

Planning Commission
2023 April Planning Commission & Public Hearing
Vergas Event Center & Zoom Id number 267-094-2170 password 56587
5:30 PM on Monday, April 24, 2023

1. **Call Public Hearing to Order**
2. **Public Hearing for Interim use Permit for Mark Sand & Gravel**
3. **Close Public Hearing**
4. **Call to Order**
5. **Agenda Additions or Deletions**

6. **Minutes**
March 27, 2023

7. **Status of Council Recommendations**
None.

8. **Construction Permits**
 - A. **Permits approved by City Clerk-Treasurer**
 1. 202 Townline Road - Siding and Windows
 2. 150 E Herman St - replace roof with metal steel roof
 - B. **Active Construction Permits**

9. **Old Business**
 - A. Interim Use Permit - Mark Sand & Gravel
 - B. Ordinances
 1. Shoreline Management Ordinance
 2. Open Burning
 3. Streets & Sidewalks
 4. Culverts, Ordinances 79, 85, 93 and 151.32
 5. Gravel Pit Ordinance

10. **New Business**
 1. Nuisance Properties - 88 Park View
 - a. Working in Easement Area
 - b. Trees

11. **Adjournment**

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Planning Commission
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5:30 PM on Monday, April 24, 2023

2. Public Hearing for Interim use Permit for Mark Sand & Gravel

Files Attached

- 04-24-23 PUBLIC HEARING NOTICE.pdf

VERGAS PLANNING COMMISSION

PUBLIC HEARING NOTICE

Notice is hereby given that the Vergas City Planning Commission will conduct a Public Hearing regarding an Interim Use Permit for Mark Sand & Gravel regarding Gravel Permit.

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) 302-5996 ext. 1 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 5:30 p.m. on Monday, April 24, 2023, 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 April 11 & 18, 2023

AFFIDAVIT REQUIRED: Please send to – City of Vergas
Attn: Julie Lammers
City Clerk-Treasurer
PO Box 32
Vergas MN 56587-0032

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5:30 PM on Monday, April 24, 2023

6. Minutes

March 27, 2023

Files Attached

- 03-27-2023 Planning Commission Meeting Agenda & Minutes.pdf

CITY OF VERGAS PLANNING COMMISSION MINUTES
Monday, March 27, 2023
6:00 pm
Vergas Event Center

A City of Vergas Planning Commission meeting was held on Monday, March 27, 2023, with the following members present Bruce Albright, Judy Kvam, Rebecca Hasse and Robert Jacoby. Absent: Neil Wothe. Also present: Clerk-Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Engineer Blaine Green, Jeff Hattlewick, Lyle Krieg and Dennis Breitzman.

Call to Order

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

Agenda Additions and Deletions

Approved agenda with following additions: cannabis management and zoning map.

Minutes

Motion by Kvam, seconded by Hasse to approve minutes for February 27, 2023. Motion carried.

Status of Council Recommendations

Albright informed Planning Commission the Council returned the Gravel Pit ordinance to the planning commission and approved the final plat of Lawrence Lake Acres.

Construction Permits

151 East Linden

Lammers approved permit for 151 East Linden for new windows and roof repair.

230 East Frazee Ave – Gazebo

Albright explained the city owned property proposal has been approved by the City Council. The area has not been staked out due to the snow. They need to wait until the snow melts to pick out a rock to place on the property and then the gazebo will be built around it. Kvam asked about placing the rock in another location other than under the gazebo as the rock would look really great out by the lake, where there is more parking. The memorial the way it is, is so beautiful and the rock may make this area a tourist destination. Krieg explained the gazebo will protect the rock from elements and the rock will tie into the memorial.

Motion by Jacoby, seconded by Hasse to approve construction permit for the building of a gazebo on City property located at 230 East Frazee Avenue. Motion passed unanimously.

Old Business:

Gravel Pit Ordinance

Albright reviewed the gravel pit ordinance improvements. Jacoby questioned page 4; item 14 mentions active mining, but we do not have a definition of active mining. Albright reviewed Engineer Kuhn's recommendation. Greene stated we need to narrow down what the ultimate goal for having all these definitions and explaining what all areas. This could be narrowed down to 3 types of areas: reclaimed, open area and untouched area (area left to be mined). Unless the city has a point for knowing what the reason is for tracking these areas. Inspection is for knowing if they are in compliance and what is different

of the pit from year to year. Jeff Hattlewick stated you can mine 10 acres but you can't reclaim 10 acres at the same time. This gravel pit had 30 acres open when they started this ordinance, it is difficult to be in compliance when they started out of compliance. This ordinance needs to address future pits and address issues of Mark Sand and Gravel in another way. Lammers will look at adding a definition of active mining and have both the City Engineer and City Attorney review the proposed ordinance. This ordinance is difficult because we have so many different terms. Green stated they can review and change ordinance if they know the intent of the ordinance. There is a lot of information in this ordinance that we could get rid of depending on the intent of the ordinance. Albright stated if we put minimum and maximum sizes in, we need to look at how small gravel pits can be also. Discussed the gravel pit in the current zoning map, currently the pit is in 3 different zones. Hattlewick stated a lot of counties have minimum requirements of a gravel pit. Green stated he has a good direction of cleaning up the gravel pit ordinance. Tabled this until next month's meeting.

Ordinances

Ordinance Culverts, Right-a-way permit, Ordinance 151.32, 85 and 93

Discussed reinforced c culverts and the need for them under roads, this needs to be added to the ordinance. Lammers, DuFrane and Engineering firm are scheduled to meet and will have an update regarding culverts and right-a-ways at the April meeting.

Shoreline Management Ordinance

This is a work in process and will have an update soon.

Open Burning

Lammers provided update and Albright asked members to review and bring comments to Lammers for discussion at our April meeting. Lammers will email all the commissioners the complete ordinance.

Discussed MN Basic Code which is the ordinance book approved by the City of Vergas in 2010. We may want to look at getting the updated code book for \$400.00 or purchase an update to the limited basic code book. The limited basic code is \$495.00 and does not include all departments. Discussed that we do not want to adopt a generic book that does not contain what the City of Vergas needs. We also need to look at the platting section of the land use ordinance and review Logan Dahlgren's comments. Once the zoning map is completed, we can add that layer to our GIS map.

New Business

Culvert cost sharing on Glenn Street Extension

City is requiring reinforced concrete culverts for all center line culverts. Albright stated Hanson has stated to him, he will put in the requested culverts-this needs to be confirmed with Josh Hanson. Commissioners stated they do not prefer for city to spend money on this. Jacoby stated that EDA may want to put funds into this project but the City has already made concessions on the water and sewer and we should not spend city money.

Interim Use Permit – Mark Sand and Gravel

Stated the new ordinance will not go into effect until next year so they are working under the current ordinance. Motion by Kvam, seconded by Hasse to schedule a public hearing for 5:30 p.m. on Monday, April 24, 2023. Motion approved unanimously.

Zoning Map

Discussed current zoning map that has the gravel pit in 3 different zones. There is commercial property in the city limits that is not in the commercial zone. J & K Marine will need to fill out a conditional use permit if this was not taken care of when they built. Lammers will review past information by looking at property history in the Otter Tail County GIS system.

Cannabis Management

Lammers reviewed information she learned from the League of MN Cities at her Minnesota Clerks and Finance Officers training last week. Planning Commission will need to look into zoning of THC in the future. Laws are being discussed regarding how close this can be sold or produced to schools, day cares, nursing homes and assisted living centers. This will be a further discussion after Otter Tail County puts their ordinance in place.

Meeting adjourned at 7:25 pm.

Secretary,

Julie Lammers, Vergas City Clerk-Treasurer

Follow Up Actions:

Snow emergency routes.

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

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

Review and update Ordinance 72.

Updated Shoreline Management Ordinance (Lammers & Kvam)

Review and update Ordinance 92.60-92.99 Open Burning

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

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

Engineers to review gravel pit ordinance.

Review updated ordinance materials from League of MN Cities. (Sent email with update 3/28/2023)

Hold public hearing on interim use permit – Mark Sand and Gravel on Monday, April 24 at 5:30 pm.

Lammers will look at adding a definition of active mining and have both the City Engineer and City Attorney review the proposed ordinance.

Council recommendations:

None.

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None.

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8. Construction Permits

A. Permits approved by City Clerk-Treasurer
1. 202 Townline Road - Siding and Windows
2. 150 E Herman St - replace roof with metal steel roof
B. Active Construction Permits

Files Attached

- Construction Permit 2023-005 Bunkowske.pdf
- Pwrmit 2023-006 Lee.pdf
- 2022 construction permits.xlsx 4 20 23.pdf
- 2023 Constructio Permits.pdf

Fee: \$90.00

No. 2023-005
City of Vergas

Owner: Keith Bunkowske
Applicant: Keith Bunkowske
General Contractor: Keith Bunkowske

Construction Permit

IN CONSIDERATION OF The statements and representations made by Keith Bunkowske, whose address is 202 S. Town Line Road 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 Keith Bunkowske as owner to Repair 7 windows & siding house as described in construction permit application with following zoning rules: Plat or addition 82000500037008 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
24th day of April 2023.

Attest:

Julieanne
Clerk

Permit Expires in one year

Justin Bunker
Mayor

Receipt of Construction Permit from the City of Vergas does not relieve the applicant of any Local, County or State permits.

Mailbox 4-18-23

Permit Number: 223-005 Date Received: 4/17/23 Parcel Number: 82-000500037008
 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: Keith Bunkowske

Address of Construction Project: 202 S. Townline Rd. Vergas

Mailing Address: Same Phone: 218-234-6298

1. Permit to (CIRCLE ONE)

Build Install Addition Alter
 Move Demolish Repair Remodel

Description of work to be done:

Some Lower Levely Windows & Siding - LP Vin
house -

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

3. VALUATION (not just your cost) of work being completed: \$28-30,000

Building Contractor: Self & sons

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: Keith Bankowski DATE: 4/17/2023
 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

\$ _____ Water Hook-up \$ _____ Sewer Hook-up
 \$ 90.00 Permit Fee \$ _____ Tar Break Up Deposit
 \$ 90.00 Total Fees

Receipt # 149922 Date Paid Apr. 17, 20 23

 Signature: Julie Jamnes Date: 4/17, 20 23
 (Permitting Authority)

Date Approved by Planning Commission or Clerk-Treasurer: 4/17, 20 23

Fee: \$90.00

Owner: Connie Lee

Applicant: Connie Lee

General Contractor: Connie Lee

No. 2023-006
City of Vergas

Construction Permit

IN CONSIDERATION OF The statements and representations made by Connie Lee, whose address is 150 E. Herman ST 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 Connie Lee as owner to Remove old roof, build new with new pitch. Add metal roof sheeting, some siding, as described in construction permit application with following zoning rules: Plat or addition 82000990079000 which tract is of the size and area specified in said application.

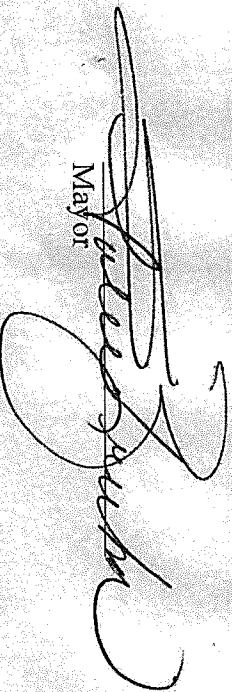
This permit is granted upon the express conditions that said owner or the person to whom it is granted, and his contractors, agents, workmen and employees, shall comply in all respects with the ordinances of the City of Vergas; that it does not cover the use of public property, such as streets, sidewalks, 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
24th day of April 2023.

Attest:


Clerk

Permit Expires in one year


Mayor

Receipt of Construction Permit from the City of Vergas does not relieve the applicant of any Local, County or State permits.

Permit Number: 2023-006 Date Received: Apr. 13, '23 Parcel Number: 82000990079000
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

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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: Connie Lee
Address of Construction Project: 150 E Herman St. Vergas
Mailing Address: PO Box 19 Vergas Phone: 218-849-3031

1. Permit to (CIRCLE ONE)

Build Install Addition Alter
Move Demolish Repair Remodel

Description of work to be done:

* Remove old roof. Build new with new pitch. Add metal sheeting. Some siding.
Other - 1. Paint garage 2. garden fence 3. Shower stall 4. Tree removal + planting.

