

**Planning Commission**  
**2025 June Planning Commission Meeting**  
**Government Services Center & Zoom Id 267-094-2170 password 56587**  
**6:00 PM on Monday, June 23, 2025**

**1. Call to Order**

**2. Agenda Additions or Deletions**

**3. Minutes**

A. May 19, 2025

**4. Status of Council Recommendations**

None.

**5. Construction Permits**

- A. Active Construction Permits
- B. Approved by Clerk-Treasurer Permit
  - 1. 100 S Railway Ave - Convert the backroom into two offices
  - 2. 105 E Main St - Turtle (child) sign - on city property
  - 3. 158 E Main St - Remove and replace flat roof
  - 4. 201 W Main St - Replace steps in back porch
  - 5. 150 E Herman St - Windows, siding, and drywall
  - 6. 320 South Pelican Ave - Redoing the chimney blocks
- C. Proposed Fee Waiver
  - 1. 110 Main St. E - Install sign sculpture in sitting area by the Loons Nest

**6. New Business**

Gravel Pit Survey

**7. Old Business**

- A. Interim Use Permit - Mark Sand and Gravel
- B. Nuisance Properties
- C. City Ordinance Update

**8. Adjournment**

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**Planning Commission  
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6:00 PM on Monday, June 23, 2025**

**3. Minutes**

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A. May 19, 2025

**Files Attached**

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- 05.19.25 Planning Commission Minutes.pdf

City of Vergas Planning Commission Minutes  
Monday, May 19, 2025  
6:00 pm  
Government Services Building and Zoom

The City of Vergas Planning Commission held a public hearing on Monday, May 19, 2025, on Zoom and at the Vergas Government Services Building with the following members present: Alex Ohman, Bruce Albright, Jim Courneya, and Shane Hasse. Absent: Rebecca Hasse. Also present: Clerk-Treasurer Julie Lammers; citizens: Dwight Lundgren, Terry Engel, Rosemary Sandau, and Mark Sand and Gravel employees Jeff Hattlewick, Brianne Balcer, and Brandon Brusven.

Public Hearing regarding an interim use permit for a gravel pit.

Chairman Ohman opened the public hearing at 6:00 pm

The committee and attendees made introductions.

Albright reviewed the permitting process.

Jeff Hattlewick, Vice President of Mark Sand and Gravel, reviewed activity at the plant. The crusher has already been at the plant and will only return if they secure jobs in the area.

Rosemary Sandau inquired about the hours of operation, which are 7:00 am to 7:00 pm.

Ohman closed the hearing at 6:07 pm.

The City of Vergas Planning Commission held a regular hybrid meeting on Monday, May 19, 2025, on Zoom and at the Vergas Government Services Building with the following members present: Alex Ohman, Bruce Albright, Jim Courneya, and Shane Hasse. Absent: Rebecca Hasse. Also present: Clerk-Treasurer Julie Lammers; citizens: Dwight Lundgren, Terry Engel, Rosemary Sandau, and Mark Sand and Gravel employees Jeff Hattlewick, Brianne Balcer, and Brandon Brusven.

### **Call to Order**

Chairman Ohman called the meeting to order at 6:08 pm.

### **Agenda Additions and Deletions**

Motion by Albright, seconded by Ohman, to approve the agenda as with the addition of a parcel lot change. The motion passed unanimously.

### **Minutes**

Motion by Albright, seconded by Courneya, to approve minutes for April 28, 2025. The motion passed unanimously.

### **Status of Council Recommendations**

Albright stated that both C-2 zoning and Mn Wetland Conservation Ave – the Council approved Local Government Units.

### **Construction Permits.**

#### Active Construction permits

Albright and Courneya will review active permits for next month's meeting.

#### Approved by Clerk-Treasurer

Windows at 401 Pelican Avenue

#### Permits to be approved.

##### *Construction*

Motion by Ohman, seconded by Hasse, to approve the 10x18 shed permit for 511 Glenn Street. The motion passed unanimously.



Motion by Ohman, seconded by Hasse, to approve permit for driveway replacement at 500 South Pelican Avenue. The motion passed unanimously.

#### *Grade and Fill*

Motion by Albright, seconded by Courneya, to approve grade and fill permits for 465 Oak Circle, 461 S Pelican Avenue, and 409 Diane Avenue, doubling the permit fee for Diane Avenue as they began working before the permit was issued. The Motion passed unanimously.

No permit has been applied for the grocery store sign discussed at last month's meeting. Ohman stated he would go and speak with Dittrich regarding permit.

### **New Business**

#### Parcel Lot Split

Josh Hanson has requested a lot split on parcel 82000990312000. This would involve removing 40 feet of property from parcel 82000990312000 and adding it to parcel 8200099031300. Motion by Albright, seconded by Ohman, to approve the lot change. The motion passed unanimously.

### **Old Business**

#### Interim Use Permit

The planning commission discussed the annual engineering report, which is still pending, and noted that the pit's reclamation progress continues with waste material being stacked against the south bank. The commission agreed to review the interim use permit at their June meeting after receiving the engineering report. Motion by Albright, seconded by Ohman, to give Mark Sand and Gravel a 30-day extension on the current permit. Harrlewick stated Mark Sand and Gravel would agree to the extension and allow the planning commission to review the permit at the June meeting. The motion passed unanimously.

#### Nuisance Properties

The commission reviewed the nuisance properties from last month's spreadsheet. Rosemary Sandau discussed the deteriorating state of her property and the challenges she faces in addressing code violations. She expressed frustration with the timing and wording of a recent letter from the commission, which she felt was threatening. Sandau explained her plans to demolish two buildings in June or July, with a contractor who will dispose of the wood by burning and burying it, as well as the asphalt shingles separately. She sought clarification on the necessary permits for this process. She was advised that while she could bury multiple buildings once, she should consult with the appropriate authorities to ensure compliance with regulations. The meeting discussed the necessary permits for demolishing buildings on Terry Engels' farm. It was determined that Engle needs to contact the county planning and zoning office for answers about required permits. The group decided to allow Lammers to approve the construction permit pending confirmation from the county and without any major concerns. They also discussed the need for a burning permit, which Julie can obtain from the city after getting approval from the DNR.

The meeting focused on addressing concerns about a letter sent to property owners regarding ordinance violations, with the guest expressing understanding but suggesting a more collaborative approach in the future. The group discussed staffing challenges in the office, with a new hire starting in June, and agreed to review the letter's tone and consider alternative methods for addressing similar issues. They also discussed the need to maintain the community's appearance while balancing the realities of living in a small town, and agreed to investigate the historical status of the property in question.

The meeting focused on property maintenance issues and cleanup efforts. Frank Vannah reported that he had cleaned up his property and was selling vehicles, with some items licensed and placed by the road. The group discussed sending a second letter to Joyce regarding her property maintenance concerns, as the first letter had not resulted in improvements.

They also considered the condition of Pam Franklin's property and decided to leave it on the inspection list for the next month. The conversation concluded with a brief discussion about a 30-day notice request from a resident who was awaiting assistance with their move.

Albright and Courneya will inspect properties for the June meeting, except for 130 E Elm St. Motion by Albright, seconded by Ohman, to send a certified letter to 130 E Elm Street. The motion passed unanimously.

**Adjournment**

Motion by Courneya, seconded by Hasse, to adjourn at 7:10 pm. The motion passed unanimously.

Secretary,  
Julie Lammers, CMC  
Vergas City Clerk-Treasurer

Council Recommendations: None.

DRAFT

**Planning Commission  
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**4. Status of Council Recommendations**

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None.

**Planning Commission**  
**2025 June Planning Commission Meeting**  
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**5. Construction Permits**

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- A. Active Construction Permits
- B. Approved by Clerk-Treasurer Permit
- 1. 100 S Railway Ave - Convert the backroom into two offices
- 2. 105 E Main St - Turtle (child) sign - on city property
- 3. 158 E Main St - Remove and replace flat roof
- 4. 201 W Main St - Replace steps in back porch
- 5. 150 E Herman St - Windows, siding, and drywall
- 6. 320 South Pelican Ave - Redoing the chimney blocks
- C. Proposed Fee Waiver
- 1. 110 Main St. E - Install sign sculpture in sitting area by the Loons Nest

**Files Attached**

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- 2025 Construction Permits 6.17.25.pdf
- 2025 018 Construction Permit 100 S Railway Ave - convert room.do.pdf
- 2025 019 Construction Permit 105 E Main - Sign.do.pdf
- 2025 020 Construction Permit 158 E Main - replace flat roof.do.pdf
- 2025 021 Construction Permit 201 E Main - porch stairs.do.pdf
- 2025 022 Construction Permit 150 E Herman St - windows, siding and drywall.pdf
- 2025 023 Construction Permit 320 S Pelican Ave removal and replacement chimney blocks.pdf
- 2025-017 Construction Permit 110 Main St E Install Sign in sitting area.pdf

2025 Construction  
Permits - Vergas MN

Permit No	Issue Date	Parcel Number	Name	Address	Description	Closed Date	House Value	who closed
2024-009	4/22/2024/ 04/21/25	82000500037005	Donald Allmaras	816 Scharf Ave.,	Rebuild existing cabin in same footprint as existing cabin			
2024-017	6/24/2024/ 05/21/2025	82000990166001	Keith Kuehn	306 E. Frazee Ave,	Build 12'x24' addition on to existing garage, steps & railing on porch			
2025-001	1/21/2025	82000990054000	Vergas State Bank	106 E Main St	Remove walls, build walls, create break room area, new flooring & lighting	5/22/25		Julie
2025-002	1/27/2025	82000990137000	Pat Strand	271 Linden St	Replace 10 windows	5/22/25		Owner
2025-003	3/24/2025	82000990228000	Michael Rosendahl	96 Parkview Dr	culvert	5/22/25		Julie
2025-004	3/24/2025	82000500012006	Amber Pausch	110 Railway Ave	replace and remove doors, install tongue and groove	5/22/25		Julie
2025-005	4/28/2025	82000990252000	Chris Lindburg	210 Eva St	New home		165,000.00	
2025-006	4/28/2025	82000990167000	James Stenger	316 E Frazee Ave	replace doors, windows, skirting			
2025-007	4/28/2025	82000990089000	Merel Kvam	131 1st Ave	Enclose existing lower level of fire escae			
2025-008	4/28/2025	82000990089001	Merel Kvam	125 1st Ave	Remove existing additions and add onto structure			
2025-009	4/28/2025	82000990250000	Colton Ditterich	230 Eva St	New home		190,000.00	
2025-010	4/28/2025	82000990243000	Hunter Ditterich	411 Diane Ave	New home		190,000.00	
2025-011	3/24/2025	82000990104000	Laura Osborn	110 w Elm	Replace door, repair deck and rain gutters			
2025-012	5/7/2025	82000990144000	Mary Hoffman	401 Pelican Ave	Replace existing bow window			
2025-013	5/19/2025	82000990302000	Paul & Deb Sonnenberg	511 Glenn Street	Shed 10x18	5/22/25		Owner
2025-014	5/14/2025	82000990088000	Lakes Area Word Fellowship	151 1st Ave N	Siding			
2025-015	5/19/2025	82000500023000	Holly Sandberg	500 S Pelican Ave	replace driveway	6/11/25		Owner
2025-016	5/19/2025	82000500031000	Bruce Sonnenberg	461 S Pelican Ave	24x24 2 stall garage			
2025-017	5/22/2025	82000990055000	Tim Strom	110 Main St	Sign/Sulpture			
2025-018	5/22/2025	82000500012007	Summers Construction	100 S Railway Ave	Convert backroom into 2 offices			
2025-019	5/27/2025	82000990068000	Altona Square (Ditterich )	105 E Main St	Turtle (Child) sign - on City Property			
2025-020	5/28/2025	82000990062000	Billy's Corner Bar	158 E Main St	Remove and Replace Flat Roof			
2025-021	5/29/2025	82000990106000	Paul Pinke	201 W Main St	replace steps in back porch			
2025-022	5/30/2025	82000990079000	Connie Lee	150 E Herman St	Windows, siding, drywall			
2025-023	6/6/2025	82000990125001	Verla Day	320 South Pelican Ave	Re doing the chimney blocks			

**No. 2025-018**

# City of Vergas

Applicant: Joy Dielke

General Contractor: Summers Design

# Construction Permit

IN CONSIDERATION OF The statements and representations made by Joy Dielke, Applicant, in regard to address 100 Railway Ave  
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 Joy Dielke as contractor to remodel room into offices, as described.

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;

                                 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 22th day of May 2025

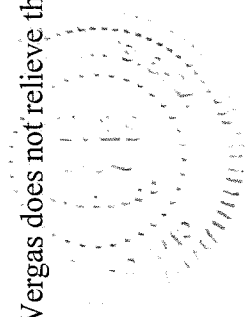
Attest:

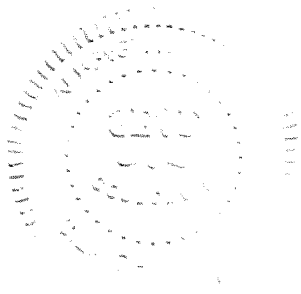
Attest: Julie Lamers  
Clerk

Mayor

Permit Expires in one year

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





Permit Number: 2025-18 Date Received: 5/22/25 Parcel Number: 82 000 5 0001 2007

**Any questions regarding construction permit please contact City Clerk-Treasurer by calling  
218- 302-5996 Ext. 1 or stopping by the city office at 131 Main Street Vergas MN.**

### Construction Permit Application

To the Vergas Planning Commission 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.
- **Before the construction permit will be reviewed the following must be completed.**

NA

- ☐ ☐ Identify and describe the work to be covered by the permit for which application is being made.
- ☐ ☐ Sketch of the proposed project (Site Plan) including current and proposed structures.
  - ☐ Note the lot size and dimensions and location of proposed project.
- ☐ ☐ Blueprint or Design Drawings must be submitted for any new construction, addition or remodel.
- ☐ ☐ All Property Lines staked
- ☐ ☐ Proposed building site staked.
- ☐ ☐ If along lakeshore –
  - ☐ Ordinary High-Water Level (OHWL) staked.
  - ☐ Current picture of lakeshore must be provided.
  - ☐ Copy of DNR permit for work in public waters.
  - ☐ Wetland Conservation Act Review area marked.

- **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:

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: Joy Deilke / Summers Design

Address of Construction Project: 100 S. Railway Ave Vergas

Mailing Address: same Phone: 949 836 4570 (Joy's cell)

#### 1. Permit to (CIRCLE ONE)

Addition   Alter   Build   Demolish   Install   Move   Remodel   Repair

Description of work to be done: convert a back room into two offices.  
Add a conference room

Will any of the following be included in your project:

☐ Driveway   ☐ Culvert   ☐ Tar break-up   ☐ Grading on parcel

#### 2. Proposed use of building: (CIRCLE ONE)

Residential   Commercial

Form approved by City of Vergas Council 09/12/2017  
Updated 5/10/2022; 8/14/2024  
Planning Commission Updated 8/26/2024



3. VALUATION (not just your cost) of work being completed: \$ 10,000  
Building Contractor:

Name: Stephen Erb License Number: BC739996 Phone: 218 841 0988

Plumber: (must have MN License) No plumbing required

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

Electrician:

Name: Jeff Zitzow License Number: EA005259 Phone: 218 841 8643

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. I am 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.

I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

4. APPLICANT'S  
SIGNATURE: \_\_\_\_\_

DATE: 5-22-25

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

By signing this application, you are giving City employees and representatives permission to inspect your property.

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

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 [Signature] Date 5-22-25 Zoning Official \_\_\_\_\_ Date \_\_\_\_\_

City of Vergas has 60 days to approve or deny a permit. The date begins when all documents have been submitted to the city. Permits are valid for one year.

\*\*\*\*\*

#### FOR OFFICE USE ONLY

\$ 0 Water Hook-up

\$ 0 Sewer Hook-up

\$ 30 Permit Fee

\$ 0 Tar Break Up Deposit

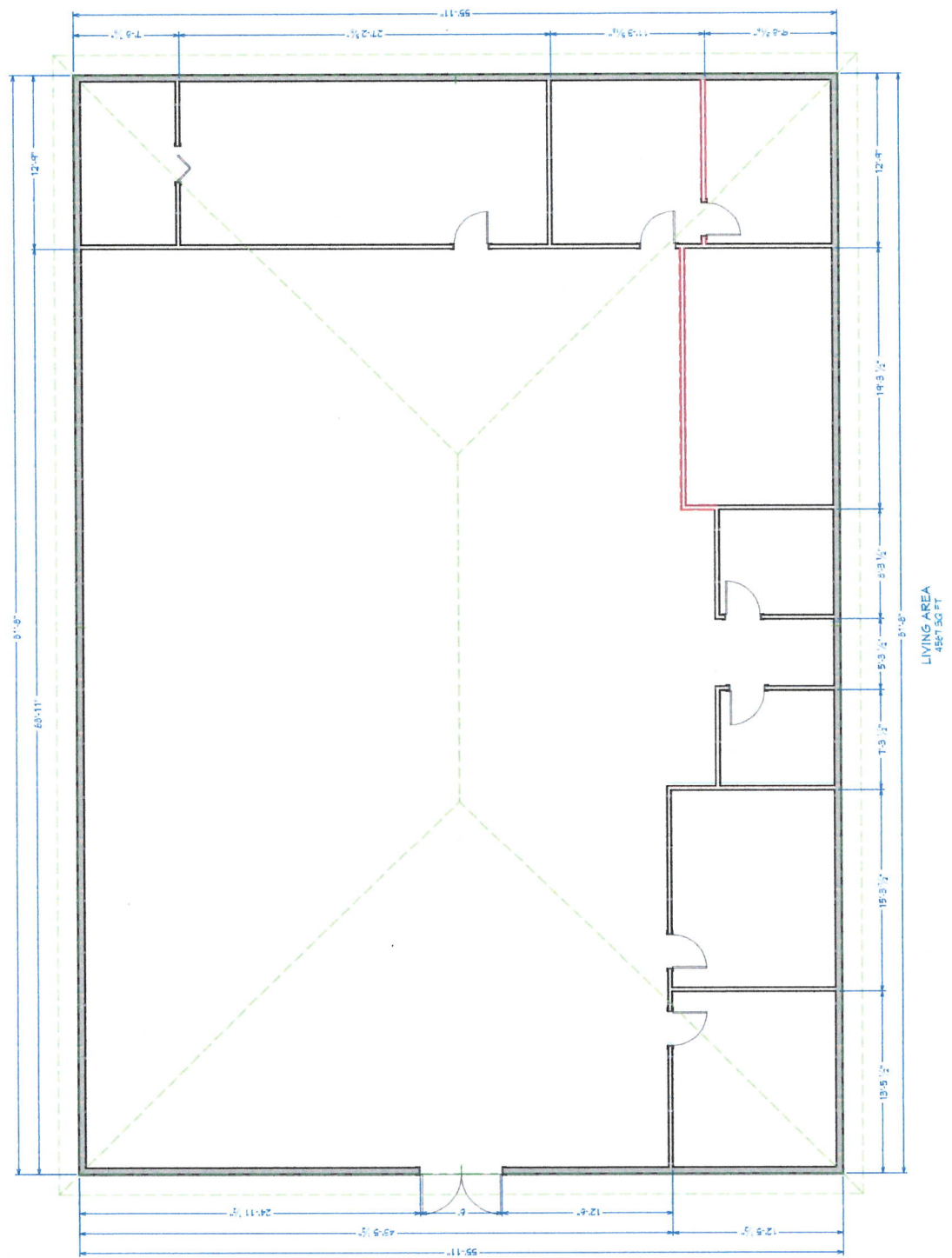
\$ 30 Total Fees

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_

(Permitting Authority)

Date Approved by Planning Commission or Clerk-Treasurer: \_\_\_\_\_, 20\_\_



1ST FLOOR



Fee Paid: Planning Commission waived fee on 4/28/2025

No. 2025-019

Owner: S & Z Properties (Sign is on City Property-111 Main St)

Applicant: Duane Dittich

City of Vergas

General Contractor: Duane Dittich

## Construction Permit

IN CONSIDERATION OF The statements and representations made by Duane Dittich, Applicant, in regard to address 105 East Main Street Vergas, MN in the application therefore duly filed in this office, which application is hereby made a part hereof, PERMISSION IS HEREBY GRANTED TO said Duane Dittich as contractor to place sign on city property of a turtle (child) with slow on sign, as described.

Sign is believed to slow traffic by Dittich Mercantile door for safety of patrons.

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;

(Electrical work, plumbing, heating, plastering, ect. if such there be)  
for which special permits must be secured.

