz

Address of Construction Project: 310 W. Glenn St.

Mailing Address: P.O. Box 17 Phone: 218-841-5564

Name of Owner (If not the Applicant): _____

Address of Owner (If not the Applicant): _____

1. Permit to (CIRCLE ONE)

Build

Install

Addition

Alter

Move

Demolish

Repair

Remodel

Description of work to be done:

Construct a 26' x 36' shed on property

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

3. **VALUATION (not just your cost) of work being completed:** \$ 20,000⁰⁰

Building Contractor:

Name: Loren Menz Construction License Number: BC001981 Phone: 218-841-5564

Plumber: (must have MN License)

Name: _____ License Number: _____ Phone: _____

Electrician:

Name: Zitzow Electric 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: Loren A. [Signature] DATE: _____

FOR OFFICE USE ONLY

\$ _____ Water Hook-up \$ _____ Sewer Hook-up
\$ 50 - Permit Fee \$ _____ Tar Break Up Deposit
\$ 50.00 Total Fees

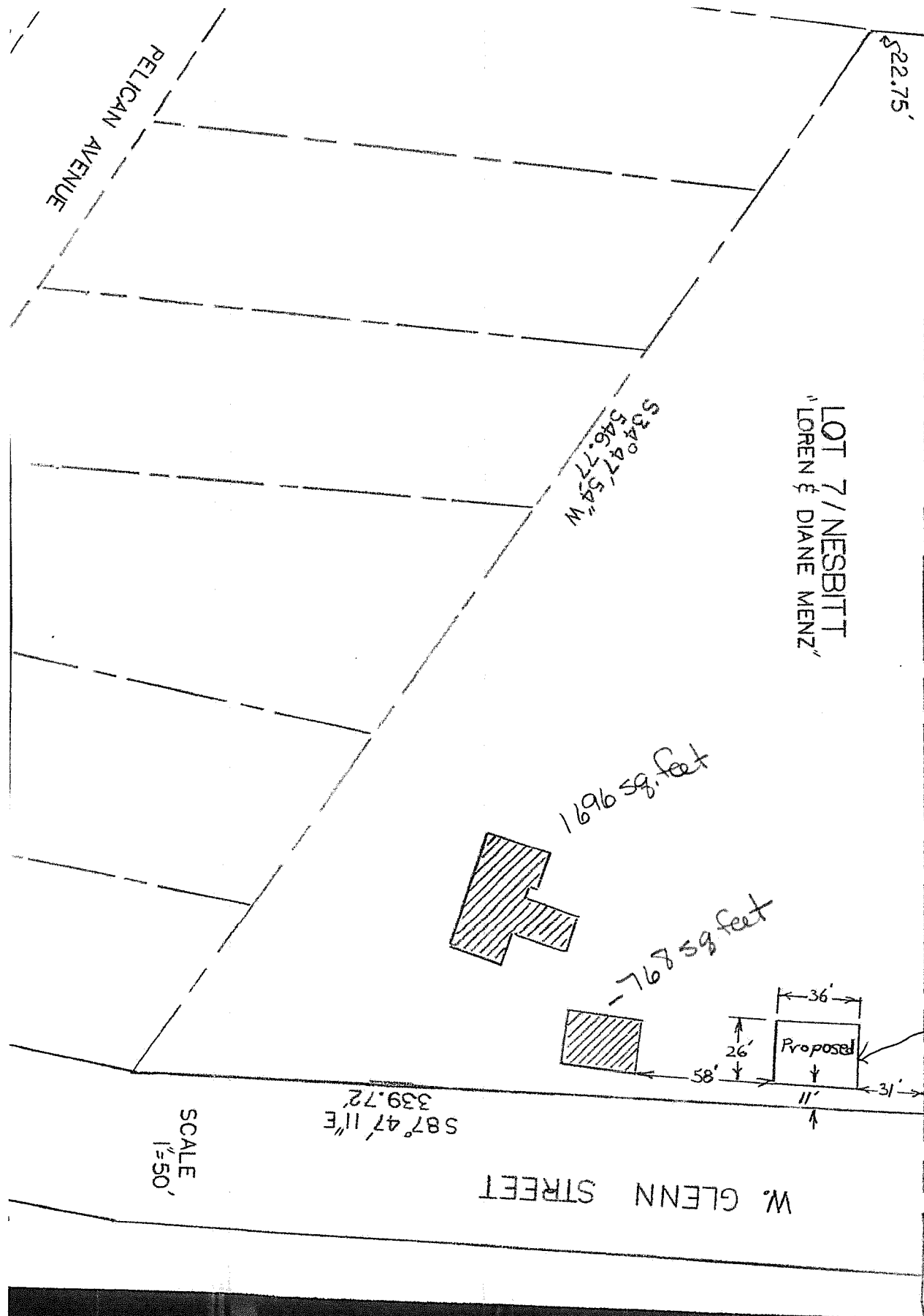
Receipt # _____ Date Paid _____, 20__

____ 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.



S 00° 36' 14" E
459.38'

N

199,896 sq. feet

Total
sq. feet
with proposal
3,400 sq.
feet

W. GLENN STREET

SCALE
1" = 50'

S 87° 47' 11" E
339.72'

S 34° 47' 54" W
546.77' and
5340.47'

PELICAN AVENUE

Permit Number: _____ Date Received: 5/19/22 Parcel Number: _____

Any questions regarding construction permit please contact City Clerk-Treasurer by calling 218-302-5996 or stopping by the city office at 111 Main Street Vergas MN.

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 CONSTRUCTION PERMIT WILL BE APPROVED.
- **All Electrical work MUST have an electrical permit. That 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: Vergas Community Club - Sherrei Hanson

Address of Construction Project: 110 S Railway Ave

Mailing Address: PO Box 264 Vergas Phone: 218 342-2481

1. Permit to (CIRCLE ONE)

Build

Install

Addition

Alter

Move

Demolish

Repair

Remodel

Description of work to be done:

Sign

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

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

Building Contractor:

Name: JH Signs License Number: _____ Phone: _____

Plumber: (must have MN License)

Name: _____ License Number: _____ Phone: _____

Electrician:

Name: _____ License Number: _____ Phone: _____

Form approved by City of Vergas Council 09/12/2017
Updated 5/10/2022

4. Attached a "Site Plan," showing the proposed location of any new construction 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 Vergas.
6. I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT
7. APPLICANT'S SIGNATURE: Cheryl A. Hanson DATE: 5/20/2022
 Permit expires in one year if project is not complete, please reapply for permit.

CONSTRUCTION APPLICATION SITE PLAN DESIGN
Provided on separate sheet must include the following.

1. Identify and describe the work to be covered by the permit for which application is being made
 - A. Sketch of the proposed project including current and proposed structures.
 - B. Note the lot size and dimensions and locations of proposed project.

I do hereby say that the facts stated by me in the site application are true to the best of my knowledge and belief. Please be aware that **no construction** shall begin until the Zoning official has approved the plans and revisions the site plan if necessary and has indicated approval to begin.

Signature of Applicant _____ Date _____ Zoning Official _____ Date _____

FOR OFFICE USE ONLY

\$ 25 - Water Hook-up \$ _____ Sewer Hook-up
 \$ _____ Permit Fee \$ _____ Tar Break Up Deposit
 \$ 25 - Total Fees

Receipt # _____ Date Paid 5/19, 2022

Signature: _____ Date: _____, 20__
 (Permitting Authority)

Date Approved by Planning Commission or Clerk-Treasurer: _____, 20__

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102 in

**WELCOME
TO THE**

Nevada AREA

In the Heart of
over 1000 states

LEGEND

- ★ Capital
- County Seats
- Cities
- ▭ Towns
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1. State of Nevada

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3. State of Arizona

4. State of Utah

5. State of Idaho

6. State of Montana

7. State of Wyoming

8. State of Colorado

9. State of New Mexico

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294. State of Arkansas

295. State of Tennessee

Permit Number: _____ Date Received: 5/18/2022 Parcel Number: 82000500185003
Any questions regarding construction permit please contact City Clerk-Treasurer by calling 218-302-5996 or stopping by the city office at 111 Main Street Vergas MN.

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 CONSTRUCTION PERMIT WILL BE APPROVED.
- **All Electrical work MUST have an electrical permit. That 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: _____

Address of Construction Project: _____

Mailing Address: _____

Phone: _____

1. Permit to (CIRCLE ONE)

Build

Install

Addition

Alter

Move

Demolish

Repair

Remodel

Description of work to be done:

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

3. **VALUATION** (not just your cost) of work being completed: \$ 1K

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

7. APPLICANT'S SIGNATURE: Gweneth Hanson DATE: 5/18/22
 Permit expires in one year if project is not complete, please reapply for permit.

CONSTRUCTION APPLICATION SITE PLAN DESIGN
Provided on separate sheet must include the following.

1. Identify and describe the work to be covered by the permit for which application is being made
 - A. Sketch of the proposed project including current and proposed structures.
 - B. Note the lot size and dimensions and locations of proposed project.

I do hereby say that the facts stated by me in the site application are true to the best of my knowledge and belief. Please be aware that **no construction** shall begin until the Zoning official has approved the plans and revisions the site plan if necessary and has indicated approval to begin.

 Signature of Applicant Date Zoning Official Date

FOR OFFICE USE ONLY

S _____ Water Hook-up S _____ Sewer Hook-up
 S _____ Permit Fee S _____ Tar Break Up Deposit
 S 25.00 Total Fees

Receipt = 144764 Date Paid May 18 2022

 Signature: _____ Date: _____, 20____
 (Permitting Authority)

Date Approved by Planning Commission or Clerk-Treasurer: _____, 20____

Permit Number: 2002-014 Date Received: 5/16/22 Parcel Number: 82000990068000
Any questions regarding construction permit please contact City Clerk-Treasurer by calling 218-302-5996 or stopping by the city office at 111 Main Street Vergas MN.

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 CONSTRUCTION PERMIT WILL BE APPROVED.
- **All Electrical work MUST have an electrical permit. That must be obtained separately from a MN State Contract Electrical Inspector (218)342-3345 or (218)849-6059.**

Property Description: (NEW CONSTRUCTION ONLY)

Lot 10,11,&12, Block 3, Addition S-25,T-137, R-41 Vergas Original Plat
Property: Width 75 feet, Length 140 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: Indigo Signs - Scott Kvamme 218-770-0455

Address of Construction Project: 105 E Main St. Vergas, MN 56587

4133 Iowa St., Ste 100

Mailing Address: Alexandria, MN 56308 Phone: 320-846-9697

1. Permit to (CIRCLE ONE)

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

Description of work to be done:

Install 44"h x 92"w aluminum panel single-faced wall sign, non-illuminated

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

3. **VALUATION** (not just your cost) of work being completed: \$ 4995.00

Building Contractor:

Name: _____ License Number: _____ Phone: _____

Plumber: (must have MN License)

Name: _____ License Number: _____ Phone: _____

Electrician:

Name: _____ License Number: _____ Phone: _____

Form approved by City of Vergas Council 09/12/2017
Updated 5/10/2022

4. Attached a "Site Plan," showing the proposed location of any new construction 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 Vergas.
6. I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

7. APPLICANT'S SIGNATURE: Seamus Krumme DATE: 5/16/2022
 Permit expires in one year if project is not complete, please reapply for permit.

CONSTRUCTION APPLICATION SITE PLAN DESIGN
Provided on separate sheet must include the following.

1. Identify and describe the work to be covered by the permit for which application is being made
- A. Sketch of the proposed project including current and proposed structures.
 B. Note the lot size and dimensions and locations of proposed project.

I do hereby say that the facts stated by me in the site application are true to the best of my knowledge and belief. Please be aware that **no construction** shall begin until the Zoning official has approved the plans and revisions the site plan if necessary and has indicated approval to begin.

Signature of Applicant _____ Date _____ Julie Jammer 05/16/22
 Zoning Official Date

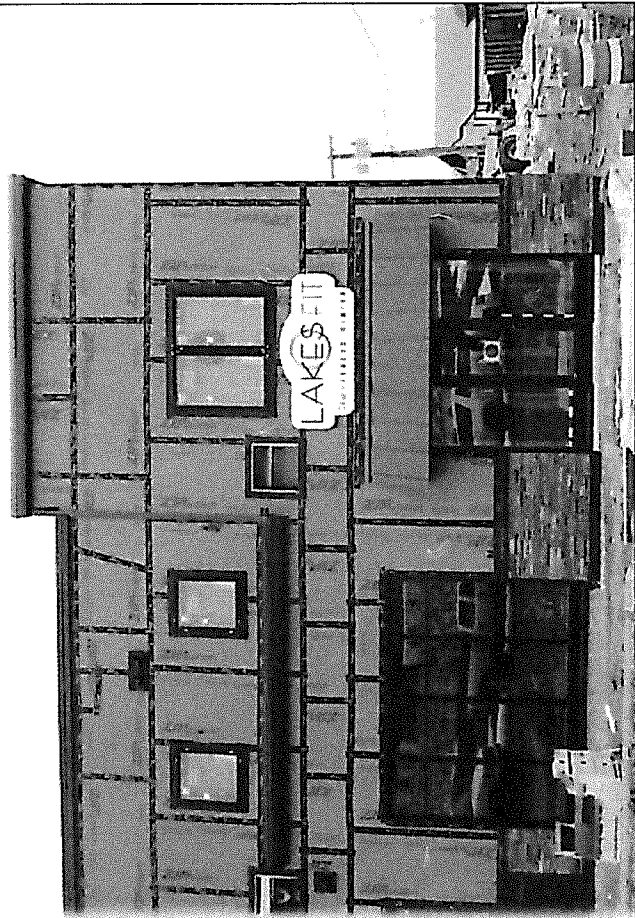
FOR OFFICE USE ONLY

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

Receipt # _____ Date Paid 5/16, 20 22

Signature: _____ Date: _____, 20____
 (Permitting Authority)

Date Approved by Planning Commission or Clerk-Treasurer: 05/17, 20 22



Mounting Method: Angle Aluminum

No. 2022-014

City of Vergas

Fee: \$25.00

Owner: Lakes Fit

Applicant: Scott Kvamme

General Contractor: Indigo Signs

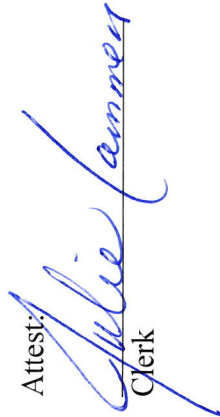
Construction Permit

IN CONSIDERATION OF The statements and representations made by Scott Kvamme of Indigo Sign, whose address is 105 E. Main Street, Vergas, MN in the application therefore duly filed in this office, which application is hereby made a part hereof, **PERMISSION IS HEREBY GRANTED** TO said Scott Kvamme, as agent to install 44x92 aluminum single panel wall sign as described in construction permit application with following zoning rules: Plat or addition 82000990068000 which tract is of the size and area specified in said application.