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

3. VALUATION (not just your cost) of work being completed: \$ 20,000

Building Contractor:

Name: Jamie Gervin License Number: ~~88-2600833~~ Phone: 218-850-9458

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 Vegas.
6. I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT
7. APPLICANT'S SIGNATURE: Connie V. Ull DATE: 4-13-23
 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

\$ _____ Water Hook-up \$ _____ Sewer Hook-up
 \$ 60.- Permit Fee \$ _____ Tar Break Up Deposit
 \$ 60.- Total Fees

Receipt # 149919 Date Paid Apr. 13, 2023

 Signature: Julie Jammer Date: 4/18, 2023
 (Permitting Authority)

Date Approved by Planning Commission or Clerk-Treasurer: 4/18, 2023

2022 Construction Permits - Vergas MN

Permit No	Issue Date	Parcel Number	Name	Address	Description	Date Closed	Home Value	
2021-002-22	4/13/2021	82000500010003	Aaron Scott/Michelle Scott	421 W. Lake ST, Vergas	Build a garage & driveway	10/30/2022		MD
2021-004-22	4/13/2021	82000990269000	Brian & Brenda Tangen	1060 E. Scharf Ave, Vergas	Do shoreline work, remove stumps, trees & clean up, riprap	10/30/2022		MD
2021-007-22	4/13/2021	82000990173000	Charles & Vanessa Boehm	116 Park View DR, Vergas	Build house	1/30/2023	\$350,000	
2021-015-22	6/8/2021	8200099008000	Kyle Theisen	275 S. Railway Ave., Vergas	Build 12'12' gazebo, Move	10/30/2022		MD
2021-022-22	7/13/2021	82000990262000	Tami Rust	1011 East Scharf Ave., Vergas	build a house		377,000	
2021-023-22	7/13/2021	82000990078000	Matt Engebretson	280 1st Ave, Vergas	to Install & repair: Repair damage on house, reshingle			
2021-029-22	8/10/2021	82000990088000	Mike Baumgart	520 S. Pelican Ave. Vegas	Build deck, recover deck stone wall – siding 2 ½’ – with railing			
2021-035-22	8/23/2021	82000990270000	Kirk Johnson	1120 E. Scharf Ave, Vergas	Alter to remove excess large rocks, remove stumps, install erosion control			
2021-041-22	9/27/2021	82000990209000	John Sieling	830 Scharf Ave. E, Vergas	Install/Haul 10 yd crushed asphalt to ,	10/30/2023		MD
					removed 10 yd gravel			
2022-001	1/11/2022	82000990096000	Perham Coop Creamery Ass'	101 1st Ave. N, Vergas	Install DID Faces, product panels, Image on Canopy	10/30/2022		MD
2022-002	2/28/2022	82000500012006	Mike Summers	110 S. Railway Ave., Vergas	Remove walls	10/30/2022		MD
2022-003	2/28/2022	82000990066000	City of Vergas	111 E. Main ST, Vergas	Build shiplap wall w/door, glass frontage wall & door	10/30/2022		MD
2022-004	2/28/2022	82000500010001	Aaron Johnson	411 W. Lake ST, Vergas	Addition of 20' x 22' for house & detached garage		\$100,000	
2022-005	4/12/2022	82000990239000	Matt Safar	291 Bennett Road, Vergas	Bulding a 12' x 16' shed in my back yard for storage, behind my homestead	1/30/2023		
2022-006	4/25/2022	82000990145000	Loren Menz Construction	310 W. Glenn ST, Vergas	Construct a 26' x 36' shed on property	1/30/2023		
2022-007	4/25/2022	82000990230000	Zach Fugere	220 Bennett RD, Vergas	Move house on basement, attach garage to house			
2022-008	4/25/2022	82000990219001	Arlen & Sandy Franchuk	311 Park View DR, Vergas	Add an outdoor deck & walkway 20' x 14'			
2022-009	4/25/2022	82000500040000	CORY L & KRYSTA SEVERSON	820 E. Scharf Ave, Vergas	Install 12 windows & siding	10/30/2022		MD
2022-010	5/10/2022	82000990064001	Jeanette Bruhn	131 E. Main ST, Vergas	Install windows	10/28/2022		JL
2022-011	5/10/2022	82000990058000	The Lavish Loon	130 E. Main ST, Vergas	Alter window boxes to length of the front windows.Paint or replace	10/30/2022		MD
					steel roof over awning top & bottom to "white",			
					Paint or cover pillars in front to "white" signs			
2022-012	5/10/2022	82000990059000	American Beauty Salon	140/136 E. Main ST, Vergas	New signage to replace old signage	10/30/2022		MD
2022-013	5/10/2022	82000990054000	Vergas State Bank	106 E. Main ST, Vergas	Replace broken window	10/30/2022		MD
2022-014	5/19/2022	82000990068000	Lakes Fit	105 E. Main Street, Vergas	Install 44 x 92 aluminum single panel wall sign	10/28/2022		JL
2022-015	5/23/2022	82000500185003	Cheryl Hanson	1106 E. Frazee Ave., Vergas	Repair fence	10/30/2022		MD
2022-016	5/23/2022	82000500012006	Mike Summers	110 S. Railway Ave., Vergas	Install sign	10/28/2022		JL
2022-017	6/14/2022	82000990145000	Loren Menz	310 W.Glenn St., Vergas	Asphalt driveway, Exterior shed finish			
2022-018	6/14/2022	82000500185002	Greg Dahlgren	1006 E. Frazee Ave., Vergas	Reshingle roof, replace broken window	11/30/2022		JL
2022-019	6/14/2022	82000500039000	Mickie Bosch	818 E.Scharf Ave., Vergas	Reshingle roof			
2022-020	6/20/2022	82000990193000	Tom Johnson	819 E.Scharf Ave., Vergas	Build a house & garage		\$250,000	
2022-021	6/20/2022	82000990226000	Jeff & Sheila Laney	92 Park View Drive, Vergas	Build a house & garage	11/30/2022	\$400,000	JL
2022-022	6/21/2022	82000500185003	Cheryl Hanson	1106 E. Frazee Ave., Vergas	Repair roof	10/30/2022		MD

2022-023	7/7/2022	82000990082000	Olson Oil DBA Vergas 66	121 Linden ST., Vergas	Remove & repair bottom rotting boards on street side of bldg	10/30/2022		MD
2022-024	7/7/2022	82000990160000	Paul Pinke	201 W. Main ST., Vergas	Repair tar part of driveway	10/30/2022		MD
2022-025	7/14/2022	82000990060000	Elm ST Boutique	146 E. Main ST, Vergas	Install Flower box, 59" long x 6" wide	11/30/2022		JL
2022-026	7/20/2022	82000990170000	Ben Lankow	339 E Frazee Ave. Vergas	Repiar shingles & trim			
2022-027	7/21/2022	82000990068000	S & Z Prop/Ditterich Merc	105 E.Main St. Vergas	Install (2) signs	7/25/2022		JL
2022-028	7/25/2022	82000990229000	Edward & Renee Rosendahl	98 Park View DR Vergas	Prepair shore line			
2022-029	7/25/2022	82000990100000	Shawn Day	251 1st Ave. N Vergas	Addition to garage			
2022-030	7/25/2022	82000990228000	Michael & Mandy Rosendahl	96 Park View Dr Vergas	Install driveway/install storage shed			
2022-031	7/25/2022	82000990181000	Charles & Doris Gundberg	100 Park View Dr Vergas	Remove weeds on lakeshore property			
2022-032	7/28/2022	82000990062000	Billy's Corner Bar	158 E Main ST, Vergas	Install siewalk 6/25' & 6' x 30' apron where sidewalk removed			
					due to water line break			
2022-033	8/8/2022	82000500009000	Frank Vana	606 E Frazee Ave, Vergas	Repair roofing - entry way	10/30/2022		MD
2022-034	8/11/2022	82000500188002	Wayne Rosentreter	1166 E. Frazee Ave., Vergas	Reshingle house	10/30/2022		MD
2022-035	8/23/2022	82000990124001	Meryl Kvam	341 S. Unit Ave., Vergas	Reshingle house	Jun-22		JK
2022-036	9/26/2022	82000990124001	Meryl Kvam	131 1st Ave. N., Vergas	Reshingle & lift garage. Build awning on garage to keep wood dry		CANCELLED	
2022-037	9/8/2022	82000990164000	Veterans Memorial Park	230 Frazee Ave., Vergas	Pour concrete parking area, install sprinkler system			
2022-038	8/30/2022	82000990164000	Veterans Memorial Park	230 Frazee Ave., Vergas	Install sign	10/30/2022		MD
2022-039	9/8/2022	82000500188000	Ryan Weibye	1156 Frazee Ave., Vergas	Add patio & hot tub concrete		6,000.00	
2022-040	9/13/2022	82000990068000	MW Bakery/JH Signs	105 E. Main ST, Vergas	Install sign for bakery	10/30/2022		MD
2022-041	9/13/2022	82000990125001	Verla Day	320 S. Pelican Ave., Vergas	Install steel roofing & repair chimney	10/30/2022		MD
2022-042	10/6/2022	82000990066000	City of Vergas/ A Step Up	117 E. Main ST., Vergas	Install new laminate flooring in upstairs retail rental area, remove old carpet	11/30/2022		JL
2022-043	10/18/2022	82000990066000	City of Vergas/ JoAnne Knutti	117 E. Main ST., Vergas	Put up Barn Door (sliding) on right end of the storage space. Add sheetrock wall on inside walls of dressing room. Paint barnwood wall on left side of chimney. Walls above wainscoting patched up & painted. Re-finish countertop. Whitewash the barnwood display. Replace or paint paneling on stairs. Stain & clean up stairs in front enterance. Replace electrical outlets to white. a new faucet for the sink below the counter.		5,000.00	
2022-044	10/17/2022	82000990066000	City of Vergas	117 E. Main ST., Vergas	Move door 4' in hallway	1/30/2023		?
2022-045	10/18/2022	82000990177000	Eric & Brenda Krueger	108 Park View DR., Vergas	Install shingling		1,500.00	
2022-046	10/25/2022	82000990063000	Vergas Hardware	137 E. Main ST, Vergas	Install (2) new outdoor signs	11/30/2022	3,470.00	JL
2022-047	10/28/2022	82000990055000	Loon's Nest	110 . Main ST. Vergas	Install metal over whole roof			
2022-048	12/8/2022	82000990236000	Ben Schreurs	241 Bennett RD, Vergas	Build a shed			
2020-049	12/8/2022	82000990050000	Lori Tjaden	159 E. Elm ST, Vergas	Remodel, Installl 4 sinks, rail on deck, 2 signs, plumb pedi chair, ceiling light, handisapped ramp			

2023 Construction Permits - Vergas MN

[illegible]

Planning Commission
2023 April Planning Commission & Public Hearing
Vergas Event Center & Zoom Id number 267-094-2170 password 56587
5:30 PM on Monday, April 24, 2023

9. Old Business

- A. Interim Use Permit - Mark Sand & Gravel
- B. Ordinances
 - 1. Shoreline Management Ordinance
 - 2. Open Burning
 - 3. Streets & Sidewalks
 - 4. Culverts, Ordinances 79, 85, 93 and 151.32
 - 5. Gravel Pit Ordinance

Files Attached

- 2023-001 Interim Use Permit Mark Sand and Gravel application.pdf
- 04-2023 Shoreline Ordinance Draft.pdf
- 04-2023 Open Burning Ordinance Draft.pdf
- 04-2023 Chapter 93 Streets and Sidewalks draft.pdf

APPLICATION FOR INTERIM USE PERMIT

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

APPLICATION FOR INTERIM USE PERMIT

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

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

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

Owner: Mark Sand & Gravel Co.

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

Phone: 218-736-7523

Applicant: Mark Sand & Gravel Co.

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

Phone: 218-736-7523

The following information is submitted in support of this application.

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

APPLICATION FOR INTERIM USE PERMIT

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

02/27/2023

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

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

02/27/2023
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.

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.

Jeff Hollowick
Applicant's Signature

02/27/2023
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 16, 2023 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, appearing to read "Jeff Hatlewick", written over a horizontal line.

Secretary, Mark Sand & Gravel Co.

Application for Interim Use Permit

Date: February 27, 2023

Application Fee: \$400.00

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

Appendix I

Plan of Operation

Purpose

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

Plan of Operation

Mining will continue 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 (currently 30 acres) has had the topsoil stripped and piled in berms at the edge of the excavation. This top soil will be spread over the areas that have been completely mined as they are reclaimed. If there is not sufficient top soil to cover the entire mined area to the desired depth it may be feasible to borrow topsoil from the eastern most lowland pasture area 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 farmhouse. The hobby farm has great potential value and will remain as it is now and into the future as a rental property. Adjacent properties consist of seasonal storage garages, residential homes, vacant lots and agricultural land.

Phasing Plan – Currently there are 30 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, we plan to work towards the goal of having only 10 acres being actively 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 to a rough grade as the mining continues near that area. It is important that this sloped area be brought to finish grade before spreading the topsoil. The sloped area will need to be leveled again to fix any possible area of erosion before the land is seeded into grassland.

Hot Mix Asphalt Plant – This existing site includes approximately 7 acres of level ground at the pit bottom. Included in this 7 acre area will be at least two stockpiles of aggregate materials. The hot mix plant is portable and temporary. It will be placed only as long 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 that have been rough graded after the completion of mining in that area are considered to be partially reclaimed. At the completion of a mining phase the topsoil will be spread at the depth of the surrounding area or a minimum of 3 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 in the pit bottom as the mining continues to the north. The plant site will follow the mining to the north to allow for future sloping along the south border of the pit.