Given under the hand of the Mayor of said City of Vergas and its corporate seal and attested by its Clerk this 28th day of May 2025

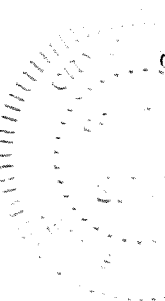
Attest:

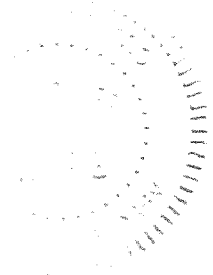
  
Clerk

  
Mayor

Permit Expires in one year

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





Permit Number: 2025-19 Date Received: 5/27/25 Parcel Number: 8 2000 990068000

Any questions regarding construction permit please contact City Clerk-Treasurer by calling  
218- 302-5996 Ext. 1 or stopping by the city office at 131 Main Street Vergas MN.

### Construction Permit Application

To the Vergas Planning Commission 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.
- Before the construction permit will be reviewed the following must be completed.

NA

- ☐ ☐ Identify and describe the work to be covered by the permit for which application is being made.
- ☐ ☐ Sketch of the proposed project (Site Plan) including current and proposed structures.
  - ☐ Note the lot size and dimensions and location of proposed project.
- ☐ ☐ Blueprint or Design Drawings must be submitted for any new construction, addition or remodel.
- ☐ ☐ All Property Lines staked
- ☐ ☐ Proposed building site staked.
- ☐ ☐ If along lakeshore –
  - ☐ Ordinary High-Water Level (OHWL) staked.
  - ☐ Current picture of lakeshore must be provided.
  - ☐ Copy of DNR permit for work in public waters.
  - ☐ Wetland Conservation Act Review area marked.

- 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:

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: Dittman Mercantile

Address of Construction Project: 105 Eastma

Mailing Address: P.O. Box 72 Phone: 320-424-0291

1. Permit to (CIRCLE ONE)

Addition Alter Build Demolish Install Move Remodel Repair

Description of work to be done: new sign for safety

Will any of the following be included in your project:

☐ Driveway ☐ Culvert ☐ Tar break-up ☐ Grading on parcel

2. Proposed use of building: (CIRCLE ONE)

Residential Commercial

Form approved by City of Vergas Council 09/12/2017  
Updated 5/10/2022; 8/14/2024  
Planning Commission Updated 8/26/2024



3. VALUATION (not just your cost) of work being completed: \$ 3900  
Building Contractor:

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

Plumber: (must have MN License)

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

Electrician:

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

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. I am 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.

I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

4. APPLICANT'S SIGNATURE: [Signature] DATE: 5-23-25

Permit expires in one year if project is not complete, please reapply for permit.  
By signing this application, you are giving City employees and representatives permission to inspect your property.

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

*NO site plan. Han. [Signature]*

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] 5-23-25  
Signature of Applicant Date

\_\_\_\_\_  
Zoning Official Date

City of Vergas has 60 days to approve or deny a permit. The date begins when all documents have been submitted to the city. Permits are valid for one year.

\*\*\*\*\*

**FOR OFFICE USE ONLY**

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

\$ \_\_\_\_\_ Permit Fee \$ \_\_\_\_\_ Tar Break Up Deposit

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

*Planning Commission waived \$128/25*

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

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

Date Approved by Planning Commission or Clerk-Treasurer: \_\_\_\_\_, 20\_\_



Permit Number: 2025-19 Date Received: 5/27/25 Parcel Number: 8 2000 990068000

**Any questions regarding construction permit please contact City Clerk-Treasurer by calling 218- 302-5996 Ext. 1 or stopping by the city office at 131 Main Street Vergas MN.**

### Construction Permit Application

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- **Before the construction permit will be reviewed the following must be completed.**

NA

- ☐ ☐ Identify and describe the work to be covered by the permit for which application is being made.
- ☐ ☐ Sketch of the proposed project (Site Plan) including current and proposed structures.
  - ☐ Note the lot size and dimensions and location of proposed project.
- ☐ ☐ Blueprint or Design Drawings must be submitted for any new construction, addition or remodel.
- ☐ ☐ All Property Lines staked
- ☐ ☐ Proposed building site staked.
- ☐ ☐ If along lakeshore –
  - ☐ Ordinary High-Water Level (OHWL) staked.
  - ☐ Current picture of lakeshore must be provided.
  - ☐ Copy of DNR permit for work in public waters.
  - ☐ Wetland Conservation Act Review area marked.

- **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:

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: Duffrich Mercantile

Address of Construction Project: 105 Eastma

Mailing Address: P.O. Box 77 Phone: 320-424-0291

1. Permit to (CIRCLE ONE)

Addition   Alter   Build   Demolish   Install   Move   Remodel   Repair

Description of work to be done: for the sign for safety

Will any of the following be included in your project:

☐ Driveway   ☐ Culvert   ☐ Tar break-up   ☐ Grading on parcel

2. Proposed use of building: (CIRCLE ONE)

Residential   Commercial

Form approved by City of Vergas Council 09/12/2017  
Updated 5/10/2022; 8/14/2024  
Planning Commission Updated 8/26/2024

Fee Paid: \$120.00

Owner: Billy's Corner Bar

Applicant: Melissa Grasto

General Contractor: Allstar Construction

No. 2025-020

City of Vergas

## Construction Permit

IN CONSIDERATION OF The statements and representations made by Melissa Grasto, Applicant, in regard to address 158 East Main Street Vergas, MN in the application therefore duly filed in this office, which application is hereby made a part hereof, PERMISSION IS HEREBY GRANTED TO said Allstar Construction as contractor to remove and replace membrane and cover board down to the decking and replace flat roof, as described.

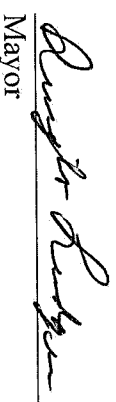
This permit is granted upon the express conditions that said owner or the person to whom it is granted, and his contractors, agents, workmen and employees, shall comply in all respects with the ordinances of the City of Vergas; that it does not cover the use of public property, such as streets, sidewalks, alleys, etc., for which special permits must be secured; and that it does not cover the following:  
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 28th day of May 2025

Attest:

  
Clerk

  
Mayor

Permit Expires in one year

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



Permit Number: 2025-20 Date Received: 5/28 Parcel Number: 82000 990062000  
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: Allstar Construction  
Address of Construction Project: 158 <sup>East</sup> West Main Street, Vergas, MN 56587  
Mailing Address: PO Box 319, Horace, ND 58047 Phone: 701-478-7663

1. Permit to (CIRCLE ONE)

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

Description of work to be done:

Remove and replace 1 layer of membrane & cover board down to the decking and replace - Flat Roofing

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

3. **VALUATION** (not just your cost) of work being completed: \$ 38,596.29

Building Contractor:

Name: Allstar Construction License Number: BC751967 Phone: 701-478-7663

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: Melissa Guinto DATE: 5/28/25  
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**

\$ <u>0</u> Water Hook-up	\$ <u>0</u> Sewer Hook-up
\$ <u>120</u> Permit Fee	\$ <u>0</u> Tar Break Up Deposit
\$ <u>120</u> Total Fees	

Receipt = 45954614 Date Paid 5/28, 2025

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

Date Approved by Planning Commission or Clerk-Treasurer: 5/28, 2025

Fee Paid: \$30.00

Owner: Paul Pinke

Applicant: Paul Pinke

General Contractor: Paul Pinke

No. 2025-021

City of Vergas

## Construction Permit

IN CONSIDERATION OF The statements and representations made by Paul Pinke, Applicant, in regard to address 201 West Main Street Vergas, MN in the application therefore duly filed in this office, which application is hereby made a part hereof, PERMISSION IS HEREBY GRANTED TO said Paul Pinke as contractor to replace stairs on porch, as described.

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;

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 28th day of May 2025

Attest:

Julie Janner  
Clerk

Danilo Duke  
Mayor

Permit Expires in one year

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

Permit Number: 2025-021 Date Received: 5/29/25 Parcel Number: 8 2000 990106000

Any questions regarding construction permit please contact City Clerk-Treasurer by calling  
218-302-5996 Ext. 1 or stopping by the city office at 131 Main Street Vergas MN.

### Construction Permit Application

To the Vergas Planning Commission 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.
- Before the construction permit will be reviewed the following must be completed.

NA

- ☐ ☐ Identify and describe the work to be covered by the permit for which application is being made.
- ☐ ☐ Sketch of the proposed project (Site Plan) including current and proposed structures.
  - ☐ Note the lot size and dimensions and location of proposed project.
- ☐ ☐ Blueprint or Design Drawings must be submitted for any new construction, addition or remodel.
- ☐ ☐ All Property Lines staked
- ☐ ☐ Proposed building site staked.
- ☐ ☐ If along lakeshore –
  - ☐ Ordinary High-Water Level (OHWL) staked.
  - ☐ Current picture of lakeshore must be provided.
  - ☐ Copy of DNR permit for work in public waters.
  - ☐ Wetland Conservation Act Review area marked.

- 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:

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: Paul A Pinhe Est Value \$300

Address of Construction Project: 201 W. Main

Mailing Address: 666 E Schief Apt 1 Phone: 218 234-1832

1. Permit to (CIRCLE ONE)

Addition Alter Build Demolish Install Move Remodel Repair

Description of work to be done: Replace stair frame for ~~stair~~ stairs  
to Back Porch  
Back Porch steps spangy

Will any of the following be included in your project:

- ☐ Driveway ☐ Culvert ☐ Tar break-up ☐ Grading on parcel  
☐ Proposed use of building: (CIRCLE ONE) Residential Commercial

Form approved by City of Vergas Council 09/12/2017  
Updated 5/10/2022; 8/14/2024  
Planning Commission Updated 8/26/2024

3. VALUATION (not just your cost) of work being completed: \$ \$ 500  
Building Contractor:

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

Plumber: (must have MN License)

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

Electrician:

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

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. I am 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.

I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

4. APPLICANT'S SIGNATURE: Rae #Pulte DATE: \_\_\_\_\_

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

By signing this application, you are giving City employees and representatives permission to inspect your property.

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

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 \_\_\_\_\_

City of Vergas has 60 days to approve or deny a permit. The date begins when all documents have been submitted to the city. Permits are valid for one year.

\*\*\*\*\*

#### FOR OFFICE USE ONLY

\$ 30 Water Hook-up

\$ 30 Sewer Hook-up

\$ 30 Permit Fee

\$ 30 Tar Break Up Deposit

\$ 30 Total Fees

Receipt # 166246 Date Paid 5/29, 2025

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

Date Approved by Planning Commission or Clerk-Treasurer: 5/29, 2025

Form approved by City of Vergas Council 09/12/2017  
Updated 5/10/2022; 8/14/2024  
Planning Commission Updated 8/26/2024

**No. 2025-022**

# City of Vergas

Applicant: Connie Lee

General Contractor: Connie Lee

# Construction Permit

IN CONSIDERATION OF The statements and representations made by Connie Lee, Applicant, in regard to address 150 E Herman Street  
Vergas, MN in the application therefore duly filed in this office, which application is hereby made a part hereof, PERMISSION IS HEREBY  
GRANTED TO said Connie Lee as contractor to replace siding and windows, as described.

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; for which special permits must be secured.

Given under the hand of the Mayor of said City of Vergas and its corporate seal and attested by its Clerk this 30th day of May 2025.

Attest:

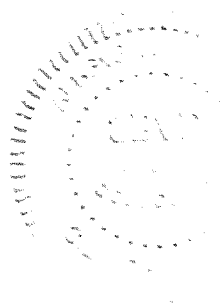
Attest: Julie Lamney  
Clerk

*Dwight Dudge*  
Mayor

Permit Expires in one year

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





Permit Number: 2025-022 Date Received: 5/30/25 Parcel Number: 82000 99007900 0

**Any questions regarding construction permit please contact City Clerk-Treasurer by calling 218- 302-5996 Ext. 1 or stopping by the city office at 131 Main Street Vergas MN.**

### Construction Permit Application

To the Vergas Planning Commission 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.
- **Before the construction permit will be reviewed the following must be completed.**

NA

- ☐ ☐ Identify and describe the work to be covered by the permit for which application is being made.
- ☐ ☐ Sketch of the proposed project (Site Plan) including current and proposed structures.
  - ☐ Note the lot size and dimensions and location of proposed project.
- ☐ ☐ Blueprint or Design Drawings must be submitted for any new construction, addition or remodel.
- ☐ ☐ All Property Lines staked
- ☐ ☐ Proposed building site staked.
- ☐ ☐ If along lakeshore –
  - ☐ Ordinary High-Water Level (OHWL) staked.
  - ☐ Current picture of lakeshore must be provided.
  - ☐ Copy of DNR permit for work in public waters.
  - ☐ Wetland Conservation Act Review area marked.

- **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:

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)

Addition    Alter    Build    Demolish    Install    Move    Remodel    Repair

Description of work to be done: Remove and replace at least one window. May include some siding + drywall.

Will any of the following be included in your project:

☐ Driveway    ☐ Culvert    ☐ Tar break-up    ☐ Grading on parcel

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

Form approved by City of Vergas Council 09/12/2017  
Updated 5/10/2022; 8/14/2024  
Planning Commission Updated 8/26/2024

3. VALUATION (not just your cost) of work being completed: \$ 500

Building Contractor:

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

Plumber: (must have MN License)

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

Electrician:

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

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. I am 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.

I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

4. APPLICANT'S  
SIGNATURE: \_\_\_\_\_

DATE: 5-28-25

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

By signing this application, you are giving City employees and representatives permission to inspect your property.

### CONSTRUCTION APPLICATION SITE PLAN DESIGN

**Provided on separate sheet must include the following.**

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 \_\_\_\_\_

City of Vergas has 60 days to approve or deny a permit. The date begins when all documents have been submitted to the city. Permits are valid for one year.

\*\*\*\*\*

#### FOR OFFICE USE ONLY

\$ — Water Hook-up

\$ ✓ Sewer Hook-up

\$ 30- Permit Fee

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

\$ 30- Total Fees

Receipt # 166250 Date Paid 5/30, 2025

Signature: Julie Janner Date: 5/3, 2025

(Permitting Authority)

Date Approved by Planning Commission or Clerk-Treasurer: 5/30, 2025

Permit Number: 2025-023 Date Received: 6/6/25 Parcel Number: 82000990125001

**Any questions regarding construction permit please contact City Clerk-Treasurer by calling 218- 302-5996 Ext. 1 or stopping by the city office at 131 Main Street Vergas MN.**

### Construction Permit Application

To the Vergas Planning Commission 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.
- **Before the construction permit will be reviewed the following must be completed.**

NA

- ☐ ☐ Identify and describe the work to be covered by the permit for which application is being made.
- ☐ ☐ Sketch of the proposed project (Site Plan) including current and proposed structures.
  - ☐ Note the lot size and dimensions and location of proposed project.
- ☐ ☐ Blueprint or Design Drawings must be submitted for any new construction, addition or remodel.
- ☐ ☐ All Property Lines staked
- ☐ ☐ Proposed building site staked.
- ☐ ☐ If along lakeshore –
  - ☐ Ordinary High-Water Level (OHWL) staked.
  - ☐ Current picture of lakeshore must be provided.
  - ☐ Copy of DNR permit for work in public waters.
  - ☐ Wetland Conservation Act Review area marked.

- **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:

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: Verla Day

Address of Construction Project: 320 South Pelican ~~Key~~ Ave

Mailing Address: Same Phone: \_\_\_\_\_

1. Permit to (CIRCLE ONE)

Addition   Alter   Build   Demolish   Install   Move   Remodel   Repair

Description of work to be done: remove chimney blocks + put up new!

Will any of the following be included in your project:

☐ Driveway   ☐ Culvert   ☐ Tar break-up   ☐ Grading on parcel

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

Form approved by City of Vergas Council 09/12/2017  
Updated 5/10/2022; 8/14/2024  
Planning Commission Updated 8/26/2024



3. VALUATION (not just your cost) of work being completed: \$ 3000.00

Building Contractor: Todd

Name: Gemstone Masonry License Number: Phone: 218-820-3836

Plumber: (must have MN License)

Name: License Number: Phone:

Electrician:

Name: License Number: Phone:

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. I am 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.

I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

4. APPLICANT'S SIGNATURE: Vala Day DATE: 06-06-2025

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

By signing this application, you are giving City employees and representatives permission to inspect your property.

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

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

City of Vergas has 60 days to approve or deny a permit. The date begins when all documents have been submitted to the city. Permits are valid for one year.

\*\*\*\*\*

#### FOR OFFICE USE ONLY

\$ Water Hook-up \$ Sewer Hook-up  
\$ 30 Permit Fee \$ Tar Break Up Deposit  
\$ 30 Total Fees

Receipt # 166261 Date Paid 6/6, 2025

Signature: Julieanner Date: , 20  
(Permitting Authority)  
Date Approved by Planning Commission or Clerk-Treasurer: 6/6, 2025

**No. 2025-023**

City of Vergas

Applicant: Verla Day

General Contractor: Gemstone Masonry

# Construction Permit

IN CONSIDERATION OF The statements and representations made by Verla Day Applicant, in regards to address 320 South Pelican Ave  
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 Gemstone Masonry as contractor to Removal and replacement of chimney blocks.

Plat or addition 82000990125001 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; 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 6th day of June 2025

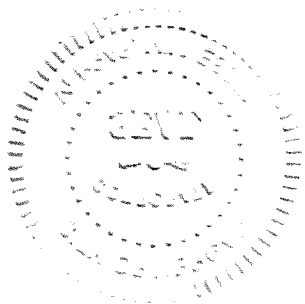
Attest:

Attest:  
Clerk

Mayor

Permit Expires in one year

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



No. 2025-017

City of Vergas

Fee Paid: Waived  
Owner: Tim Strom  
Applicant: Tim Strom  
General Contractor: Tim Strom

## Construction Permit

IN CONSIDERATION OF The statements and representations made by Tim Strom Applicant, in regards to address 110 Main St E 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 Tim Strom as contractor to install sign sculpture in sitting area, as described.

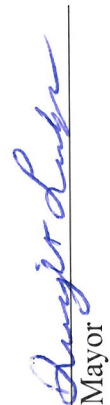
**Plat** or addition 82000990055000 which tract is of the size and area specified in said application.

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;  
(Electrical work, plumbing, heating, plastering, ect. if such there be) for which special permits must be secured.

Given under the hand of the Mayor of said City of Vergas and its corporate seal and attested by its Clerk this 17th day of June 2025

Attest:

  
Clerk

  
Mayor

Permit Expires in one year

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



Permit Number: 2025-017 Date Received: 5/20/25 Parcel Number: 82000990055000

Any questions regarding construction permit please contact City Clerk-Treasurer by calling  
218- 302-5996 Ext. 1 or stopping by the city office at 131 Main Street Vergas MN.

### Construction Permit Application

To the Vergas Planning Commission 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.
- Before the construction permit will be reviewed the following must be completed.

NA

- ☐ ☐ Identify and describe the work to be covered by the permit for which application is being made.
- ☐ ☐ Sketch of the proposed project (Site Plan) including current and proposed structures.
  - ☐ Note the lot size and dimensions and location of proposed project.
- ☐ ☐ Blueprint or Design Drawings must be submitted for any new construction, addition or remodel.
- ☐ ☐ All Property Lines staked
- ☐ ☐ Proposed building site staked.
- ☐ ☐ If along lakeshore –
  - ☐ Ordinary High-Water Level (OHWL) staked.
  - ☐ Current picture of lakeshore must be provided.
  - ☐ Copy of DNR permit for work in public waters.
  - ☐ Wetland Conservation Act Review area marked.

- 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:

Lot 10 & 11, Block 2, Addition Vergas Original  
Property: Width 61 feet, Length 140 feet

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

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

Name of Applicant: Tim Strom

Address of Construction Project: 110 Main St. E.

Mailing Address: P.O. Box 208, Vergas Phone: 218-342-3093

#### 1. Permit to (CIRCLE ONE)

Addition Alter Build Demolish Install Move Remodel Repair

Description of work to be done: Install sign/sculpture in sitting area east of the town's rest

Will any of the following be included in your project:

☐ Driveway ☐ Culvert ☐ Tar break-up ☐ Grading on parcel

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

Form approved by City of Vergas Council 09/12/2017  
Updated 5/10/2022; 8/14/2024  
Planning Commission Updated 8/26/2024

3. VALUATION (not just your cost) of work being completed: \$ \_\_\_\_\_  
Building Contractor:

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

Plumber: (must have MN License)

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

Electrician:

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

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. I am 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.

I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

4. APPLICANT'S  
SIGNATURE: [Signature] DATE: 5/16/25

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

By signing this application, you are giving City employees and representatives permission to inspect your property.

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

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 \_\_\_\_\_

City of Vergas has 60 days to approve or deny a permit. The date begins when all documents have been submitted to the city. Permits are valid for one year.

\*\*\*\*\*

**FOR OFFICE USE ONLY**

\$ 0 Water Hook-up      \$ 0 Sewer Hook-up  
\$ 0 Permit Fee      \$ 0 Tar Break Up Deposit  
\$ 30 Total Fees      Request to waive fee.