This permit is granted upon the express conditions that said owner or the person to whom it is granted, and his contractors, agents, workmen and employees, shall comply in all respects with the ordinances of the City of Vergas; that it does not cover the use of public property, such as streets, sidewalks, alleys, etc., for which special permits must be secured; and that it does not cover the following: -not applicable for which special permits must be secured. (Electrical work, plumbing, heating, plastering, ect. if such there be)

Given under the hand of the Mayor of said City of Vergas and its corporate seal and attested by its Clerk this 19th day of May 2022.

Attest:


Clerk

Mayor

Permit Expires in one year

Please review Loren Menz's request for a new shed at 310 Glenn ST. He is questioning our last month's decision requiring him to have a 20' setback from Glenn ST. Menz claims are that if he moves the shed back another 9' (he was originally at 11'), it puts him too far into the hillside, and he has too much dirt to excavate. His house only faces Glenn ST, but he claims that is not the front of his house. He is not interested in a variance.

Planning Commission
2022 May Planning Commission Meeting
Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587
6:00 PM on Monday, May 23, 2022

7. Old Business

- a. Lawrence Lake Project
- b. Parcel Split - Keilley Shores
- c. Mark Sand & Gravel Interim Use Permit
- e. Ordinances
 - 1. Snowmobile
 - 2. Dog & Cat
- f. Nuisance Properties

Files Attached

- 20220523_VergasGravelPit_DraftReport.pdf
- Lawrence Lake Acres Engineering comments and responses.pdf
- Keilley Shores Third Addition .pdf

Spring 2022

Bunkowski Gravel Pit

Compliance Report

Prepared for:

City of Vergas, Minnesota

May, 2022

DRAFT

Spring 2022
Bunkowksi Gravel Pit Compliance Report
Vergas, Minnesota
KLJ Project #2204_00408
Report for the City of Vergas, MN
By: KLJ

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: SCOTT KOLBINGER

SIGNATURE: _____

DATE: _____ LICENSE NUMBER: 54153



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APPENDICES

Appendix A	Location Map
Appendix B	Bunkowski Legal Description
Appendix C	City of Vergas Ordinance NO. 2017-001 151.70 Excavation, Mining and Gravel Pits
Appendix D	Application for Interim Use Permit - Marks Sand & Gravel
Appendix E	Interim Use Permit - Marks Sand & Gravel
Appendix F	Bunkowski Gravel Pit - Field Inspection Report
Appendix G	Current Conditions Map
Appendix H	Setbacks Map
Appendix I	Slope and Grades Map (South Pit, North Pit)
Appendix J	Filled & Excavated Areas (South Pit, North Pit)



Bunkowski Gravel Pit Compliance Report

Vergas, Minnesota
KLJ Project 2204_00408

EXECUTIVE SUMMARY

The purpose of this compliance report is to determine if the current Bunkowski Gravel Pit is in compliance with the City of Vergas Ordinance NO. 2017-001 “151.70 Excavation, Mining and Gravel Pits”. As a consultant for the City of Vergas, KLJ Engineering surveyed the gravel pit property and developed maps to obtain excavation areas, setback distances, and surface grades. These measurements were compared to the requirements outlined in the City Ordinance 2017-001 to verify if the property is in compliance or if any violations exist.

We conclude that the Bunkowski Gravel Pit, owned and operated by Marks Sand and Gravel Co., is currently out of compliance with the City of Vergas Ordinance No. 2017-001 Revision 2 titled “151.70 Excavation, Mining, and Gravel Pits”. Setback distances and the processing area are in violation at the time of the detailed inspection and reporting process. Additionally screening trees need to be replaced along E Loony Lane. The violations are summarized below:

- One (1) setback violation located in the south pit along the east and south west property line off East Looney Lane.
- Two (2) setback violation located in the south pit along the south boundary of the pit within 500’ of the nearest structures.
- Processing area size in excess of maximum allowed size.
- Dead trees within screening buffer from E Loony Lane.

The limits of excavation for “Active Gravel Pit” are currently less than the maximum areas allowed, thus in compliance with the ordinance.

We recommend that the pit be brought back into compliance with the Ordinance prior to the next inspection anticipated in the spring of 2023.

While reviewing the site, it appears that Mark’s Sand and Gravel has corrected some of the previous violations. All setback areas have been filled in to comply with the slope requirements. A portion of the southern boundary also appears to be topsoiled and seeded. That portion has now been removed from the open gravel pit calculation. With a spring survey, it is difficult to tell if any new vegetation is present and all areas included in the open pit calculation are assumed to have no topsoil or seeding.



INTRODUCTION

The Bunkowski gravel pit located in the City of Vergas, Minnesota was originally established in the late 1960s and is currently owned by Marks Sand & Gravel for the purposes of extracting non-metallic minerals. A location map of the Bunkowski Gravel Pit can be found in **Appendix A**, and a copy of the contract for deed which contains the legal description of the property can be found in **Appendix B**. The aggregate mined from this pit will be used for various road construction projects throughout the region over a 20-year planned period.

Figure 1 - Bunkowski Gravel Pit



The purpose of this compliance report is to determine if the current gravel pit is within compliance with the City of Vergas Ordinance NO. 2017-001 Revision 2 “151.70 Excavation, Mining and Gravel Pits”. A copy of this ordinance can be found in **Appendix C**. The City of Vergas passed the ordinance to regulate existing and future mining operations, to ensure proper land utilization and to protect public health, life and general welfare.

Marks Sand & Gravel Co. has submitted an application or an interim use permit, found in **Appendix D**, for the continued use of the mine within city limits. The City of Vergas has approved the application and has granted Marks Sand & Gravel an interim use permit with some conditions, found in **Appendix E**.

MINE DESCRIPTION

The gravel pit is located on the northeast corner of East Looney Lane and South Pelican Ave on the south side of Vergas. The property boundary encompasses approximately 140 acres. Currently, 28 acres have been mined or have been stripped in preparation for mining or stockpiling. Approximately 45 acres have been designated for mining operations in the future. The mining operation consists of stripping and stockpiling topsoil, excavating material using front end loaders, bobcats, and dozers, loading material on tri-axial dump trucks and semi-trucks, and hauling offsite.



Figure 2 - Active Mining Area



Phasing Plan

Marks Sand & Gravel plans to continue mining operations in the southern area of the existing pit until resources are exhausted. The excavated side slopes will need to be regraded to meet the maximum slope criteria for reclaimed areas prior to spreading topsoil. They have also started mining in the southeastern section of the north pit.

SITE REQUIREMENTS

The City of Vergas Ordinance NO. 2017-001 Revision 2 “151.70 Excavation, Mining and Gravel Pits” outlines several requirements for gravel pits located within city limits to follow. Conditions on maximum slopes, minimum setbacks and limits on excavation are summarized below.

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.

Table 1 - Required 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



Figure 3 - Tree Row and Excavation Slopes



Setbacks

The following setbacks shall apply: No mining shall take place within one-hundred (100) feet of any property line, road right-of-way or easement; No part of the operation shall be within five hundred (500) feet of any occupied structure not owned by the Operator or Owner and existed at the time of the original permitting.

Table 2 - Required Setbacks

Location:	Minimum Setback
Property Lines, Road Right-of-Way, or Easements	100 Feet
Occupied Structure	500 Feet

Limits of Excavation

Active Gravel Pit/Active Mining: Max. 10 Acres

No more than ten (10) acres shall be opened as an “active gravel pit” or “active mining. The terms “active gravel pit” and “active excavation” shall mean any area where topsoil or overburden has been removed and the excavation of earthly deposits or minerals is currently taking place or has taken place within the last 6 months. Generally, active gravel pits are characterized by deeply excavated areas with steep side slopes. Active gravel pit areas may also include the stockpiling and storage of sand, gravel, and other materials. No more than ten (10) acres shall be open to active mining as defined by “active gravel pit” or “active mining”. For each additional five (5) acre area to be mined, five (5) acres of previously mined area must be reclaimed.

Processing Area: Max. 5 Acres

No more than five (5) acres shall be utilized for processing as defined as a “processing area”. The term “Processing Area” refers to any area used for stockpiling and storage of sand, gravel and other materials, as well as any area with machinery used to crush, wash, mix, compound, and to treat dirt, sand, gravel, rocks, or similar products into consumable products such as construction grade sand, gravel and similar products. This area does not include asphalt plants and concrete



ready-mix plants. In the event that the processing area is moved, shifted, or relocated the previous area shall immediately be reclaimed or actively mined and shall than be classified as an “active gravel pit” area.

Idle Excavated Area: Only Pre-existing areas

The term “Idle Excavated Area” refers to any area where topsoil or overburden has been removed for the purposes of mining operations of earthly deposits or minerals, yet the area has remained idle and no active excavation or material processing has taken place within the past (1) year. Only pre-existing areas classified as “idle excavated areas” will be allowed. No new land shall be classified as such. “Active gravel pit” areas cannot be classified as “idle excavated areas”.

INSPECTION

The City of Vergas has requested that KLJ Engineering perform inspections of the Bunkowski gravel pit each year to verify compliance with the City of Vergas Ordinance NO. 2017-001 “151.70 Excavation, Mining and Gravel Pits”. KLJ conducted their survey and inspection of the site on April 26th, 2022. The Gravel Pit Inspection - Field Report can be found in **Appendix F**.

Process

KLJ utilized a combination of traditional survey methods and aerial drone surveying to obtain an aerial image and a ground surface file of the property. Several passes of the drone over the property were necessary to obtain an accurate image and surface elevations within the site.

Figure 4 - Drone Control Point





REPORTING

The aerial image and surface files were imported into AutoCAD Civil 3D software to analyze and measure the current properties of the mining operation. Detailed maps were produced showing active mining areas, disturbed areas, property lines, and setbacks. A map of the current conditions can be found in **Appendix G**.

Results

A detailed review of the site with its current conditions was conducted. Two (2) pits were discovered and measured within the overall mining area. Pit areas are classified as deeply excavated areas with steep side banks and no restoration or reclamation work complete. The south pit is classified as “Active Mining” and has an area of 7.0 acres. The north pit has a portion of 2.3 acres that is classified as “Active Mining” and an additional 4.0 acres that has not been actively mined since at least 2017 and is classified as an “Idle Excavated Area”. The total area that is currently classified as a steep sloped pit is 13.3 acres.

It was discovered that several requirements of the City ordinance are not in compliance. The eastern and south limits of the south pit violate the 100 ft property setback and the south/southwest limits of the south pit violate the 500 ft structure setback requirements. A map showing the setback violations can be found in **Appendix H**, and a map of the maximum slope areas can be found in **Appendix I**. Additionally, it appears that the processing area has expanded beyond the limits provided in the ordinance.

The setback violations noted were discovered in the south pit. The most severe violation is a setback infringement along the property lines on the southeast.

Excavation Area Classification:	Acres	Limit
Active Gravel Pit	9.30 Acres	10 Acres
Processing Area	10.97 Acres	5 Acres
Idle Excavated Area	4.00 Acres	-
Total Open Gravel Pit	28.3 Acres	-

A comparison of the spring 2021 and spring 2022 ground surfaces of the south ‘active mining’ areas were analyzed to obtain the total amount of material mined from the gravel pit. The table below shows the amount of excavation taken from the gravel pit.

Material Quantity	North Pit - Cubic Yards	South Pit - Cubic Yards
Cut (excavation)	10,189 CY	47,894 CY
Fill (embankment)	11,125 CY	5,997 CY
Net	936 CY	41,897 CY
Combined Net	40,961 CY	

Appendix J has been included to identify the areas within the “active mining” areas that have been excavated or filled from the previous review. It should be noted that the areas within the 100’ property setback lines have been modified by both excavation and filling (stockpiling) of materials.

During the public hearing, we heard from concerned citizens that there are numerous trees that have died and have not been replaced. We confirmed during our visit that, indeed, numerous trees have died. These trees need to be replaced and established to be in compliance with the ordinance for screening of E Loony Lane.



CONCLUSION

As described above, the Burkoswki Gravel Pit is in violation of their permit and the City of Vergas Ordinance No. 2017-001 titled “151.70 Excavation, Mining, and Gravel Pits”. There are two areas of setback violations, a violation in land use for the “Processing Area” size, and a screening tree row that need to be addressed. The land use limitations for “Active Excavation” is currently within compliance.

Recommendations

It is recommended that Marks Sand & Gravel correct the violations outlined in this report using its own company means, methods, techniques, sequences, or procedures for all work located within the gravel pit property. These areas would then be smoothly graded, top-soiled, and seeded as described in the application for interim use permit submitted by Marks Sand and Gravel.