Appendix II

151.72 PERMIT APPLICATION REQUIREMENTS.

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

- A. The legal description of the lands from which it is proposed to excavate, remove, process, store or handle minerals. **See affirmation of sufficient interest form.**
- B. The name and address of the applicant and the name and address of the owner of the land. **See application for interim use permit**
- C. Names and addresses of all adjacent landowners within one-half mile radius. **See attached list of property owners.**
- D. Copies of any agreements pertaining to the operation including the duration of any lease, if applicable. **Not applicable**
- E. The purpose of the removal. **See attachment Appendix I**
- F. The estimated time required to complete removal. **See attachment Appendix I**
- G. The highways, streets or other public ways within the city upon and along which the material removed shall be transported. **See attachment Appendix I**
- H. The plan of operation, including, but not limited to:
 1. Soil processing (any operation other than direct mining and removal),
 2. Nature of the processing and equipment, **See attachment Appendix I**
 3. The area to be included in the operation, **See attached 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 \$100,000.00 will be provided for upon approval of this permit. This property is owned by Mark Sand & Gravel Co. and will be maintained at a high level during the future of this operation. We want this property to maintain the high value that it has for future sales and development once the area has been completely mined.

151.74 Agreement to hold city harmless

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

151.75.002 Inspection and Review Permit Fee

Upon approval of this permit application Mark Sand & Gravel Co. agrees to provide the City of Vergas with the established inspection and review permit fee. This fee is to be held in 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 2023 season.



OTTER TAIL COUNTY ASSESSOR

Assessor Hub provided by
Vanguard Appraisals, Inc



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	Total Value
2023	\$384,600	\$205,100	\$35,100	\$624,800
2022	\$312,100	\$150,300	\$35,100	\$497,500
2021	\$307,000	\$0	\$174,000	\$481,000

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

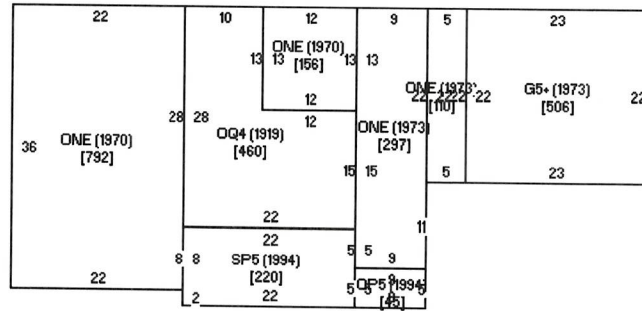
Residential Building Information

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

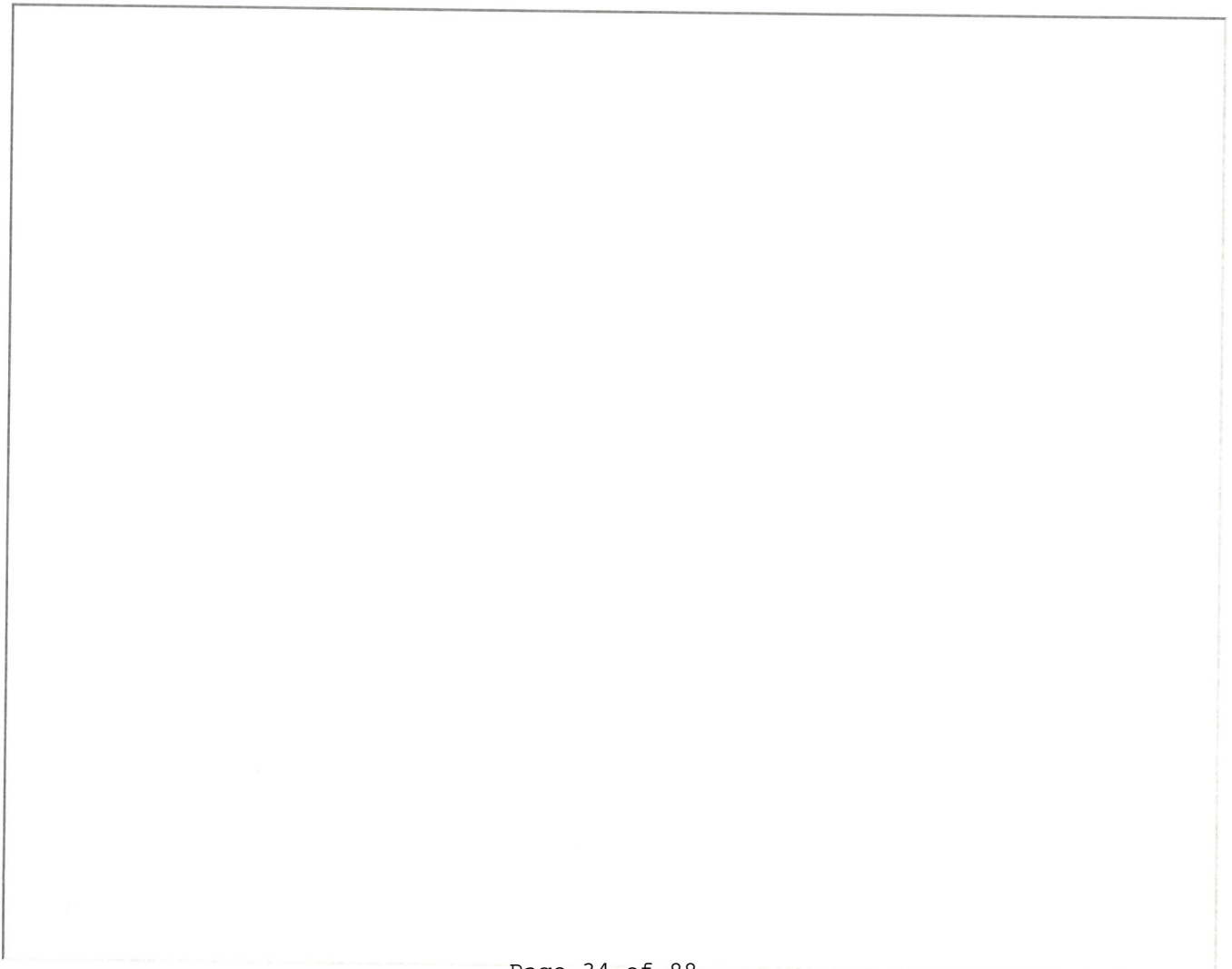
Agricultural Building Information

Building Type	Building Count	Year Built
▼ Silo - Concrete	1	1971
▼ Silo - Concrete	1	1969
▼ Barn - Dairy	1	1983
▼ Barn - Dairy	1	1967
▼ Barn - Dairy	1	1925
▼ Barn - Pole	1	1984

Sketch



GIS Map Information





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

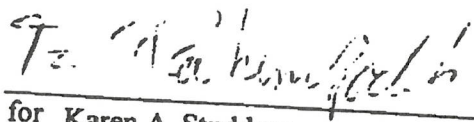
(hereinafter Permittee) is issued an Air Emission Registration Permit by the Minnesota Pollution Control Agency for its Mark Sand & Gravel Acquisition - Plant 9 facility located at various locations throughout the state of Minnesota.

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

National Pollutant Discharge Elimination System/State Disposal System**MNG490000**

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

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

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

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

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

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

Signature: *Elise M. Doucette*

This document has been electronically signed.

Elise M. Doucette, Supervisor
Water Section
Industrial Division

for the Minnesota Pollution Control Agency

Submit eDMRs

Submit via the MPCA e-Services at

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

Submit WQ reports to:

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

Include *Water quality submittals form*:

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

Questions on this permit?

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

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

For specific permit requirements, contact your compliance staff:

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

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

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 Stillings; 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 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 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 14th day of April, 2022.



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.

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.

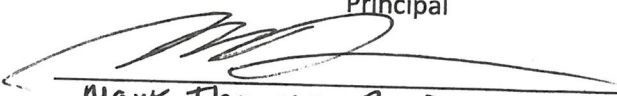
NOW, THEREFORE, if the Principal shall, during the period commencing on the aforesaid date, faithfully perform all the duties according to the requirement of the Ordinances regulating said license, and protect said Obligee from and damage as hereinbefore stated, then this obligation shall become void 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.

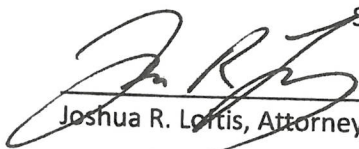
Principal


Mark Thorson, President

Seal was stamped

Liberty Mutual Insurance Company

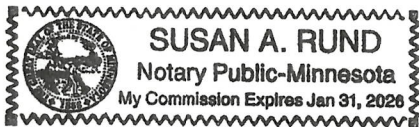
Surety


Joshua R. Lortis, Attorney-in-Fact

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.

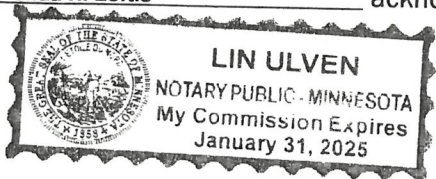


Susan Rund
Notary Public Grant County, MN
My commission expires 01/31/2026

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 Stillings; 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 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.

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.

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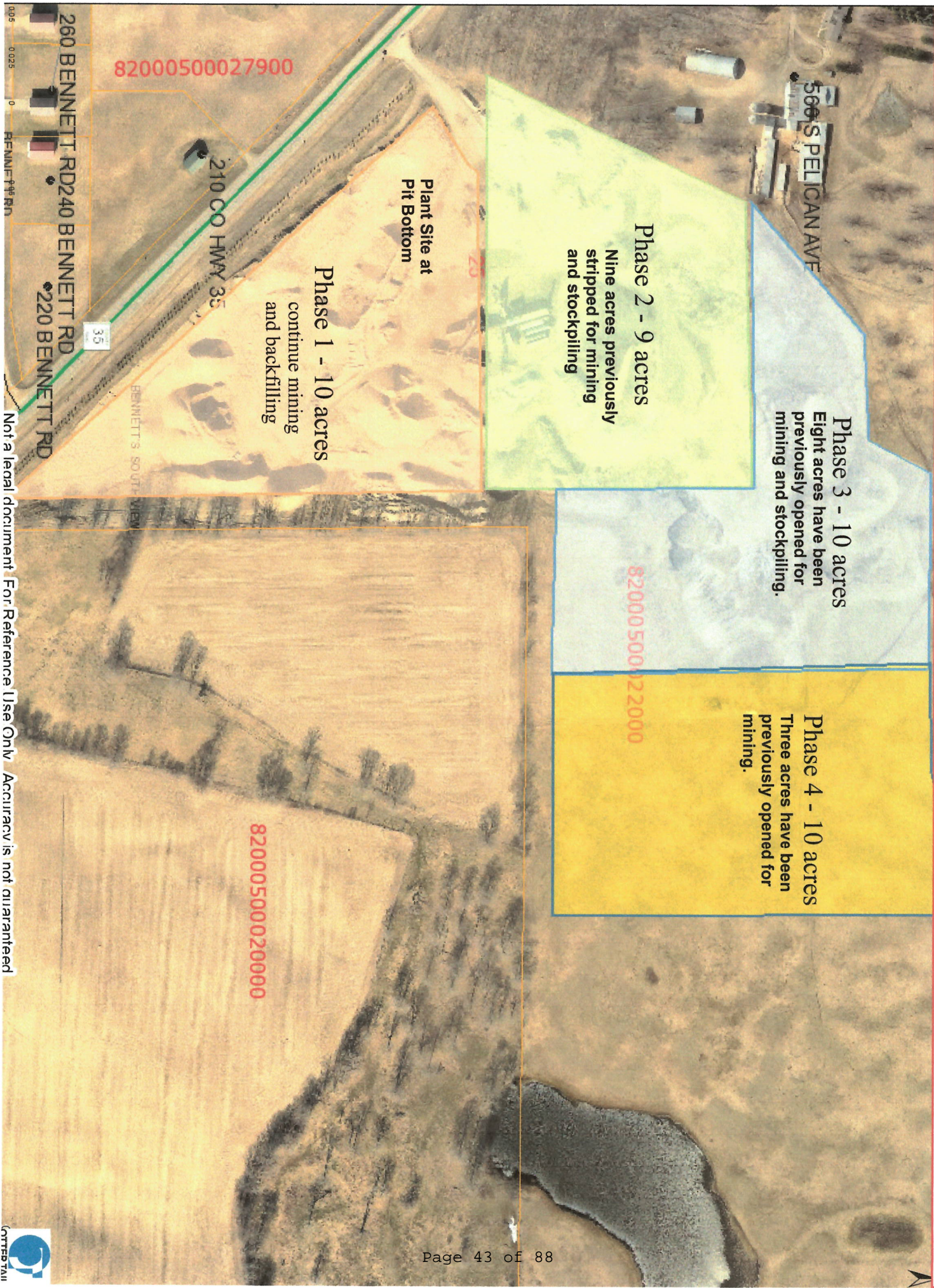
I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney 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 17th day of March, 2022.



By:

Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary



Phase 3 - 10 acres
Eight acres have been previously opened for mining and stockpiling.

Phase 4 - 10 acres
Three acres have been previously opened for mining.

