

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 \$300.00
- ☒ 3) Legal description of the property. See affirmation of sufficient interest form.
- ☒ 4) Acknowledgement of Responsibility form completed. See attachment
- ☒ 5) Affirmation of Sufficient Interest form completed. See attachment
- ☒ 6) A narrative explaining the purpose of the request, the exact nature of the Interim use, and the justification for the request. See attachment
- ☒ 7) Copies of all MPCA permits. See attachments
- ☒ 8) Other See attachments as required by the Sand & Gravel ordinance

\*\*\*\*\*

APPLICATION FOR INTERIM USE PERMIT

**AFFIRMATION OF SUFFICIENT INTEREST**

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


Name of Applicant: Mark Sand & Gravel Co.

Phone: 218-736-7523

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

560 Pelican Ave S, Vergas, MN 56587

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

  
Signature

02/22/2021  
Date

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

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

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

APPLICATION FOR INTERIM USE PERMIT

**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

2/22/2021

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.

Jeff Hollowick  
Applicant's Signature

2/22/2021  
Date

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

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

Received by:

Julie Sammons  
City Clerk's Signature

02/22/2021  
Date

## Application for Interim Use Permit

Date: February 22, 2021

Application Fee: \$300.00

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



# OTTER TAIL COUNTY - MINNESOTA

Friday February 19th, 2021

PLEASE NOTE: When land is valued by frontage, the amount of feet shown is based on the widest dimension on the front or the back of the lot.

Any questions regarding the information on the Appraisal Information section should be directed to the [County Assessor](#).

[Parcel Map](#)

[Parcel Summary](#)

[Parcel Detailed Results](#)

[Sales Data](#)

## Parcel Summary

<b>Parcel Number: 82000500022000</b>			
<b>Town / City:</b>	VERGAS CITY	<b>HRA District:</b>	OTTER TAIL COUNTY HRA
<b>School District:</b>	FRAZEE/VERGAS ISD 23 (BECKER)	<b>Lake Improvement District:</b>	
<b>Watershed District:</b>		<b>Tax Increment District:</b>	TAX INCREMENT
<b>Hospital District:</b>		<b>Site Address / Site Zip:</b>	560 S PELICAN AVE 56587
<b>Plat / Legal Description:</b>			
Section-25 Township-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			
<b>Primary Taxpayer:</b>	<b>Alternate Taxpayer:</b>		
MARK SAND & GRAVEL COMPANY	N/A		
PO BOX 458			
FERGUS FALLS, MN 56538-0458			

## Summary Data

<b>Parcel Number: 82000500022000</b>				
<b>Summary of Land Value</b>				
Record	Description	Hmstd Status	Land Value	Land Program Acre Value
1	AGRICULTURAL	Non-Homestead	207006	0
2	INDS LAND & BLDGS	Non-Homestead	80000	0
3		Non-Homestead	20000	0
<b>Total Land Value:</b>			307006	0
<b>Summary of Building Value</b>				
Record	Description	Hmstd Status	Building Value	
1	AGRICULTURAL	Non-Homestead	19498	
2	INDS LAND & BLDGS	Non-Homestead	0	
3		Non-Homestead	154508	
<b>Total Building Value:</b>			174006	
<b>Total of Land Value &amp; Building Value</b>				
<b>Total Parcel Value:</b>			481012	0

[NEW SIMPLE SEARCH](#)

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# **Appendix I**

## **Plan of Operation**

### **Purpose**

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

### **Plan of Operation**

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

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

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

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

calcium chloride and water onto the roadway. The pit entrance driveway has been paved to reduce the amount of fugitive dust created by vehicles entering and exiting.

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

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

**Phasing Plan** – Currently there are 26 acres that have been mined or have been stripped to prepare for mining or stockpiling. While it is not feasible to reclaim land that has not been completely mined there can be a phasing plan implemented to eventually work towards the goal of having only 10 acres being openly mined at one time. The included phase map will outline the areas to be mined and the estimated time frames involved with each area. Once the sections of these phase areas are completely mined the sloping and backfilling will begin as the mining continues in that area. The sloped area will be leveled again to fix any possible area of erosion before the land is seeded into grassland. It is important that this sloped area be brought to finish grade before spreading the topsoil.

**Hot Mix Asphalt Plant** – This existing site includes approximately 7 acres of level ground. Included in this 7 acre area will be at least two stockpiles of aggregate materials. The hot mix plant is portable and temporary. It will be placed only as long as is needed to complete the local road construction projects and removed promptly when completed. The existing paved approach will be the entrance and exit to the hot mix asphalt production area. Semi-trucks will be utilized to haul the equipment into the pit area and to truck the finished product to the construction sites.