Figure 5 - Mining Operations



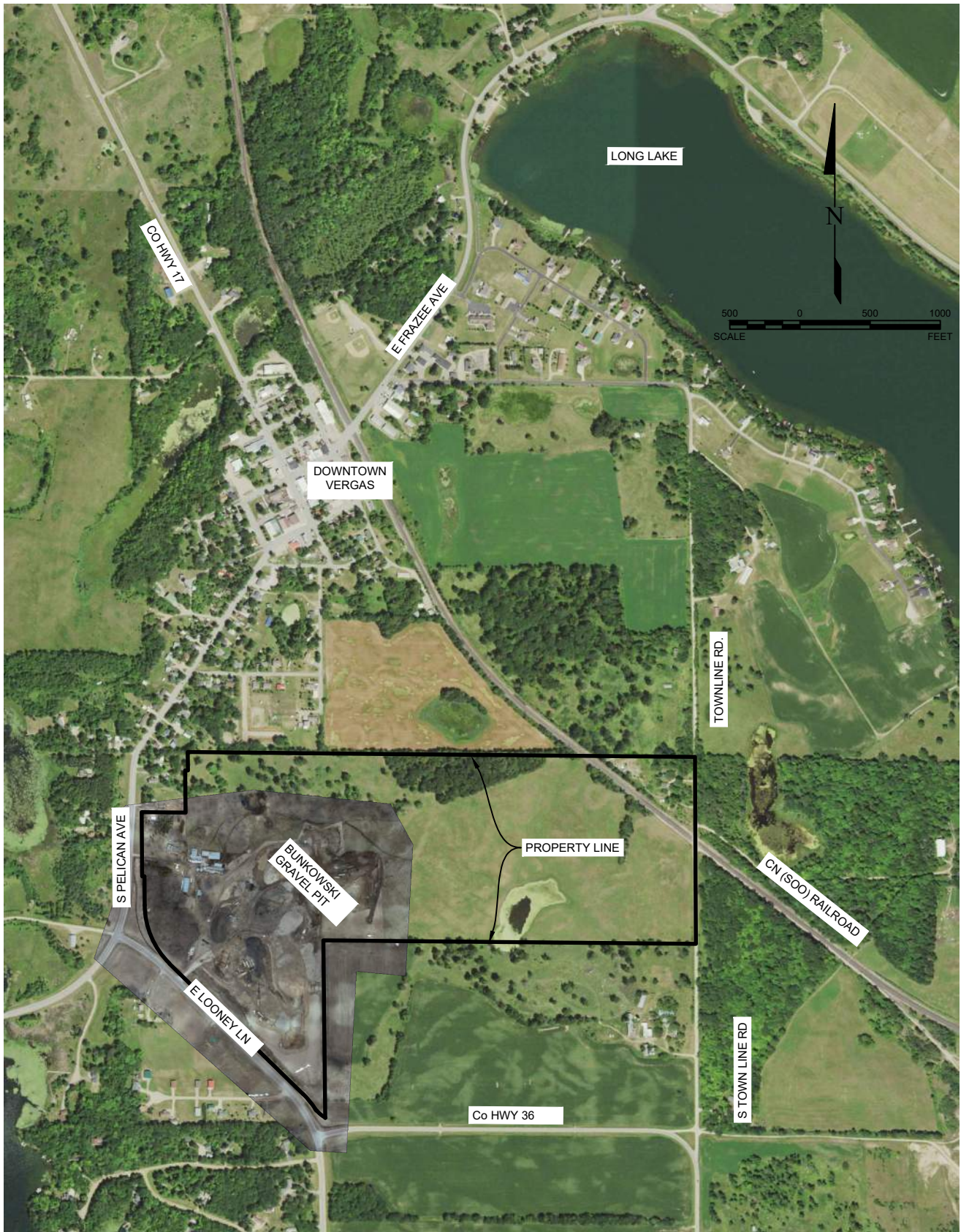
Summary

The conclusions and recommendations within this report were developed based on observations and measurements from aerial imagery and surface contours. It is anticipated that moderate grading and reclamation efforts will be required to correct the current violations prior to the next inspection anticipated in the spring of 2023 prior to the start of the pit being utilized. Fixing these violations will ensure that the land is properly utilized and will protect the public’s health, life and general welfare.

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APPENDIX A - LOCATION MAP



GRAVEL PIT COMPLIANCE REPORT

CITY OF VERGAS
VERGAS, MINNESOTA

APPENDIX A - LOCATION MAP

DRAFTED
EAS
REVIEWED
SK
PROJECT NUMBER
2204_00408
ISSUE DATE
05/20/2022





Appendix B Bunkowski Legal Description

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 Northwesterly 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

- 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. 2017-001 151.70 Excavation, Mining and Gravel Pits

**ORDINANCE NO. 2017-001
CITY OF VERGAS
COUNTY OF OTTER TAIL
STATE OF MINNESOTA**

151.70 EXCAVATION, MINING AND GRAVEL PITS

151.70 PURPOSE AND INTENT

It is the purpose of this section 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 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 work-site for one year or more without the act of extracting any minerals.

Active Gravel Pit. The terms "active gravel pit" and "active excavation" also mean any area where the topsoil or overburden has been removed for the purpose of mining earthly deposits or minerals, yet the area has remained idle since the topsoil removal. The terms "active gravel pit" and "active excavation" also mean 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. 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 state pollution control agency 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 the operations.

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 or Permanent or Temporary Asphalt Plants, Concrete Ready Mix Plants, Processing and Recycling Plants.

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.

Mineral Extraction Facility. Any area that is being used for removal, stockpiling and storage, of sand, gravel, topsoil, clay, and other minerals.

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 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.

Rehabilitation. To renew 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.

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.

Top Soil. Is the upper most layer of naturally occurring soil.

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. An Interim Use Permit (I.U.P.) is required for any Mineral Extraction or Manufacturing Facility.
- C. Interim Permits are valid for one year and shall be applied for on or before March 1 of each year.

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.
- 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 removal.
- F. The estimated time required to complete the removal.
- 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 stock piles,
 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 ten (10) acres of the site to be open to mining at any one time. Before any additional land may be mined, the applicant must reclaim the site 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.

151.73 BOND.

- A. The city council shall require the applicant for a special use permit under this article, owner or user of the property on which the pit or excavation is located, to 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 chapter, 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 him in writing, under the provisions of this chapter, 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. 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 active areas 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. 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 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 of 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 gravel mining pits twice a year, May 1st and November 1st, to confirm compliance with this Ordinance. Written reports shall be submitted to

the city administrator within 30 days following each of these inspections. The Engineer shall inspect and certify as compliant or, if deficient, note the deficiency and corrective action 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. The 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 EPA.

151.77.06. **Noise.** Maximum noise levels at the perimeter of the Operation will be consistent with the standards established by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.

151.77.07. **Air Quality.** All activities on the Subject Property will be conducted in a manner consistent with the Minnesota Pollution Control Agency's 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 ten (10) acres shall be open to active mining. For each additional five (5) acre area to be mined, five (5) acres of previously mined area must be reclaimed.

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 Environmental Protection Agency 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 rehabilitation of the site has taken place according to the rehabilitation plan.

151.78. RECLAMATION.

151.78.01. All mining sites 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 six (6) inches of soil of a quality at least equal to the topsoil of the land areas immediately surrounding; and
- 4) The topsoil shall be seeded, sodded or planted with legumes and grasses. Trees and shrubs may also be planted, but not as a substitute to grasses and legumes. Erosion control measures must be implemented until ground cover is established.

151.78.0011. **Standards for filling and compaction.** 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:

151.78.0012. 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.

151.78.0013. 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.

151.78.0014. Imported materials used as fill in reclamation shall consist of mineral soils which typically demonstrate a minimum soil bearing capacity of 1,500 psf and are suitable for building foundations.

151.78.0015. 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 on or before February 1 of each year.

151.80.00 TERMINATION OF PERMIT.

151.80.01. **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.

151.80.02. **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.

151.80.03. **Cease Operation Upon Termination.** No mining shall take place after the permit is terminated.

151.81.000 PENALTY

151.81.01. **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.

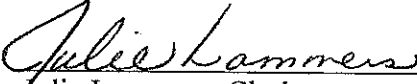
151.81.02. **Each day an offense.** Each day that a violation continues shall constitute a separate offense.

151.80 ENFORCEMENT.

Shall be pursuant to Chapter 151.99, as amended.

Adopted by the City Council of the City of Vergas on January 25th, 2017.

ATTEST:


Julie Lammers, Clerk

Approved:


Dean Haastick, Mayor



Appendix D Application for Interim Use Permit - Marks Sand & Gravel

APPLICATION FOR INTERIM USE PERMIT

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

City of Vergas

FEB 24 2022

Received

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 \$300.00
- ☒ 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

APPLICATION FOR INTERIM USE PERMIT

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.

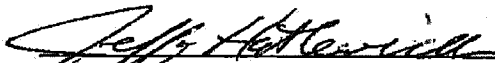
Name of Applicant: Mark Sand & Gravel Co.

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

02/02/2022
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

02/02/2022

Date

Name of Applicant: Mark Sand & Gravel Co.

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

Phone: 218-736-7523

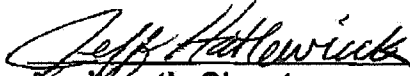
Name and Address of Additional Contract(s): Jeff Hatlewick, Vice President of Administration

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

02/02/2022

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 15, 2022 at 11:30 am.

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

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 did direct 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 cursive script, reading "Jeff Hatlewick", written over a horizontal line.

Secretary, Mark Sand & Gravel Co.

Application for Interim Use Permit

Date: February 22, 2022

Application Fee: \$300.00

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**



OTTER TAIL COUNTY ASSESSOR

Parcel Number: 82-000-50-0022-000
Deed Holder: MARK SAND & GRAVEL COMPANY
Property Address: 560 PELICAN AVE S
VERGAS, MN 56587-0000 [MAP THIS ADDRESS](#)
Mailing Address: PO BOX 458
FERGUS FALLS, MN 56538-0458 USA
PDF Name: VERGAS VILLAGE
Subdivision: N/A
Sec-Twp-Rng: 25-137-041
Legal Description: N1/2 SE1/4 EX 5 AC TR IN NE COR & NELY 1/2 SE1/4 SW1/4 & NE1/4 SW1/4 EX TRS

**No image
to display**

Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value
2022	\$312,100	\$150,300	\$35,100
2021	\$307,000	\$0	\$174,000
2020	\$292,290	\$0	\$168,853

Land Information

Lot Type	Square Feet	Acres
Acres x Rate	43,560	1.000
Acres x Rate	130,680	3.000
Total	174,240	4.000

Agricultural Land Information

Description	Acres
000118 - TILL-CE PROD	58.000
001210 - HIGH PAST PROD	11.660
001100 - HIGH WOODS PROD	30.000
001301 - WASTELAND IMPRACT	5.000
001203 - GRAVEL	20.000
003000 - ROAD - 2A	3.680

Residential Building Information

Occupancy	Style	Year Built
Single-Family / Owner Occupied	1 Story Frame	1919

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 in the southern area of 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 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 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 mining phase. 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 the phase maps for additional information on tree locations. The proposed phasing 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 has agreed to rent the current farmstead. 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.

Phasing Plan – Currently there are 29 acres that have been mined or have been stripped to prepare for mining or stockpiling. While it is not feasible to reclaim land that has not been completely mined there can be a phasing plan implemented to eventually work towards the goal of having only 10 acres being openly mined at one time. The included phase map will outline the areas to be mined and the estimated time frames involved with each area. Once the sections of these phase areas are completely mined the sloping and backfilling will begin as the mining continues in that area. The sloped area will be leveled again to fix any possible area of erosion before the land is seeded into grassland. It is important that this sloped area be brought to finish grade before spreading the topsoil.

Hot Mix Asphalt Plant – This existing site includes approximately 7 acres of level ground. 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 as 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

Sloping of the boundaries of the mined area will occur at a ratio of four to one as the mining progresses. Reclamation of the mined site will continue to occur during the mining process. Sloped areas are considered to be reclaimed. Topsoil will be spread at a depth of up to 6 inches and it will be seeded with MNDOT 330, Dry Prairie General 35-221. 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 upon the current stock pile site. This area will be mined in the phasing plan to help limit the line of sight and sound exposure to the Hot Mix Asphalt Plant. The Plant would then be placed at the pit bottom. Reclamation of this hot mix site will be completed last after all other pit materials have been depleted.

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 Phase 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 Phase maps**
 - 8. Location of stock piles, **See attached Phase 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
 14. Phasing plan which provides no more than ten (10) acres of the site to be open to active mining at any one time. Before any additional land may be mined, the applicant must reclaim the site to the condition that is indicated on the approved reclamation plan. 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 \$50,000.00 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 escrow account and used strictly for the engineering fees that are required due to the ordinance. An accounting for all expenses charged to the escrow account will be provided to the applicant annually by February 15th of each year.

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 2022 season.



Nonmetallic Mining Permit NOC

National Pollutant Discharge Elimination System/State Disposal System

MNG490125

Permittee: Mark Sand & Gravel Co
Facility name: Mark Sand & Gravel Acquisition Co
City or Township: Fergus Falls, **County:** Otter Tail
Issuance date: November 1, 2017
Expiration date: May 31, 2022

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a disposal system at the facility named above and 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: 

This document has been electronically signed.

for the Minnesota Pollution Control Agency

Jeff Udd, P.E.
Supervisor, Water Quality Permits Unit
Water Section
Industrial Division

Submit eDMRs

Submit via the MPCA Online Services Portal at
<https://netweb.pca.state.mn.us/private/>

Submit other WQ reports to:

Attention: WQ Submittals Center
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Questions on this permit?

For eDMR and other permit reporting issues, contact:
Sheri Woitalewicz, (507) 476-4271

For specific permit requirements please refer to:

Joe Braun, (218) 846-8126

Wastewater Permit Program general questions, contact:

MPCA, 651-282-6143 or 1-800-657-3938.