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

Signature: [Signature] Date: 6/16, 2025  
(Permitting Authority)

Date Approved by Planning Commission or Clerk-Treasurer: \_\_\_\_\_, 20\_\_





IT'S NOT ABOUT HAVING  
THE TIME  
IT'S ABOUT HAVING  
THE HEART



DEDICATED TO THE  
NUMEROUS VOLUNTEERS  
WHO HAVE MADE VERGAS  
WHAT IT IS TODAY AND  
ALL THOSE YET TO COME.  
IN HONOR OF  
CHERYL "SHERRI" HANSON



**Planning Commission**  
**2025 June Planning Commission Meeting**  
**Government Services Center & Zoom Id 267-094-2170 password 56587**  
**6:00 PM on Monday, June 23, 2025**

**6. New Business**

---

Gravel Pit Survey

**Files Attached**

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- 2025 Vergas Gravel Pit Report--final.pdf

# Bunkowski Gravel Pit

## 2025 Compliance Report

Prepared for:  
City of Vergas, Minnesota

June 2025



2025

**Bunkowski Gravel Pit Compliance Report**

**Vergas, Minnesota**

Widseth Project #2025-10043

Report for the City of Vergas, MN

By: Widseth

**CERTIFICATION**

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

PRINTED NAME: BLAINE GREEN

SIGNATURE: 

DATE: 6/10/2025 LICENSE NUMBER: 57140





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## APPENDICES

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

## EXECUTIVE SUMMARY

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

This report can determine the compliance of the following:

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

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

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

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

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

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

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

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

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

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

## INTRODUCTION

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

*Figure 1 - Bunkowski Gravel Pit*



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

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

## MINE DESCRIPTION

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

## PHASING

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

## SITE REQUIREMENTS

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

### Maximum Slopes

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

*Table 1 - Maximum Slopes*

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

## Setbacks

Mining within the defined setbacks is subject to specific rules:

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

## Limits of Excavation

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

## INSPECTION

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

## Process

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

## REPORTING

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

## Results

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

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

*Table 2 - Area Classifications*

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

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

## CONCLUSION

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

## Recommendations

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

## Summary

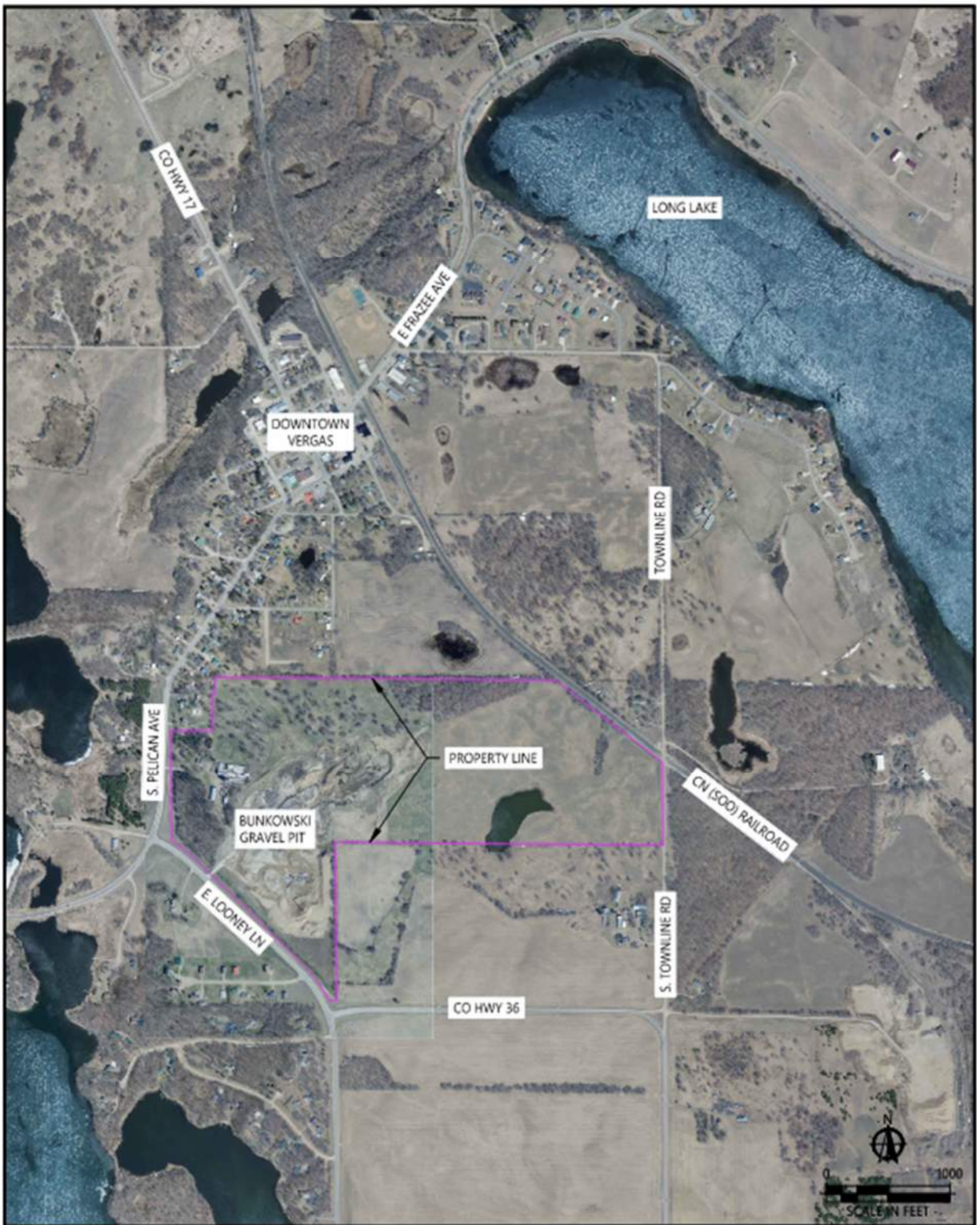
The conclusions and recommendations presented in this report have been formulated using measurements derived from aerial imagery. It is expected that addressing the existing violations will necessitate moderate grading and reclamation efforts before the next inspection, scheduled for the spring of 2026,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

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

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## APPENDIX A - LOCATION MAP





**WIDSETH**  
ARCHITECTS • ENGINEERS • GEOTECHNICAL • SURVEYORS

## 2025 GRAVEL PIT COMPLIANCE REPORT

LOCATION MAP

## APPENDIX B - BUNKOWSKI LEGAL DESCRIPTION

**CONTRACT FOR DEED  
Individual Seller**

Date: August \_\_\_\_\_, 2015

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

Seller and Purchaser agree to the following terms:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**151.70 PURPOSE AND INTENT**

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

**151.701 DEFINITIONS.**

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

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

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

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

**Dust.** Airborne mineral particulate matter.

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

**Excavation.** The movement or removal of soil and minerals.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

**Soil.** Is naturally occurring superficial deposits overlaying bedrock.

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

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

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

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

\* Areas to be monitored annually per inspections.

#### **151.71 PERMIT REQUIRED.**

##### **Mineral Extraction.**

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

#### **151.72 PERMIT APPLICATION REQUIREMENTS.**

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

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



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

**151.73 BOND.**

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

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

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

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

#### **151.74 AGREEMENT TO HOLD CITY HARMLESS**

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

#### **151.75 FEES AND APPLICATIONS.**

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

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

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

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

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

#### **151.76 INSPECTIONS.**

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

#### **151.77. CONDITIONS OF PERMIT.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

151.78. **RECLAMATION.**

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

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

**151.79. Standards for filling and compaction.**

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

**151.79.00 PERMIT RENEWAL**

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

**151.80.00 TERMINATION OF PERMIT.**

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

**151.81.000 PENALTY**

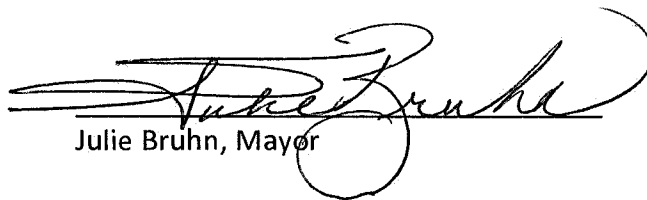
1) Violation a misdemeanor. Any person, firm or corporation who violates or who fail to comply with any of the provision of this ordinance or who make any false statement or omission in any document required to be submitted under the provisions shall be guilty of a misdemeanor and upon conviction shall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

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

**151.82 ENFORCEMENT.**

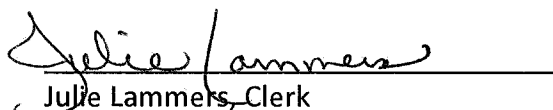
Shall be pursuant to Ordinance 151.99, as amended.

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



Julie Bruhn, Mayor

ATTEST:



Julie Lammers, Clerk

Established: January 25, 2017

Updated: June 13, 2023

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

## APPLICATION FOR INTERIM USE PERMIT

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

## APPLICATION FOR INTERIM USE PERMIT

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

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

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

Owner: Mark Sand & Gravel Co.

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

Phone: 218-736-7523

Applicant: Mark Sand & Gravel Co.

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

Phone: 218-736-7523

\*\*\*\*\*

The following information is submitted in support of this application.

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

\*\*\*\*\*

**AFFIRMATION OF SUFFICIENT INTEREST**

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


Name of Applicant: Mark Sand & Gravel Co.

Phone: 218-736-7523

Street address/legal description of subject project: \_\_\_\_\_

560 Pelican Ave S, Vergas, MN 56587

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

  
Signature

04/14/2025  
Date

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

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

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



**ACKNOWLEDGEMENT OF RESPONSIBILITY**

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

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

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

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

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

  
Applicant's Signature

04/14/2025  
Date

Name of Applicant: Mark Sand & Gravel Co.

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

Phone: 218-736-7523

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

PO Box 458, Fergus Falls, MN 56538

Phone: 218-766-6977

APPLICATION FOR INTERIM USE PERMIT

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

  
Applicant's Signature

04/14/2025  
Date

Comments/Revisions. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

Received by:

\_\_\_\_\_  
City Clerk's Signature

\_\_\_\_\_  
Date

## **MINUTES OF MEETING OF DIRECTORS**

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

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

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

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

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

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

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

**Secretary, Mark Sand & Gravel Co.**

## Application for Interim Use Permit

Date: April 14, 2025

Application Fee: \$400.00

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

# Appendix I

## Plan of Operation

### **Purpose**

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

### **Plan of Operation**

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

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

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

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

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

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

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

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

**Hot Mix Asphalt Plant** – This existing site includes approximately 7 acres of level ground at the pit bottom. Included in this 7-acre area will be at least two stockpiles of aggregate materials. The hot mix plant is portable and temporary. It will be placed only as long 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**

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

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

## Appendix II

### 151.72 PERMIT APPLICATION REQUIREMENTS.

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

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



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

#### **151.73 Bond**

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

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

#### **151.74 Agreement to hold city harmless**

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

#### **151.75.002 Inspection and Review Permit Fee**

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

#### **151.76 Inspections**

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

#### **151.77.03 Screening**

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

## Property Overview

Legal

Taxpayer

Alternate Addresses

Property Values

Credits and Exclusions

Multi Parcel Groups

Property Divisions

Property Transfer History

Maps

Land Information

Additional Structures

Property Tax Information

Pay Taxes Online

Property Tax Payments

Property Taxes Due

Special Assessments

Drainage Assessments

PARID: 82000500022000  
MARK SAND & GRAVEL COMPANY

ROLL: REAL PROPERTY  
560 PELICAN AVE S

## Record Navigator

1 of 1

Asmt Year 2025 ▼

## Actions

Printable Summary

Printable Version

## Reports

Tax Statement

Go

## Parcel

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

## Parcel Status

In Forfeiture: No  
COJ: No  
In Bankruptcy  
Mortgage Company  
ACH No  
Delinquent No  
Homestead N ? Non-Homestead  
Relative Homestead N

## Legal

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



Government Services Center

500 W Fir Ave

Fergus Falls, Minnesota 56537

Contact/Directory

Facebook

# Minnesota Pollution Control Agency

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

June 9, 2009

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

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

Dear Mr. Hatlewick:

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

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

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

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

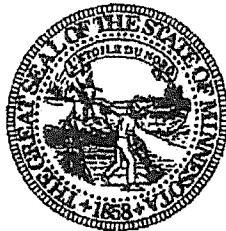
## ***Minn. R. 7007.1110***

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

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

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





**AIR EMISSION PERMIT NO. 99000150 - 002**

**'OPTION D' REGISTRATION PERMIT**

**FOR A**

**HOT MIX ASPHALT FACILITY**

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

Mark Sand & Gravel Acquisition Co  
PO Box 458

Fergus Falls, MN 565380458

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

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

**Issue Date:** 09/26/2002

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

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

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

# MINNESOTA POLLUTION CONTROL AGENCY

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

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

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

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

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

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

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

**Signature:** *Elise M. Doucette*

*This document has been electronically signed.*

Elise M. Doucette, Supervisor  
Water Section  
Industrial Division

*for the Minnesota Pollution Control Agency*

### Submit eDMRs

Submit via the MPCA e-Services at

[https://rsp.pca.state.mn.us/TEMPO\\_RSP/Orchestrate.do?initiate=true](https://rsp.pca.state.mn.us/TEMPO_RSP/Orchestrate.do?initiate=true)

### Submit WQ reports to:

**Electronically:** [wq.submittals.mPCA@state.mn.us](mailto:wq.submittals.mPCA@state.mn.us)

Include *Water quality submittals form*:

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

### Questions on this permit?

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

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

For specific permit requirements, contact your compliance staff:

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

wq-wwprm7-33b

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

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

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

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

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

Dated this 19th day of March, 2024.

Mark Sand & Gravel Co.