Phase 2 - 9 acres
Nine acres previously stripped for mining and stockpiling

Phase 1 - 10 acres
continue mining and backfilling

Plant Site at Pit Bottom

210 CO HWY 35

82000500027900

82000500022000

82000500020000

260 BENNETT RD 240 BENNETT RD

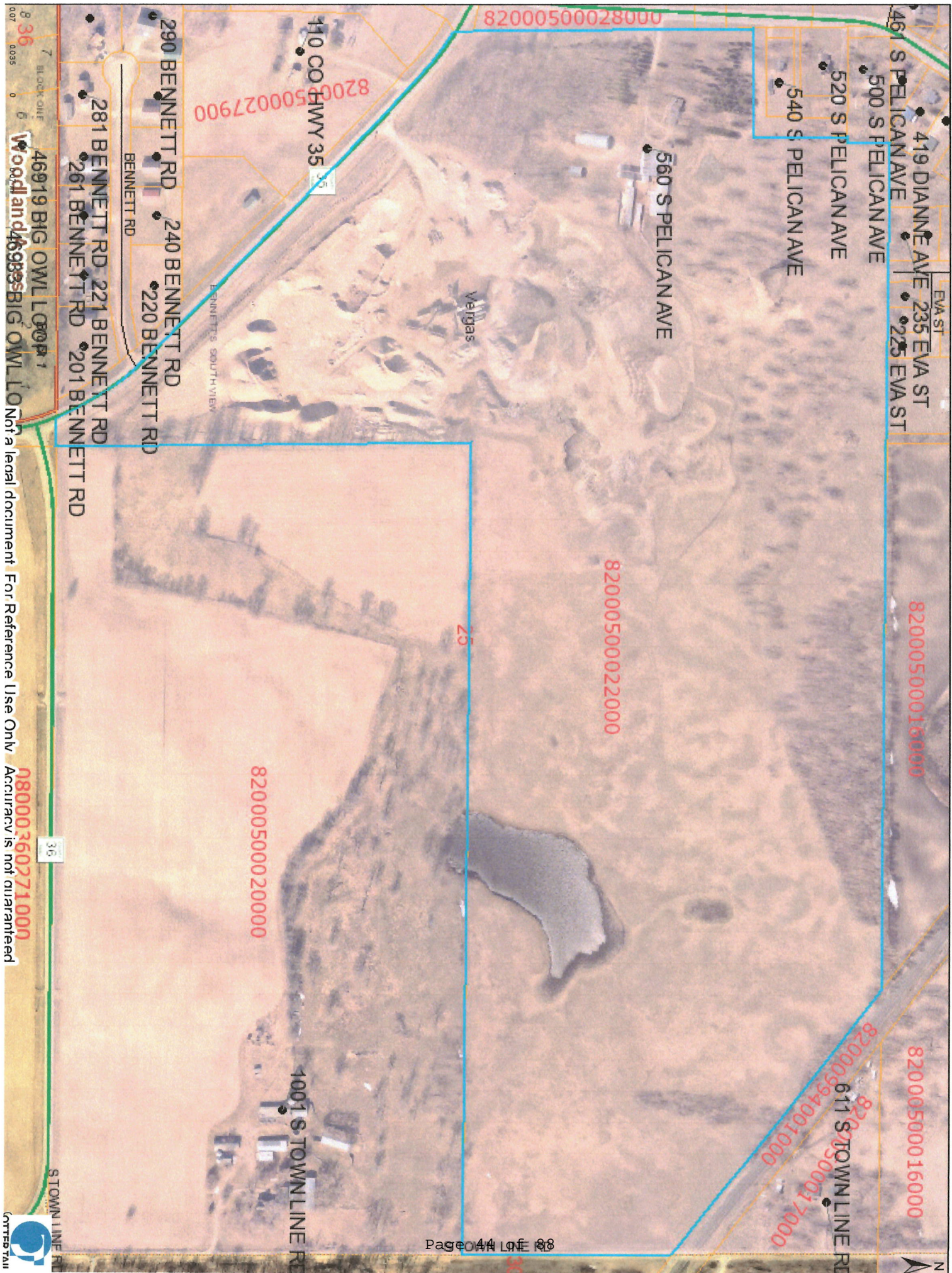
220 BENNETT RD

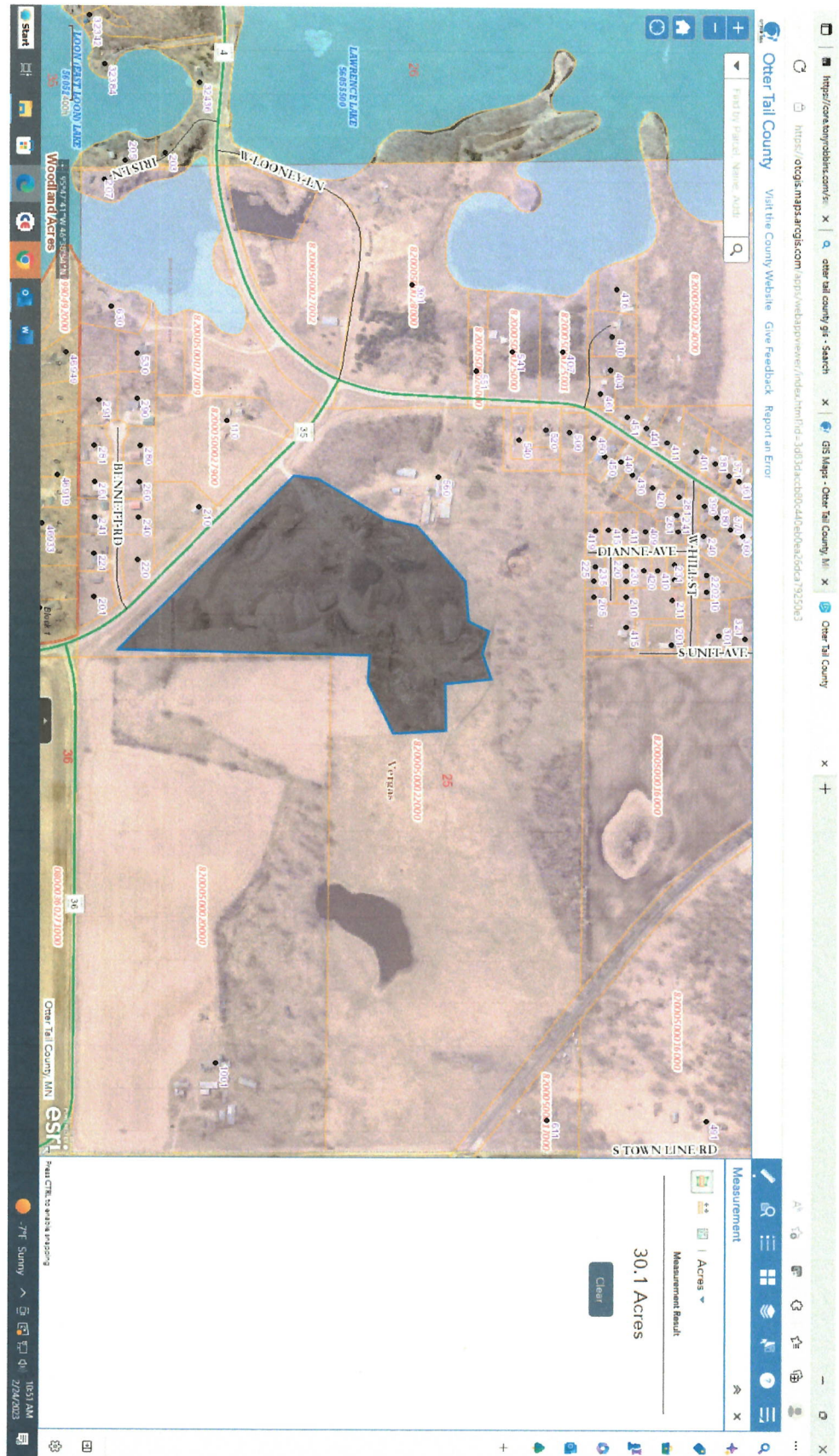
BENNETT'S SOUTH VIEW

0.005 0.025 0 BENNETT RD

Not a legal document For Reference Use Only Accuracy is not guaranteed







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



MAP LEGEND

	Area of Interest (AOI)		Spoil Area
	Area of Interest (AOI)		Stony Spot
	Soils		Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
	Special Point Features		
	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.

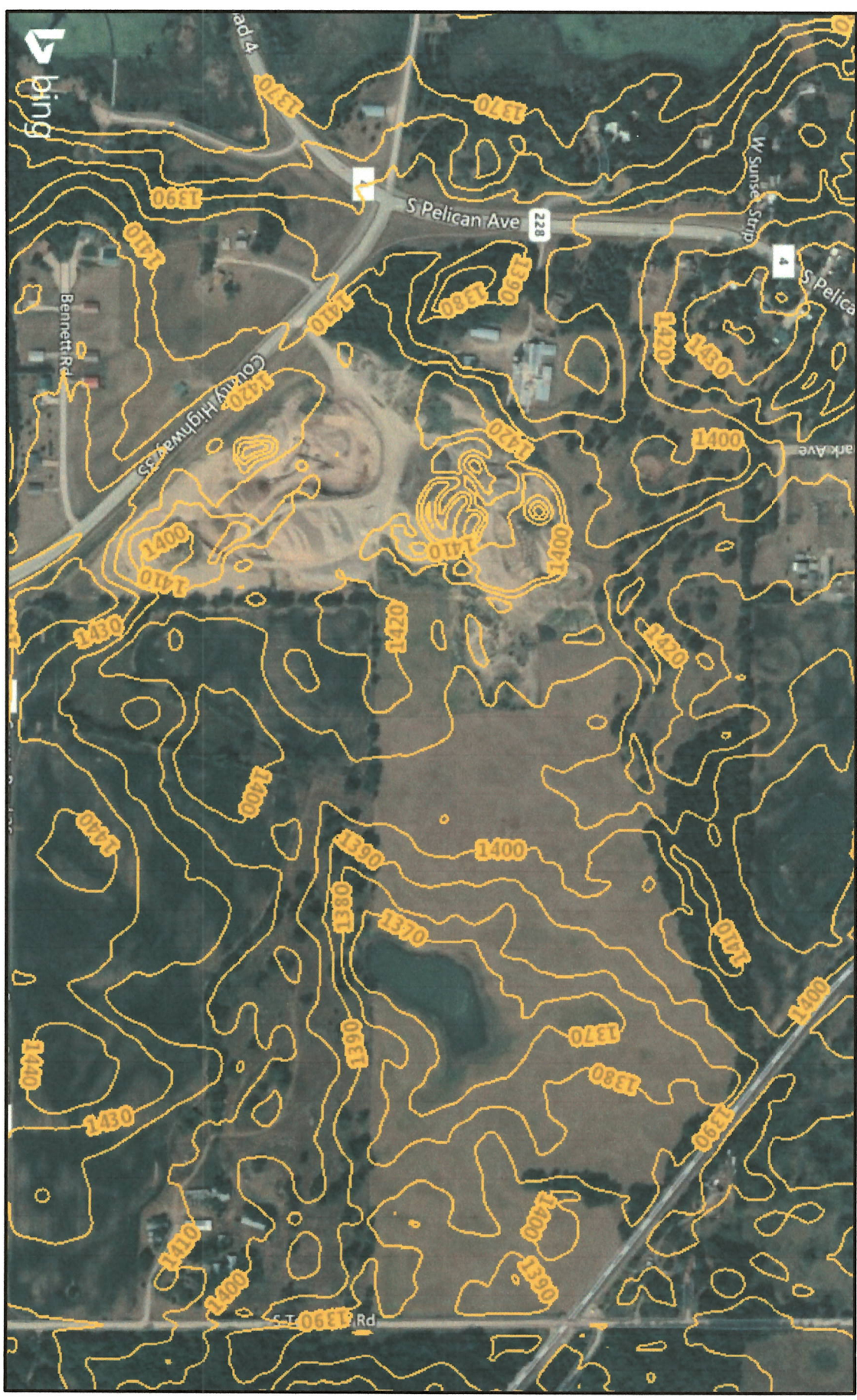
Date(s) aerial images were photographed: Jul 25, 2014—Oct 23, 2016

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%

Bunkowski Topo map 2023



Scale: 1:9,271

The State of Minnesota and the Minnesota Department of Natural Resources makes no representations or warranties expressed or implied, with respect to the use of maps or geographic data provided herewith regardless of its format or the means of its transmission. There is no guarantee or representation to the user as to the accuracy, currency, suitability, or reliability of this data for any purpose. The user accepts the data "as is."

The State of Minnesota assumes no responsibility for loss or damage incurred as a result of any user reliance on this data. All maps and other material provided herein are protected by copyright.

Extreme care was used during the compilation of this product. However, due to changes in ownership and the need to rely on outside information, errors or omissions may exist. If you should discover an oversight, we encourage you to let us know by calling the DNR at 1-888-646-6367 or by e-mail at info.dnr@state.mn.us.

Note: Elevation images and contours were generated from LIDAR derived elevation surfaces acquired 2007-2012.