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.

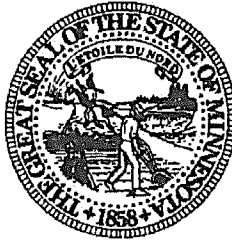
Minn. R. 7007.1110, subp. 2b requires facilities that hold a registration permit and are eligible for a nonmetallic mineral processing general permit to apply for the general permit. This letter also serves as your notice that the MPCA has voided, effective the date of this letter, the following Air 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.



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

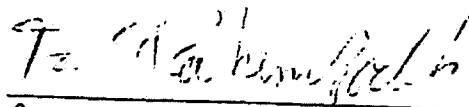
(hereinafter Permittee) is issued an Air Emission Registration Permit by the Minnesota Pollution Control Agency for its Mark Sand & Gravel Acquisition - Plant 9 facility located at various locations throughout the state of Minnesota.

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.


for Karen A. Studders
Commissioner
Minnesota Pollution Control Agency

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 Fifty Thousand and 00/100 DOLLARS (\$50,000.00) 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, 2022. All claims must be made before the expiration date.

Dated this 19th day of March, 2021.

Mark Sand & Gravel Co.

Principal

Liberty Mutual Insurance Company

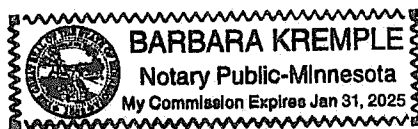
Surety

Joshua R. Loftis, Attorney-in-Fact

CORPORATE ACKNOWLEDGMENT

State of Minnesota)
) ss
County of Otter Tail)

On this 19th day of March 2021, before me appeared Mark Thorson,
to me personally known, who, being by me duly sworn, did say that he/she is the President
of Mark Sand & Gravel Co., a corporation, that the seal affixed to the
foregoing instrument is the corporate seal of said corporation, and that said instrument was executed in
behalf of said corporation by authority of its Board of Directors, and that said Mark Thorson
acknowledged said instrument to be the free act and deed of said corporation.

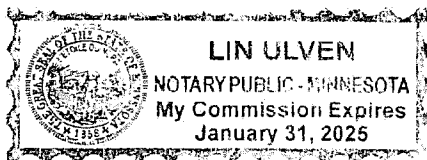


Barbara Krempfle
Notary Public Otter Tail County, MN
My commission expires 1-31-2025

SURETY ACKNOWLEDGMENT

State of Minnesota)
) ss
County of Hennepin)

On this 19th day of March 2021, before me appeared Joshua R. Loftis,
to me personally know, who being by me duly sworn, did say that (s)he is the Attorney-in-Fact of _____
Liberty Mutual Insurance Company, a corporation, that the seal
affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was
executed in behalf of said corporation by authority of its Board of Directors; and that said _____
Joshua R. Loftis acknowledged said instrument to be the free act and deed of said corporation.



[Signature]
Notary Public Ramsey County, MN
My commission expires 1/31/2025



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8204780 - 190054**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Brian J. Oestreich, Colby D. White, Emily White, Jerome T. Ouimet, Joshua R. Loftis, Kurt C. Lundblad, Lin Ulven, Melinda C. Blodgett, Nathan Weaver, Nicole Stillings, R. C. Bowman, R. W. Frank, Rachel Thomas, Ross S. Squires, Sandra M. Engstrom, Ted Jorgensen, Tina L. Domask

all of the city of Minneapolis state of MN each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 28th day of January, 2021.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 28th day of January, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 19th day of March, 2021.

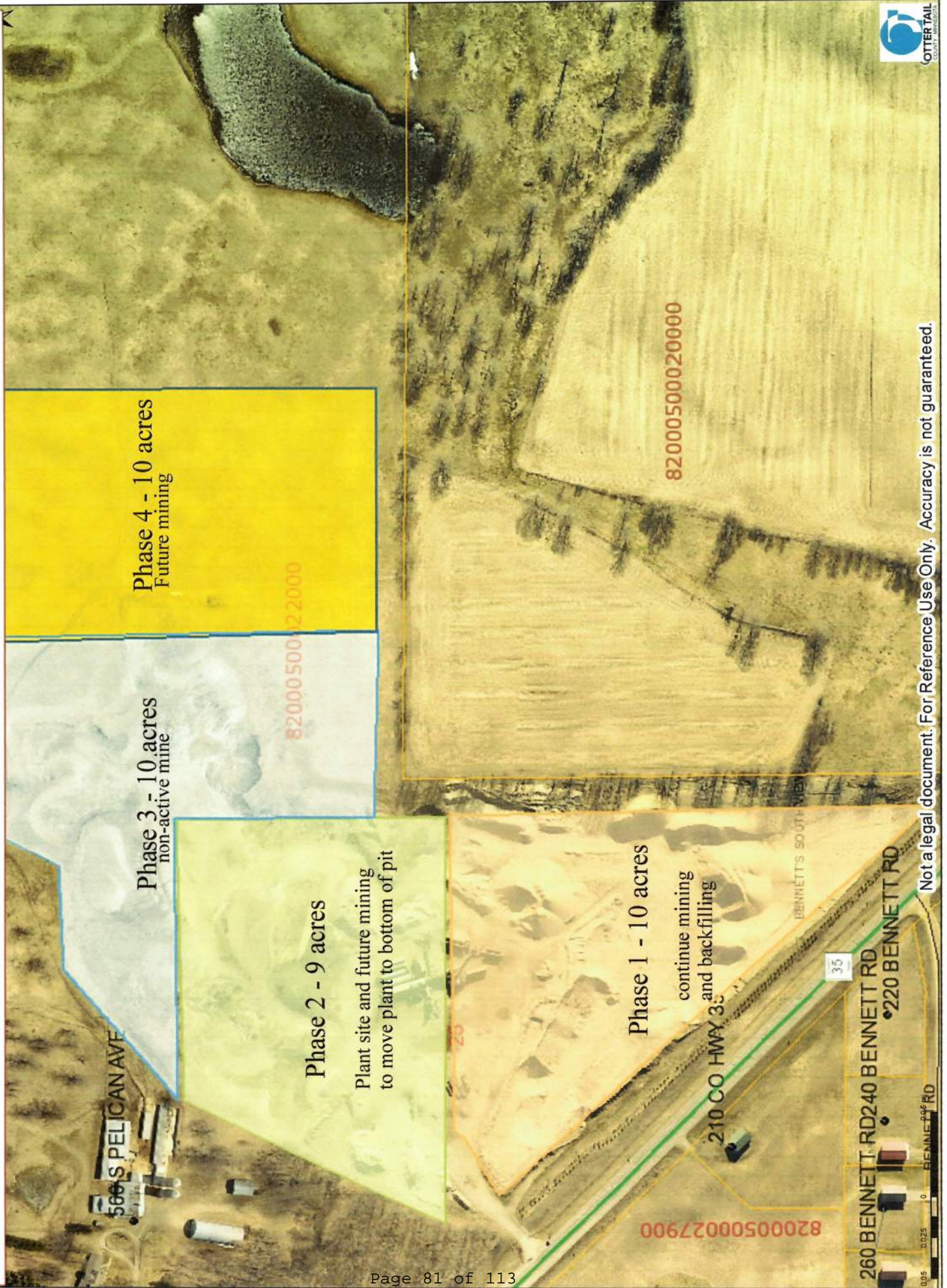


By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

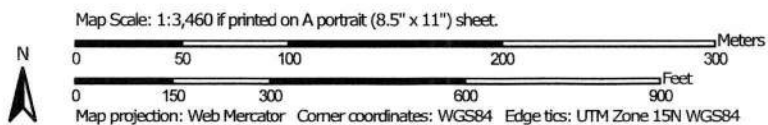
For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.







Soil Map—Otter Tail County, Minnesota
(Bunkowski Pit Vergas MN)



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey
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MAP LEGEND

	Area of Interest (AOI)		Area of Interest (AOI)
	Soils		Soil Map Unit Polygons
			Soil Map Unit Lines
			Soil Map Unit Points
	Special Point Features		Special Line Features
	Blowout		Water Features
	Borrow Pit		Streams and Canals
	Clay Spot		Transportation
	Closed Depression		Rails
	Gravel Pit		Interstate Highways
	Gravelly Spot		US Routes
	Landfill		Major Roads
	Lava Flow		Local Roads
	Marsh or swamp		Background
	Mine or Quarry		Aerial Photography
	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 Data: 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%

2022 Property owners within 1/2 mile of the Mark Sand & Gravel Co. - Bunkowski Pit

Property Owner	Address 1	Address 2	City	State	Zip	Zip +4
AMANDA GRONHOVD & T TUMBERG	220 9TH AVE S		SOUTH SAINT PAUL	MN	55075	2212
AMBER DAHLGREN & ADAM BRISTLIN		PO BOX 67	VERGAS	MN	56587	67
ANDERSON,DENNIS D & JANICE A		PO BOX 171	VERGAS	MN	56587	171
BAUMGART,MICHAEL J	520 PELICAN AVE S		VERGAS	MN	56587	4109
BELLEFEUILLE,DARCY L & BONNIE	221 BENNETT RD		VERGAS	MN	56587	4121
BENNETT,DONALD	32257 CO HWY 4		VERGAS	MN	56587	9400
BERVEN,DWIGHT & STACY A	450 PELICAN AVE S		VERGAS	MN	56587	4107
BJ'S REAL ESTATE INC	3200 11TH ST S UNIT 113		FARGO	ND	58104	4609
BLACK,MICHAEL D & PAULA J	10169 141ST AVE		VERNDALE	MN	56481	3014
BLIXT,SANDRA K	225 CHAFFEE AVE		AMENIA	ND	58004	4018
BOBBIE SCHRUPP JORGENSEN ET AL	380 PELICAN AVE S		VERGAS	MN	56587	4105
BOSCH,KELLY & MICKIE	822 246TH ST S		HAWLEY	MN	56549	9601
BOYD,ANTHONY E	601 4TH ST W		PARK RAPIDS	MN	56470	1333
BREMER,DENNIS C & CYNTHIA A	1030 TONKAWA RD		LONG LAKE	MN	55356	9238
BROWN,SHARI & CHRISTOPHER	1130 TOWN LINE RD S		VERGAS	MN	56587	
BRUHN,PAUL E & CARMEN I	955 GABRIEL CIR		DETROIT LAKES	MN	56501	4835
BRUHN,VAN A & KARMEN K	330 PELICAN AVE S		VERGAS	MN	56587	4105
BUEIDE,DANIEL A & MICHELLE M	3214 45TH AVE S		FARGO	ND	58104	6650
BUGBEE FAM TST	843 12 1/2 AVE W		WEST FARGO	ND	58078	2435
BUNKOWSKE,KEITH & SHELLEY	202 TOWN LINE RD S		VERGAS	MN	56587	4223
BURG,RONALD J	46851 BIG OWL LOOP		VERGAS	MN	56587	9500
BURLINGTON NORTHERN RR CO		PO BOX 961089	FORT WORTH	TX	76161	89
CHRISTOPHER G EIDEN ET AL	281 BENNETT RD		VERGAS	MN	56587	4121
CITY OF VERGAS		PO BOX 32	VERGAS	MN	56587	32
CLIFFORD MOE & CATHLEEN SIMMON		PO BOX 242	VERGAS	MN	56587	242
CONTRACTORS LEASING		PO BOX 10325	FARGO	ND	58106	325
COUNTY OF OTTER TAIL	510 FIR AVE W		FERGUS FALLS	MN	56537	1364
COURNEYA,HEATH GERALD	34257 DUSTY TRL		FRAZEE	MN	56544	8966
COURNEYA,JAMES T & JAYNE A	301 LOONEY LN W		VERGAS	MN	56587	4119
CRAIG FRISCHMAN & C SILLERUD	5645 ST CROIX AVE N		MINNEAPOLIS	MN	55422	4417
DAHL,RICKEY L & KAREN	611 TOWNLINE RD		VERGAS	MN	56587	4226
DAHLGREN,GARRETT	410 SUNSET STRIP	PO BOX 67	VERGAS	MN	56587	67
DAHLGREN,GORDON J & MARION K		PO BOX 67	VERGAS	MN	56587	67
DAHLGREN,LOGAN M		PO BOX 67	VERGAS	MN	56587	67
DAHLGREN,MARION KATHRYN		PO BOX 67	VERGAS	MN	56587	67
DANIEL G ZITZOW ET AL	3021 14TH AVE S		MOORHEAD	MN	56560	3907
DAVIS,SHELBY L & BLAINE V	131 MILL ST E		VERGAS	MN	56587	4113