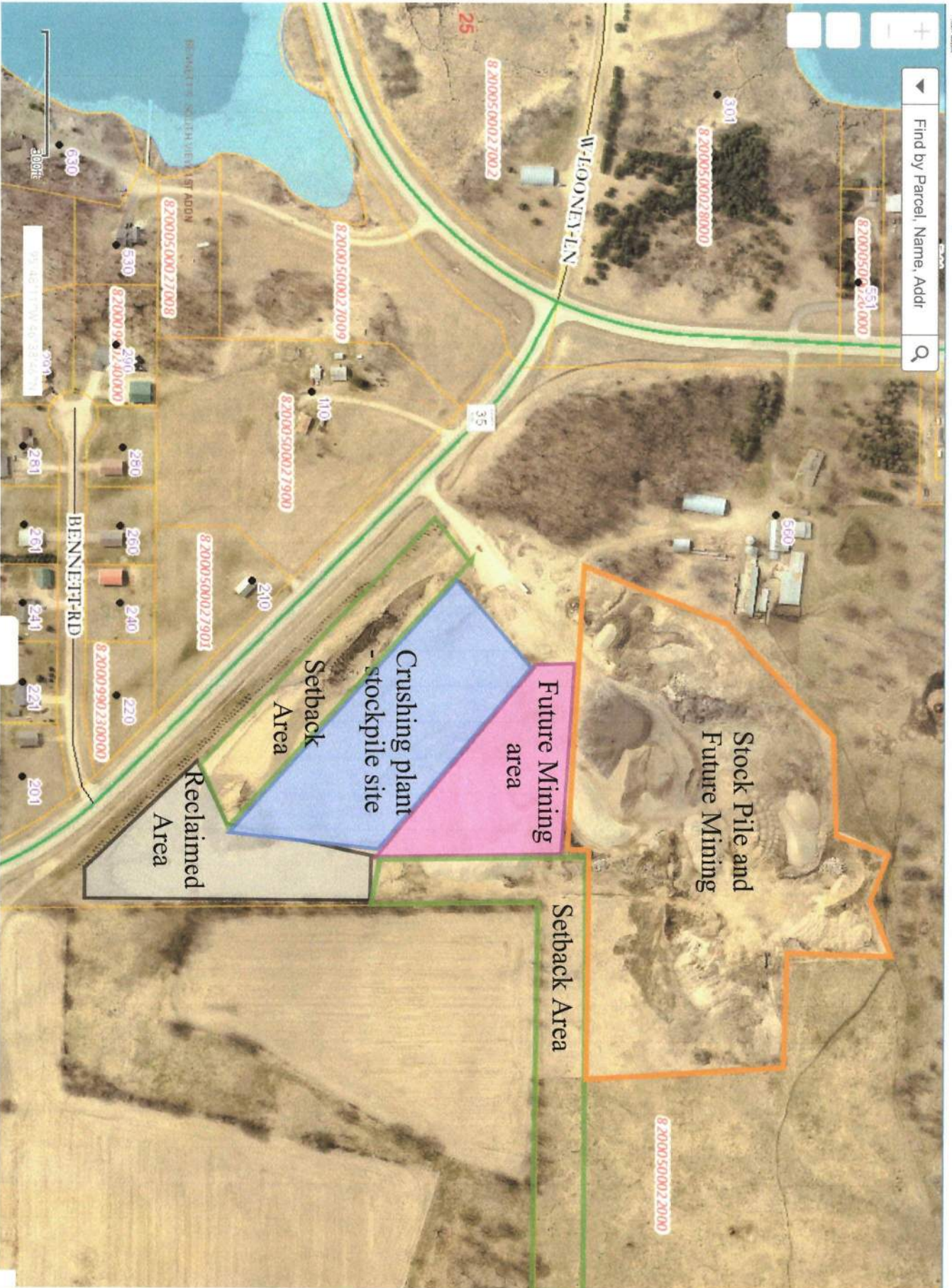
Principal

Liberty Mutual Insurance Company

Surety

Joshua R. Loftis, Attorney-in-Fact







Bunkowski Wetlands map 2025





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



Page 8545 of 16926

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













































Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

2/19/2021  
Page 1 of 3

## MAP LEGEND

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

## MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

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

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

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

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

## Map Unit Legend

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

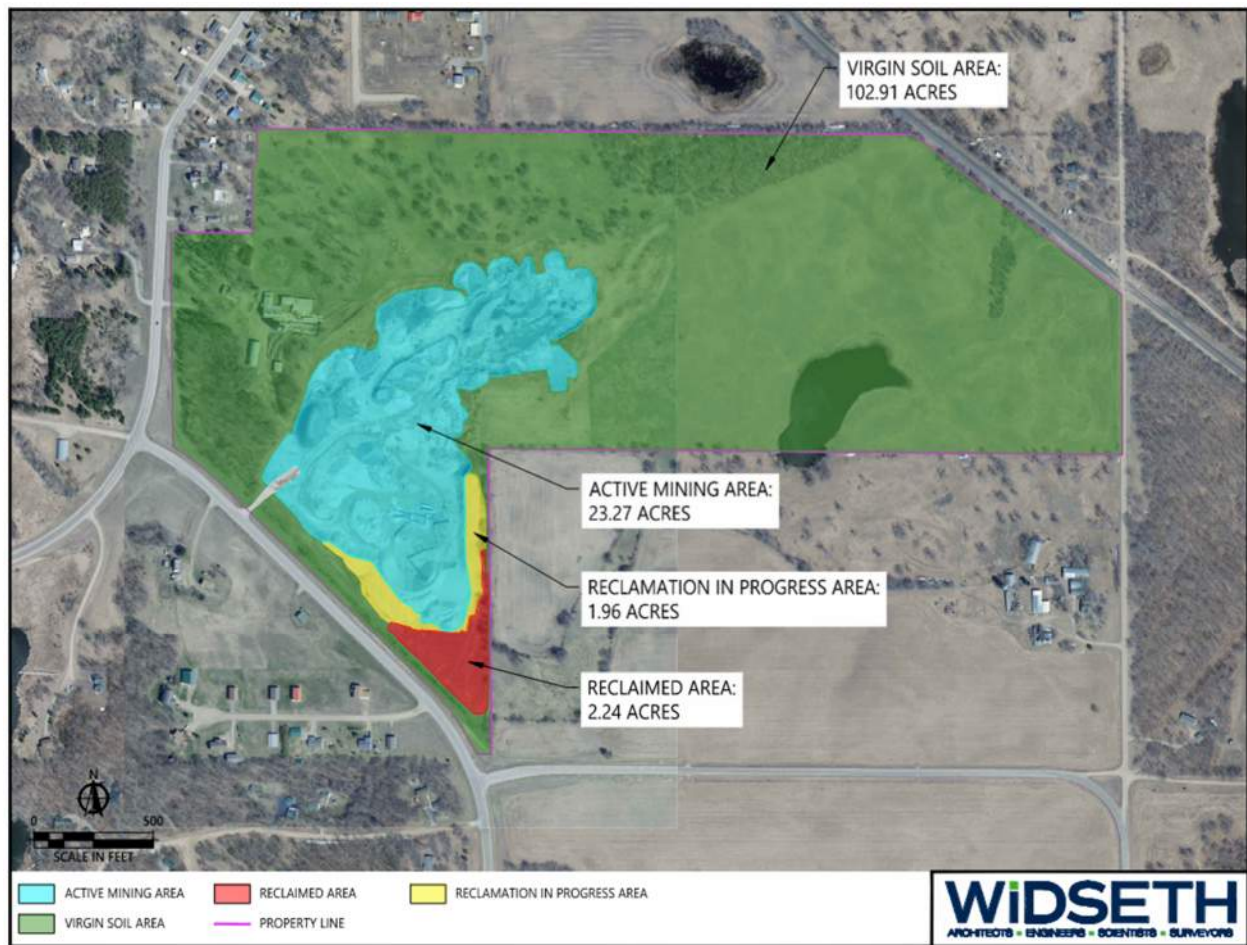


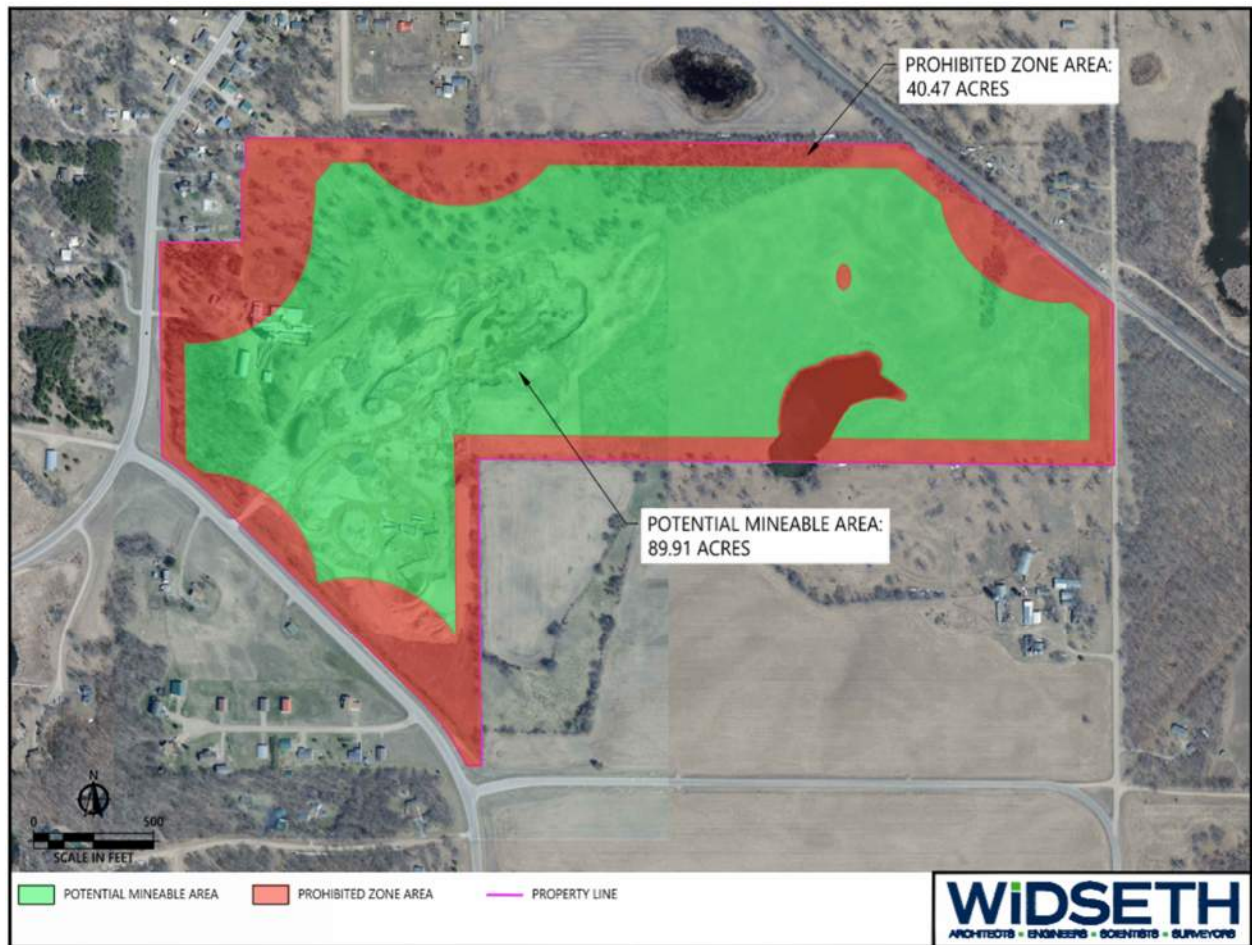




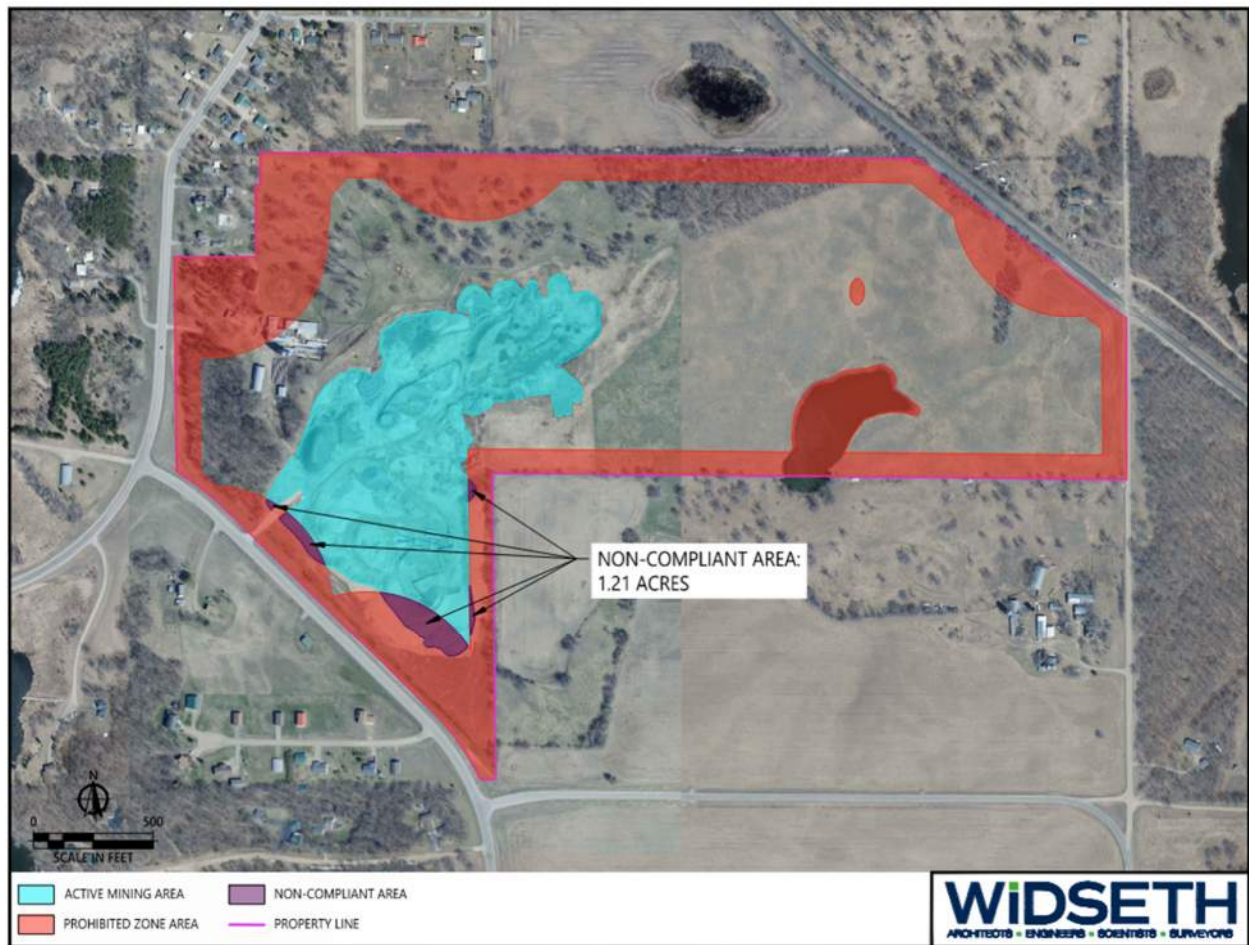
## APPENDIX E – CURRENT CONDITIONS MAPS





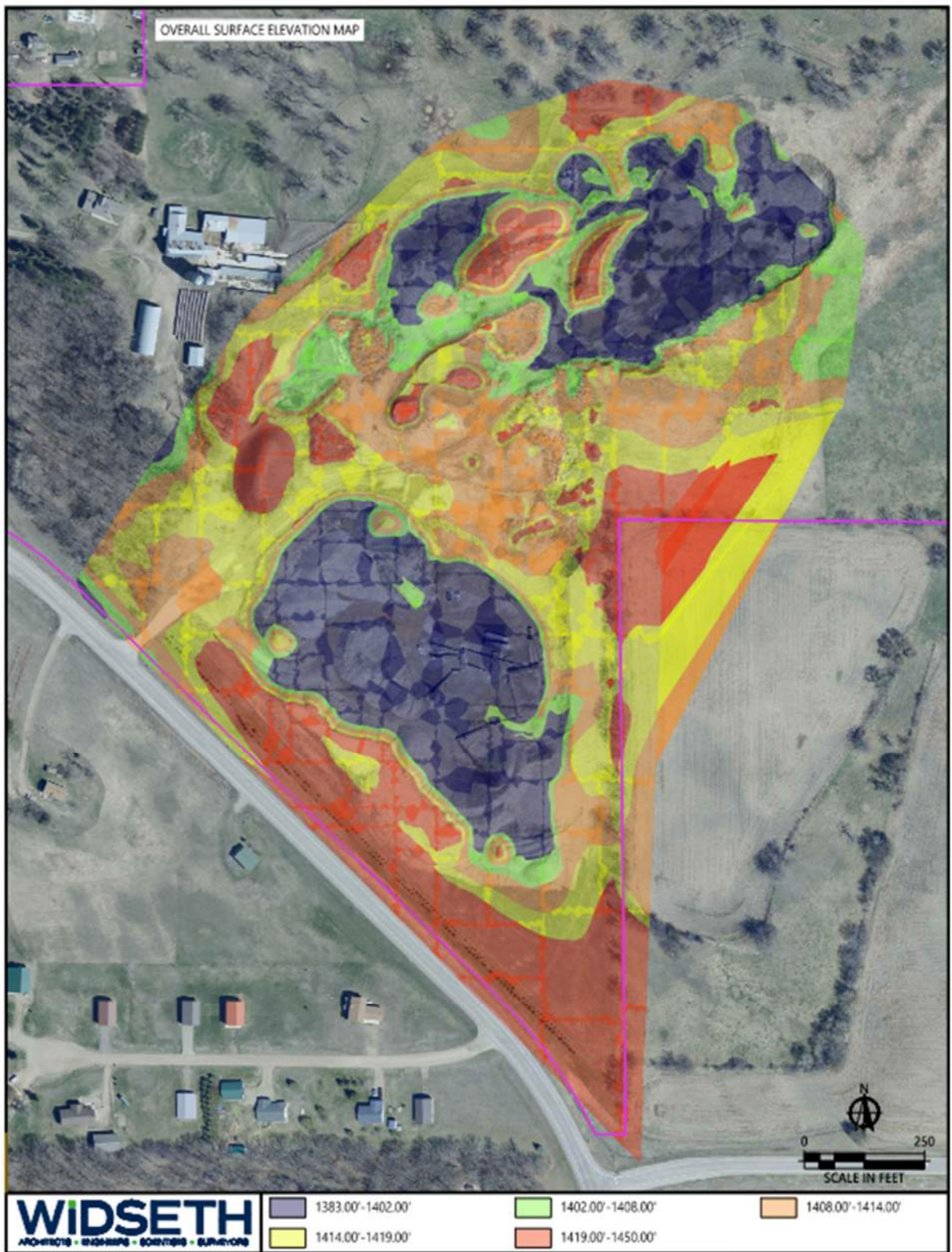


## APPENDIX F – SETBACK VIOLATIONS MAP



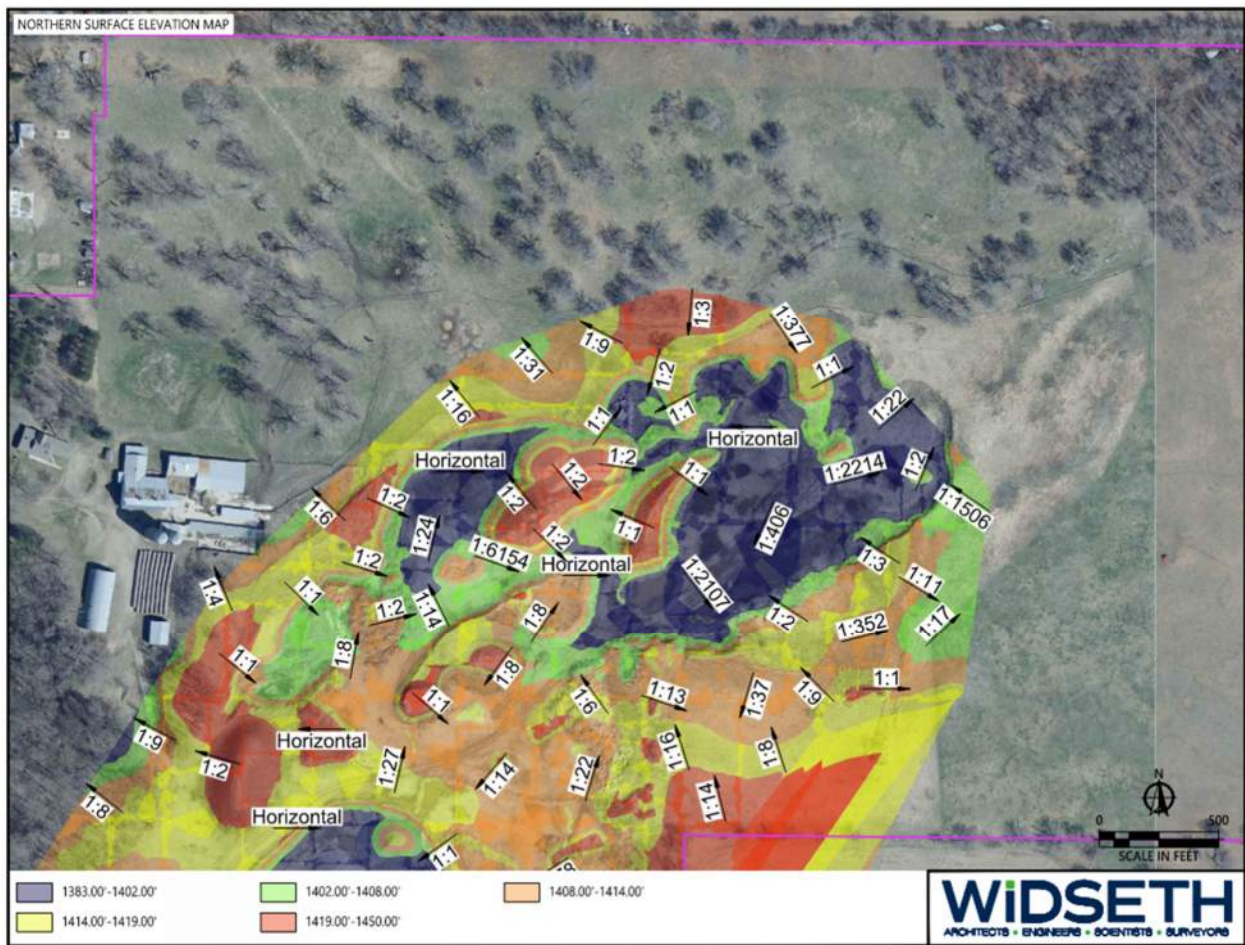
## Appendix G - Surface Maps













**Planning Commission**  
**2025 June Planning Commission Meeting**  
**Government Services Center & Zoom Id 267-094-2170 password 56587**  
**6:00 PM on Monday, June 23, 2025**

**7. Old Business**

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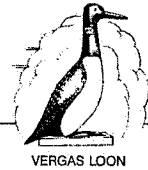
- A. Interim Use Permit - Mark Sand and Gravel
- B. Nuisance Properties
- C. City Ordinance Update

**Files Attached**

---

- Proposed Nuisance Letter.pdf
- 2025 Nuisance Notices 06.18.2025.pdf
- MBC Title 01 with highlighted changes.pdf
- MBC Title 03 with highlited changes.pdf
- MBC Title 05 with highlited changes.pdf

# City of Vergas



Minnesota's State Bird

Dear \_\_\_\_\_,

I am writing to you on behalf of the City of Vergas Planning Commission. We are a group of Vergas citizens appointed by the City Council to oversee various aspects of Vergas. Which includes approving construction permits, overseeing zoning, making recommendations to the council, and we are also delegated with the task of enforcing compliance with Vergas City Code.

You are receiving this letter because we have been notified about a code violation on your property through the report of a concerned citizen, or because of our own inspection of your property.

We are proud to be a part of this small community, and we want you to know that we, as a planning commission, are willing to discuss this violation with you and work with you regarding this violation. Attached to this letter you will find official notice of the code violation. Please review this notification and know that we are here to answer any questions or address any concerns you may have.

We are obligated by city code to address any reported code violation with the attached notification, but we are a small community, and we are happy to work with you and discuss the violation. It is our hope that bringing this issue to your attention will start a conversation to address the issue. We are approachable and more than happy to work *with* you in finding a mutually beneficial solution to this violation.

So please take some time to review the attached notification, and please do not hesitate to reach out to me, or anyone on the planning commission about any concerns you have. We warmly invite you to our next commission meeting, which are held on the fourth Monday of every month at 6:00 PM in the City Government Services Center.

Thank you for all you do for our community, and we look forward to working with you on this issue.

Sincerely,

Alex Ohman  
Chair of the Planning Commission

Commission members:  
Bruce Albright (city council representative)  
Jim Courneya  
Rebecca Hasse  
Shane Hasse

131 East Main Street • P.O. Box 32 • Vergas, Minnesota 56587 • Phone: (218) 302-5996  
Website: [www.cityofvergas.com](http://www.cityofvergas.com) • Email: [jammers@cityofvergas.com](mailto:jammers@cityofvergas.com)

Planning Commission  
2025 Nusiance Letters

<u>Parcel Number</u>	<u>Owner</u>	<u>Rentor</u>	<u>Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Reason for Letter</u>	<u>DATE Planning Commission requested</u>	<u>Date Letter Sent</u>	<u>Responses</u>	<u>DATE Planning Commission removed</u>	<u>Date Second Letter Sent</u>
82000500009000	Michelle Vana	The Homestead Inn	606 E Frazee Ave		Vergas	Mn	56587	Debris in yard, Unlicensed vehicles	4/28/2025	4/24/2025	Stated everthing is cleaned up and he his selling vehicles		
82000500009002	Michelle Vana	Estate of Otto Wenzel	600 E Frazee Ave		Vergas	Mn	56587	Debris in yard, Unlicensed vehicles	4/28/2025	4/25/2025	Stated everthing is cleaned up and he his selling vehicles		
82000500016000	Terry Engel		491 Town Line Rd S	31172 Acorn Lake RD	Frazee	MN	56544	2 buildings falling down	4/28/2025	4/26/2025	Working with/no more letters		
82000500020000	James Sandau		1001 Town Line Road		Vergas	MN	56591	The machine shed and the dairy barn are falling down	4/28/2025	4/27/2025	Working with/no more letters		
82000990045000	Joyce Penney	PO Box 161	120 E Elm St		Vergas	MN	56592	Shed with broken windows, debris	4/28/2025	4/28/2025	Does not feel she has debris and no broken windows		
82000990046000	BJ's Real Estate	James & Pam Bracken	130 E Elm St	3200 11th St S Unit 113	Fargo	ND	58104	Debris in yard, Unlicensed vehicles	4/28/2025	4/29/2025	5/20/2025 removed vehicle		
82000990070001	Dean Haarstick		160 S 1st Ave	PO Box 160	Vergas	MN	56589	Debris in backyard	4/28/2025	4/30/2025			
82000990077000	Pam Franklin		260 1st Ave S	PO box 205	Vergas	Mn	56587	Debris in yard	4/28/2025	5/1/2025			
82000990110000	Brandon Lemon	PO Box 62	213 Main St W		Vergas	MN	56589	Debris in yard, screen door	4/28/2025	5/2/2025			
82000990114000	Dillion Oien & Jenny Collins		260 W Linden St		Vergas	MN	56587	Debris	4/28/2025	5/3/2025			
82000990120000	Clifford Moe		101 E Mill Street	PO Box 242	Vergas	MN	56587	Dog Feces, debris in yard	4/28/2025	5/4/2025			

Planning Commission  
2025 Nusiance Letters

<u>Parcel Number</u>	<u>Owner</u>	<u>Rentor</u>	<u>Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Reason for Letter</u>	<u>DATE Planning Commission requested</u>	<u>Date Letter Sent</u>	<u>Responses</u>	<u>DATE Planning Commission removed</u>	<u>Date Second Letter Sent</u>
82000990124001	Merel Kvam		341 Unit Ave		Vergas	MN	56593	Safty hazard, garage falling down	4/28/2025	5/5/2025	Removing building - 30 days		
82000990127000	Tony Licence		350 S Pelican Ave	PO Box 82	Vergas	MN	56588	Debris in yard	4/28/2025	5/6/2025			
82000990130000	Danial Hoard		390 S Pelican Ave		Vergas	Mn	56587	Debris in yard, Unlicensed vehicles	4/28/2025	5/7/2025	Stated everthing is cleaned up and vehicles licensed		
82000990170000	Benjamin Lankow		339 E Frazee Ave		Vergas	MN	56590	Debris in yard, brush pile, roof	4/28/2025	5/9/2025	Does not feel City can control what he does in his yard.		