2023 Property owners within 1/2 mile of Mark Sand & Gravel Co. - Bunkowski Pit

Property Owner	Address 1	Address 2	City	State	Zip	Zip+4
ALEXANDER G & ALYSSA J OHMAN	208 MAIN ST W		VERGAS	MIN	56587	
AMANDA GRONHOVD & T TUMBERG	220 9TH AVE S		SOUTH SAINT PAUL	MIN	55075	2212
AMBER & RYAN NELSON	610 KROSHUS DR		DILWORTH	MIN	56529	1638
AMBER DAHLGREN & ADAM BRISTLIN		PO BOX 67	VERGAS	MIN	56587	67
AMY J SALVESON & JILL L HAMMER						
AMY NESEMEIER		PO BOX 10723	FARGO	ND	58103	723
ANABELLE L MACNEILL	210 MAIN ST W		VERGAS	MIN	56587	4002
ANDREW & JACQUELINE BUNKOWSKE	44571 MOSQUITO HEIGHTS RD		PERHAM	MIN	56573	8807
ANDREW J & RACHEL L KINNEBERG	949 PARKWAY DR		WEST FARGO	ND	58078	8118
ANDREW PETERSON REV TST	80343 ERICSON SCOTIA AVE		SCOTIA	NE	68875	5126
ANTHONY E BOYD	601 4TH ST W		PARK RAPIDS	MIN	56470	1333
ANTHONY M LICENCE		PO BOX 82	VERGAS	MIN	56587	82
AUSTIN C TEGTMEIER		PO BOX 171	VERGAS	MIN	56587	171
BENJAMIN J & NICOLE WELDON		PO BOX 215	VERGAS	MIN	56587	215
BENJAMIN KREIG	149 ELM STREET		VERGAS	MIN	56587	4005
BILLYS CORNER BAR & GRILL LLC	25849 485TH ST		VERGAS	MIN	56587	9419
BJ'S REAL ESTATE INC	3200 11TH ST S UNIT 113		FARGO	ND	58104	4609
BOBBIE SCHRUPP JORGENSEN ET AL	380 PELICAN AVE S		VERGAS	MIN	56587	4105
BRADLEY L & REBECCA R KING	7613 UNIVERSITY DR S		FARGO	ND	58104	8016
BRANDON J LEMON	213 MAIN ST W		VERGAS	MIN	56587	
BRIAN A & BRENDA K TANGEN	604 2ND ST SW		FRAZEE	MIN	56544	4318
BRIAN S LENDE	201 HILL ST W		VERGAS	MIN	56587	
BRUCE A & ELAINE SILBERNAGEL	24738 DERBY DR		SORRENTO	FL	32776	8403
BRUCE A & JANICE K NERESON	4132 ARTHUR DR		FARGO	ND	58104	4574
BRUCE A & LINDA R LUTHI	46792 BIG OWL LOOP		VERGAS	MIN	56587	9500
BRUCE L & GAIL SONNENBERG	461 PELICAN AVE S		VERGAS	MIN	56587	4108
BRUCE M SCHLAUDERAFF	301 UNIT AVE S		VERGAS	MIN	56587	
BRUCE SILBERNAGEL	24738 DERBY DR		SORRENTO	FL	32776	8403
BUGBEE FAMILY REV LIV TST	46917 BIG OWL TRL		VERGAS	MIN	56587	9570
BURLINGTON NORTHERN RR CO		PO BOX 961089	FORT WORTH	TX	76161	89
BYRON H & LEROY D BENNETT		PO BOX 187	PELICAN RAPIDS	MIN	56572	187

DWIGHT & KARIN LUNDGREN	420 PELICAN AVE S		VERGAS	MIN	56587	4107
DWIGHT & STACY A BERVEN	450 PELICAN AVE S		VERGAS	MIN	56587	4107
EAST OTTER TAIL TEL CO	150 2ND ST SW		PERHAM	MIN	56573	1461
ELAINE E PALMER	1025 SCHARF AVE E		VERGAS	MIN	56587	4230
ERIN N GOTELAERE & B SCHREURS	241 BENNETT RD		VERGAS	MIN	56587	4121
ERWIN THORAS & BRIAN HAGLUND	351 PELICAN AVE S		VERGAS	MIN	56587	4106
FRANKLIN FENCE CO		PO BOX 66	VERGAS	MIN	56587	66
GARRETT BUNKOWSKE ET AL	5479 RYAN ROAD		DULUTH	MIN	55804	3344
GARRETT DAHLGREN	410 SUNSET STRIP	PO BOX 67	VERGAS	MIN	56587	67
GEORGE & JUDITH JACOBS TST	11983 JENKINS ST NE		BLAINE	MIN	55449	5471
GERALD S & AUDREY D MITCHELL		PO BOX 294	FRAZEE	MIN	56544	294
GLENN M & PAT A METZGER	46859 BIG OWL TRL		VERGAS	MIN	56587	9509
GORDON J & MARION K DAHLGREN		PO BOX 67	VERGAS	MIN	56587	67
HEATH GERALD COURNEYA	34257 DUSTY TRL		FRAZEE	MIN	56544	8966
HELEN M THOMAS	47885 315TH AVE		VERGAS	MIN	56587	9464
HUDDLESTON HARDWARE INC		PO BOX 204	VERGAS	MIN	56587	204
JACQUELINE BUERMANN & J AXTON	220 HILL ST W		VERGAS	MIN	56587	4116
JAMES & MELAINE JOYCE HOFFMANN	440 PELICAN AVE S		VERGAS	MIN	56587	4107
JAMES & ROSEMARY SANDAU	1001 TOWNLINE RD S		VERGAS	MIN	56587	4227
JAMES A BONHAM REV TST	1306 BAY VIEW DR		DEVILS LAKE	ND	58301	8628
JAMES M ENDERSBY		PO BOX 65	VERGAS	MIN	56587	65
JAMES T & JAYNE A COURNEYA	301 LOONEY LN W		VERGAS	MIN	56587	4119
JEANETTE C BRUHN TST		PO BOX 116	VERGAS	MIN	56587	116
JEFFERY & SHERRY KUBSCH	8799 QUEENSLAND LN N		MAPLE GROVE	MIN	55311	5501
JEFFREY DOSTAL ET AL	5070 PROSPERITY WAY S		FARGO	ND	58104	7567
JEFFREY R & TERRIE L HANSON	451 PELICAN AVE S		VERGAS	MIN	56587	4108
JEFFRY R & ROBIN D HANSON		PO BOX 301	PERHAM	MIN	56573	301
JEREMIAH HOWE	370 PELICAN AVE S	PO BOX 191	VERGAS	MIN	56587	4105
JERRY D & PATRICIA S KLATT	32125 COUNTY HIGHWAY 4		VERGAS	MIN	56587	9400
JERRY SANDAU		PO BOX 585	ORION	IL	61273	585
JILL HOFFMAN		PO BOX 7	VERGAS	MIN	56587	7
JILL SHIPMAN		PO BOX 147	VERGAS	MIN	56587	147
JOHN D & SUE K HALVERSON	401 6TH AVE N APT 117		FARGO	ND	58102	4501

MARVOLYN J REFSLAND	405 FRAZEE AVE E #5		VERGAS	MIN	56587	4215
MATTHEW L SAFAR	291 BENNETT RD		VERGAS	MIN	56587	4121
MATTHEW W ENGBRETSON		PO BOX 285	VERGAS	MIN	56587	285
MELISSA C & AARON C KROETSCH	908 BYGLAND RD SE		EAST GRAND FOR	MIN	56721	2300
MEREL A & JUDY M KVAM	131 1ST AVE N		VERGAS	MIN	56587	4025
METHODIST CHURCH OF VERGAS		PO BOX 243	VERGAS	MIN	56587	243
MICHAEL F MANEVAL		PO BOX 37	VERGAS	MIN	56587	37
MICHAEL J BAUMGART	520 PELICAN AVE S		VERGAS	MIN	56587	4109
MICHAEL KASPER	315 PARK LAKE BLVD APT 308		DETROIT LAKES	MIN	56501	4414
MICHAEL W FICK	26324 485TH ST		VERGAS	MIN	56587	9419
MYLES A & BEVERLY L FLATELAND	812 SCHARF AVE E		VERGAS	MIN	56587	4219
NANCY MOE ET AL		PO BOX 44	VERGAS	MIN	56587	44
NATALIES SERENDIPITY LLC		PO BOX 85	VERGAS	MIN	56587	85
NEIL J & D STRAWHORN REV TSTS		PO BOX 173	VERGAS	MIN	56587	173
NOAH J OLDS	14680 LAKE SALLIE DR W		DETROIT LAKES	MIN	56501	7114
OLSON OIL CO INC	1425 LINCOLN AVE W		FERGUS FALLS	MIN	56537	1005
PAMELA FRANKLIN	260 1ST AVE S	PO BOX 205	VERGAS	MIN	56587	205
PATRICIA A STRAND		PO BOX 71	VERGAS	MIN	56587	71
PATRICIA JOHNSON & D DITTERICH	1160 PRENTICE ST		GRANITE FALLS	MIN	56241	1527
PATRICK E HODNEFIELD	441 PELICAN AVE S		VERGAS	MIN	56587	4108
PATRICK T SKELLY ET AL	4279 HAWKSBURY CIR		EAGAN	MIN	55123	3062
PAUL A & CORAL L PINKE		PO BOX 159	VERGAS	MIN	56587	159
PAUL E & CARMEN I BRUHN	955 GABRIEL CIR		DETROIT LAKES	MIN	56501	4835
PERHAM COOP CREAMERY ASSOC		PO BOX 247	PERHAM	MIN	56573	247
RACHEL K NUSTAD	151 LINDEN ST E		VERGAS	MIN	56587	4013
RAILWAY PROPERTY HOLDINGS LLC	21587 ANDERSON LAKE RD		LAKE PARK	MIN	56554	9203
REBECCA & SHANE HASSE	231 HILL ST W		VERGAS	MIN	56587	4117
RICHARD A & MARGARET J NELSON	2551 66TH AVE S		FARGO	ND	58102	7960
RICHARD BLAIR & CONNIE LEE		PO BOX 19	VERGAS	MIN	56587	19
RICHARD L & MICHELE J PETERSON	1827 26TH AVE NW		NEW BRIGHTON	MIN	55112	1744
RICKEY L & KAREN DAHL	611 TOWNLINE RD		VERGAS	MIN	56587	4226
RICKY A & MELISSA A MOLTZAN		PO BOX 148	VERGAS	MIN	56587	148
ROBERT & JULIE ROSWICK	4315 ENGLAND ST		BISMARCK	ND	58504	8970

TIMOTHY W & CHERYL L STROM		PO BOX 208	VERGAS	MN	56587	208
TINA EISCHENS & CAROLYN HARRIS	221 HILL ST W		VERGAS	MN	56587	4117
TO THE PUBLIC						
TODD BLIXT ET AL						
TRISHA M LONGTIN		PO BOX 22	VERGAS	MN	56587	22
TRISTYN LEE LEWIS	430 PELICAN AVE S		VERGAS	MN	56587	4107
TYLER J & KATELYNN E MELBYE	225 MAIN ST W		VERGAS	MN	56587	
TYSON L & JESSICA SONNENBERG	48311 BLACK DIAMOND RD		FRAZEE	MN	56544	9438
VAL D BRUHN ET AL						
VANESSA PERRY & JORDAN SLEEN	49186 COUNTY HIGHWAY 31		VERGAS	MN	56587	9421
VAUN R BRUHN REV TST ET AL	45531 385TH AVE		FRAZEE	MN	56544	8928
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
WALTER L & ELIZABETH I KADING	215 FRAZEE AVE E	PO BOX 97	VERGAS	MN	56587	97
WALTER L KADING	31243 440TH ST		VERGAS	MN	56587	9351
WILLIAM & LYNN SCHOENEBERGER		PO BOX 183	VERGAS	MN	56587	183
WILLIAM ESSER TST	810 WOODCREEK RANCH RD		WIMBERLEY	TX	78676	5524
YGGDRASIL LLC	219 FRAZEE AVE E		VERGAS	MN	56587	
ZACHARY & AMANDA LAHR	34598 STATE HIGHWAY 87		FRAZEE	MN	56544	8504
ZACHARY FUGERE	48563 LEEK LAKE WAY		VERGAS	MN	56587	9459

CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE

SECTION 1.0 STATUTORY AUTHORIZATION AND POLICY

1.1 Statutory Authorization This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105F; Minnesota Regulations, Parts 6120.2500-6120.3900; and the planning and zoning enabling legislation in Minnesota Statutes Chapter 462.

1.2 Policy The uncontrolled use of shorelands of the City of Vergas, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. It is in the best interest of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters thus preserving and enhancing the quality of surface waters, conserving the economic and natural environmental values of shorelands, and providing for the wise use of waters and regulated land resources. This delegation of responsibility is hereby recognized by the city of Vergas.

1.3 Amendments This Ordinance may be amended in whole or in part by the City Council after proper public hearing conducted by the City Council and as provided in Minnesota Statutes. Effective May 5, 1992. * Last sentence omitted as it is 30 years old. Needs revision to be added*

CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE

SECTION 2.0 GENERAL PROVISIONS AND DEFINITIONS

2.1 Jurisdiction/Administrative Scope The provisions of this ordinance shall apply to the shorelands of public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Rules, Chapter 6120: No lake, pond, or flowage less than 10 acres in size is regulated. A body of water created by a private user where there was no previous shoreland may, at the discretion of the city, be exempt from this ordinance.