DAY,SHAWN P	251 1ST AVE N		VERGAS	MN	56587	4026
DAY,SHELLY A	404 SUNSET STRIP W		VERGAS	MN	56587	4102
DAY,VERLA A	320 PELICAN AVE S		VERGAS	MN	56587	4105
DITTERICH,HENRY & MARY LYNN	46963 CO HWY 35		VERGAS	MN	56587	9520
DOYLE,CARSON I	141 LINDEN ST E		VERGAS	MN	56587	4013
DOYLE,DANIEL J & KIMBERLY I		PO BOX 234	VERGAS	MN	56587	234
EAST OTTER TAIL TEL CO	160 2ND AVE SW		PERHAM	MN	56573	1409
EHLKE,SCOTT J		PO BOX 111	VERGAS	MN	56587	111
EHLKE,SCOTT JENNINGS		PO BOX 111	VERGAS	MN	56587	111
EILEEN M CARLISLE REV TST	1040 SCHARF AVE		VERGAS	MN	56587	4214
ENDERSBY,JAMES M		PO BOX 65	VERGAS	MN	56587	65
ENGEBRETSON,MATTHEW W		PO BOX 285	VERGAS	MN	56587	285
ENGEL,TERRY	31172 ACORN LAKE RD		FRAZEE	MN	56544	9152
ERICKSON,DEREK & SHARI	9338 PEONY LN N		MAPLE GROVE	MN	55311	4451
ERIN N GOTELAERE & B SCHREURS	241 BENNETT RD		VERGAS	MN	56587	4121
FICK,MICHAEL W	26324 485TH ST		VERGAS	MN	56587	9419
FLATELAND,MYLES A & BEVERLY L	812 SCHARF AVE E		VERGAS	MN	56587	4219
FLEMMING,RONALD L & LINDA J	1130 5TH AVE W		WEST FARGO	ND	58078	1450
FRANKLIN,PAMELA	260 1ST AVE S	PO BOX 205	VERGAS	MN	56587	205
GEORGE & JUDITH JACOBS TST	11983 JENKINS ST NE		BLAINE	MN	55449	5471
GERALD L BELOW TST ET AL	46965 BIG OWL LOOP		VERGAS	MN	56587	9500
GETZSCHMAN,RICHARD S & JOANN		PO BOX 392	LEESBURG	TX	75451	391
GIERDE,JOSEPH JEROME	46933 BIG OWL LOOP		VERGAS	MN	56587	9500
GOEDDERTZ,DAVID E & MARY A	46956 BIG OWL TRL		VERGAS	MN	56587	9570
GOLKOWSKI,LARRY F	12288 353RD AVE		FRAZEE	MN	56544	8507
HAARSTICK,DEAN W		PO BOX 160	VERGAS	MN	56587	160
HAARSTICK,DEAN W & KAREN JO		PO BOX 160	VERGAS	MN	56587	160
HALVERSON,JOHN D & SUE K	2809 10TH ST N		FARGO	ND	58102	1329
HANSON,JEFFREY R & TERRIE L	451 PELICAN AVE S		VERGAS	MN	56587	4108
HANSON,JEFFRY R & ROBIN D		PO BOX 301	PERHAM	MN	56573	301
HANSON,JOHN E & MARY L	19532 232ND ST		AUDUBON	MN	56511	9511
HANSON,ROBIN D & JEFFRY R	646 3RD AVE SE		PERHAM	MN	56573	1744
HARILUK,LOGAN L	281 HILL ST W		VERGAS	MN	56587	4117
HASSE,REBECCA & SHANE	231 HILL ST W		VERGAS	MN	56587	4117
HEEMSTRA,DELBERT G	15872 RIDGEVIEW LN E		DETROIT LAKES	MN	56501	7152
HERSCH LAMMLE PROP GROUP LLC	1112 2ND AVE N		WHEATON	MN	56296	1212
HILL,KAREN LEE	3514 HUNTERS DEW		SAN ANTONIO	TX	78230	2860
HILLIARD,JORDAN GEORGE & KARA	225 MAIN ST W		VERGAS	MN	56587	
HILLSTROM,CHARLES W & KATHRYN	32267 CO HWY 4	PO BOX 88	VERGAS	MN	56587	9400

HOARD,DANIEL	390 PELICAN AVE S		VERGAS	MN	56587	4105
HODNEFIELD,PATRICK E	441 PELICAN AVE S		VERGAS	MN	56587	4108
HOFFMAN,JILL		PO BOX 7	VERGAS	MN	56587	7
HOFFMANN,CARL W & CONNIE L	106 ELM ST E		VERGAS	MN	56587	4017
HOFFMANN,JAMES & MELAINE JOYCE	440 PELICAN AVE S		VERGAS	MN	56587	4107
HOLT,KYLE	381 PELICAN AVE S		VERGAS	MN	56587	4106
HOWE,JEREMIAH	370 PELICAN AVE S	PO BOX 191	VERGAS	MN	56587	4105
HUCK,JASON A & BERET E	5509 15TH ST S		FARGO	ND	58104	6395
HUDDLESTON HARDWARE INC	34226 SYBIL LAKE RD		VERGAS	MN	56587	9550
INGBERG,CHERYL L		PO BOX 42	VERGAS	MN	56587	42
INGBERG,DAVID & KERRY SEIFERT	110 ELM ST W	PO BOX 16	VERGAS	MN	56587	16
INGBERG,JULIE		PO BOX 101	VERGAS	MN	56587	101
JACK CHIVERS REALTY	816 WASHINGTON AVE		DETROIT LAKES	MN	56501	3014
JACOBY,ROBERT & DEBRA	1030 SCHARF AVE E		VERGAS	MN	56587	4214
JACQUELINE L BUERMANN ET AL	220 HILL ST W		VERGAS	MN	56587	4116
JAMES A BONHAM REV TST	1306 BAY VIEW DR		DEVILS LAKE	ND	58301	8628
JEANETTE C BRUHN TST		PO BOX 116	VERGAS	MN	56587	116
JEFFREY DOSTAL ET AL	5070 PROSPERITY WAY S		FARGO	ND	58104	7567
JOHNSON,KIRK E & DANIELLE M	24647 E 1500 N RD		FAIRBURY	IL	61739	9250
JRMH HOLDINGS LLC		PO BOX 9	VERGAS	MN	56587	9
KADING,WALTER L	31243 440TH ST		VERGAS	MN	56587	9351
KADING,WALTER L & ELIZABETH I	215 FRAZEE AVE E	PO BOX 97	VERGAS	MN	56587	97
KEITH E SANDAU REV TST	361 PELICAN AVE S		VERGAS	MN	56587	4106
KEITH M BUNKOWSKE ET AL	202 TOWN LINE RD S		VERGAS	MN	56587	4223
KEY STONE STOR & RENTALS LLC	49186 CO HWY 31		VERGAS	MN	56587	9421
KING,BRADLEY L & REBECCA R	7613 UNIVERSITY DR S		FARGO	ND	58104	8016
KINNEBERG,ANDREW J & RACHEL L	949 PARKWAY DR		WEST FARGO	ND	58078	8118
KLATT,JERRY D & PATRICIA S	32125 CO HWY 4		VERGAS	MN	56587	9400
KOLLE,SHARON L	321 SCHARF AVE E		VERGAS	MN	56587	4202
KUBSCH,JEFFERY & SHERRY	8799 QUEENSLAND LN N		MAPLE GROVE	MN	55311	5501
KUEHNE,KEITH	306 FRAZEE AVE E		VERGAS	MN	56587	4206
KVAM,MEREL A & JUDY M	1936 BONITA WAY S		ST PETERSBURG	FL	33712	4214
LAKES AREA WORD FELLOWSHIP		PO BOX 218	VERGAS	MN	56587	218
LAMMLE,JUSTIN A	10 MEGHANS WAY		BOZEMAN	MT	59718	1859
LARSON,DUANE A		PO BOX 143	VERGAS	MN	56587	143
LEMON,BRANDON J	213 MAIN ST W		VERGAS	MN	56587	
LENDE,BRIAN S	201 HILL ST W		VERGAS	MN	56587	
LEROY & MARGARET LINDSAY TST	14829 CO HWY 24		ROTHSAY	MN	56579	9348
LEWIS,TRISTYN LEE	430 PELICAN AVE S		VERGAS	MN	56587	4107

LICENCE,ANTHONY M			PO BOX 82	VERGAS	MN	56587	82
LONGTIN,TRISHA M			PO BOX 22	VERGAS	MN	56587	22
LUNDGREN,DWIGHT & KARIN		420 PELICAN AVE S		VERGAS	MN	56587	4107
LUTHI,BRUCE A & LINDA R		46792 BIG OWL LOOP		VERGAS	MN	56587	9500
MACNEILL,ANABELLE L		210 MAIN ST W		VERGAS	MN	56587	4002
MANEVAL,MICHAEL F			PO BOX 37	VERGAS	MN	56587	37
MANEVAL,ROBIN & BARBARA			PO BOX 93	VERGAS	MN	56587	93
MARIE E SCHULTZ REV TST		640 TOWN LINE RD S		VERGAS	MN	56587	4225
MARING,TERRANCE JR & NICOLE		500 PELICAN AVE S		VERGAS	MN	56587	4109
MARK SAND & GRAVEL COMPANY			PO BOX 458	FERGUS FALLS	MN	56538	458
MARTY & NANCY HANSON REV TST		41750 BAGLEY BAY LN		PELICAN RAPIDS	MN	56572	7751
MCCORQUODALE,KATIE M			PO BOX 50	VERGAS	MN	56587	50
MCINTYRE,DOUGLAS J & VICKI E		6912 81ST AVE S		HORACE	ND	58047	9799
MENZ,LOREN K & DIANE K			PO BOX 17	VERGAS	MN	56587	17
METHODIST CHURCH OF VERGAS			PO BOX 243	VERGAS	MN	56587	243
METZGER,GLENN M & PAT A		46859 BIG OWL TRL		VERGAS	MN	56587	9509
MITCHELL B & B J GOLDSTEIN TST		1000 SCHARF AVE E		VERGAS	MN	56587	4214
MITCHELL,GERALD S & AUDREY D			PO BOX 294	FRAZEE	MN	56544	294
MOE,CATHY & CLIFFORD			PO BOX 242	VERGAS	MN	56587	242
MOE,CLIFFORD D			PO BOX 242	VERGAS	MN	56587	242
MOE,JANE ESTHER			PO BOX 44	VERGAS	MN	56587	44
MOLTZAN,RICKY A & MELISSA A			PO BOX 148	VERGAS	MN	56587	148
NASH,DUSTIN		351 PELICAN AVE S		VERGAS	MN	56587	4106
NATALIES SERENDIPITY LLC			PO BOX 85	VERGAS	MN	56587	85
NEIL J & D STRAWHORN REV TSTS		32328 CO HWY 4		VERGAS	MN	56587	
NELSON,RICHARD A & MARGARET J		2551 66TH AVE S		FARGO	ND	58102	7960
NERESON,BRUCE A & JANICE K		4132 ARTHUR DR		FARGO	ND	58104	4574
NESEMEIER,AMY			PO BOX 10723	FARGO	ND	58103	723
NIEMANN,KEVIN LEE		1232 LINCOLN AVE		DETROIT LAKES	MN	56501	4015
NUSTAD,RACHEL K		151 LINDEN ST E		VERGAS	MN	56587	4013
OLSON OIL CO INC		1425 LINCOLN AVE W		FERGUS FALLS	MN	56537	1005
OSBORN,LAURA		110 ELM ST		VERGAS	MN	56587	4016
PALMER,RODDER E & ELAINE E		1025 SCHARF AVE E		VERGAS	MN	56587	4230
PATRICK T SKELLY ET AL		4279 HAWKSBURY CIR		EAGAN	MN	55123	3062
PEIL,TIMOTHY S & KATHRYN A		46949 BIG OWL TRL	PO BOX 252	VERGAS	MN	56587	252
PENNEY,JOYCE A			PO BOX 161	VERGAS	MN	56587	161
PERHAM COOP CREAMERY ASSOC			PO BOX 247	PERHAM	MN	56573	247
PETER FANKHANEL ET AL		45311 316TH AVE		VERGAS	MN	56587	9356
PETERSON,GALE N & ANDREW F		80343 ERICSON SCOTIA AVE		SCOTIA	NE	68875	5126

PETERSON,RICHARD L & MICHELE J	1827 26TH AVE NW		NEW BRIGHTON	MN	55112	1744
PINKE,PAUL A & CORAL L		PO BOX 159	VERGAS	MN	56587	159
PIXLEY,DARYL L		PO BOX 21	MAHNMEN	MN	56557	21
PRIEM,JORDAN T & JESSICA A	210 HILL ST W		VERGAS	MN	56587	4116
PRIEM,TIMOTHY J	46919 BIG OWL LOOP		VERGAS	MN	56587	9500
PUETZ,MAGDALENA PEARL		PO BOX 207	VERGAS	MN	56587	207
REFSLAND,MARVOLYN J	311 SCHARF AVE E		VERGAS	MN	56587	4202
RICHARD BLAIR & CONNIE LEE		PO BOX 19	VERGAS	MN	56587	19
RICHARDS,RONOLA F	241 HILL ST W		VERGAS	MN	56587	4117
RONALD W PINKEPANK ET AL	N109W17035 AVA CIR		GERMANTOWN	WI	53022	5667
ROSWICK,ROBERT & JULIE	4315 ENGLAND ST		BISMARCK	ND	58504	8970
S & Z PROPERTIES LLC	49605 CO HWY 17		VERGAS	MN	56587	9447
SAFAR,MATTHEW L	291 BENNETT RD		VERGAS	MN	56587	4121
SALVESON,LYNNAE	340 PELICAN AVE S		VERGAS	MN	56587	4105
SANDAU,JERRY		PO BOX 585	ORION	IL	61273	585
SANDY PROPERTIES LLC	420 HARWOOD DR		FARGO	ND	58104	6229
SAZAMA,STEPHANIE & TYLER J	401 PELICAN AVE S		VERGAS	MN	56587	4108
SCHLAUDERAFF,BRUCE M	301 UNIT AVE S		VERGAS	MN	56587	
SCHMID,ROBERT A	109 1ST AVE S		VERGAS	MN	56587	4023
SCHOENEGER, WILLIAM & LYNN		PO BOX 183	VERGAS	MN	56587	183
SCHRUPP,KYLE	110 CO HWY 35		VERGAS	MN	56587	4100
SCHRUPP,LARRY G	375 RAILWAY AVE S		VERGAS	MN	56587	
SCHRUPP,THOMAS & SUSAN		PO BOX 91	VERGAS	MN	56587	91
SHARP,CAROL	817 SCHARF AVE E		VERGAS	MN	56587	4209
SHEILA L BENNETT & SHANE POSS	290 BENNETT RD		VERGAS	MN	56587	4121
SHIPMAN,JILL		PO BOX 147	VERGAS	MN	56587	147
SILBERNAGEL,BRUCE A & ELAINE	24738 DERBY DR		SORRENTO	FL	32776	8403
SLEEN,KURT G	25849 485TH ST		VERGAS	MN	56587	9419
SMITH,KAYLA M	46943 CO HWY 35		VERGAS	MN	56587	9520
SONNENBERG,BRUCE L & GAIL	461 PELICAN AVE S		VERGAS	MN	56587	4108
SOO LINE RAILROAD CO	7TH FLOOR TAX DEPT	120 6TH ST S	MINNEAPOLIS	MN	55402	1803
STATE OF MINNESOTA		PO BOX 45	SAINT PAUL	MN	55155	4045
STEPHEN & CARMEN MOORE FAM TST	815 SCHARF AVE E		VERGAS	MN	56587	4209
STONE,SUSAN R	551 PELICAN AVE S		VERGAS	MN	56587	4110
STRAND,KERRY & MICHELLE	100 TOWNLINE RD S		VERGAS	MN	56587	4218
STRAND,PATRICIA A		PO BOX 71	VERGAS	MN	56587	71
STROM,TIMOTHY W & CHERYL L		PO BOX 208	VERGAS	MN	56587	208
STYLEMARK BUILDERS INC	3713 HIDDEN CIR		WEST FARGO	ND	58078	7929
SUMMER HOLDINGS LLC	300 OLD DETROIT RD		VERGAS	MN	56587	4032