**TITLE I: GENERAL PROVISIONS**

Chapter

**10. GENERAL PROVISIONS**



## CHAPTER 10: GENERAL PROVISIONS

### Section

10.01	Title of code
10.02	Rules of interpretation
10.03	Application to future ordinances
10.04	Captions
10.05	Definitions
10.06	Severability
10.07	Reference to other sections
10.08	Reference to offices
10.09	Errors and omissions
10.10	Official time
10.11	Reasonable time
10.12	Ordinances repealed
10.13	Ordinances unaffected
10.14	Effective date of ordinances
10.15	Repeal or modification of ordinance
10.16	Ordinances which amend or supplement code
10.17	Preservation of penalties, offenses, rights and liabilities
10.18	Copies of code
10.19	Adoption of statutes and rules and supplements by reference
10.20	Enforcement
10.98	Supplemental administrative penalties
10.99	General penalty and enforcement
Appendix:	Notice of code violation

### ' 10.01 TITLE OF CODE.

(A) All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the **Acity code,@** for which designation **Acode of ordinances,@** **Acodified ordinances@** or **Acode@** may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

(B) All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the **ATraffic Code.@** Sections may be referred to and cited by the designation **A'@** followed by the number, such as **A' 10.01.@** Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

#### **' 10.02 RULES OF INTERPRETATION.**

(A) *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

(B) *Specific rules of interpretation.* The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(1) *AND or OR.* Either conjunction shall include the other as if written Aand/or,@ whenever the context requires.

(2) *Acts by assistants.* When a statute, code provisions or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(3) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(4) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

#### **' 10.03 APPLICATION TO FUTURE ORDINANCES.**

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

#### **' 10.04 CAPTIONS.**

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.



**' 10.05 DEFINITIONS.**

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** The area within the corporate boundaries of the city as presently established or as amended by ordinance, annexation or other legal actions at a future time. The term **CITY** when used in this code may also be used to refer to the City Council and its authorized representatives.

**CODE, THIS CODE or THIS CODE OF ORDINANCES.** This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

**COUNTY.** The county or counties in which the city is located.

**MAY.** The act referred to is permissive.

**MONTH.** A calendar month.

**OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

**OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT.** An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

**PERSON.** Extends to and includes an individual, person, persons, firm, corporation, copartner ship, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PRECEDING or FOLLOWING.** Next before or next after, respectively.

**SHALL.** The act referred to is mandatory.

**SIGNATURE or SUBSCRIPTION.** Includes a mark when the person cannot write.

**STATE.** The State of Minnesota.

***SUBCHAPTER.*** A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

***WRITTEN.*** Any representation of words, letters, or figures, whether by printing or otherwise.

***YEAR.*** A calendar year, unless otherwise expressed.

#### **' 10.06 SEVERABILITY.**

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

#### **' 10.07 REFERENCE TO OTHER SECTIONS.**

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

#### **' 10.08 REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

#### **' 10.09 ERRORS AND OMISSIONS.**

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

#### **' 10.10 OFFICIAL TIME.**

The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all city business.

**' 10.11 REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is a legal holiday or a Sunday, it shall be excluded.

**' 10.12 ORDINANCES REPEALED.**

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

**' 10.13 ORDINANCES UNAFFECTED.**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

**' 10.14 EFFECTIVE DATE OF ORDINANCES.**

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

**' 10.15 REPEAL OR MODIFICATION OF ORDINANCE.**

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

**' 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

(A) If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

**' 10.17 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.**

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway right-of-ways, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

**' 10.18 COPIES OF CODE.**

The official copy of this code shall be kept in the office of the City Clerk for public inspection. The Clerk shall provide a copy for sale for a reasonable charge.

**' 10.19 ADOPTION OF STATUTES AND RULES AND SUPPLEMENTS BY REFERENCE.**

(A) It is the intention of the City Council that, when adopting this Minnesota Basic Code of Ordinances, all future amendments to any state or federal rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary.

(B) It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future supplements are hereby adopted as if they had been in existence at the time this Code was enacted, unless there is clear intention expressed in the Code to the contrary.

**' 10.20 ENFORCEMENT.**

(A) Any Licensed Peace Officer of the city's Police Department, or the County Sheriff, or any Deputy Sheriff shall have the authority to enforce any provision of this code.

(B) As permitted by M.S. ' 626.862, as it may be amended from time to time, the City Clerk shall have the authority to administer and enforce this code. In addition, under that statutory authority, certain individuals designated within the code or by the Clerk or City Council shall have the authority to administer and enforce the provisions specified. All and any person or persons designated may issue a citation in lieu of arrest or continued detention to enforce any provision of the code.

(C) The City Clerk and any city official or employee designated by this code who has the responsibility to perform a duty under this code may with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.

(D) Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Clerk or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the City Clerk to object to the termination before it occurs, subject to appeal of the Clerk's decision to the City Council at a regularly scheduled or special meeting.

(E) If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Clerk, Peace Officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(F) Nothing in this section shall be construed to limit the authority of the City to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

**' 10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES.**

(A) In addition to those administrative penalties established in this code and the enforcement powers granted in ' 10.20, the City Council is authorized to create by resolution, adopted by a majority of the members of the Council, supplemental administrative penalties. The resolution may be in the form established in **Appendix VI** of the **User=s** Guide to the MBC. Such resolution may not proscribe administrative penalties for traffic offenses designated by M.S. ' 169.999.

(B) These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain provisions of this code. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

(C) Administrative penalties for violations of various provisions of the code, other than those penalties established in the code or in statutes that are adopted by reference, may be established from time to time by resolution of a majority of the members of the City Council. In order to be effective, an administrative penalty for a particular violation must be established before the violation occurred.

(D) In the discretion of the peace officer, City Clerk, or other person giving notice of an alleged violation of a provision of this code, **a written notice must be provided of an alleged violation, sent by first class mail to the person who is alleged to have violated the code.** The person giving notice may request the payment of a voluntary administrative penalty for the violation directly to the City Treasurer within 14 days of the notice of the violation. A sample notice is contained in the Appendix to this chapter. In the sole discretion of the person giving the notice of the alleged violation, the time for payment may be extended an additional 14 days, whether or not requested by the person to whom the notice has been given. In addition to the administrative penalty, the person giving notice may request in the notice to the alleged violator to adopt a compliance plan to correct the situation resulting in the alleged violation and may provide that if the alleged violator corrects the situation resulting in the alleged violation within the time specified in the notice, the payment of the administrative penalty will be waived.

(E) At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

(F) At any time after the date the payment of the administrative penalty is due, if the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected, the City, through its Attorney, may bring criminal charges in accordance with state law and this code. Likewise, the City, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the City for the alleged violation.

**' 10.99 GENERAL PENALTY AND ENFORCEMENT.**

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(C) Pursuant to M.S. ' 631.48, as it may be amended from time to time, in either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

(E) In addition to any penalties provided for in this section or in ' 10.98, if any person, firm or corporation fails to comply with any provision of this code, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.





APPENDIX

NOTICE OF CODE VIOLATION

To: (Name and address of person who is alleged to have violated the code)

From: (Name and title of city official giving the notice)

Re: Alleged violation of Section of the City Code, relating to (give title of section)

Date: (Date of notice)

I hereby allege that on (date of violation) you violated \_\_\_\_\_ of the City Code relating to \_\_\_\_\_.

The City Council has by resolution established an administrative penalty in the amount of \$ \_\_\_\_\_ for this violation.

Payment of this administrative penalty is voluntary, but if you do not pay it the city may initiate criminal proceedings for this alleged violation.

Payment is due within 14 days of the date of this notice. Before the due date, you may request an additional 14-day extension of the time to pay the administrative penalty.

As an alternative to the payment of this administrative penalty, if the situation that gave rise to this alleged violation is corrected by \_\_\_\_\_ (establish date), then the payment of the administrative penalty will be waived.

Even if the administrative penalty is paid, the city reserves the right to institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

Before the due date, you may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

If you pay the administrative penalty, the city will not initiate criminal proceedings for this alleged violation. However, the Council, or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

Payment of the administrative penalty may be made by check, cash or money order to the City Treasurer.

Signed: \_\_\_\_\_  
(Name and Title of Person Giving Notice)

### **TITLE III: ADMINISTRATION**

#### **Chapter**

- 30. GENERAL PROVISIONS**
- 31. DEPARTMENTS, BOARDS AND COMMISSIONS**
- 32. EMERGENCY MANAGEMENT**



## CHAPTER 30: GENERAL PROVISIONS

### Section

- 30.01 City Council meetings
- 30.02 Presiding officer
- 30.03 Minutes
- 30.04 Order of business
- 30.05 Voting
- 30.06 Ordinance, resolutions, motions, petitions and communications
- 30.07 Suspension or amendment of rules
- 30.08 Compensation of Mayor and Council Members
- 30.09 Compensation of officers and employees
- 30.10 Quorum for conducting business
- 30.11 Fees and charges
- 30.12 Application of state laws

### **30.01 CITY COUNCIL MEETINGS.**

(A) *Regular meetings.* Regular meetings of the City Council shall be held at least once each month, at a date, time and place as established by the City Council. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall unless the City Council decides otherwise at a prior meeting, or meeting in the city hall is impossible.

(B) *Public meetings.* All City Council meetings, including special, emergency and adjourned meetings and meetings of City Council committees, as well as meetings of City Commissions and Boards, shall be conducted in accordance with the Minnesota Open Meeting Law, M.S. Ch. 13D, as it may be amended from time to time.

### **30.02 PRESIDING OFFICER.**

(A) *Who presides.* The Mayor shall preside at all meetings of the City Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Clerk shall call the meeting to order and shall preside until the Council Members present at the meeting choose one of their number to act temporarily as presiding officer.

(B) *Procedure.* The presiding officer shall preserve order, enforce any rules of procedure adopted by the City Council, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order.

(C) *Appeal procedure.* Any member may appeal to the City Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council Member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.

### ' 30.03 MINUTES.

(A) *Generally.* Minutes of each City Council meeting shall be kept by the City Clerk or, in the City Clerk's absence, by the Deputy City Clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Clerk and can be accurately identified from the description given in the minutes.

(B) *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk, and copies thereof shall be delivered to each Council Member as soon as practicable after the meeting. At the next regular City Council meeting following the delivery, approval of the minutes shall be considered by the City Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the City Council. If there is an objection, the City Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

### ' 30.04 ORDER OF BUSINESS.

(A) *Order established.* Each meeting of the City Council shall convene at the time and place appointed therefor. City Council business shall be conducted in the following order unless varied by the presiding officer or by-laws or other procedures adopted by Council resolution:

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes.
- (4) Consent agenda.
- (5) Public hearings.

- (6) Petitions, requests, and communications.
- (7) Ordinances and resolutions.
- (8) Reports of officers, boards, and committees.
- (9) Unfinished business.
- (10) New business.
- (11) Miscellaneous.
- (12) Adjournment.

(B) *Petitions and agenda.* Petitions and other papers addressed to the City Council shall be read or copies distributed by the City Clerk upon presentation of the same to the City Council. All persons desiring to present new business before the City Council shall inform the City Clerk thereof at least 72 hours before new business is to be heard. The City Clerk may prepare an agenda of the new business for submission to the City Council on or before the time of the next regular meeting.

**' 30.05 VOTING.**

The votes of the Council Members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the Council Members on any action taken shall be recorded in the minutes. The vote of each Council Member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. If any Council Member is present but does not vote, the minutes, as to his or her name, shall be marked Present-Not Voting.

**' 30.06 ORDINANCE, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS.**

(A) *Signing and publication proof.* Every ordinance and resolution passed by the City Council shall be signed by the Mayor, attested by the City Clerk, and filed by the City Clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

(B) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.



**' 30.07 SUSPENSION OR AMENDMENT OF RULES.**

These rules may be suspended only by a two-thirds vote of the members present and voting.

**' 30.08 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.**

The compensation of the Mayor and the compensation of each Council Member shall be established from time to time by City Council ordinance pursuant to M.S. ' 415.11, as it may be amended from time to time.

**' 30.09 COMPENSATION OF OFFICERS AND EMPLOYEES.**

Officers and employees of the city shall be compensated at a rate as established from time to time by the City Council.

**' 30.10 QUORUM FOR CONDUCTING BUSINESS.**

(A) A quorum shall consist of a majority of the entire City Council, including the Mayor. A quorum shall be necessary to transact the business of the City Council.

(B) If no quorum is present, the City Council shall not thereby stand adjourned, but the members present shall adjourn or recess the City Council by a majority vote of those present.

**' 30.11 FEES AND CHARGES.**

The City Council may enact an ordinance establishing those fees and charges that are authorized by this code. Until that ordinance becomes effective, all fees and charges established by ordinance or resolution prior to the adoption of this code shall remain in effect. All fees and charges established by the ordinance establishing fees and charges may be amended from time to time by amendment of that ordinance.

**' 30.12 APPLICATION OF STATE LAWS.**

The provisions of the Government Data Practices Act, M.S. Ch. 13, the Opening Meeting Law, M.S. Ch. 13D, and the laws relating to Gifts to Local Officials, M.S. ' 471.895, as these laws may be amended from time to time, apply to the City Council and all boards and commissions of this city and their members.

## CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

### Section

#### ***Police Department***

- 31.01 Police Department continued
- 31.02 Chief of Police
- 31.03 Duties of police
- 31.04 Uniform and badge
- 31.05 Reserve officers

#### ***Fire Department***

- 31.20 Fire Department continued; appointment of officers
- 31.21 Duties of Chief
- 31.22 [Reserved]
- 31.23 Records
- 31.24 Practice drills
- 31.25 Assistant Chief
- 31.26 Firefighters
- 31.27 [Reserved]
- 31.28 Compensation
- 31.29 Interference with Fire Department
- 31.30 Policies and procedures

#### ***Planning Commission***

- 31.45 Establishment of the Planning Commission
- 31.46 Composition
- 31.47 Organization, meetings, minutes and expenditures
- 31.48 Powers and duties; comprehensive plan

#### ***Advisory Park and Recreation Board***

- 31.50 Advisory Park and Recreation Board

*POLICE DEPARTMENT***31.01 POLICE DEPARTMENT CONTINUED.**

(A) If the city has a Police Department at the time this code is adopted, then the Department of the city is hereby continued. If the city does not have a Police Department at the time of the adoption of this code, then at any time after the code is adopted, the City Council may by resolution create a Police Department, which shall be organized and administered as provided for by this code. The City Council may at any time determine by resolution to discontinue the existence of a Police Department and provide for the enforcement of state laws and city ordinances by other means. The head of the Police Department shall be known as the Chief of Police and the number of additional members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution. The compensation to be paid to members of the Police Department shall be fixed by the City Council. Members of the Police Department shall be appointed by the City Council.

(B) All police officers shall meet the minimum standards for licensing as a peace officer as established by the Minnesota Peace Officers Standards and Training Board and have a current and valid peace officer license at the time of appointment. All police officers shall retain this license during their employment as a police officer with the city and will be subject to discharge if the license is suspended, revoked or becomes invalid for any reason. In addition, all police officers must have a valid Minnesota vehicle operator's license and must be insurable as a vehicle driver by the city's automobile insurance carrier.

**31.02 CHIEF OF POLICE.**

The Chief of Police shall have supervision and control of the Police Department and its members. The Chief of Police shall be responsible for the proper training and discipline of the members of the Police Department. The Chief of Police shall be responsible for the keeping of adequate records and shall report to the City Council on the needs of the Police department and its work. Every member of the Police department is subordinate to the Chief of Police and shall obey the instructions of the Chief of Police and any superior officer. The City Council may designate one of the police officers as Acting Chief, who shall have all the powers and duties of the Chief of Police during the absence or disability of the Chief of Police.

**31.03 DUTIES OF POLICE.**

Members of the Police Department are authorized to enforce the laws applicable to the city, bring violators before the court, and make complaints for offenses coming to their knowledge. Members of the Police Department are authorized to serve processes on behalf of the city and shall serve those notices as may be required by the City Council or other authority. When the city is not a party to the proceedings

involved in the process or notice, the officer shall collect the same fees as provided by law. All fees shall be paid into the city treasury.

#### **' 31.04 UNIFORM AND BADGE.**

Each member of the Police Department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the Chief of Police may authorize the performance of specific duties while not in uniform. When a member terminates membership in the Police Department, the member shall immediately deliver to the city the badge, uniform and all other property of the city.

#### **' 31.05 RESERVE OFFICERS.**

(A) The Chief of Police may appoint, for a specified time, as many reserve officers as may be necessary. Reserve officers shall be subordinate to the Chief of Police. Under the provisions of M.S. ' 626.84, Subd. 1(e), as it may be amended from time to time, a **RESERVE OFFICER** is an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties shall not include enforcement of the general criminal laws of the state, and the reserve officer does not have full powers of arrest or authorization to carry a firearm on duty.

(B) The Chief of Police, or City Council if there is no Police Chief, may appoint, for a specified time, as many parking enforcement officers pursuant to M.S. ' 168B.035 Subd. 2, as it may be amended from time to time, as may be necessary. The parking enforcement officers shall be subordinate to the Chief of Police, if there is one, or the City Clerk. A **PARKING ENFORCEMENT OFFICER** is an individual whose services are utilized by a law enforcement agency to provide parking enforcement and administrative or clerical assistance. A parking enforcement officers duties shall not include enforcement of the general criminal laws of the state, and the parking enforcement officer does not have full powers of arrest or authorization to carry a firearm on duty.

### ***FIRE DEPARTMENT***

#### **' 31.20 FIRE DEPARTMENT CONTINUED; APPOINTMENT OF OFFICERS.**

(A) If, at the time of the adoption of this code, the city has a Fire Department, there is continued in this city a Fire Department. If the city, at the time of the adoption of this code, does not have a Fire Department, the City Council may by resolution create a Fire Department subject to the provisions of this code. All Fire Departments are established under the authority of state law, M.S. ' 412.221, Subd. 17, as it may be amended from time to time.

(B) All officers of the Fire Department shall be appointed by the City Council. If one of the officers duly appointed shall resign his or her office, be removed from office by the City Council, or is deceased during his or her term of office, the successor shall be duly appointed by the City Council as soon as is practical and no later than two weeks from the time the position becomes open. The officer so appointed is so appointed for any period of the unexpired term of the vacated office.

(C) Firefighters and probationary firefighters shall be appointed by the City Council upon recommendation by the Chief of the Fire Department. The process of recruitment, selection, appointment and termination of firefighters and probationary firefighters shall be at the discretion of the city council.

(D) As required by state law, M.S. ' 412.241, as it may be amended from time to time, the City Council shall have full authority over the financial affairs of the Fire Department, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public money. This division does not apply to the funds of any Fire Relief Association.

#### **' 31.21 DUTIES OF CHIEF.**

The Chief shall have control of all fire fighting apparatuses and shall be responsible for their care and condition. The Chief shall make a report semi-annually to the City Council at its meeting in March and in September as to the condition of the equipment and needs of the Fire Department. The Chief may submit additional reports and recommendations at any meeting of the City Council, and he or she shall report each suspension by him or her of a member of the Fire Department at the first meeting of the City Council following the suspension. The Chief shall be responsible for the proper training and discipline of the members of the Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the City Council on his or her discharge or retention.

#### **' 31.22 [RESERVED]**

#### **' 31.23 RECORDS.**

The Chief shall keep in convenient form a record of all fires. The record shall include the time of the alarm, location of fire, cause of fire, if known, type of building, name of owner or tenant, purpose for which occupied, value of building and contents, members of the Fire Department responding to the alarm and other information as he or she may deem advisable or as may be required from time to time by the City Council or state law or regulation.

#### **' 31.24 PRACTICE DRILLS.**

It shall be the duty of the Chief, when the weather permits, to hold practice drills for the Fire Department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.



**' 31.25 ASSISTANT CHIEF.**

In the absence or disability of the Chief of the Fire Department, the Assistant Chief shall perform all functions and exercise all of the authority of the Chief.

**' 31.26 FIREFIGHTERS.**

Firefighters shall not be less than 18 years of age and able bodied. They shall become members of the Fire Department only after a 12-month probationary period. The City Council may require that each candidate, before he or she may become a probationary firefighter, must possess certain minimum height, weight, education, mental and physical health requirements, and any other qualifications which may be specified by the City Council.

**' 31.27 [RESERVED]****' 31.28 COMPENSATION.**

The members and officers of the Fire Department shall receive compensation as provided by the City Council.