2.2 Compliance The use of any shoreland of public waters; the size and shape of the lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

2.3 Legal Authority The Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitutes a misdemeanor and is punishable as defined by law. Violations of the ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.1 of this ordinance.

2.31 In the event of a violation or a threatened violation of this ordinance, the City Council and/or the Zoning Administrator may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations. It shall be the duty of the City Council to institute such action. This will include, but not be limited to, actions for injunctive relief before a court of competent jurisdiction.

2.32 Any taxpayer or taxpayers of the City of Vergas may institute mandamus proceedings in District Court to compel specific performance by the proper officer or officers of any duty required by this ordinance.

2.33 The Zoning Administrator and City Council, in the performance of their duties, shall have free access on all land included in the Shoreland Management use districts.

2.4 Interpretation In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

2.5 Severability If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

2.6 Abrogation and Greater Restrictions It is not intended by this ordinance to repeal, abrogate, or impair any existing ordinances, easements, covenants, or deed restrictions. However, where this or other ordinances impose greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.7 Definitions Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

2.711 Accessory Structure or Facility. Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

2.712 Bluff. A topographical feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff):

1. Part or all of the feature is located in a shoreland area;
2. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
3. The slope must drain toward the waterbody; and
4. The grade of the slope from the toe of the bluff to a point 25 feet or more above the Ordinary high water level averages 30% or greater.
5. Toe of the bluff is the lower point of a 50 foot segment with an average slope exceeding 18% or the ordinary high water level, whichever is higher.
6. Top of the bluff, for the purpose of measuring setbacks, bluff impact zone, and administering vegetation management standards is the higher point of a 50 foot segment with an average slope exceeding 18%. *MN & OT have Top & Toe here so I added it here instead of under T*

2.713 Bluff Impact Zone. A bluff and land located within 20 feet from the top of a bluff.

2.714 Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

2.715 Building Line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

2.716 Commercial Planned Unit Developments (PUD's). Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example: hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities.

2.717 Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

2.718 **Commissioner.** The Commissioner of the Department of Natural Resources or his or her designated representative.

2.719 **Conditional Use.** A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist; the use or development conforms to the comprehensive land use plan of the community; and the use is compatible with the existing neighborhood.

2.720 **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features attached or functionally related to a principal use or site; and at any point extending more than 3 feet above ground.

2.721 **Duplex, Triplex, Quad.** Dwelling structure/s on a single lot, having 2, 3, and/or 4 units, respectively; attached by common walls and each unit equipped with separate sleeping, eating, living and sanitation facilities.

2.722 **Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational sites.

2.723 **Dwelling Unit.** Any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, *pg7 OT has added “which may include areas serving as a kitchen, bathroom and at least one bedroom”, including rental or timeshare accommodations such as a motel, hotel, and resort rooms and cabins.

2.724 **Extractive use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat, not regulated under Minnesota Statutes, section 93.44 – 93.51.

2.725 **Forest land conversion.** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

2.726 **Guest Cottage.** A structure used as a dwelling unit that may contain sleeping spaces, kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot. Not in either OT or MN.

2.727 **Hardship.** Neither listed in OT or MN – Term defined in Minnesota Statutes, Chapter 462.

2.728 **Height of building.** The vertical distance between the highest adjoining *original* OT pg 7 ground level at the building or 10 feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

2.729 **Industrial use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

2.730 **Intensive vegetation clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

2.731 **Lot.** A parcel of land designed by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

2.732 **Lot width.** The minimum distance between lot lines measured at the midpoint of the building line and side lot lines at the ordinary high water level, if applicable.

2.733 **Nonconformity.** Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.

2.734 **Ordinary high water level.** The boundary of public waters and wetlands shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

2.735 **Planned unit development. (PUD's).** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, timeshare condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhomes, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

2.736 **Public Waters.** Any waters as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a.

2.737 **Residential planned unit development.** A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments (PUD's). To qualify as a residential PUD, a development must contain at least five dwelling units or sites.

2.738 **Semipublic use.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

2.739 **Sensitive area.** Areas which due to steep slopes, bluffs, flooding, erosion, limiting soil conditions (shallow soils over groundwater or bedrock, highly erosive or expansive soils), occurrence of vegetation or wildlife in need of special protection, the presence of wetlands or other physical constraints are sensitive to the development. **updated to newer language taken directly from Ottertail.*

2.740 **Setback.** The minimal horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.

2.741 **Sewage treatment system.** Meaning given under Minnesota Rules, part 7080.1100, Subp.82.

2.742 **Sewer system.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

2.743 **Shore impact zone.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

2.744 **Shoreland.** Land located within the following distances from public waters:

- A. 1000 feet from the ordinary high water level of a lake, pond, or flowage; and
- B. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

The limits of shorelands may be reduced whenever the waters involved are bounded by topographical divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

2.745 **Significant historic site.** Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or listed in the State Register of Historical Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist of the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered significant historical sites.

2.746 **Steep slopes.** Lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, which are not bluffs.

2.747 **Structure.** Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

2.748 **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments. **Ottetail says: "Any parcel of land that is divided." Do we want to change?*

OT & MN both have a definition included Sustainability Analysis, do we want to add this?

2.749 **Variance.** Defined in Minnesota Statutes, Section 462.357 Subd. 6 (2).

2.750 **Water-dependent use.** The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of uses typically found in shoreland areas.

2.751 **Water-oriented accessory structure or facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of

its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.

2.752 **Wetland.** Meaning is given under Minnesota Rule, part 8420.0111.

2.753 **Zoning Administer.** The person appointed from time to time by the Vergas City Council to administer this ordinance.

CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE

SECTION 3.0 ADMINISTRATION

3.1 Permits Required A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 5.3 of this ordinance. A site permit shall also be obtained prior to moving a structure.

****OT lists in numerical order...1) A new Structure; 2) An expansion to an existing structure; 3) The relocation of an existing structure that exceeds 120 square feet. – it goes into depth for requirements on Shoreland Alteration Permit; movement of any material on slopes and shore impact zone; and states the Permit validity (12 months from date of issue). Do we want to add these? Or replace above?**

3.11 Applications/Inspections. Application for permits shall be made to the Zoning Administrator on the forms provided. The applicant for a Structure or Shoreland Alteration Permit shall file a complete application, which must include a scaled drawing of the proposal, and pay a fee as determined in the Fee Schedule. An onsite inspection may be required prior to issuing permit. **It is the applicant's responsibility to identify and stake all lot lines and road right-of-ways prior to applying for a permit, as well as notifying the Zoning Administrator when the project is ready for inspection.** The applicant shall notify the Zoning Administrator once the building footings have been constructed and upon completion of project.

3.12 Sewage Treatment. Before a site permit is issued, the terms of this Ordinance shall be met. A permit authorizing as addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 5.8, shall be reconstructed or replaced in accordance with the provisions of this Ordinance. The Zoning Administrator shall require use of the city sewer system unless a variance has been issued for an on-site sewage treatment system.

3.13 Zoning Administrator. The Vergas City Council shall from time to time appoint a Zoning Administrator to administer this ordinance. The person appointed need not be a resident of the City of Vergas, and shall serve under the control and at the discretion of the City Council. The City Council hereby delegates to the Zoning Administrator the following duties and responsibilities:

- A. Issue Site Permits and inspect building location following notification by an applicant.
- B. Administer the terms of this Ordinance subject to any required approval of the City Council.
- C. Keep necessary records.
- D. May issue Conditional Use Permits for grading and filling projects of not more than 300 cubic yards for landscaping purposes. He or she may require onsite inspection prior to issuing such a permit.
- E. Where structures exist on the adjoining lots on both sides of a proposed building site, water and road setbacks may be altered without a variance to conform to the adjoining setbacks ("string

test”), provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

3.2 Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subdivision 1. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this Ordinance and shall be punishable as provided in Section 2.3 of this Ordinance.

3.3 Conditional Uses. See Section 5.7 for ordinance provisions.

3.4 Variances. Variances may only be granted in accordance with Minnesota Statutes, Section 462 and are subject to the following:

A. A variance may not circumvent the general purposes and intent of this ordinance.

B. No variance may be granted that would allow any use prohibited in the zoning district in which the subject property is located.

3.41 General Provisions. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the City Council must consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

3.42 Application, Notice and Hearing. The applicant for a variance shall file an application at the City Office not less than twenty (20) days prior to the next scheduled meeting of the City Council and pay a fee as set forth in the Fee Schedule when the application is filed. Each application for variance shall be accompanied by a scale drawing of the area under consideration showing the location of any existing structures and any proposed structures. The drawing needs to indicate all setback distances in feet. In addition, the applicant must provide the property’s fire or lake association number when available. In absence of such number, detailed directions to the property must be provided with the application.

A. Within three (3) days of **submitting** an application for a variance, the applicant shall stake the area under consideration and post **their** name and address in a clearly visible location on the property.

B. The Zoning Administrator shall refer the application to the City Council and give notices required by Section 3.5.

C. The City Council shall consider the application at its next regular meeting at which time is available, following compliance with the notice requirements above specified.

3.43 Sewage Treatment. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require nonconforming sewage treatment systems to be abandoned, and replaced by connection to the city sewer system. Reconstruction or replacement of an existing non-conforming sewage treatment system may be allowed only by variance. Non-conforming

uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that they are consistent with the existing uses in the area.

3.5 Notifications to the Department of Natural Resources and Property Owners

3.51 Conditional Use Permit Applications. Written notice shall be sent to property owners of record within 1/4 mile of the affected property or to the 10 properties nearest the affected property, whichever will provide the greater number of owners. The written notice provided for the above shall be given not less than 14 days prior to the date the City Council will consider said application, although failure of any property owned to receive such notification shall not invalidate the proceedings.

3.52 Variance Applications. Written notice of each hearing on a variance application shall be sent to property owners of record within 500 feet of the affected property. Written notice shall be sent to the City Administrator for the City Council approval. The written notice provided for the above shall be given not less than 14 days prior to the date the City Council for consideration of said application. And again, failure of any property owner to receive such notification shall not invalidate proceedings.

3.53 Amendments. Written notice of each hearing for consideration of amendment/s to the existing controls shall be sent to the City Administrator for the City Council Approval. This shall be given not less than 14 days prior to the hearing at which the amendment/s will be considered.

3.54 Plats. Written notice of each hearing on a proposed plat shall be sent to the property owners of record within ½ mile of a proposed plat. Written notice shall also be sent to the City Administrator (must include a copy of the proposed subdivision). The written notice provided for the above shall be given not less than 14 days prior to the date the City Council will consider said plat, although failure of any property owner to receive such notification shall not invalidate the proceedings.

3.55 Approvals. A copy of approved amendments, plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the City Administrator and postmarked within 10 days of final action. * check use of City Administrator vs Commissioner.

CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE

SECTION 4.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USES

4.1 Shoreland Classification System The public waters of the City of Vergas have been classified consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Otter Tail County, Minnesota. Lakes are classified as Recreational Development, General Development or Natural Environment.

4.11 Vergas Lakes. The shoreland area for the waterbodies listed below shall be defined in Section 2 **(don't see listed; shouldn't we add these?)** and shown on the official Zoning Map.

Recreational Development Lakes:

Long Lake and Loon Lake Protected Waters ID# 56-523 **(only 1 # ?)**

General Development Lakes:

Lawrence Lake Protected Water ID# 56-555

4.2 Land Use District Descriptions *Identifies land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality. (pg 10 MN) (pg 95 OT)*

4.21 Descriptions. Shoreland district land uses listed in (Table 1) are regulated as:

- 1) Permitted Use (P) Allowed provided all standards in this ordinance are followed.
- 2) Conditional Use (C) Allowed through a conditional use permit.
- 3) Not Permitted Use (N) Uses are prohibited.

4) A use not listed or that does not have a designated type of use, may be allowed as a conditional use if it is of the same general character as those uses listed as Permitted, or Conditional, provided the use is deemed fitting and compatible to the City of Vergas Planning Commission and the City's Zoning Ordinances, and it is not listed as a Not Permitted use. *(or should this be City Council ?)*

LAND USES	General	Recreational	Natural (pg 96OT) (pg 11 MN)
Agricultural/Crop/Pasture	P	P	
Agricultural/Feedlot	C	C	
Bed & Breakfast			
Boat Access			
Cemetery			
Controlled Access			
Commercial			

Duplex, Triplex, Quad Residential	C	C
Extractive		
Forest Land Conversion		
Historical Sites	C	C
Industrial		
Parks, Playgrounds	C	C
Places of Worship	C	C
Planned Unit Developments	C	C
Single Family Residential	C	C

4.22 Criteria for Designation. The land use districts and the delineation of a land use district's boundaries on the Official Zoning Map must be consistent with the goals, policies and objectives of the comprehensive land use plan when available and should follow criteria and considerations listed below:

A. General for All Land Use:

1. Preservation of natural areas.
2. Present ownership and development of shoreland areas
3. Shoreland soil types and their engineering capabilities.
4. Topographical characteristics.
5. Vegetative cover.
6. In-water physical characteristics, values and constraints.
7. Recreational use of the surface water.
8. Road and service center accessibility
9. Socioeconomic development needs and plans as they involve water and related land resources.
10. The land requirements of industry which, by its nature, requires location in the shoreland areas
11. The necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Planned Unit Development:

1. Existing recreational use of the surface waters and likely increases in use associated with planned use developments.
2. Physical and aesthetic impacts of increased density.
3. Suitability of lands for the planned unit developments approach.
4. Level of current development in the area.
5. Amounts and types of ownership of undeveloped lands.
6. Limited expansion of a commercial planned unit development involving up to 6 additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 8.0 of this ordinance are satisfied.