TANGEN,BRIAN A & BRENDA K	604 2ND ST SW		FRAZEE	MN	56544	4318
TEGTMEIER,AUSTIN C		PO BOX 171	VERGAS	MN	56587	171
TEIGEN BROTHERS HOLDINGS LLC	43645 INLET BEACH RD		PELICAN RAPIDS	MN	56572	7559
THEISEN,KYLE	275 RAILWAY AVE S		VERGAS	MN	56587	4006
THOMAS J & PATRICIA HENG TST	46821 BIG OWL LOOP		VERGAS	MN	56587	9500
THOMAS,HELEN M	47885 315TH AVE		VERGAS	MN	56587	9464
TINA EISCHEMS & CAROLYN HARRIS	221 HILL ST W		VERGAS	MN	56587	4117
UEKE,DONALD R & RHONDA D	371 PELICAN AVE S		VERGAS	MN	56587	4106
VANESSA PERRY & JORDAN SLEEN	49186 CO HWY 31		VERGAS	MN	56587	9421
VERGAS STATE BANK		PO BOX 67	VERGAS	MN	56587	67
WALLACE FAMILY LIVING TST	1040 PASTURE CANYON DR E		SAN TAN VALLEY	AZ	85143	5846
WALLACE,LEIGHTON & BRYCE	530 PELICAN AVE S		VERGAS	MN	56587	
WATSON,DARREN & MICHELLE	813 UNIVERSITY DR N		FARGO	ND	58102	3544
WELDON,BENJAMIN J & NICOLE		PO BOX 215	VERGAS	MN	56587	215
WIEBEN,TIMOTHY E & MARY A	2627 ITHICA DR		BISMARCK	ND	58503	945
WILLIAM ESSER TST	810 WOODCREEK RANCH RD		WIMBERLEY	TX	78676	5524
WOODS,CORY D & CASSANDRA	304 PELICAN AVE S		VERGAS	MN	56587	4105
WOUTERS,KATHLEEN	180 3RD AVE S	PO BOX 124	VERGAS	MN	56587	124
YGGDRASIL LLC	219 FRAZEE AVE E		VERGAS	MN	56587	
YOKOM,RICHARD & ROSE	1514 9TH ST N		FARGO	ND	58102	2208
ZITZOW,BYRON P & CONNIE S	46828 BIG OWL LOOP		VERGAS	MN	56587	9500
ZITZOW,KEVIN R		PO BOX 73	VERGAS	MN	56587	73

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 Fifty Thousand and 00/100 DOLLARS (\$50,000.00) 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, 2023. All claims must be made before the expiration date.

Dated this 17th day of March, 2022.

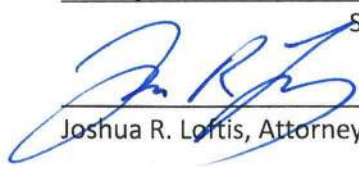
Mark Sand & Gravel Co.

Principal



Mark Thorson, President

Liberty Mutual Insurance Company

Surety


Joshua R. Loftis, Attorney-in-Fact

City of Vergas

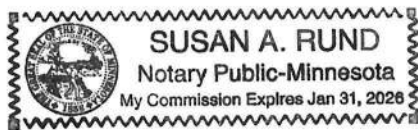
MAR 24 2022 

Received

CORPORATE ACKNOWLEDGMENT

State of Minnesota)
) ss
County of Otter Tail)

On this 17 day of March 2022, before me appeared Mark Thorson,
to me personally known, who, being by me duly sworn, did say that he/she is the President
of Mark Sand & Gravel Co., a corporation, that the seal affixed to the
foregoing instrument is the corporate seal of said corporation, and that said instrument was executed in
behalf of said corporation by authority of its Board of Directors, and that said Mark Thorson
acknowledged said instrument to be the free act and deed of said corporation.

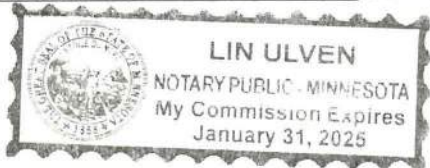


Susan Rund
Notary Public Grant County, MN
My commission expires 01/31/2026

SURETY ACKNOWLEDGMENT

State of Minnesota)
) ss
County of Hennepin)

On this 17th day of March 2022, before me appeared Joshua R. Loftis,
to me personally know, who being by me duly sworn, did say that (s)he is the Attorney-in-Fact of _____
Liberty Mutual Insurance Company, a corporation, that the seal
affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was
executed in behalf of said corporation by authority of its Board of Directors; and that said _____
Joshua R. Loftis acknowledged said instrument to be the free act and deed of said corporation.



[Signature]
Notary Public Ramsey County, MN
My commission expires 1/31/2025



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8207173 - 190054**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Brian J. Oestreich; C. White; Emily White; Joshua R. Loftis; Lin Ulven; Melinda C. Blodgett; Nathan Weaver; Nicole Stiltings; R. C. Bowman; R. W. Frank; Rachel Thomas; Ross S. Squires; Sandra M. Engstrum; Ted Jorgensen; Tina L. Domask

all of the city of Minneapolis state of MN each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 24th day of January, 2022.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By:

David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 24th day of January, 2022 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1128044
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 17th day of March, 2022.



By:

Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

SURETY RIDER

To be attached to and form a part of Bond No. 190044481
executed by Mark Sand & Gravel Co., as
principal and by Liberty Mutual Insurance Company as Surety,
in favor of City of Vergas, and effective
as of May 19th, 2022

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing
the bond amount

From: \$50,000.00

To: \$100,000.00

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein
expressly stated. This rider is effective on the **19th** day of **May, 2022**

Signed and sealed this **14th** day of **April, 2022**

Mark Sand & Gravel Co.

Principal

By

Mark Tharson, President Title

Liberty Mutual Insurance Company

Surety

By

Joshua R. Loftis, Attorney-in-Fact



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8207173 - 190054**

POWER OF ATTORNEY

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all of the city of Minneapolis state of MN each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 24th day of January, 2022.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By:

David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

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IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

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I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 14th day of April, 2022.



By:

Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary



Appendix E Interim Use Permit - Marks Sand & Gravel



Appendix F Bunkowski Gravel Pit - Field Inspection Report



GRAVEL PIT INSPECTION – FIELD REPORT

SHEET 1 OF 2

LOCATION: Vergas MN Gravel Pit

DATE: 04/26/22

DAY: Tuesday

OWNER: Marks Sand & Gravel

Contact: Jeff Hatlewick

O: 1-218-736-7523

C: 1-218-766-6977

KLJ Project #: 2204-00408

KLJ Personnel: D. Tell

WEATHER REPORT

Weather Conditions:	Partly Cloudy, Overcast
Temp. (high/Low):	30°F, 26°F
Wind: (low, moderate, high)	Low (Max gust 15mph)
Soil (dry, wet, saturated)	Wet (Frozen in A.M.)

OWNERS CONSTRUCTION ACTIVITY

Mining Operations:	Payloader & Conveyor Operation
Mining Personnel:	N/A
Mining Equipment/Class:	N/A



MINING ACTIVITY OBSERVED: (truck traffic, active mining, crushing, hauling, etc..)

Active mining at north end of the site, payloader, crusher/conveyor running.
Miscellaneous work trucks around site. Crews working on equipment in pit along SW edge of property.

NOISE LEVELS: (high, mod, low, no noise)

Low

DUST LEVELS: (high, mod, low, no dust)

No dust

SITE CONDITIONS: (open cut/disturbed areas, stockpile locations, perimeter boundary, new trees/fence, screening berms, use of water to control dust, steep slopes)

The north end of the property has been expanded and is currently being mined. The barb wire fence along the north end has been partially uninstalled and the topsoil is being striped towards the northeast.

SURROUNDING PROPERTY CONDITIONS: (Ex. Roadways, haul roads)

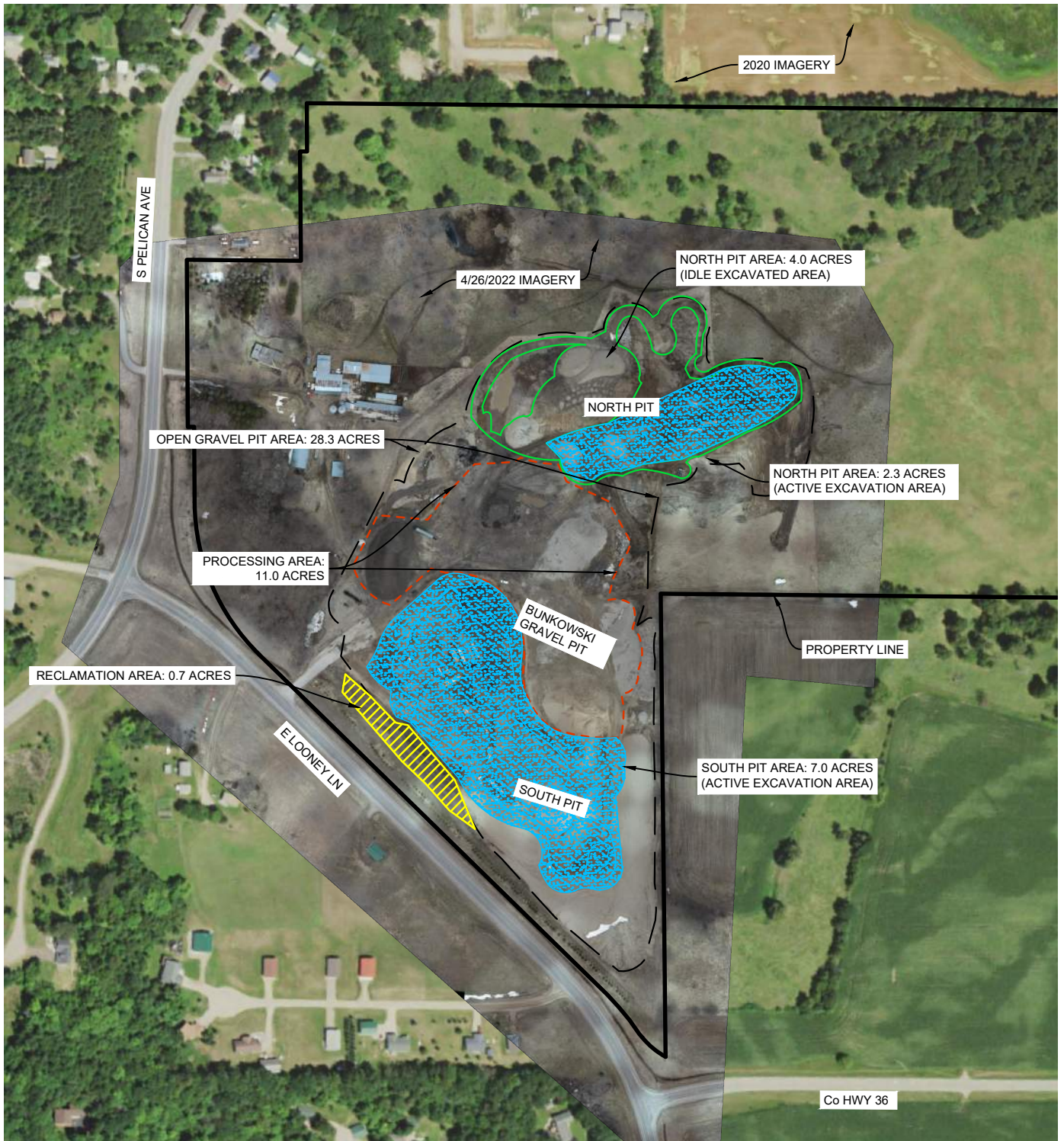
Low traffic, no truck traffic.