### **Reclamation**

Sloping of the boundaries of the mined area will occur at a ratio of four to one as the mining progresses. Reclamation of the mined site will continue to occur during the mining process. Sloped areas are considered to be reclaimed. Topsoil will be spread at a depth of up to 6 inches and it will be seeded with MNDOT 330, Dry Prairie General 35-221. This mix is a general dry prairie mix for native roadsides, ecological restoration, or conservation program plantings. Our goal will be to leave the land mostly level with gently rolling hills and sloped borders near the mine boundaries. Any on-site water will be minimized into a temporary pond. 250 trees will be maintained and/or replaced as needed along the County Highway 35 property border for privacy and security until future development occurs.

**Hot Mix Asphalt Plant** – A seven-acre level stockpile area may be utilized throughout the permit period. The Hot Mix Asphalt Plant will be set upon the current stock pile site. This area may be mined in the phasing plan to help limit the line of sight and sound exposure to the Hot Mix Asphalt Plant. The Plant would then be placed at the pit bottom. Reclamation of this hot mix site will be completed last after all other pit materials have been depleted.



## Appendix II

### 151.72 PERMIT APPLICATION REQUIREMENTS.

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

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

12. Map or plat of the proposed pit or excavation showing the confines or limits thereof, together with the proposed finished elevations based on sea level readings. See attached maps
13. Elevations and percent slope within 100 feet beyond the perimeter of the excavation and other such information necessary to analyze the site shall be provided by the applicant. United States Geological Survey datum shall be used for all topographic mapping where feasible. See attached maps
14. Phasing plan which provides no more than ten (10) acres of the site to be open to active mining at any one time. Before any additional land may be mined, the applicant must reclaim the site to the condition that is indicated on the approved reclamation plan. See attached maps
- I. The operation plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and rising dust out of any sand or gravel pit. See attachment Appendix I
- J. A reclamation plan including, but not limited to:
  1. Final grade of the property; See attachment Appendix I
  2. Depth of topsoil reclaimed; See attachment Appendix I
  3. Type of vegetation replanted; See attachment Appendix I
  4. Number of trees to be replanted, replacing the trees removed during excavation. See attachment Appendix I and attached maps

#### **151.73 Bond**

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

**B.** A performance bond of \$50,000.00 will be provided for upon approval of this permit. This property is owned by Mark Sand & Gravel Co. and will be maintained at a high level during the future of this operation. We want this property to maintain the high value that it has for future sales and development once the area has been completely mined.

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

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

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

Upon approval of this permit application Mark Sand & Gravel Co. agrees to provide the City of Vergas with the established inspection and review permit fee. This fee is to be held in escrow account and used strictly for the engineering fees that are required due to the ordinance. An accounting for all expenses charged to the escrow account will be provided to the applicant annually by February 15<sup>th</sup> of each year.

**151.76 Inspections**

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

**151.77.03 Screening**

Mark Sand & Gravel Co. will continue to maintain and or upgrade the trees as necessary during the 2021 season.



# MINNESOTA POLLUTION CONTROL AGENCY

## ***Nonmetallic Mining Permit NOC***

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

**MNG490125**

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

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

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

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

**Signature:**

*This document has been electronically signed.*

*for the Minnesota Pollution Control Agency*

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

### **Submit eDMRs**

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

### **Submit other WQ reports to:**

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

### **Questions on this permit?**

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

### **For specific permit requirements please refer to:**

Joe Braun, (218) 846-8126

**Wastewater Permit Program general questions, contact:**  
MPCA, 651-282-6143 or 1-800-657-3938.



# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us)

June 9, 2009

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

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

Dear Mr. Hatlewick:

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

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

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

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

*Minn. R. 7007.1110*

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

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



**AIR EMISSION PERMIT NO. 11100082- 001**

**IS ISSUED TO**

**Mark Sand & Gravel Co – Multiple Sites**

**MARK SAND & GRAVEL CO - NONMETALLIC**

**525 Kennedy Park Road**

**Fergus Falls, Otter Tail County, MN 56537**

The emission units, control equipment and emission stacks at the stationary source authorized in this general permit are as described in the Permit Applications Table.

This general permit supersedes Air Emission Registration Permit Nos. 99000305-001, 99000234-002, 99000264-001, 99000263-001, and 99000306-001, and authorizes the Permittee to construct, modify, and operate nonmetallic mineral processing stationary sources at multiple locations in Minnesota under the conditions set forth herein as long as all conditions of this general permit are always met at each stationary source covered by the Permittee's general permit. (Portable crushing spreads or aggregate processing plants in some situations may be stationary sources themselves, or in other situations parts of another stationary source). If the construction, modification, or operation of a nonmetallic mineral processing stationary source by the Permittee would not comply with all conditions of this general permit, the Permittee must apply for and obtain an individual Part 70, state, or registration permit before beginning actual construction of the modification or change. Terms used in this general permit are as defined in the state air quality rules unless the term is explicitly defined in this general permit.