4.23 Use and Upgrading of Inconsistent Land Use Districts.

A. The land use districts adopted in ordinances not specifically dealing with shoreland, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, may not be consistent with the land use district designation criteria specified above. These may continue until revisions are proposed to change or to modify the boundary.

B. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:

When a revision to a land use district designation on a lake is considered, the land use district boundaries and the use provisions therein for all the shoreland areas within the jurisdiction of this ordinance on said lake must be revised to make them substantially compatible with the framework in Sections 4.21 and 4.22, except that nonconforming uses on lots of record with the Otter Tail County Recorder may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement establishment or expansion is consistent with existing uses in the area.

C. When an interpretation question arises about whether a specific land use fits within a given “use” category, the interpretation shall be made by the City Council. When a question arises whether a land use district’s boundaries are properly delineated on the Official zoning Map, this decision shall be made by the City Council.

D. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, they will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The City Council will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy Items A and B, above.

E. The City Council must make a detailed finding of fact and conclusion when taking final action that this revision and the upgrading of any inconsistent land use district designation on said waterbody, are consistent with the enumerated criteria and use provisions of Section 4.2.

CITY OF VERGAS

SHORELAND MANAGEMENT ORDINANCE

SECTION 5.0 SPECIAL LAND USE PROVISIONS

5.1 Commercial, Industrial, Public and Semipublic Standards

5.11 Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

1. The use complies with provisions of Section 7;
2. The uses is designed to incorporate topographic and vegetative screening of parking areas and structures;
3. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstruction of navigation and to be the minimum size necessary to meet the need; and
4. Uses that depend on patrons by arriving watercraft may use signs and lighting provided that:
 - a) Signs placed in or on public waters must convey directional or safety measures and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - b) Signs placed within the shore impact zone are no higher than 10 feet above the ground and no greater than 32 sq. feet in size. If illuminated by artificial lights, the lights may be shielded or directed to prevent illumination across public waters. This does not preclude use of navigational lights.

5.12 Uses not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must with be set back double the ordinary high-water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.

5.2 Agricultural Use Standards

5.21 Buffers

1. The shore impact zone for parcels with permitted agriculture land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
2. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and buff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with **Natural Resource Conservation Service office technigal guide**, and as approved by the local soil and water conservation district.

5.22 New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:

1. Feedlots must be designed consistent with Minnesota Rules, Chapter 7020
2. Feedlots must not further encroach into existing ordinary high-water level setback or the bluff impact zone and must not expand capacity of 1,000 animal units or more
3. Feedlots not currently in operation may resume operation consistent with Minnesota Statute 116.0711. (in both OT & MN).

5.23 Use of fertilizer, herbicides, pesticides, animal wastes or other chemicals within shorelands must be applied in such a way as to minimize runoff into the shore impact zone, or public water by the use of earth or vegetation. (in both OT & MN).

5.3 Forest management Standards

5.31 The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest management Guidelines for Landowners, Loggers and Resource Managers.

5.32 Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district. (in both OT & MN).

5.4 Extractive Use Standards

5.41 Extractive uses are not allowed. Both MN & OT say:

5.41 Extractive uses are conditional uses and must meet the following standards:

A. A site development and restorative plan must be developed, approved, and followed over the course of the operation. The plan must:

1. Address dust, noise, possible pollutant discharges; hours and duration of operation; and anticipated vegetation and topographical alterations;
2. Identify actions to be taken during operation to mitigate environmental impacts, particularly erosion; and
3. Clearly explain how the site will be rehabilitated after extraction activities end.

B. Processing machinery must meet structure setback standards from ordinary high-water levels and bluffs.

5.5 Mining of Metallic Minerals and Peat

5.51 Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 – 93.51 is not allowed. Both MN & OT say:

5.51 Mining of metallic minerals and peat is a permitted use provided the provisions of Minnesota Statutes 93.44 – 93.51 are satisfied.

CITY OF VERGAS

SHORELAND MANAGEMENT ORDINANCE

SECTION 6.0 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS

6.1 Lot area and Width Standards

OPEN BURNING

' 92.60 DEFINITIONS.

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

FIRE CHIEF, FIRE MARSHAL, and ASSISTANT FIRE MARSHALS. The Fire Chief, Fire Marshal, and Assistant Fire Marshals of the Fire Department which provides fire protection services to the city.

OPEN BURNING. The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a *Recreational fire* as defined herein. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not defined as open burning.

RECREATIONAL FIRE. A fire set with approved starter fuel no more than three feet in height, contained within the border of a *Recreational fire site* using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food preparation for social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created. No more than one recreational fire is allowed on any property at one time.

RECREATIONAL FIRE SITE. An area of no more than a three-foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only an which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a *Recreation fire site* as defined herein. Recreational fire sites shall not be located closer than 25 feet to any structure.

RUNNING FIRE. An attended fire allowed to spread through surface vegetative matter under controlled conditions for the purpose of vegetative management, forest management, game habitat management, or agricultural improvement.

STARTER FUELS. Dry, untreated, unpainted, kindling, branches, cardboard or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open burn.

VEGETATIVE MATERIALS. Dry leaves, dry grass clippings, twigs, branches, tree limbs, untreated or unpainted wood that contains no glues or resins, and other similar materials. Paper and cardboard are not considered vegetative materials.

WOOD. Dry, clean fuel only such as twigs, branches, limbs, *Apresto logs*, charcoal, cord wood or untreated dimensional lumber. The term does not include wood that is green with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three-foot lengths.

' 92.61 PROHIBITED MATERIALS.

(A) No person shall conduct, cause or permit open burning oils, petrol fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheet

rock, wiring, paint or paint fillers.

(B) No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.

(C) No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

(D) No person shall conduct, cause or permit open burning of any leaves or grass clippings.

Penalty, see ' 92.99

' 92.62 PERMIT REQUIRED FOR OPEN BURNING.

No person shall start or allow any open burning on any property in the city without first having obtained a Minnesota Department of Natural Resources (DNR) permit in accordance with Minnesota Statutes (M. S.) 88.16 and 88.17 open burn permit, except that a permit is not required for any fire which is a recreational fire as defined in ' 92.60.

Once open burn permit is received a copy of burn permit must be provided to City Clerk-Treasurer, 48 hours prior to said burn, with the following additional information: types of materials to be burned, date and time burning will take place.

Penalty, see ' 92.99

' 92.63 PURPOSES ALLOWED FOR OPEN BURNING.

(A) Open burn permits may be issued only for the following purposes:

(1) Elimination of fire of health hazard that cannot be abated by other practical means.

(2) Ground thawing for utility repair and construction.

(3) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, land spreading or other alternative methods are not practical.

(4) Disposal of diseased trees generated on-site, diseased or infected nursery stock, diseased bee hives.

(5) Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.

(6) Disposal of yard waste materials at the Vergas Yard Waste Site.

(B) Fire training permits can only issued by the DNR.

(C) Permits for the operation of permanent tree and brush burning sites may only be issued by the Minnesota Department of Natural Resources (DNR).

Penalty, see ' 92.99

' 92.64 PERMIT APPLICATION FOR OPEN BURNING; PERMIT FEES.

(A) Open burning permits shall be obtained by making an application on a form prescribed by the Department of Natural Resources (DNR), and adopted by the Fire Department. The permit application shall be presented to the Fire Chief, Fire Marshal, and Assistant Fire Marshals for reviewing and processing those applications. Except, the City will still require proof of a DNR burning permit even when the ground is snow covered for all fires not requiring a permit.

(B) An open burning permit shall require the payment of a fee. Permit fees shall be in the amount established in the Ordinance Establishing Fees and Charges, authorized by ' 30.11, as it may be amended from time to time.

Penalty, see ' 92.99

' 92.65 PERMIT PROCESS FOR OPEN BURNING.

Upon receipt of the completed open burning permit application and permit fee, the Fire Chief, Fire Marshal, or Assistant Fire Marshals, if he or she reasonably believes necessary, may schedule a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and time of permitted burn and review fire safety considerations.

' 92.66 PERMIT HOLDER RESPONSIBILITY.

(A) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every open burn event shall be constantly attended by the permit holder or his or her competent representative. The open burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan.

(B) The open burn fire shall be completely extinguished before the permit holder or his or her representative leaves the site. No fire may be allowed to smolder with no person present. It is the responsibility of the permit holder to have a valid permit, as required by this subchapter, available for inspection on the site by the Police Department, Fire Department, MPCA representative or DNR forest officer.

(C) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

Penalty, see ' 92.99

' 92.67 REVOCATION OF OPEN BURNING PERMIT.

The open burning permit is subject to revocation at the discretion of DNR forest officer, the Fire Chief, Fire Marshal, or Assistant Fire Marshals or the City of Vergas. Reasons for revocation include but are not limited to a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.

Penalty, see ' 92.99

‘ **92.68 DENIAL OF OPEN BURNING PERMIT.**

If established criteria for the issuance of an open burning permit are not met during review of the application, it is determined that a practical alternative method for disposal of the material exists, or a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the Fire Chief, Fire Marshal, or Assistant Fire Marshals or the City of Vergas, these officers may deny the application for the open burn permit.

‘ **92.69 BURNING BAN OR AIR QUALITY ALERT.**

No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potentially hazardous fire conditions or when the MPCA has declared an Air Quality Alert.

Penalty, see ‘ 92.99

‘ **92.70 RULES AND LAWS ADOPTED BY REFERENCE.**

The provisions of M.S. ‘ ‘ 88.16 to 88.17, as these statutes may be amended from time to time, are hereby adopted by reference and made a part of this subchapter as if fully set forth at this point.

‘ **92.71 EXTERNAL SOLID FUEL-FIRED HEATING DEVICES (OUTDOOR WOOD BURNING STOVES).**

(A) *Definitions.*

(1) **EXTERNAL SOLID FUEL-FIRED HEATING DEVICE.** A device designed for external solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boiler which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.

(2) **PERSON.** An individual, partnership, corporation, company or other association.

(3) **STACKS OR CHIMNEYS.** Any vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device, especially, the part of such a structure extending above a roof.

(B) *Requirements for operation.*

(1) Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of an external solid fuel-fired heating device to burn solid fuels other than those solid fuels for which the external solid fuel-fired heating device was designed, is declared a public nuisance.

(2) No person may install, use or operate an external solid fuel fired heating device on a lot less

than four acres in size.

(3) All stacks or chimneys must be so constructed to withstand high winds or other related elements and in accordance to the specifications of the manufacturer of the external solid fuel-fired heating device. The stack height shall be a minimum of 25 feet above ground level, but shall also extend at least as high as the height of the roofs of residents within 500 feet. All stacks or chimneys must be of masonry or insulated metal with a minimum six-inch flue.

(4) All external solid fuel-fired heating devices must be setback a minimum of 50 feet from all property lines.

(5) All external solid fuel-fired heating devices must be setback a minimum of ten feet from any principal or accessory structure.

(C) *Fuels.*

(1) Only fuels designed for burning in an external solid fuel-fired heating device may be burned. No garbage may be burned in an external solid fuel-fired heating device.

(2) The only fuel permitted to be burned is untreated fuel. Wood may not be treated, processed, stained, finished or painted - specifically prohibited woods include plywood, particle board and similar products. Other fuels, such as corn, shall not contain any additives, treatments or chemicals. No petroleum products or processed materials of any kind may be burned.

' 92.99 PENALTY.

Violation of any provision of this chapter, including maintaining a nuisance after being notified in writing by first class mail of a violation of any provision of this chapter, shall be a misdemeanor and punished as provided in ' 10.99

CHAPTER 93: STREETS AND SIDEWALKS

Section

General Provisions

- 93.01 Unloading on street or sidewalk
- 93.02 Street and sidewalk obstruction
- 93.03 Materials on street or sidewalk

Right-Of-Way Construction Regulations

- 93.20 Election to manage the public right-of-way
- 93.21 Definitions and adoption of rules by reference
- 93.22 Permit requirement
- 93.23 Permit applications
- 93.24 Issuance of permit; conditions
- 93.25 Permit fees
- 93.26 Right-of-way patching and restoration
- 93.27 Supplementary applications
- 93.28 Denial of permit
- 93.29 Installation requirements
- 93.30 Inspection
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- 93.34 Mapping data; information required
- 93.35 Location of facilities
- 93.36 Damage to other facilities
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- 93.371 Culverts
- 93.38 Indemnification and liability
- 93.39 Abandoned facilities; removal of abandoned facilities
- 93.40 Appeal
- 93.41 Reservation of regulatory and police powers

Cross-reference:

Assessable current services, see ' 92.01

GENERAL PROVISIONS

' 93.01 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see ' 10.99

' 93.02 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see ' 10.99

' 93.03 MATERIALS ON STREET OR SIDEWALK.