**' 31.29 INTERFERENCE WITH FIRE DEPARTMENT.**

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief or other firefighter at a fire, or to interfere with the Fire Department in the discharge of its duties. Penalty, see ' 10.99

**' 31.30 POLICIES AND PROCEDURES.**

The Fire Department may adopt policies and procedures for the operation of the department, which shall be effective upon approval by the City Council. Any provision of these policies and procedures, which may be called a Constitution and Bylaws, which is inconsistent with state and federal law, including the Veterans Preference Act, Minnesota Human Rights Act, and state laws requiring the City Council to control Fire Department Finances, shall be unenforceable and void.



***PLANNING COMMISSION*****' 31.45 ESTABLISHMENT OF THE PLANNING COMMISSION.**

If, at the time this code is adopted, the city has a Planning Commission, the Planning Commission for the city is hereby continued. If the city did not have a Planning Commission at the time of the adoption of this code, the City Council may at any time determine to establish a Planning Commission by appointing members to the Planning Commission as provided in ' 31.46 of this code. To the extent that any provisions of " 31.45 to 31.48 of this code are inconsistent with any provisions of Titles XV or XVII, the provisions of those titles shall prevail. The Planning Commission shall be the city planning agency authorized by M.S. ' 462.354(1), as it may be amended from time to time.

**' 31.46 COMPOSITION.**

(A) The Planning Commission shall consist of five members from the resident population of the city to be appointed by the City Council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absences from any three meetings in a year, unless excused in advance by the Chair, constitutes a vacancy. In the event of any vacancy, the City Council, shall appoint a person to complete the unexpired term.

(B) One member may be a Council Member or the City Clerk, to be appointed by the City Council. This member shall serve for a one year term, to expire on December 31 of each year.

(C) Other persons may serve in an ex officio capacity as the City Council may, in its discretion, deem appropriate.

(D) Each of the regular Planning Commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the City Council upon written charge and after a public hearing.

**' 31.47 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES.**

(A) At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine is necessary.

(B) The Planning Commission shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(C) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Planning Commission meeting.

(D) No expenditures by the Planning Commission shall be made unless and until authorized for the purpose by the City Council.

#### **' 31.48 POWERS AND DUTIES; COMPREHENSIVE PLAN.**

(A) *Generally.* The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by the City Council or city policy. The Planning Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the comprehensive plan, the Planning Commission shall periodically, but at least every five years, review the comprehensive plan and any ordinances or programs implementing the plan.

(B) *Means of executing plan.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

(C) *Zoning ordinance.* Pursuant to M.S. ' 462.357, Subd. 4, as it may be amended from time to time, the Planning Commission shall review all proposed amendments to the zoning ordinance, conduct public hearings as directed by the City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report recommendations to the City Council for action.

(D) *Conditional permits.* The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and may conduct public hearings as directed by the City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(E) *Interim Use Permits.* The Planning Commission may make recommendations on all requests for an interim use permit under the terms of the zoning ordinance and conduct public hearings as directed by the City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(F) *Subdivision regulations.* The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance and may conduct public hearings as directed by the City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(G) *Variances.* All applications for variances may be referred to the Planning Commission which may conduct public hearings as directed by the City Council or city policy, and forwarded with or without recommendations directly to the City Council, which shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. ' 462.357, Subd. 6, as it may be amended from time to time for its decision.

(H) *Official Map.* Pursuant to M.S. ' 462.359, subd. 2, as it may be amended from time to time, after adoption of a major thoroughfare plan and community facilities plan (which may be contained in the city comprehensive plan or adopted separately), the Planning Commission, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The official map or maps shall be prepared in sufficient detail to permit establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed surveyor.

(I) *Appeals to denials of zoning, land use or building permits based on the official map.* All appeals to denials of zoning, land use or building permits based on the official map may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.359, Subd. 4, as it may be amended from time to time for its decision.

(J) *Purchase and sale of real property.* Pursuant to M.S. ' 462.356, Subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed acquisitions or disposals of publicly owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgement it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

(K) *Capital improvements.* Pursuant to M.S. ' 462.356, Subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed capital improvements within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings, as to the compliance of the proposed capital improvement with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

(L) *Comprehensive Plan amendments.* Pursuant to M.S. ' 462.355, Subds. 2 and 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council on comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

#### ***ADVISORY PARK AND RECREATION BOARD***

#### **' 31.50 ADVISORY PARK AND RECREATION BOARD.**

(A) If the city has an Advisory Park and Recreation or similar Board at the time this code is adopted, that Board is hereby continued. If the city had no Board but wishes to create one, it may do so by resolution, and the provisions of this code will apply.

(B) The Board shall consist of five members **from the resident population of** the city to be appointed by the Mayor with the approval of the City Council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absences from any three meetings in a year, unless excused in advance by the Chair, constitutes a vacancy. In the event of any vacancy, the Mayor, with the approval of the City Council, shall appoint a person to complete the unexpired term.

(C) (1) At the first regular meeting in January, the Board shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Board may create and fill other offices as it may determine.

(2) The **Board shall hold at least one meeting each month at the time and** place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(3) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Board meeting.

(4) No expenditures by the Board shall be made unless and until authorized for the purpose by the City Council.

(D) The Board will consult with the City Council and the Planning Commission and shall be advisory to the City Council in matters relating to park lands, park facilities, park and recreation programs and finances. The Board may meet with various groups on matters relating to park and recreation activities.

## **CHAPTER 32: EMERGENCY MANAGEMENT**

### **Section**

- 32.01 Policy and purpose
- 32.02 Definitions
- 32.03 Establishment of emergency management organization
- 32.04 Powers and duties of Director
- 32.05 Local emergencies
- 32.06 Emergency regulations
- 32.07 Emergency management a government function
- 32.08 Participation in labor disputes or politics
  
- 32.99 Penalty

### **' 32.01 POLICY AND PURPOSE.**

Due to the possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to ensure that preparations of this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

(A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;

(B) To provide for the exercise of necessary powers during emergencies and disasters;

(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and

(D) To comply with the provisions of M.S. ' 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

**' 32.02 DEFINITIONS.**

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

***DISASTER.*** A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

***EMERGENCY.*** An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

***EMERGENCY MANAGEMENT.*** The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. Emergency management includes those activities sometimes referred to as civil defense functions.

***EMERGENCY MANAGEMENT FORCES.*** The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

***EMERGENCY MANAGEMENT ORGANIZATION.*** The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

**' 32.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.**

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject



to the direction and control of the Council. The emergency management organization shall conform to and be consistent with, where applicable, all state and federal requirements, including the National Incident Management System framework found at 44 CFR part 201, as it may be amended from time to time.

#### **' 32.04 POWERS AND DUTIES OF DIRECTOR.**

(A) The Director shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.

(B) The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Plan, the Director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

(E) The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required

on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. ' 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

#### **' 32.05 LOCAL EMERGENCIES.**

(A) A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.  
Penalty, see ' 32.99

#### **' 32.06 EMERGENCY REGULATIONS.**

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Clerk. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Clerk's Office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. ' 12.37, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

Penalty, see ' 32.99

#### **' 32.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.**

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

#### **' 32.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.**

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

**' 32.99 PENALTY.**

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.

## **TITLE V: PUBLIC WORKS**

### **Chapter**

#### **50. GARBAGE AND RUBBISH**

#### **51. SEWER REGULATIONS**

#### **52. WATER REGULATIONS**

#### **53. STORM WATER DRAINAGE UTILITY**

#### **54. RATES AND CHARGES**



## CHAPTER 50: GARBAGE AND RUBBISH

### Section

- 50.01 Effectiveness
- 50.02 Definitions
- 50.03 Sanitation collection service required
- 50.04 Container required; placement
- 50.05 Meddling with trash receptacles prohibited
- 50.06 Containers to be kept sanitary and secure
- 50.07 Unauthorized private collections prohibited
- 50.08 Sanitation service: city options.
- 50.09 Removal of building materials
- 50.10 Prohibited acts
- 50.11 Nonresidential customers; container types; collection schedules
- 50.12 Manner of collection and transportation
- 50.13 Licensing for collection
- 50.14 Collection of leaves, trees or tree limbs

### ***Cross-reference:***

*Health and Safety; Nuisances, see Chapter 92*

### **' 50.01 EFFECTIVENESS.**

The provisions of this chapter are not effective until the City Council has complied with the notice and hearing requirements of M.S. ' 115A.94, as it may be amended from time to time.

### **' 50.02 DEFINITIONS.**

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

***GARBAGE.*** Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

***RUBBISH.*** All inorganic refuse matter such as tin cans, glass, paper, ashes and the like.



**' 50.03 SANITATION COLLECTION SERVICE REQUIRED.**

Every person owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates shall subscribe to a sanitation collection service.

Penalty, see ' 10.99

**' 50.04 CONTAINER REQUIRED; PLACEMENT.**

(A) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to provide a container or containers for garbage and refuse, sufficient in size and number to accommodate and securely keep all garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

(B) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to place their garbage containers directly behind the curblane of the street abutting their property or in the absence of a curb directly behind the ditch line abutting their property. In no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic. It shall be the responsibility of the subscriber to place the containers no earlier than 6:00 p.m. of the afternoon preceding the collection day.

Penalty, see ' 10.99

**' 50.05 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.**

(A) It shall be unlawful to meddle with garbage cans, trash or rubbish receptacles or in any way pilfer, search or scatter contents of garbage cans or rubbish receptacles in or upon any street or alley within the city limits.

(B) This section shall not apply to persons authorized by the city or persons authorized by state or federal law to search or otherwise meddle with trash receptacles.

Penalty, see ' 10.99

**' 50.06 CONTAINERS TO BE KEPT SANITARY AND SECURE.**

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that the wind cannot scatter the contents over the streets, alleys or other property within the city. All containers shall be securely closed in a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Penalty, see ' 10.99

**' 50.07 UNAUTHORIZED PRIVATE COLLECTIONS PROHIBITED.**

(A) It shall be unlawful for any person to transport garbage or refuse for hire which has been collected from any premises within the city over any public street within the city.

(B) This section shall not apply to any person who at the time of the activity is operating under a valid contract or franchise granted by the city which authorizes that person to use the public streets to conduct that activity.

Penalty, see ' 10.99

**' 50.08 SANITATION SERVICE: CITY OPTIONS.**

The City Council may provide for sanitation collection services within the city by use of city employees and vehicles, or it may grant licenses under the terms and conditions of ' 50.13, or it may contract with one or more contractors for the provision of these services under the terms and conditions negotiated with the contractors, except that the provisions for insurance under ' 50.13(E) shall always apply. Where the city provides for collection by use of city employees and city vehicles, the city shall establish a price structure consistent with ' 50.13(I) except as provided by M.S.' 115A.9301 Subd. 3 as it may be amended from time to time.

**' 50.09 REMOVAL OF BUILDING MATERIALS.**

Waste from building operations, rock waste, building materials or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property shall be removed by the building contractor, owner or occupant of the building at his or her own expense. It shall be unlawful for any person to place those materials in any dumpster or other trash receptacle for disposal by the city or any agent or contractor of the city.

Penalty, see ' 10.99

**' 50.10 PROHIBITED ACTS.**

(A) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this chapter.

(B) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in division (A) to exist upon property owned or controlled by him or her after having actual or constructive notice thereof.

(C) It shall be unlawful for any person to place in any container any material other than as specifically provided in this chapter.

(D) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(E) It shall be unlawful for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage.

Penalty, see ' 10.99

#### **' 50.11 NONRESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.**

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

(B) Disposable containers shall be placed at a location on the premises which is readily accessible to the collector.

(C) The amount and character of garbage shall be considered in establishing size of commercial containers and frequency of pickup. The city shall have final authority to establish the size and frequency based on the history of amount and type of garbage generated by the customer. The collection and removal of garbage and trash from premises used for commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain the premises free of accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less than one time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.

Penalty, see ' 10.99

#### **' 50.12 MANNER OF COLLECTION AND TRANSPORTATION.**

(A) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the city in a clean and sanitary condition.

(B) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.

Penalty, see ' 10.99

**50.13 LICENSING FOR COLLECTION.**

(A) *Purpose.* In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of the city and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal, the City Council may determine that it is in the best interests of the residents of the city to require licenses of persons collecting or hauling garbage and rubbish for hire, reserving to the city the right and authority to contract with one or more operators to provide these services.

(B) *Licensing.* No person may collect or haul garbage or rubbish within the city without first obtaining a written license from the City Council. An application for a license shall be submitted in writing to the City Clerk, and shall contain the following information:

(1) Name and address of the applicant;

(2) Description of the equipment which will be used within the city by the applicant;

(3) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city;

(4) Evidence of compliance with the other applicable sections of this chapter.

(C) *Franchise.* The City Council may exercise its reserved right to contract with one or more operators for the collection of garbage and rubbish within the city.

(D) *Suspension of license or contract.* A contract or license issued under the provisions of this section may be revoked or suspended for a violation of this chapter or other applicable regulations of law upon a showing that the contractor or licensee has failed to comply with that regulation.

(E) *Financial responsibility.* The licensee or contractor shall be required to procure (1) commercial general liability insurance in the minimum amount of \$2,000,000 per occurrence; (2) automobile liability insurance with a minimum combined single limit of \$2,000,000 for bodily injury and property damage including coverage for owned, hired and non-owned automobiles; and (3) workers= compensation insurance for all employees in accordance with the statutory requirements in Minnesota. The licensee or contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to the work under the license or contract. The city shall be named as an additional insured on the commercial general liability insurance and any umbrella/excess policy for the services provided under the license or contract. The licensee's or contractor's insurance shall be the primary insurance for the city and the licensee or contractor shall provide a certificate of insurance which verifies the existence of the insurance required and an endorsement of the city as an additional insured. These insurance policies shall be for the full term of the license or franchise and shall provide for the giving of ten days prior notice to the city of the termination or cancellation of these policies or ten days= notice for non-payment of premium. In case notice is received that any policies will be

terminated or cancelled, the license or contract shall be automatically revoked on the termination or cancellation date unless the licensee or contractor provides proof that such policies are still in effect or new insurance has been obtained that meets the city's insurance requirements.

(F) *Design of equipment.* All trucks or motor vehicles used by the licensee or contractor shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(G) *Inspections.* All vehicles used for garbage or rubbish shall be made available for inspection within the city at the times and places as the City Council may designate.

(H) *Bond.* The contractor or licensee may be required to furnish a surety bond in an amount as the City Council deems necessary running to and approved by the City Council, guaranteeing the franchisee's or licensee's faithful and continuous performance of the terms of the franchise, license or contract and of this chapter.

(I) *Licensee requirements.*

(1) Licensees must impose charges for the collection of garbage or rubbish consistent with M.S. ' 115A.93 Subd 3, as it may be amended from time to time, that increase with the volume or weight of the garbage or rubbish collected.

(2) Licensees must not impose any additional charges on customers who recycle.

(3) Where a licensee imposes charges by volume instead of weight, the licensee must establish a base unit size for an average small quantity household and offer a multiple pricing system that ensures that the amounts of waste generated in excess of the base unit amount are priced higher than the base unit price.

#### **' 50.14 COLLECTION OF LEAVES, TREES OR TREE LIMBS.**

Nothing in this chapter shall be construed to prevent the collection for hire by other persons of leaves, trees or tree limbs.

## **CHAPTER 51: SEWER REGULATIONS**

### **Section**

#### ***General Provisions***

- 51.001 Definitions
- 51.002 Control of sewers; administration of chapter
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- 51.037 Type, capacities, location and layout
- 51.038 Direct connection required
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- 51.055 Restrictions on new connections
- 51.056 Building sewer permits
- 51.057 Costs and expenses
- 51.058 Separate building sewers required
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- 51.060 Conformance to State Building and Plumbing Code requirements
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- 51.080 Discharges of unpolluted water
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- 51.089 Measurements, tests and analyses of waters and wastes
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- 51.112 Definitions
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- 51.130 Authorized employees permitted to enter all properties
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- 51.133 Authorized employees permitted to enter all property with easements

- 51.999 Penalty

***Cross-reference:***

*Health and Safety; Nuisances, see Chapter 92*

**GENERAL PROVISIONS****' 51.001 DEFINITIONS.**

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

**ACT.** The Federal Water Pollution Control Act, also referred to as the Clean Water Act, being 33 USC 1251 et seq., as amended.

**ASTM.** American Society for Testing Materials.

**AUTHORITY.** This city or its representative thereof.

**BIOCHEMICAL OXYGEN DEMAND (BOD<sub>5</sub>).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in terms of milligrams per liter (mg/l).

**BUILDING DRAIN.** The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

**CITY.** The area within the corporate boundaries of the city as presently established or as amended by ordinance or other legal actions at a future time. The term **CITY** when used herein may also be used to refer to the City Council and its authorized representative.

**CONTROL MANHOLE.** A structure specially constructed for the purpose of measuring flow and sampling of wastes.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**GARBAGE.** Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

**INDUSTRIAL WASTE.** Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.



**INDUSTRY.** Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the *Standard Industrial Classification Manual*, latest edition, which is categorized in Divisions A, B, D, E and I.

**INFILTRATION.** Water entering the sewage system (including building drains and pipes) from the ground through means as defective pipes, pipe joints, connections and manhole walls.

**INFILTRATION/INFLOW (I/I).** The total quantity of water from both infiltration and inflow.

**INFLOW.** Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

**INTERFERENCE.** The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES or SDS permit. The term includes sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act (33 USC 1345) or any regulations developed pursuant to the Solid Waste Disposal Act (42 USC 6901 et seq.), the Clean Air Act (42 USC 7401 et seq.), the Toxic Substances Control Act (15 USC 2601 et seq.), or more stringent state criteria applicable to the method of disposal or use employed by the city.

**MAY.** The term is permissive.

**MPCA.** The Minnesota Pollution Control Agency.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS.** Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by those treatment facilities or would interfere with the operation of those treatment facilities, pursuant to Section 307(b) of the Act (33 USC 1317(b)).

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act (33 USC 1342 and 33 USC 1345).

**NATURAL OUTLET.** Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

**NON-CONTACT COOLING WATER.** The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added is heat.

**NORMAL DOMESTIC STRENGTH WASTE.** Wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than 287 mg/l and a suspended solids (TSS) concentration not greater than 287 mg/l.

**PERSON.** Any individual, firm, company, association, society, corporation or group.

**pH.** The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

**PRETREATMENT.** The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 2-inch (1.27 cm) in any dimension.

**SEWAGE.** The spent water of a community. The preferred term is wastewater.

**SEWER.** A pipe or conduit that carries wastewater or drainage water.

(1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(2) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(3) **PRIVATE SEWER.** A sewer which is not owned and maintained by a public authority.

(4) **PUBLIC SEWER.** A sewer owned, maintained and controlled by a public authority.

(5) **SANITARY SEWER.** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

(6) **STORM SEWER or STORM DRAIN.** A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage and unpolluted water from any source.

**SHALL.** The term is mandatory.

**SLUG.** Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

**STATE DISPOSAL SYSTEM (SDS) PERMIT.** Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. ' 115.07, as it may be amended from time to time for a disposal system as defined by M.S. ' 115.01, Subd. 5, as it may be amended from time to time.

**SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS).** The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as non-filterable residue.

**TOXIC POLLUTANT.** The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)).

**UNPOLLUTED WATER.** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

**USER.** Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

**UTILITIES SUPERINTENDENT.** The person appointed by the City Council to supervise the sewer and water systems of the city.

**WASTEWATER.** The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

**WASTEWATER TREATMENT WORKS or TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.

**WPCF.** The Water Pollution Control Federation.

**' 51.002 CONTROL OF SEWERS; ADMINISTRATION OF CHAPTER.**

The Utilities Superintendent, or other official designated by the City Council shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer is maintained.

**' 51.003 BUILDING SEWERS; GENERAL REQUIREMENTS.**

Building sewer construction shall meet the pertinent requirements of the Minnesota State Building Code, which is those chapters of Minn. Rules referenced in Minn. Rules part 1300.0050, as they may be amended from time to time, and the Minnesota Plumbing Code, Minn. Rules Ch. 4714, as it may be amended from time to time. The applicant shall notify the City Clerk when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the Building Official or the Building Official's representative, if the city has adopted the State Building Code. If the city has not adopted the State Building Code, the Utilities Superintendent shall perform the inspection. If the city does not have a Utilities Superintendent, an installer licensed under ' 51.064 shall certify that the building sewer and connection comply with the State Building Code. No backfill shall be placed until the work has been inspected and approved, or until the certification has been received.

Penalty, see ' 51.999

**' 51.004 TAMPERING WITH WASTEWATER FACILITIES.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

Penalty, see ' 51.999

**' 51.005 COST OF REPAIRING OR RESTORING SEWERS.**

In addition to any penalties that may be imposed for violation of any provision of this chapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by that person, and may collect the assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

***GENERAL REGULATIONS*****' 51.015 DEPOSITS OF UNSANITARY MANNER PROHIBITED.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the city's jurisdiction, any human or animal excrement, garbage or objectionable waste.