VISITORS:

INSPECTOR: D. Tell



Appendix G Current Conditions Map



LEGEND

— — — TOTAL OPEN GRAVEL PIT: 28.3 ACRES



RECLAMATION AREA: 0.7 ACRES

- - - - - PROCESSING AREA: 11.0 ACRES



ACTIVE EXCAVATION AREA (SOUTH PIT): 7.0 ACRES
(NORTH PIT): 2.3 ACRES

200 0 200 400
SCALE FEET



GRAVEL PIT COMPLIANCE REPORT

CITY OF VERGAS
VERGAS, MINNESOTA

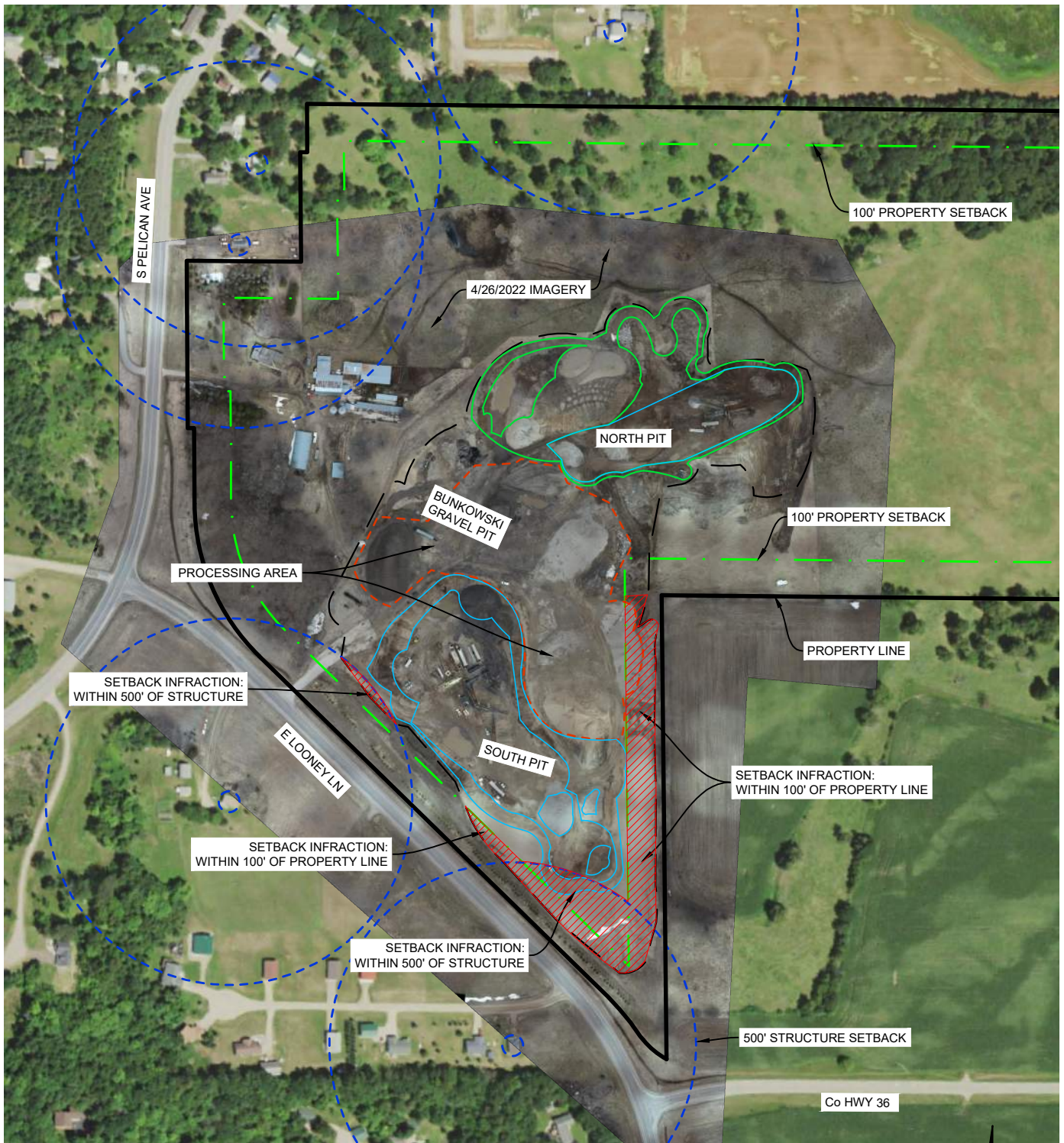
APPENDIX G - CURRENT CONDITIONS MAP

DRAFTED
EAS
REVIEWED
SK
PROJECT NUMBER
2204_00408
ISSUE DATE
05/20/2022





Appendix H Setbacks Map



LEGEND

- OPEN GRAVEL PIT AREA
- ACTIVE MINING PIT AREA
- 100' PROPERTY SETBACK
- 500' STRUCTURE SETBACK
- SETBACK INFRACTION

200 0 200 400
SCALE FEET



GRAVEL PIT COMPLIANCE REPORT

CITY OF VERGAS
VERGAS, MINNESOTA

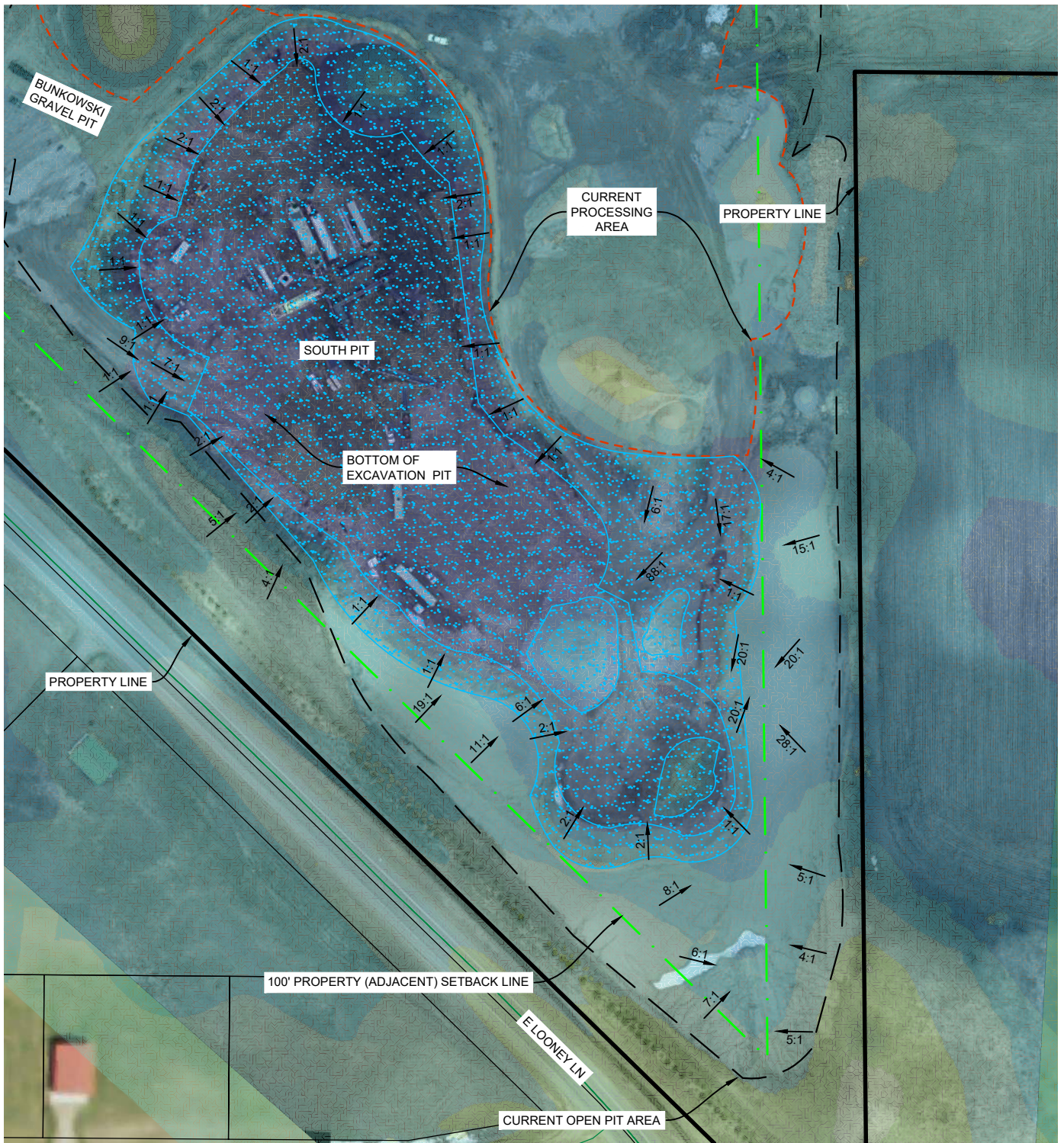
APPENDIX H - SETBACKS MAP 113

DRAFTED
EAS
REVIEWED
SK
PROJECT NUMBER
2204_00408
ISSUE DATE
05/20/2022





Appendix I Slope and Grade Map (South Pit, North Pit)



LEGEND

- CURRENT OPEN GRAVEL PIT AREA
- SOUTH PIT AREA
- 100' PROPERTY (ADJACENT) SETBACK
- MAX SLOPE INFRACTION



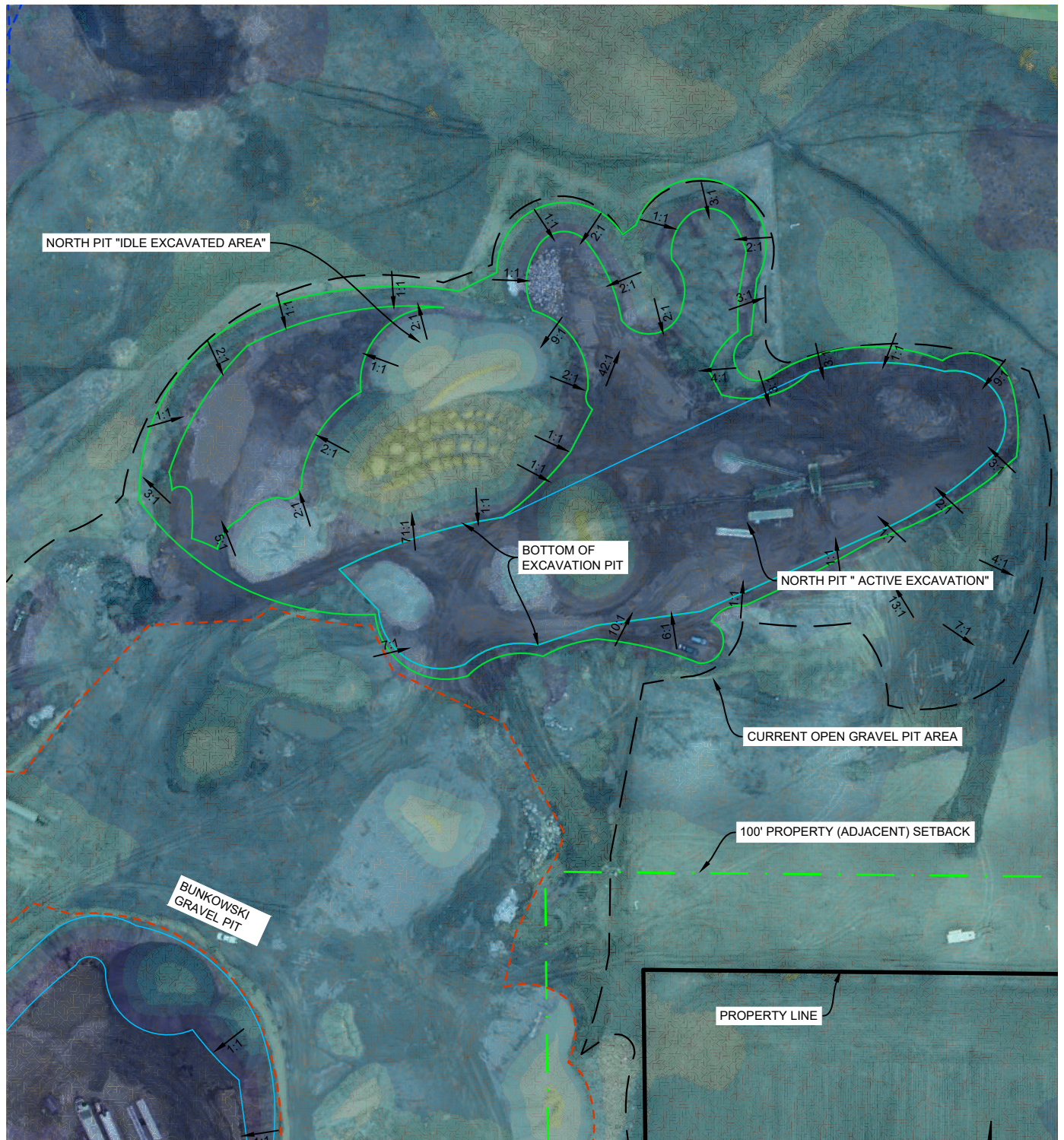
GRAVEL PIT COMPLIANCE REPORT

CITY OF VERGAS
VERGAS, MINNESOTA

APPENDIX I - SLOPE & GRADES MAP - SOUTH PIT

DRAFTED
EAS
REVIEWED
SK
PROJECT NUMBER
2204_00408
ISSUE DATE
05/20/2022





LEGEND

- — — — — CURRENT OPEN GRAVEL PIT AREA
- — — — — NORTH PIT AREA
- . — . — . 100' PROPERTY (ADJACENT) SETBACK
- MAX SLOPE INFRACTION