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

(B) Except for the actions of the city employees and contractors carrying out their duties, no person shall:

(1) Obstruct any street or sidewalk by depositing snow or ice thereon; once streets have been cleared of snow;

(2) Dig any holes in any street, sidewalk or right-of-way;

(3) Remove any earth, gravel, or rock from any street, sidewalk or right-of-way;

(4) Obstruct any ditch draining any street or drain any noisome materials into any ditch;

(5) Deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains or any other highway appurtenance on or along any street, sidewalk or right-of-way.

(6) Remove, injure, displace, or destroy right-of-way markers, or reference or witness monuments, or markers placed to preserve section or quarter-section corners;

(7) Each owner or occupant of real estate within the city, along or by which there is built and maintained a public sidewalk, shall remove or cause to be removed, all snow from the sidewalks opposite such real estate immediately after each snowfall.

(8) If any such owner or occupant fail or neglect to do remove the snow from the sidewalk, the city shall cause the snow to be removed beginning 48 hours after its deposit. The expense of removing the snow by the city shall be charged against the real estate adjoining the sidewalk and the property owner shall be invoiced by the city for such expense. If the invoice is

not timely paid, the unpaid balance shall be placed upon the tax roll of the city and collected against the property as other taxes are collected.

(9) Any owner or occupant of a lot within the city in front of which or adjacent to which a sidewalk has been constructed for use of the public, who allows snow to accumulate and remain thereon for longer than 48 hours after its deposit on the sidewalk shall be guilty of maintaining a public nuisance.

10) Drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a street or sidewalk closed to public travel or to remove, deface, or damage any such barricade, fence or obstruction.

Penalty, see ' 10.99

RIGHT-OF-WAY CONSTRUCTION REGULATIONS

' 93.20 ELECTION TO MANAGE THE PUBLIC RIGHT-OF-WAY.

In accordance with the authority granted to the city under state and federal statutory, administrative, and common law, the city hereby elects pursuant to this chapter to manage rights-of-ways within its jurisdiction.

' 93.21 DEFINITIONS AND ADOPTION OF RULES BY REFERENCE.

Minn. Rules Ch. 7819, as it may be amended from time to time, is hereby adopted by reference and is incorporated into this code as if set out in full. The definitions included in M.S. ' 237.162, Minn. Rules 7819.0100 subps. 1 through 23, and Minn. Rules 7560.0100 subps. 1 through 12 are hereby adopted by reference and are incorporated into this chapter as if set out in full.

' 93.22 PERMIT REQUIREMENT.

(A) *Permit required.* Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the city.

(1) *Excavation permit.* An excavation permit is required to excavate that part of the right-of-way described in the permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(2) *Obstruction permit.* An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

(B) *Permit extensions.* No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless the person makes a supplementary application for another

right-of-way permit before the expiration of the initial permit, and a new permit or permit extension is granted.

(C) *Delay penalty.* In accordance with Minn. Rules part 7819.1000 subp. 3, as it may be amended from time to time and notwithstanding division (B) of this section, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by the Ordinance Establishing Fees and Charges, adopted pursuant to ' 30.11 of this code, as it may be amended from time to time.

(D) *Permit display.* Permits issued under this subchapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Clerk, Utilities Superintendent or other person designated by the Council.
Penalty, see ' 10.99

' 93.23 PERMIT APPLICATIONS.

Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(A) Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following information:

(1) Each permittee=s name, gopher one-call registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers.

(2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(3) A certificate of insurance or self-insurance:

(a) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state, or a form of self-insurance acceptable to the Clerk, Utilities Superintendent or other person designated by the Council;

(b) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the use and occupancy of the right-of-way by the registrant, its officers, agents, employees, and permittees, and placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;

(c) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all coverages;

(d) Requiring that the Clerk, Utilities Superintendent or other person designated by the Council be notified 30 days in advance of cancellation of the policy or material modification of a coverage term;

(e) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Clerk, Utilities Superintendent or other person designated by the Council in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.

(4) The city may require a copy of the actual insurance policies.

(5) If the person is a corporation, a copy of the certificate required to be filed under M.S. ' 300.06, as it may be amended from time to time as recorded and certified to by the Secretary of State.

(6) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have the certificate from the Commission or other state or federal agency.

(B) Payment of money due the city for:

(1) Permit fees as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time, estimated restoration costs and other management costs;

(2) Prior obstructions or excavations;

(3) Any undisputed loss, damage, or expense suffered by the city because of the applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city; or

(4) Franchise fees or other charges as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time, if applicable.

' 93.24 ISSUANCE OF PERMIT; CONDITIONS.

(A) *Permit issuance.* If the applicant has satisfied the requirements of this chapter, the Clerk, Utilities Superintendent or other person designated by the Council shall issue a permit.

(B) *Conditions.* The director may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare

or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state and federal laws, including but not limited to M.S. ' 216D.01 - 09 (Gopher One Call Excavation Notice System) and Minn. Rules Ch. 7560.

(C) *Trenchless excavation.* As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in M.S. Ch. 216D and Minn. Rules Ch. 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the city.

' 93.25 PERMIT FEES.

Permit fees shall be in an amount established in the Ordinance Establishing Fees and Charges, adopted pursuant to ' 30.11, as it may be amended from time to time.

(A) *Excavation permit fee.* The city shall establish an excavation permit fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time, in an amount sufficient to recover the following costs:

- (1) The city management costs; and
- (2) Degradation costs, if applicable.

(B) *Obstruction Permit Fee.* The city shall establish the obstruction permit fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time, and shall be in an amount sufficient to recover the city management costs.

(C) *Payment of permit fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay those fees within 30 days of billing.

(D) *Non-refundable.* Permit fees as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time, that were paid for a permit that the Clerk, Utilities Superintendent or other person designated by the Council has revoked for a breach as stated in ' 93.33 are not refundable.

(E) *Application to franchises.* Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

(F) All permit fees shall be established consistent with the provisions of Minn. Rules part 7819.100, as it may be amended from time to time.
Penalty, see ' 10.99

' 93.26 RIGHT-OF-WAY PATCHING AND RESTORATION.

(A) *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under this subchapter.

(B) *Patch and restoration.* The permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

(1) *City restoration.* If the city restores the right-of-way, the permittee shall pay the costs thereof within 30 days of billing. If following the restoration, the pavement settles due to the permittee's improper backfilling, the permittee shall pay to the city, within 30 days of billing, all costs associated with having to correct the defective work.

(2) *Permittee restoration.* If the permittee restores the right-of-way itself, it may be required at the time of application for an excavation permit to post a construction performance bond or a deposit in accordance with the provisions of Minn. Rules part 7819.3000, as it may be amended from time to time.

(C) *Standards.* The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minn. Rules part 7819.1100, as it may be amended from time to time. The Clerk, Utilities Superintendent or other person designated by the Council shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis.

(D) *Duty to correct defects.* The permittee shall correct defects in patching, or restoration performed by the permittee or its agents. The permittee upon notification from the Clerk, Utilities Superintendent or other person designated by the Council, shall correct all restoration work to the extent necessary, using the method required by the Clerk, Utilities Superintendent or other person designated by the Council. The work shall be completed within five calendar days of the receipt of the notice from the Clerk, Utilities Superintendent or other person designated by the Council, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under this subchapter.

(E) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the Clerk, Utilities Superintendent or other person designated by the Council, or fails to satisfactorily and timely complete all restoration required by the Clerk, Utilities Superintendent or other person designated by the Council, the Clerk, Utilities Superintendent or other person designated by the Council at his or her option may do the work. In that event the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

(F) *Degradation fee in lieu of restoration.* In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee as established by the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

' 93.27 SUPPLEMENTARY APPLICATIONS.

(A) *Limitation on area.* A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area make application for a permit extension and pay any additional fees required thereby, and be granted a new permit or permit extension.

(B) *Limitation on dates.* A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

' 93.28 DENIAL OF PERMIT.

The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

' 93.29 INSTALLATION REQUIREMENTS.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minn. Rules part 7819.1100, as it may be amended from time to time and other applicable local requirements, in so far as they are not inconsistent with M.S. ' ' 237.162 and 237.163, as they may be amended from time to time.

' 93.30 INSPECTION.

(A) *Notice of completion.* When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minn. Rules part 7819.1300, as it may be amended from time to time.

(B) *Site inspection.* The permittee shall make the work-site available to city personnel and to

all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(C) *Authority of Clerk, Utilities Superintendent or other person designated by the Council.*

(1) At the time of inspection, the Clerk, Utilities Superintendent or other person designated by the Council may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.

(2) The Clerk, Utilities Superintendent or other person designated by the Council may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the Clerk, Utilities Superintendent or other person designated by the Council that the violation has been corrected. If proof has not been presented within the required time, the Clerk, Utilities Superintendent or other person designated by the Council may revoke the permit pursuant to ' 93.33.

' 93.31 WORK DONE WITHOUT A PERMIT.

(A) *Emergency situations.*

(1) Each person with facilities in the right-of-way shall immediately notify the city of any event regarding its facilities which it considers to be an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

(2) If the city becomes aware of an emergency regarding facilities, the city will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.

(B) *Non-emergency situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for the permit, pay double all the other fees required by this code, deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter.

' 93.32 SUPPLEMENTARY NOTIFICATION.

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the Clerk, Utilities Superintendent or other person

designated by the Council of the accurate information as soon as this information is known.

' 93.33 REVOCATION OF PERMITS.

(A) *Substantial breach.* The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by the permittee shall include, but shall not be limited, to the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (3) Any material misrepresentation of fact in the application for a right-of-way permit;
- (4) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or
- (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to ' 93.30.

(B) *Written notice of breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city shall make a written demand upon the permittee to remedy that violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

(C) *Response to notice of breach.* Within 24 hours of receiving notification of the breach, the permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. The permittee's failure to so contact the city, or the permittee's failure to submit an acceptable plan, or the permittee=s failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

(D) *Reimbursement of city costs.* If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with the revocation.

' 93.34 MAPPING DATA; INFORMATION REQUIRED.

(A) *Information required.* Each permittee shall provide mapping information required by the city in accordance with Minn. Rules parts 7819.4000 and 7819.4100, as it may be amended from time to time.

(B) *Service laterals.* All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minn. Rules 7560.0150, Subp. 2, shall require the permittee use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the city reasonably requires it. Permittees or other subcontractors shall submit to the city evidence of the installed service lateral locations. Compliance with this division (B) and with applicable Gopher State One Call law and Minn. Rules governing service laterals installed after December 31, 2005, shall be a condition of any city approval necessary for:

(1) Payments to contractors working on a public improvement project including those under M. S. Ch. 429;

(2) City approval of performance under development agreements, or other subdivision or site plan approval under M.S. Ch. 462.

The city shall reasonably determine the appropriate method of providing such information. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors.

93.35 LOCATION OF FACILITIES.

(A) *Compliance required.* Placement, location, and relocation of facilities must comply with applicable laws, and with Minn. Rules parts 7819.3100, 7819.5000 and 7819.5100, as they may be amended from time to time, to the extent the rules do not limit authority otherwise available to cities.

(B) *Corridors.* The city may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

(C) *Limitation of space.* To protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use, the Clerk, Utilities Superintendent or other person designated by the Council shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making those decisions, the Clerk, Utilities Superintendent or other person designated by the Council shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

' 93.36 DAMAGE TO OTHER FACILITIES.

When the city does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the Clerk, Utilities Superintendent or other person designated by the Council shall notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that registrant and must be paid within 30 days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that owner=s facilities.

' 93.37 RIGHT-OF-WAY VACATION.

If the city vacates a right-of-way which contains the facilities of a registrant, the registrant=s rights in the vacated right-of-way are governed by Minn. Rules part 7819.3200, as it may be amended from time to time.

'93.371 Culverts

' 93.38 INDEMNIFICATION AND LIABILITY.

By applying for and accepting a permit under this chapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minn. Rules 7819.1250, as it may be amended from time to time.

' 93.39 ABANDONED FACILITIES; REMOVAL OF ABANDONED FACILITIES.

Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the Clerk, Utilities Superintendent or other person designated by the Council.

' 93.40 APPEAL.

A right-of-way user that has been denied registration; has been denied a permit; has had permit revoked; believes that the fees imposed are invalid; or disputes a determination of the city regarding ' 93.34(B) of this chapter, may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee as imposition will be in writing and supported by written findings establishing the reasonableness of

the decision.

' 93.41 RESERVATION OF REGULATORY AND POLICE POWERS.

A permittees or registrants rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

Planning Commission
2023 April Planning Commission & Public Hearing
Vergas Event Center & Zoom Id number 267-094-2170 password 56587
5:30 PM on Monday, April 24, 2023

10. New Business

1. Nuisance Properties - 88 Park View
 - a. Working in Easement Area
 - b. Trees