Penalty, see ' 51.999

**' 51.016 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS.**

It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the city's NPDES/SDS permit.

Penalty, see ' 51.999

**' 51.017 RESTRICTIONS ON WASTEWATER DISPOSAL FACILITIES.**

Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

Penalty, see ' 51.999

**' 51.018 INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.**

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 365 days of the date the public sewer is operational; provided, the public sewer is within 200 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official ten-day notice shall be served instructing the affected property owner to make the connection.

Penalty, see ' 51.999

***PRIVATE WASTEWATER DISPOSAL*****' 51.035 PUBLIC SEWER NOT AVAILABLE.**

Where a public sewer is not available under the provisions of ' 51.018, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and Minn. Rules Ch. 7080, **Design Standards for Individual Subsurface Sewage Treatment Systems, as they** may be amended from time to time.

Penalty, see ' 51.999

**' 51.036 PERMITS.**

(A) *Required.* **Prior to the commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.**

(B) *Inspections.* A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative. The city or its representative shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the city when work is ready for final inspection, and before any underground portions are covered. **The inspection shall be made within 24 hours of the receipt of notice.** The Utilities Superintendent or other duly authorized employees of the city, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter all properties for the purpose of inspection in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain a search warrant as provided for in ' 10.20 before entering the property, except in emergency situations.

Penalty, see ' 51.999

**' 51.037 TYPE, CAPACITIES, LOCATION AND LAYOUT.**

(A) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, Individual Sewage Treatment Systems Program, as they may be amended from time to time. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(B) *Straight-pipe systems; noncompliance.* A city inspector who discovers the existence of a straight-pipe system may issue a noncompliance notice to the owner of the straight-pipe system and forward a copy of the notice to the Pollution Control Agency. The notice must state that the owner must

replace or discontinue the use of the straight-pipe system within ten months of receiving the notice. If the owner does not replace or discontinue the use of the straight-pipe system within ten months after the notice was received, the owner of the straight-pipe system shall be subject to a Pollution Control Agency administrative penalty of \$500 per month of noncompliance beyond the ten-month period. Administrative penalty orders may be issued for violations under this subdivision, as provided in M.S. ' 116.072, as it may be amended from time to time. One-half of the proceeds collected from an administrative penalty order issued for violating this subdivision shall be remitted to the local unit of government with jurisdiction over the noncompliant straight-pipe system.

Penalty, see ' 51.999

**' 51.038 DIRECT CONNECTION REQUIRED.**

At the time a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 365 days in compliance with this chapter, and within 365 days any septic tanks, cesspools and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled or may be removed.

Penalty, see ' 51.999

**' 51.039 OPERATION AND MAINTENANCE BY OWNER.**

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the city.

**' 51.040 APPLICATION OF SUBCHAPTER.**

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Minnesota Department of Health.

***BUILDING SEWERS AND CONNECTIONS***

**' 51.055 RESTRICTIONS ON NEW CONNECTIONS.**

Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD<sub>5</sub> and suspended solids, as determined by the Utilities Superintendent.

Penalty, see ' 51.999

**' 51.056 BUILDING SEWER PERMITS.**

(A) *Required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(B) *Applications.* Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

(C) *Classes.* There shall be two classes of building sewer permits: one for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgement of the city. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(D) *Inspection and connection.* The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Utilities Superintendent or authorized representative thereof.

Penalty, see ' 51.999

**' 51.057 COSTS AND EXPENSES.**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Penalty, see ' 51.999

**' 51.058 SEPARATE BUILDING SEWERS REQUIRED.**

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection.

Penalty, see ' 51.999



**' 51.059 OLD BUILDING SEWERS; RESTRICTIONS ON USE.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utilities Superintendent or his or her representative, to meet all requirements of this chapter.

**' 51.060 CONFORMANCE TO STATE BUILDING AND PLUMBING CODE REQUIREMENTS.**

(A) The size, slopes, alignment, materials of construction of building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city. Cast iron pipe shall be used for a building sewer laid within 50 feet of any well per Minnesota Public Health department requirements.

(B) The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Code or other applicable rules and regulations of the city. All connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

Penalty, see ' 51.999

**' 51.061 ELEVATION BELOW BASEMENT FLOOR.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

Penalty, see ' 51.999

**' 51.062 SURFACE RUNOFF OR GROUNDWATER CONNECTIONS PROHIBITED.**

(A) No person shall discharge water or cause to be discharged any unpolluted waters such as storm water, ground water, roof run off, subsurface drainage such as that from floor drains, sump pumps, cisterns, field tile or any other recognizable source or any type of private, commercial or industrial cooling water to any sanitary sewer.

(B) Any person, firm or corporation having a roof drain system, surface drain system, footing tile, swimming pool, ground water drain system or sump pump now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove the same. Any disconnects or opening into the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the public works supervisor.

(C) Dwellings and other buildings and structures which require because of the infiltration of water into basements, crawl spaces and the like, a sump pump system to discharge excess water shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system. A permanent installation shall be one which provides for year around discharge capability to either the outside of the dwelling, building or structure, or is connected to the city storm sewer. It shall consist of a rigid discharge line, without valves or quick connections for altering the path of discharge, and if connected to the city storm sewer shall include a check valve.

(D) *Powers and authority of inspectors.* Duly authorized employees or representatives of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to determine the nature of discharge into any public sewer or natural outlet in accordance with the provisions of this chapter. In lieu of having the city inspect their property, any person or entity may furnish a certificate from a licensed plumber certifying that their property is in compliance with this chapter.

(E) Any person refusing to allow their property to be inspected or refusing to furnish a plumbers certificate within 14 days of the date the duly authorized city employees or representatives are denied admittance to their property shall be subject to the surcharge hereafter provided for.

(F) At any future time, if the city has reason to suspect that an illegal connection may exist in a premises, the owner, by written notice shall comply with the provisions of (C) above.

(G) A surcharge of \$100 per month may be imposed and added to every sewer billing mailed to property owners who are not in compliance with this chapter. The surcharge shall be added every month until the property is in compliance. The City Council may grant waivers from the surcharges where strict enforcement may cause undue hardship unique to the property or where the property owner was scheduled for disconnection but cannot do so due to circumstances, such as availability of the plumber or inclement weather.

#### **' 51.063 EXCAVATIONS.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.  
Penalty, see ' 51.999

#### **' 51.064 LICENSES.**

(A) *Required.* No person shall make a service **connection** with any public sewer unless regularly licensed under this chapter to perform the work, and no permit shall be granted to any person except a regularly licensed person. A person licensed as a plumber by the State of Minnesota, or a person in the

ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this section.

(B) *Application.* Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Utilities Superintendent for recommendations to the Council. If approved by the Council, the license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.

(C) *Issuance.* No license shall be issued to any person until a policy of insurance to the city, approved by the Council, is filed with the City Clerk conditioned that the licensee will indemnify and save harmless the city from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over that opening to the condition existing prior to installation, adequately guard with barricades and lights, and will keep and maintain the same to the satisfaction of the Utilities Superintendent, and shall conform in all respects to any rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

(D) *Fee.* The license fee for making service connections shall be 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. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause.

(E) *Suspension or revocation.* The Council may suspend or revoke any license issued under this subchapter for any of the following causes:

(1) Giving false information in connection with the application for a license.

(2) Incompetence of the licensee.

(3) Willful violation of any provisions of this chapter or any rule or regulation pertaining to the making of service connections.

Penalty, see ' 51.999

***USE OF PUBLIC SERVICES*****' 51.080 DISCHARGES OF UNPOLLUTED WATER.**

(A) No person shall discharge or caused to be discharged any water such as stormwater, ground water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to those sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

Penalty, see ' 51.999

**' 51.081 DISCHARGES OF WATERS OR WASTES.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any liquids, solids, or gases **which** by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(B) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as but not limited to grease, garbage with particles greater than 2-inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(C) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system.

(D) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system.

A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act (33 USC 1317(a)).

Penalty, see ' 51.999

#### **' 51.082 LIMITED DISCHARGES.**

(A) The following described substances, materials, water or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works, treatment process or equipment, will not have an adverse effect on the receiving stream and soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Utilities Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, the more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability of wastes, the Utilities Superintendent will give consideration to factors as the quantity of **subject waste in reaction to flows** and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES/SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(B) The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Utilities Superintendent are as follows:

(1) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat **in amounts which will** inhibit biological activity in the wastewater treatment works resulting in interference therein.

(2) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances **which** may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

(3) Any quantities of flow, concentrations, or both which constitute a Aslug@ as defined in ' 51.001.

(4) Any garbage not properly shredded, as defined in ' 51.001 of this chapter. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food on the premises or when served by caterers.

(5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

(6) Any wastewater with objectionable color not removed in the treatment process such as but not limited to dye wastes and vegetable tanning solutions.

(7) Non-contact cooling water or unpolluted storm, drainage or ground water.

(8) Wastewater containing inert suspended-solids such as but not limited to fullers earth, lime slurries, and lime residues, or of dissolved solids such as but not limited to sodium chloride and sodium sulfate, in quantities that would cause disruption with the wastewater disposal system.

(9) Any radioactive wastes or isotopes of half-life or concentration as may exceed limits established by the Utilities Superintendent in compliance with applicable state or federal regulations.

(10) Any waters or wastes containing the following substances to the degree that any material received in the composite wastewater at the wastewater treatment works is detrimental to treatment process, adversely impacts land application, adversely effects receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act (33 USC 1317(b)): Arsenic, Cadmium, Copper, Cyanide, Lead, Mercury, Nickel, Silver, total Chromium, Zinc and Phenolic compounds which cannot be removed by the city's wastewater treatment system.

(11) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation or ordinance of any regulatory agency, or state or federal regulatory body.

(12) Any waters or wastes containing BOD<sub>5</sub> or suspended solids of character and quantity that unusual attention or expense is required to handle the materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of ' 51.094.

#### **' 51.083 DISCHARGES HAZARDOUS TO LIFE OR CONSTITUTE PUBLIC NUISANCES.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in ' 51.082, or which in the judgement of the Utilities Superintendent may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment, receiving waters or soil, vegetation, and ground water, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act (33 USC 1317(b)) and all amendments thereof;

(3) Require control over the quantities and rates of discharge; and

(4) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

(B) If the city permits the pretreatment or equalization of waste flows, the design, installation and maintenance of the facilities and equipment shall be made at the owner's expense and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

#### **' 51.084 INCREASING USE OF PROCESS WATER.**

No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in " 51.081 and 51.082, or contained in the National Categorical Pretreatment Standards or any state requirements.

Penalty, see ' 51.999

#### **' 51.085 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.**

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

#### **' 51.086 GREASE, OIL AND SAND INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in ' 51.082(B)(2), any flammable wastes as specified in ' 51.081(A), sand or other harmful ingredients; except that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Utilities Superintendent. Any removal and hauling of the collecting materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm.

Penalty, see ' 51.999

#### **' 51.087 INDUSTRIAL WASTES; INSTALLATIONS.**

Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The

structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

Penalty, see ' 51.999

#### **' 51.088 INDUSTRIAL WASTES; REQUIREMENTS.**

The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests or analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at times and in the manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At those times as deemed necessary, the city reserves the right to take measurements and supplies for analysis by an independent laboratory.

Penalty, see ' 51.999

#### **' 51.089 MEASUREMENTS, TESTS AND ANALYSES OF WATERS AND WASTES.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Utilities Superintendent.

Penalty, see ' 51.999

#### **' 51.090 PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS.**

Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Superintendent for review and approval prior to construction of the facility. Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. Users shall notify the Utilities Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable



countermeasures to be taken by the Utilities Superintendent to minimize damage to the wastewater treatment works. The notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law. Employers shall ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedure.

Penalty, see ' 51.999

#### **' 51.091 PERMITTING SUBSTANCE OR MATTER TO FLOW OR PASS INTO PUBLIC SEWERS.**

No person having charge of any building or other premises which drains into the public sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform other work as the Utilities Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 30 days, the Utilities Superintendent may cause the work to be completed at the expense of the owner or representative thereof.

Penalty, see ' 51.999

#### **' 51.092 REPAIRING SERVICE CONNECTION.**

Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the Utilities Superintendent may direct. Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Utilities Superintendent may then cause the work to be done, and recover from the owner or agent the expense thereof by an action in the name of the city.

Penalty, see ' 51.999

#### **' 51.093 CATCH BASIN OR WASTE TRAPS REQUIRED FOR MOTOR VEHICLE WASHING OR SERVICING FACILITIES.**

The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

Penalty, see ' 51.999

**' 51.094 SPECIAL AGREEMENT AND ARRANGEMENT.**

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern; provided, that National Categorical Pretreatment Standards and the city's NPDES/SDS Permit limitations are not violated.

***USER RATE SCHEDULE FOR CHARGES*****' 51.110 CHARGES GENERALLY.**

Each user of sewer service shall pay the charges applicable to the type of service, and in accordance with the provisions set forth in this subchapter.

**' 51.111 PURPOSE.**

The purpose of the subchapter is to provide for sewer service charges to recover costs associated with operation, maintenance and replacement to ensure effective functioning of the city's wastewater treatment system, and local capital costs incurred in the construction of the city's wastewater treatment system.

**' 51.112 DEFINITIONS.**

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

***ADMINISTRATION.*** Those fixed costs attributable to administration of the wastewater treatment works such as billing and associated bookkeeping and accounting costs.

***CITY.*** The area within the corporate boundaries of the city as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term ***CITY*** may also refer to the City Council or its authorized representative.

***DEBT SERVICE CHARGE.*** A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct the facilities.

**INCOMPATIBLE WASTE.** Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

**INDUSTRIAL USERS or INDUSTRIES.**

(1) (a) Entities that discharge into a publicly owned wastewater treatment works liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the *Standard Industrial Classification Manual*, latest edition, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- Division A. Agriculture, forestry and fishing
- Division B. Mining
- Division D. Manufacturing
- Division E. Transportation, communications, electric, gas, and sanitary sewers
- Division I. Services

(b) For the purpose of this definition, domestic waste shall be considered to have the following characteristics: BOD<sub>5</sub> - less than 287 mg/l; Suspended solids - less than 287 mg/l.

(2) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

**MAY.** The term is permissive.

**OPERATION AND MAINTENANCE.** Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. The term includes replacement.

**OPERATION AND MAINTENANCE COSTS.** Expenditures for operation and maintenance, including replacement.

**REPLACEMENT.** Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

**REPLACEMENT COSTS.** Expenditures for replacement.

**SANITARY SEWER.** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

**SEWER SERVICE CHARGE.** The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater treatment facilities.

**SEWER SERVICE FUND.** A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditure of the sewer service fund will be for operation, maintenance and replacement costs and to retire debt incurred through capital expenditure for wastewater treatment.

**SHALL.** The term is mandatory.

**TOXIC POLLUTANT.** The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of the Act (33 USC 1317(a)), which upon exposure to or assimilation into any organism, will cause adverse effects.

**USER CHARGE.** A charge levied on a user of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

**USERS.** Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

**WASTEWATER.** The spent water of a community, also referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water that may be present.

**WASTEWATER TREATMENT WORKS or TREATMENT WORKS.** An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

**' 51.113 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.**

(A) The city hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

(B) Each user shall pay its proportionate share of operation, maintenance, and replacement costs of the treatment works, based on the user's proportionate contribution to the total wastewater loading from all users.

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System developed according to the provisions of this subchapter. The Sewer Service Charge System shall be the system enacted prior to the adoption of this code. The Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code may be amended from time to time to include subsequent changes in sewer service rates and charges.

(E) Revenues collected for sewer service shall be deposited in a separate fund known as The Sewer Service Fund.@. Income from revenues collected will be expended to offset the cost of operation, maintenance, and equipment replacement for the facility and to retire the debt for capital expenditure.

(F) Sewer service charges and the sewer service fund will be administered in accordance with the provisions of ' 51.116.

(G) A connection fee as fixed in the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time, shall be charged to each user connecting a new service to the Sanitary Sewer System. The connection fee shall be due and payable within 90 days of the date the connection is completed.

(H) A sewer availability charge, as fixed in the ordinance establishing fees and charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time may be charged. Penalty, see ' 51.999

**' 51.114 DETERMINATION OF SEWER SERVICE CHARGES.**

The sewer service rates and charges to users of the wastewater treatment facility shall be as established by ordinance or resolution prior to the adoption of this code, unless amended or modified in the Ordinance Establishing Fees and Charges, adopted pursuant to ' 30.11, as that ordinance may be amended from time to time. Charges made for service rendered shall conform to M.S. ' 444.075, Subd. 3a, as it may be amended from time to time. All accounts shall be carried in the name of the owner who

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personally, or by his authorized agent, applied for such service. The property owner shall be liable for all sewer services supplied to the property, whether he or she is occupying the property or not.

Penalty, see ' 51.999

#### **' 51.115 SEWER SERVICE FUND.**

(A) The city hereby establishes a ASewer Service Fund@ as an income fund to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt. The city also establishes the following accounts as income and expenditure accounts within the sewer service fund:

- (1) Operation and maintenance account.
- (2) Equipment replacement account.
- (3) Debt retirement account.

(B) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Clerk separate and apart from all other funds of the city. Funds received by the sewer service fund shall be transferred to the AOperation and Maintenance Account,@ the AEquipment Replacement Account,@ and the ADebt Retirement Account@ in accordance with state and federal regulations and the provisions of this chapter.

(C) Revenue generated by the sewer service charge system sufficient to ensure adequate replacement throughout the design life or useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the AEquipment Replacement Account@ and dedicated to affecting replacement costs. Interest income generated by the AEquipment Replacement Account@ shall remain in the AEquipment Replacement Account.@

(D) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the AOperation and Maintenance Account.@

#### **' 51.116 ADMINISTRATION.**

The sewer service charge system and sewer service fund shall be administrated according to the following provisions:

(A) The City Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall

furnish the City Council with a report of those costs annually in December. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with ' 51.113(B). The city shall thereafter, but not later than the end of the year, reassess and as necessary revise the Sewer Service Charge System then in use to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(B) In accordance with federal and state requirements, each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.

(C) In accordance with federal and state requirements, the City Clerk shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

(D) Bills for sewer service charges shall be rendered on a monthly, bi-monthly or quarterly basis as designated by Council, succeeding the period for which the service was rendered and shall be due ten days from the date of rendering. Any bill not paid in full 30 days after the due date will be considered delinquent. At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty. The penalty shall be computed at 10% of the original bill and shall be increased the same 10% for every quarter the bill is outstanding. Disconnection of services for late payment shall follow the procedures established in Chapter 54.

(E) The owner of the premises shall be liable to pay for the service to their premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.

(F) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger of the wastes, at no expense to the city.

### ***POWERS AND AUTHORITY OF INSPECTORS***

#### **' 51.130 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTIES.**

The Utilities Superintendent or other duly authorized employees of the city, bearing proper credentials and identification, are authorized, with the permission of the licensee, owner, resident or

other person in control of property within the city, to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in ' 10.20 before entering the property, except in emergency situations.

**' 51.131 AUTHORIZED EMPLOYEES OBTAINING INFORMATION FOR INDUSTRIAL PROCESSES.**

The Utilities Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

**' 51.132 AUTHORIZED EMPLOYEES TO OBSERVE SAFETY RULES.**

While performing necessary work on private properties, the Utilities Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the property owner shall be held harmless for injury or death to the city employees and the city shall indemnify the property owner against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in ' 51.087.

**' 51.133 AUTHORIZED EMPLOYEES PERMITTED TO ENTER ALL PROPERTY WITH EASEMENTS.**

The Utilities Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.



**' 51.999 PENALTY.**

(A) (1) Any person found to be violating any provisions of " 51.001 through 51.094 and 51.130 through 51.133 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be punished as provided in ' 10.99. Each day in which any violation occurs shall be deemed as a separate offense.

(3) Any person violating any of the provisions of " 51.001 through 51.094 and 51.130 through 51.133 shall become liable to the city for any expense, loss or damage occasioned by the city by reason of that violation.

(B) (1) Each and every sewer service charge levied by and pursuant to " 51.110 through 51.116 is made a lien upon the lot or premises served, and all charges which are on October 31 of each year past due and delinquent shall be certified to the County Auditor by November 29, for collection as provided for in Chapter 54. Nothing in " 51.110 through 51.116 shall be held or construed as in any way stopping or interfering with the right of the city to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

(2) As an alternative to levying a lien, the city may, at its discretion, file suit in a civil action to collect amounts as are delinquent and due against the occupant, owner or user of the real estate, and shall collect as well all attorney's fees incurred by the city in filing the civil action. Attorney's fees shall be fixed by order of the court.

(3) In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per annum.

## **CHAPTER 52: WATER REGULATIONS**

### **Section**

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***Cross-reference:***

*Assessable current services, see ' 92.01*

**GENERAL PROVISIONS****' 52.01 GENERAL OPERATION.**

The city does hereby make provision for the establishment of a municipal water system (hereinafter called the water system) to be operated as a public utility.