GRAVEL PIT COMPLIANCE REPORT

CITY OF VERGAS
VERGAS, MINNESOTA

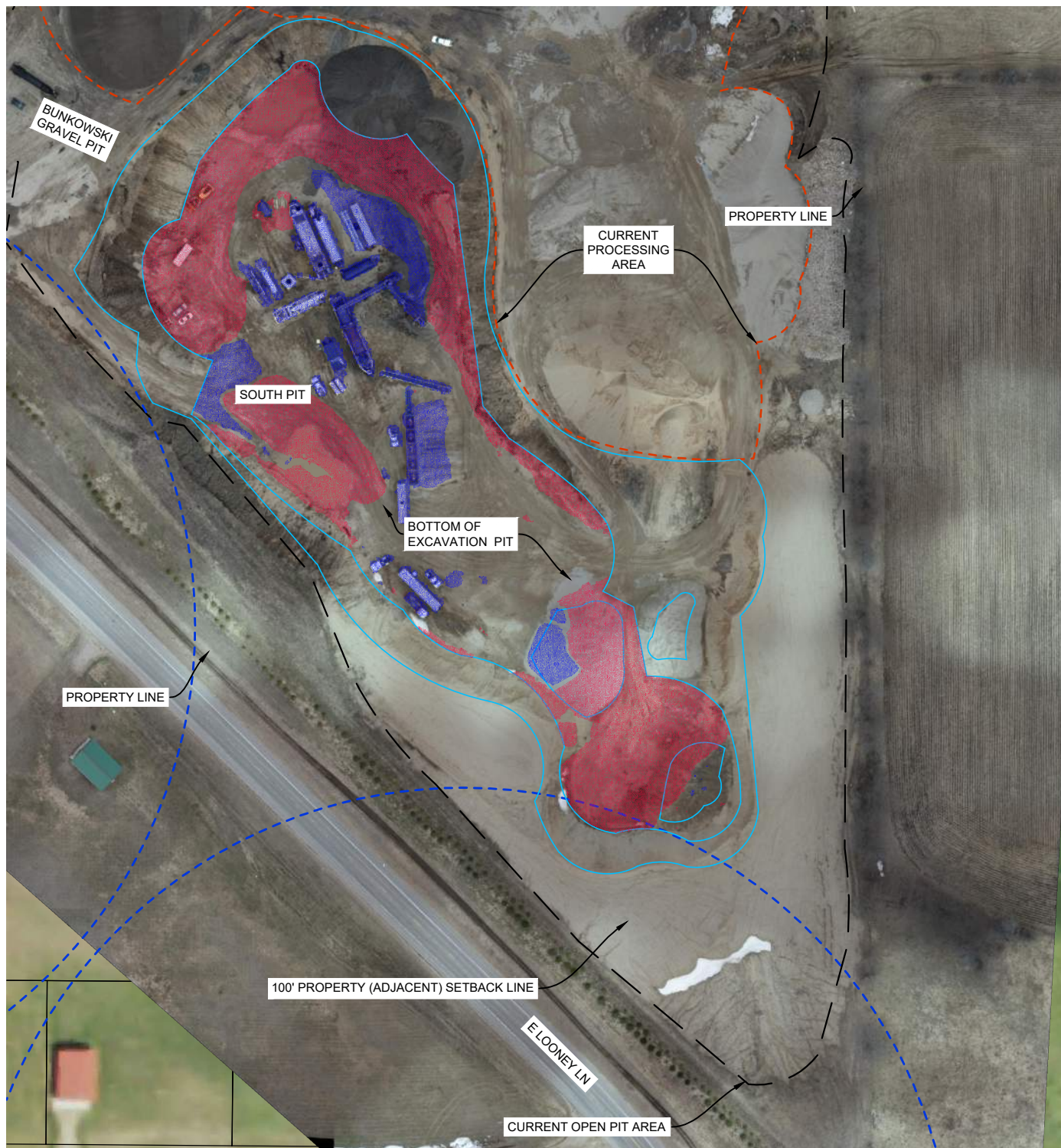
APPENDIX I - SLOPE & GRADES MAP - NORTH PIT

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REVIEWED
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PROJECT NUMBER
2204_00408
ISSUE DATE
05/20/2022





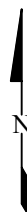
Appendix J Fill & Excavation Areas (South Pit, North Pit)



LEGEND

- CURRENT OPEN GRAVEL PIT AREA
- SOUTH PIT AREA
- 100' PROPERTY (ADJACENT) SETBACK
- AREAS FILLED FROM SPRING 2021
- AREAS EXCAVATED FROM SPRING 2021

AREAS OF ELEVATION CHANGE LESS THAN 1' (+/-) HAVE BEEN OMITTED FROM THE EXHIBIT TO REMOVE MINOR CHANGES AND POTENTIAL ERRORS IN SURVEY METHOD.



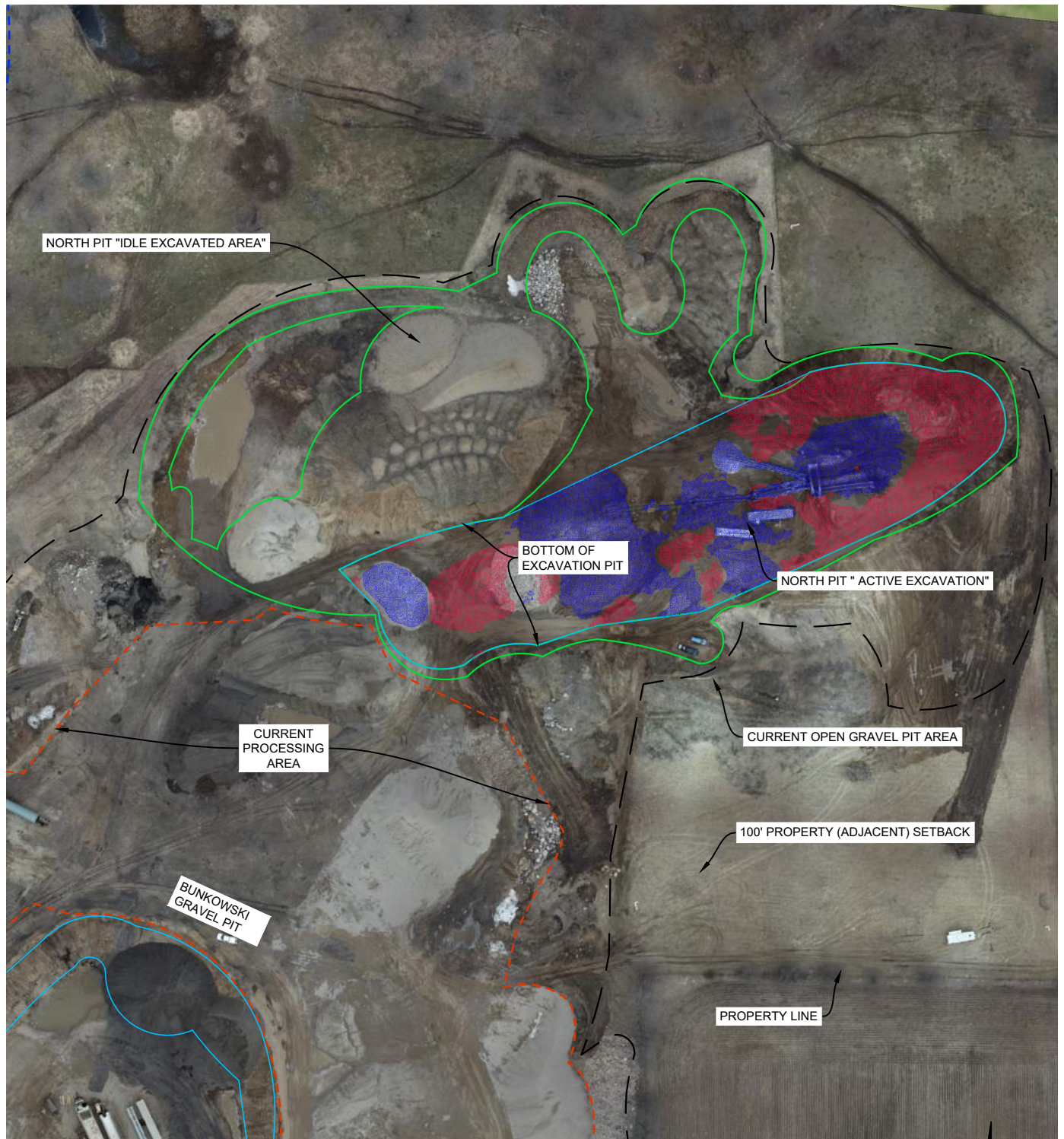
GRAVEL PIT COMPLIANCE REPORT

CITY OF VERGAS
VERGAS, MINNESOTA

APPENDIX J - FILLED & EXCAVATED AREAS - SOUTH PIT

DRAFTED	EAS
REVIEWED	SK
PROJECT NUMBER	2204_00408
ISSUE DATE	05/19/2022





LEGEND

- — — — — CURRENT OPEN GRAVEL PIT AREA
- — — — — SOUTH PIT AREA
- — — — — 100' PROPERTY (ADJACENT) SETBACK
- ▒ AREAS FILLED FROM SPRING 2021
- ▒ AREAS EXCAVATED FROM SPRING 2021

AREAS OF ELEVATION CHANGE LESS THAN 1' (+/-) HAVE BEEN OMITTED FROM THE EXHIBIT TO REMOVE MINOR CHANGES AND POTENTIAL ERRORS IN SURVEY METHOD.



GRAVEL PIT COMPLIANCE REPORT

CITY OF VERGAS
VERGAS, MINNESOTA

APPENDIX J - FILLED & EXCAVATED AREAS - NORTH PIT

DRAFTED	EAS
REVIEWED	SK
PROJECT NUMBER	2204_00408
ISSUE DATE	05/19/2022



We have reviewed the Lawrence Lake Acres preliminary plat with the ordinance. Below are the comments along with the plat exhibit markups.

Vergas Ordinance 152.08 Platting presentation Requirements

B..4.f. – nothing indicated for drainage and flood control items.

There will need to be some sort of stormwater treatment area before entering the wetlands in order to meet MPCA requirements.

B.4.j. – nothing indicating groundwater levels at least 3' below finished grade

This probably isn't a major concern for the majority of the development but there could be a few lots that could be questionable.

B.5.a – no indication of proposed road names

B.5.d – I didn't see anything of proposed covenants.

B.5.g – Dedications for easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

How does the City want to handle this? Wetlands can move based on the weather conditions for the year. I do think something should be provided for a stormwater pond though.

B.6 – Not sure if anything was submitted for a preliminary title opinion.

B.7 – lots should be staked within 14 days off preliminary plat submittal.

Ordinance 152.09 Plat Design Standards

B.1 – front yard utility easements are shown at 20' but city only requires 10'

C.3.a.2 – 65' minimum on outside curves for lot frontage. Current layout meets this but lots 11, 12 & 21 are a non-typical situation

Appendix 4. 2 – I can't tell the diameter of the cul-de-sac shown on the plat. It appears OK but wanted to note it.

Ordinance 252.105 Dedication Requirements

- I. – Will any dedication be required for the project? Approximately 0.42 units per acre would require a 10% land dedication.

Other Engineering items:

1. Would the City accept a roadway at 7.69% for Glenn St? I would like to see more like a 5% maximum.
2. Is the City willing to allow the well and septic request for the development?
 - a. I want to note that to have private systems there are several items to consider.
 - i. Sewer 100' from any well
 - ii. Sewer needs to be a minimum of 10' from property lines
 - iii. Site needs to have space for 2 drain field systems. (a replacement area for the 1st system)
 - iv. A soils test will be needed for each lot where a drain field is placed.
3. Plat notes a conditional use permit for the City to construct the streets. This probably isn't the right avenue but still relays the request at this point.
 - a. A significant amount of fill will be needed for Glenn Street. Will the City be allowed to use material from the project area, or will it need to be imported?
 - b. Similarly, will the City be allowed to grade outside of the proposed right of way?
4. Lawrence Lake is not considered an impaired water
5. Lot 1, block 2 has a huge amount of frontage. This could mean a large special assessment.

Nothing is indicated for stormwater treatment. We noted a few locations that could be considered for a pond.

Scott Kolbinger, PE (ND, SD & MN)
KLJ - West Fargo

Response from Josh of Meadowland Surveying

Ordinance 152.08

B.4.f – Josh is currently work on hiring someone to complete a SWMP.

B.4.j. - I put the existing contours on the drawing to indicate that the current elevation of all the lots is at least 3 feet above the water level of Lawrence Lake. All of them are well above that and should not have a problem building a residential building 3' above finished grade.

B.5.a – I believe that Julie and Josh talked about this already and have decided to use West Glenn St. If we need to name the street going southerly we certainly can propose something.

B.5.d – Josh has them done and will get them to Julie

B.5.g – If the city would like some type of stormwater pond easement once they are designed or a wetland protection easement created on the plat I do not see that would be too much of a problem. I have done developments both ways.

B.6 – The title opinion is in the works and will be submitted to the city.

B.7. – The lots will all be staked within 14 days of the preliminary plat submittal.

152.09

B.1 – We can make the utility easements smaller if that is what the city would like.

C.3.a.2 – This corner is none typical but does meet the requirements for frontage. The owner of Lots 11 and 12 would be responsible to build their approaches to meet the city road.

Appendix 4.2 – the proposed cul de sac is 120' diameter.

252.105

1 – I am curious if this required if so, maybe we could dedicate a portion of the storm water area that will more than likely be proposed on the northeasterly end of Lot 1, Block 2. This would eliminate the concern about assessments on that lot as well. The question on these areas is who maintains them?

Other

1 – This grade may change some once the storm water plan is competed and the road plan created. I noted on the drawing that the grades are only approximate and usually try and keep them proposed below 8%.

2 – I believe that this has changed slightly since we submitted and there may only be private water and sewer on Lots 1-4, Block 1.

3- The plat states that the road will be built to the city ordinances. a. and b. can be discussed with Josh.

5-This may be addressed with the land dedication or maybe have a different assessment value than the others.

6- Josh is currently work on hiring someone to complete a SWMP.

There is a note where the proposed road meets West Lake Street may be a concern for future special assessments. I have seen this situation in the past where they deferred the assessment so only the people in the new development had to pay for them.

Keilley Shores Third Addition

Engineer Kolbinger: Really no issues with the final plat for Keilley Shores 3rd.

Park Dedication: This plat has a density of about 1.5 homes/acre which falls into the 10% land dedication range. The plat boundary is 9.1 acres, so approximately 0.9 acres would be the dedication amount.

Areas needing to be discussed:

Are we going to require a road dedication to Townline?

Are we going to require a permit from MPCA regarding drainage before proceeding?

Land Dedication: we have received land for lift station in the past.