**' 52.02 USE OF WATER SERVICE.**

No person other than a city employee shall uncover or make or use any water service installation connected to the city water system except in the manner provided by this chapter. No person shall make or use any installation contrary to the regulatory provisions of this chapter.

Penalty, see ' 10.99

**' 52.03 USE TO CIRCUMVENT CHAPTER PROHIBITED.**

No person shall permit water from the water system to be used for any purpose to circumvent this chapter.

Penalty, see ' 10.99

**' 52.04 DAMAGE TO WATER SYSTEM.**

(A) No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

(B) No person shall make any connection of an electrical welder to the city water main, appurtenance or service or use an electric welder for the purpose of thawing frozen water mains, appurtenances or services.

Penalty, see ' 10.99

**' 52.05 CONNECTIONS BEYOND CITY BOUNDARIES.**

Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to the water main to make proper water service pipe connections with the water mains of the city and to be supplied with water in conformity with the applicable provisions of this chapter and subject to any contract for the supply of water between the city and any other city. The water meter pit will be in the city limits. The city will own and maintain the water meter. The user will pay for the original meter in the connection fee.

Penalty, see ' 10.99

**' 52.06 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.**

(A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system; provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibbs shall not be installed on both systems.

(B) All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this chapter, a charge shall be made in an amount established by ' 52.51.

(C) Where new homes or buildings do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(D) If the well is not to be used after the time a municipal water connection is made:

- (1) The well pump and tank shall be disconnected from all internal piping;
- (2) The casing shall be filled with sandy soil from the bottom to a point eight feet from the top;
- (3) The remaining eight feet shall be filled with concrete to the floor level and the well casing cut off as close to the floor level as possible;
- (4) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Utilities Superintendent that the well has been sealed.

(5) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. " 103I.301 to 103I.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time. All well sealing shall be performed by a professional licensed well driller trained in well abandonment.

Penalty, see ' 10.99

#### **' 52.07 USE OF WATER FOR AIR CONDITIONING; PERMITS.**

(A) All air conditioning systems that are connected directly or indirectly with the public water system must be equipped with water-conserving and water-regulating devices and a backflow device as approved by the City Engineer or City Utilities Superintendent.

(B) Permits shall be required for the installation of all air conditioning systems to the public water system. The fee shall be established pursuant to ' 52.51.

Penalty, see ' 10.99

#### **' 52.08 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.**

(A) *Use of fire hydrants.* Except for extinguishment of fires, no person, unless authorized by the Public Works Director or Public Utilities Department, shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the city as follows:

(1) A permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for the additional 30 day period as the city shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other.

(2) The user shall make an advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant and meter, which shall be refunded upon expiration of the permit, less applicable charges for use.

(3) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(4) The user shall pay a rental charge as established pursuant to ' 52.51 for each day including Sundays and legal holidays, and a 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 for each 1,000 gallons of water used.

(5) Connections to a public water supply to fill tankers must follow backflow prevention standards. The connection will have a reduced pressure zone backflow device.

(B) *Temporary connection to fire hydrants.* An owner of a private water system may make a temporary above ground connection to a fire hydrant, subject to the time periods, conditions, and payment specified in ' 52.51. In addition, the method of connection to the private system shall conform to all existing requirements of this chapter and city ordinance and the type of meter used shall meet the approval of the Utilities Superintendent.  
Penalty, see ' 10.99

## **' 52.09 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.**

(A) The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. For non-payment of charges, water service may be discontinued according to the procedures established in ' 52.72.

(B) *Restricted hours.* Whenever the Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air condition, or other specified uses. After publication of the resolution, no person shall use, or permit water to be used, in violation of the resolution, and any customer who does so shall be charged a fee set by resolution of the Council for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

## ***WATER REGULATIONS***

## **' 52.25 SUPPLY FROM ONE SERVICE.**

No more than one housing unit or building shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter.  
Penalty, see ' 10.99

**' 52.26 TAPPING OF MAINS RESTRICTED.**

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein.

Penalty, see ' 10.99

**' 52.27 REPAIRS.**

(A) *Determination of need for repairs.* Based on the information supplied by the property owner or available to the city, the city may make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem, appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem.

(B) *Thawing of water services.* The city may attempt to thaw water services on request of the resident. If the problem is found within that portion of the service for which the private owner is responsible, the private owner thereafter will be responsible for thawing the service and correction of the problem.

(C) *Excavation or repair of water service.*

(1) The city **may** arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, the excavation and repair may not be made until the property owner requests the city in writing to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city may make the determination for the responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(D) *Failure to repair.* In case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and may not be turned on until the leak has been repaired and a fee pursuant to ' 52.51 has been paid to the city.

Penalty, see ' 10.99

**' 52.28 ABANDONED OR UNUSED SERVICES.**

(A) If the premises served by water have been abandoned, or if the service has not been used for one year, then the service may be shut off at the curb stop box by the city and the water meter will be removed.

(B) When new buildings are erected on the site of old ones, and it is desired to increase or change the old water service, no connections with the mains may be made until all the old service has been removed and the main taps plugged or yoked connections installed by the city at the owner's expense. Penalty, see ' 10.99

**' 52.29 DISCONNECTION PERMIT.**

A permit must be obtained to disconnect from the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to ' 52.51. Penalty, see ' 10.99

**' 52.30 SERVICE PIPES.**

Every service pipe shall be laid so as to allow at least one foot of extra length in order to prevent rupture by settlement. The service pipe must be placed no less than seven feet below the ground and in a manner as to prevent rupture by freezing. Service pipes must extend from the curb stop box to the inside of the building, or if not taken into the building, then to the hydrant or fixtures which it is intended to supply. All tubing and pipes shall conform to the Minnesota Plumbing Code. All underground joints are to be mechanical, except joints under floors shall be soldered in accordance with the Minnesota Plumbing Code, unless otherwise approved by the Utilities Superintendent. Joints of copper tubing shall be kept, to a minimum, and all joints shall conform to the Minnesota Plumbing Code. All joints and connections shall be left uncovered until inspected by the Utilities Superintendent and must comply to the Minnesota Plumbing Code and tested at normal water line pressure. Unions must conform to the Minnesota Plumbing Code. Connections with the mains for domestic supply shall be at least three-quarter inch up to the curb stop box. Penalty, see ' 10.99

**' 52.31 EXCAVATION AND CONSTRUCTION REQUIREMENTS.**

(A) No excavation shall be made until a permit for the connection has been issued by the city.

(B) No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain



which is of a material that is in conformance with the current Minnesota Plumbing Code, Minn. Rules Ch. 4714, as it may be amended from time to time.

(C) Where it is desired to lay the water service pipe and the building sewer pipe in the same trench, or in separate trenches less than ten feet apart, the water service pipe shall be above the sewer pipe unless approved by the City Engineer. It shall be placed at least one foot above the sewer and on a solid shelf excavated at one side of the trench. The sewer pipe shall be of a material that is in conformance with the Minnesota Plumbing Code with tested watertight joints. The water service pipe shall be watertight and corrosion resistant. Copper pipe and ductile or cast iron water pipe with specially protected joints is acceptable for this construction. Cast iron pipe shall conform to the American Water Works Association specifications for this pipe. Bell joint clamps with rubber gaskets are provisionally acceptable as extra protection for the joints on cast iron water pipe. In all cases, precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compacted earth.

(D) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Minnesota Department of Transportation Standards. Complete surface restoration shall be made.

Penalty, see ' 10.99

#### **' 52.32 CONNECTION TO OTHER WATER SUPPLIES RESTRICTED.**

No water pipe of the water system shall be connected with any pump, well, tank, or piping that is connected with any other source of water supply except to service municipal systems.

Penalty, see ' 10.99

#### **' 52.33 WATER CONNECTIONS; APPLICATIONS AND CHARGES.**

(A) *Connection applications.*

(1) All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the city the amount of 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 or deposit required for the installation of the service connection as hereinafter provided. Applications for services larger than one inch shall be accompanied by two sets of plans or sketches indicating preferred location of service pipe and size of service based on building demand.

(2) The size of the water service connections and meter shall be subject to approval of the City Engineer. Water meter sizing for a domestic connection shall be 5/8 inch by 3/4 inch. The standard service line size will be one inch. If the homeowner requests a larger service line the extra cost of the water meter will be charged to the connection owner. The future replacement of the water meter will be billed at the difference between the standard meter cost and meter need to accommodate the larger line at the time of replacement.

(3) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the minimum quarterly rate, prorated on a semi-monthly basis.

(B) *Connection charges.*

(1) A permit must be obtained to connect to the existing water service leads at the curb stop box. The fee for the permit shall be set pursuant to ' 52.51. The city shall install or have installed all service connections from the water main to the curb stop box including the stop box. Payment for service connections must be made before the work is started and should be based upon 12 times the estimate of costs provided by the City Engineer. Any excess deposit shall be returned to the applicant.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead is not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a service line, the installation of a curb stop box, cost of restoring disturbed areas and all other costs related to the installation.

(3) There shall be a connection charge pursuant to ' 52.51 levied by the city to contribute to the payment of the costs of the Public Water System Facilities. The City Council shall set by resolution the charges to be made for nonresidential installations.

(4) When water services have been stopped because of a violation of this chapter, the city shall collect the fee established pursuant to ' 52.51 before service is recommenced.

(5) If a person desires to connect to the system and service a parcel that has not been assessed for the cost of water main and lateral construction, then before a permit is granted, the city shall collect an amount from the applicant that is established pursuant to ' 52.51.  
Penalty, see ' 10.99

**' 52.34 LOCATION OF CURB STOP BOX.**

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the City Engineer to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet

below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block. No person shall erect any fence or plant any tree or other landscaping that would obstruct, or place a structure on, park a motor vehicle on, or otherwise obstruct the use of the curb stop box, or cause damage to the same.

Penalty, see ' 10.99

### **' 52.35 WATER METERS.**

(A) *Generally.* Except for extinguishment of fires, no person, unless otherwise authorized by the City Council or Public Utilities Department, shall use water from the water system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Utilities Superintendent shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) A charge established pursuant to ' 52.51 shall be paid by customers to the city for water meters including installations and check valves and payment for same shall be made at the time of water service application. This payment shall be made only once, subject to the following.

(2) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one line into the premises and AY@ off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one-inch detection meter shall be put on the large line.

(3) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises, any expense caused the city thereby shall be charged against and collected from the water consumer.

(4) A consumer may, by written request, have his or her meter tested by depositing the amount established pursuant to ' 52.51. In case a test should show an error of over 5% of the water consumed, a correctly registering meter will be installed, and the bill will be adjusted accordingly and the testing deposit refunded. This adjustment shall not extend back more than one billing period from the date of the written request.

(5) All water meters and remote readers shall be and remain the property of the city.

(6) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections.

However, city employees may not enter private property without obtaining the permission of the owner to do so or have obtained a search warrant issued by a court of competent jurisdiction, as provided for in ' 10.20.

(7) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(B) *Water meter setting.* All water meters hereafter installed shall be in accordance with the Minnesota Plumbing Code and any standards established by resolution of the City Council. Penalty, see ' 10.99

### ***RATES AND CHARGES***

#### **' 52.50 WATER UNIT.**

A water unit (hereinafter called unit) shall be one residential equivalent connection based on usage of 100,000 gallons per year or portion thereof.

#### **' 52.51 RATES, FEES AND CHARGES GENERALLY.**

The City Council shall establish a schedule of all water rates, fees and charges for permits or services in 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 accordance with M.S. ' 444.075 Subd 3, charges made for service rendered shall be as nearly as possible proportionate to the cost of furnishing the service.

#### **' 52.52 WATER SERVICE BILLING; CHANGE OF ADDRESS.**

All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk. All accounts shall be carried in the name of the owner who personally or by his or her authorized agent, applied for the service. The owner shall be liable for water services supplied to the property whether he or she is occupying the property or not.

**' 52.53 WATER RATES.**

(A) The rate due and payable by each user within the city for water taken from the water system shall be established pursuant to ' 52.51.

(B) In case the meter is found to have stopped, or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(C) Rates due and payable by each water user located beyond the territorial boundaries of the city may be determined by special contract.

(D) The minimum rates established pursuant to ' 52.51 shall begin to accrue after connection of the service pipe with the curb stop box.

(E) A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.

(F) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date as service is disconnected at the curb box.

Penalty, see ' 10.99

**' 52.54 PAYMENT OF CHARGES; LATE PAYMENT; COLLECTION.**

(A) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent charges.

(B) If a service charge is not paid when due, then a penalty of 10% shall be added thereto.

(C) In the event a user fails to pay his or her water user fee within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Clerk and forwarded to the County Auditor for collection as provided for in Chapter 54.

Penalty, see ' 10.99

***ADMINISTRATION AND ENFORCEMENT*****' 52.70 SUPERVISION BY UTILITIES SUPERINTENDENT; LICENSING.**

(A) All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Utilities Superintendent. The piping

connection made to the curb stop box on the house side shall be inspected by the Utilities Superintendent. The water meter installation shall be inspected, tested and the meter sealed by the Utilities Superintendent.

(B) No person, firm or corporation shall engage in the business of altering, repairing, installing or constructing municipal water connections within the city without first obtaining a license to carry on the occupation from the city. A master plumber licensed by the state under the provisions of M.S. ' 326B.46, as it may be amended from time to time, is exempt from the provisions of this section. A person in the ditch installing the pipe who has a card showing that they have completed a program of training that incorporates the Plumbing Code installation requirements, issued by either the Associated Builders and Contractors, Laborers-Employers Cooperation Educational Trust, or Minnesota Utility Contractors Association, is not subject to the licensing requirements of this section.

(1) The applicant shall file with the City Clerk evidence of public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. Evidence of insurance required pursuant to M.S. ' 326B.46, Subd. 2, as it may be amended from time to time, shall satisfy this requirement.

(2) The applicant shall file with the City Clerk a surety bond guaranteeing the conformance and compliance of work with this chapter. The bond shall be in the amount of \$2,000. The city shall hold the bond for one year following the license period. Failure to comply with provisions and requirements of this chapter shall result in forfeiture of the bond. The applicant may comply with the requirements of M.S. ' 326B.46, Subd. 2, as it may be amended from time to time in lieu of these requirements.

(3) Applications for licenses shall be filed with the City Clerk and shall be reviewed and subject to approval of the city.

(4) Any installation, construction, alteration of a water connection by a licensee in violation of any provision of this chapter or refusal on the part of a licensee to correct the defective work shall be cause for revocation of or refusal to renew a license. This license may be revoked or refused for renewal by the city at any time for cause which shall be documented in writing.

(C) All licenses required in this section shall be renewable annually. Applications for licenses shall be made annually on a form furnished by the City Clerk. Licenses shall be in effect from January 1 to December 31 of the same year. The license fee shall be established pursuant to ' 52.51.

(D) Before any license issued under the provisions of this section may be revoked or its renewal refused, the licensee shall be given a hearing by the City Council to show cause why the license should not be revoked or refused. Notice of the time, place and purpose of the hearing shall be in writing.

**' 52.71 POWERS AND AUTHORITY OF INSPECTORS.**

The Utilities Superintendent and other duly authorized employees of the city, upon proper identification, are authorized, with the permission of the licensee, owner, resident or other person in control of property within the city, to enter upon all properties for the purpose of inspections, observation and testing in accordance with the provisions of this chapter. If the licensee, owner, resident or other person in control of property within the city does not permit the entrance to the property, the city shall obtain an administrative search warrant as provided for in ' 10.20 before entering the property, except in emergency situations.

**' 52.72 DISCONTINUANCE OF SERVICE.**

Water service may be shut off at any connection as provided for in Chapter 54 of this code.

**' 52.73 AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.**

No person, except an authorized city employee, shall turn on or off any water supply at the curb stop box.

Penalty, see ' 10.99

**' 52.74 LIABILITY FOR EXPENSE, LOSS OR DAMAGE.**

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

## CHAPTER 53: STORM WATER DRAINAGE UTILITY

### Section

- 53.01 Storm water drainage utility established
- 53.02 Definition
- 53.03 Determination of storm water drainage fees
- 53.04 Credits
- 53.05 Exemptions
- 53.06 Fee payment schedules

### ' 53.01 STORM WATER DRAINAGE UTILITY ESTABLISHED.

The Council may, by resolution adopted by a majority of its members, resolve that the city storm sewer system be operated as a public utility pursuant to M.S. ' 444.075, from which revenues will be derived subject to the provisions of this chapter and state statutes. The storm water drainage utility will be under the administration of the City Clerk.

### ' 53.02 DEFINITION.

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

***RESIDENTIAL EQUIVALENT FACTOR (REF).*** One ***REF*** is defined as the ratio of the average volume of runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land during a standard one-year rainfall event.

### ' 53.03 DETERMINATION OF STORM WATER DRAINAGE FEES.

(A) Storm water drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the storm water drainage rate. The REF values for various land uses are as shown in the following table.

[See table on following page]



<i>Classification</i>	<i>Land Use</i>	<i>REF</i>
1	Cemeteries, golf courses	.25
2	Parks with parking facilities	.75
3	Single-family and duplex residential	1
4	Public and private schools	1.25
5	Multiple-family residential, churches and government buildings	2.5
6	Commercial, industrial, warehouse	5
7	Vacant land	As assigned

(B) For the purpose of calculating storm water drainage fees, all developed single-family and duplex parcels shall be considered to have an acreage of one-third acre. The storm water drainage rate shall be as set in the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code by the City Council.

(C) Other uses not listed shall be classified by the City Engineer by assigning them to the most similar class from the standpoint of probably hydrologic response.

#### **' 53.04 CREDITS.**

The Council may adopt policies, recommended by the City Engineer, by resolution for adjustment of the storm water drainage fee for parcels based upon hydrologic data to be supplied by the property owner, which data demonstrates a hydrologic response substantially different from the standards. The adjustment of storm water drainage fees shall not be made retroactively.

#### **' 53.05 EXEMPTIONS.**

The following land uses are exempt from storm water drainage fees:

- (A) Public rights-of-way;
- (B) Vacant, unimproved land with ground cover; and
- (C) Wetlands and public waters as defined by state law.

**' 53.06 FEE PAYMENT PROCEDURES.**

(A) Statements for storm water drainage fees shall be computed monthly and shall appear as part of the monthly utility bill from the city utilities.

(B) If a property owner or person responsible for paying the storm water drainage fee questions the correctness of the fee, the person may have the determination of the charge recomputed by written request to the City Engineer.

(C) Each monthly billing for storm water drainage fees not paid when due shall incur a penalty charge of 10% of the amount past due.

(D) Any past due storm water drainage fees in excess of 90 days past due on October 1 of any year may be certified to the County Auditor for collection with real estate taxes in the following year, pursuant to M.S. ' 444.075, Subd. 3e. In addition, the city shall also have the right to bring civil action or to take other legal remedies to collect unpaid fees.



## CHAPTER 54: RATES AND CHARGES

### Section

- 54.01 Generally
- 54.02 Collection of charges
- 54.03 Disconnection for late payment
- 54.04 Cold weather rule
- 54.05 Delinquent charges

#### ' 54.01 GENERALLY.

(A) The monthly charge for water, sewer services and for collection, removal and disposal of garbage and trash from residences and businesses within the corporate limits of the city shall be 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.

(B) *Accounts.* All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. The owner shall be liable for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

#### ' 54.02 COLLECTION OF CHARGES.

The charges fixed herein for water, sewer services and for collection, removal and disposal of all garbage and trash shall be entered in their respective amounts on the utility bill. The city may discontinue all utility services, including water, sewer, and garbage and trash services, for failing to pay any assessed charges and until the charges have been paid in full under conditions and procedures detailed in ' 54.03.

#### ' 54.03 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number,

and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill;

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge 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.

#### **' 54.04 COLD WEATHER RULE.**

Pursuant to M.S. ' 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 1 and April 30, the customer has declared inability to pay on forms provided by the city, the household income of the customer is at or below 50% of the state median household income as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 1 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule. The City Clerk shall, between August 15 and October 1, of each year, notify all residential customers of these provisions.

Penalty, see ' 10.99

#### **' 54.05 DELINQUENT CHARGES.**

As provided for by M.S. ' 444.075, Subd. 3e, as it may be amended from time to time, the City Clerk, annually or more frequently as directed by Council, shall prepare a list of delinquent charges to

be certified for payment as taxes. The list of delinquent charges shall be delivered to the City Council for adoption. All persons who have delinquent charges included in the list shall be notified and given a chance to appear before the Council before the list is adopted. In the event the delinquency involves rental property, notice shall be given to the record owner of the property in addition to the tenant or other parties in possession and he or she given a chance to appear before the Council. Upon adoption, the Clerk shall certify the unpaid charges to the County Auditor for collection as other taxes are collected. This action may be optional or subsequent to taking other legal action to collect delinquent charges, and shall not preclude the City or its agents from recovery of the delinquent charges and interest under any other available remedy, and shall not preclude the disconnection for late payment provided for in this chapter.