Unless otherwise indicated, all the Minnesota rules cited as the origin of the permit terms are incorporated into the State Implementation Plan under 40 CFR § 52.1220 and as such are enforceable by the U.S. Environmental Protection Agency (EPA) Administrator or citizens under the Clean Air Act.

**Permit Type:** State General, Limits to Avoid Pt 70/Limits to Avoid NSR

**Issue Date:** June 9, 2009

**Expiration:** Nonexpiring  
Title I Conditions do not expire

*Marilyn Wegwert*  
for Don Smith, P.E., Manager  
Air Quality Permits Section  
Industrial Division

for Paul Eger  
Commissioner  
Minnesota Pollution Control Agency



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

**'OPTION D' REGISTRATION PERMIT**

**FOR A**

**HOT MIX ASPHALT FACILITY**

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

Mark Sand & Gravel Acquisition Co  
PO Box 458  
Fergus Falls, MN 565380458

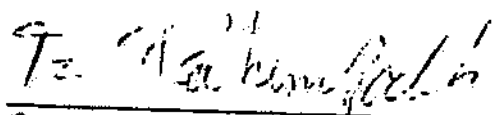
(hereinafter Permittee) is issued an Air Emission Registration Permit by the Minnesota Pollution Control Agency for its Mark Sand & Gravel Acquisition - Plant 9 facility located at various locations throughout the state of Minnesota.

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

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

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

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

  
for Karen A. Studders  
Commissioner  
Minnesota Pollution Control Agency

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

THAT WE, Mark Sand & Gravel Co., PO Box 458, Fergus Falls, MN 56538 as Principal, and Liberty Mutual Insurance Company, a Massachusetts Corporation, as Surety, are held and firmly bound unto City of Vergas, PO Box 32, 111 Main St., Vergas, MN 56587 in the sum of Fifty Thousand and 00/100 DOLLARS (\$50,000.00) for the payment of which sum, well and truly to be made, we bind ourselves, our personal representatives, successors and assigns, jointly and severally, firmly by these presents.

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

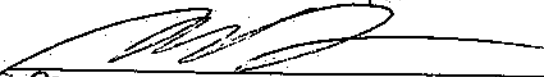
NOW, THEREFORE, if the Principal shall, during the period commencing on the aforesaid date, faithfully perform all the duties according to the requirement of the Ordinances regulating said license, and protect said Obligee from and damage as hereinbefore stated, then this obligation shall become void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

This bond may be terminated as to future acts of the Principal upon thirty (30) days written notice by the Surety. Otherwise, this bond expires at midnight May 19, 2021. All claims must be made before the expiration date.

Dated this 4<sup>th</sup> day of May, 2020.

Mark Sand & Gravel Co.

Principal

  
Mark Thorson, Pres.

Liberty Mutual Insurance Company

Surety

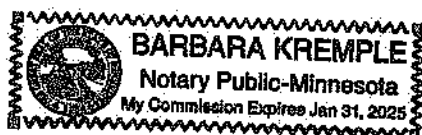
  
Joshua R. Loftis, Attorney-in-Fact



## CORPORATE ACKNOWLEDGMENT

State of Minnesota )  
 ) ss  
County of Otter Tail )

On this 4 day of May 2020, before me appeared Mark Thorson,  
to me personally known, who, being by me duly sworn, did say that he/she is the President  
of Mark Sand & Gravel Co., a corporation, that the seal affixed to the  
foregoing instrument is the corporate seal of said corporation, and that said instrument was executed in  
behalf of said corporation by authority of its Board of Directors, and that said Mark Thorson  
acknowledged said instrument to be the free act and deed of said corporation.

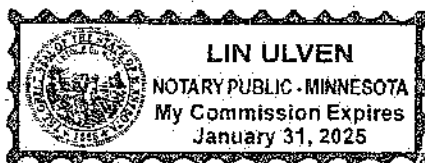


Barbara Krempfle  
Notary Public Otter Tail County, MN  
My commission expires 1-31-2025

## SURETY ACKNOWLEDGMENT

State of Minnesota )  
 ) ss  
County of Hennepin )

On this 4th day of May 2020, before me appeared Joshua R. Loftis,  
to me personally know, who being by me duly sworn, did say that (s)he is the Attorney-in-Fact of  
Liberty Mutual Insurance Company, a corporation, that the seal  
affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was  
executed in behalf of said corporation by authority of its Board of Directors; and that said  
Joshua R. Loftis acknowledged said instrument to be the free act and deed of said corporation.



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



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

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

Certificate No: 8200451-190054

## POWER OF ATTORNEY

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

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

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 4th day of February, 2019.



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

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

State of PENNSYLVANIA ss  
County of MONTGOMERY

On this 4th day of February, 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

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



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

By: Teresa Pastella  
Teresa Pastella, Notary Public

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

### ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

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

### ARTICLE XII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

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

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

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 4th day of May, 2020.

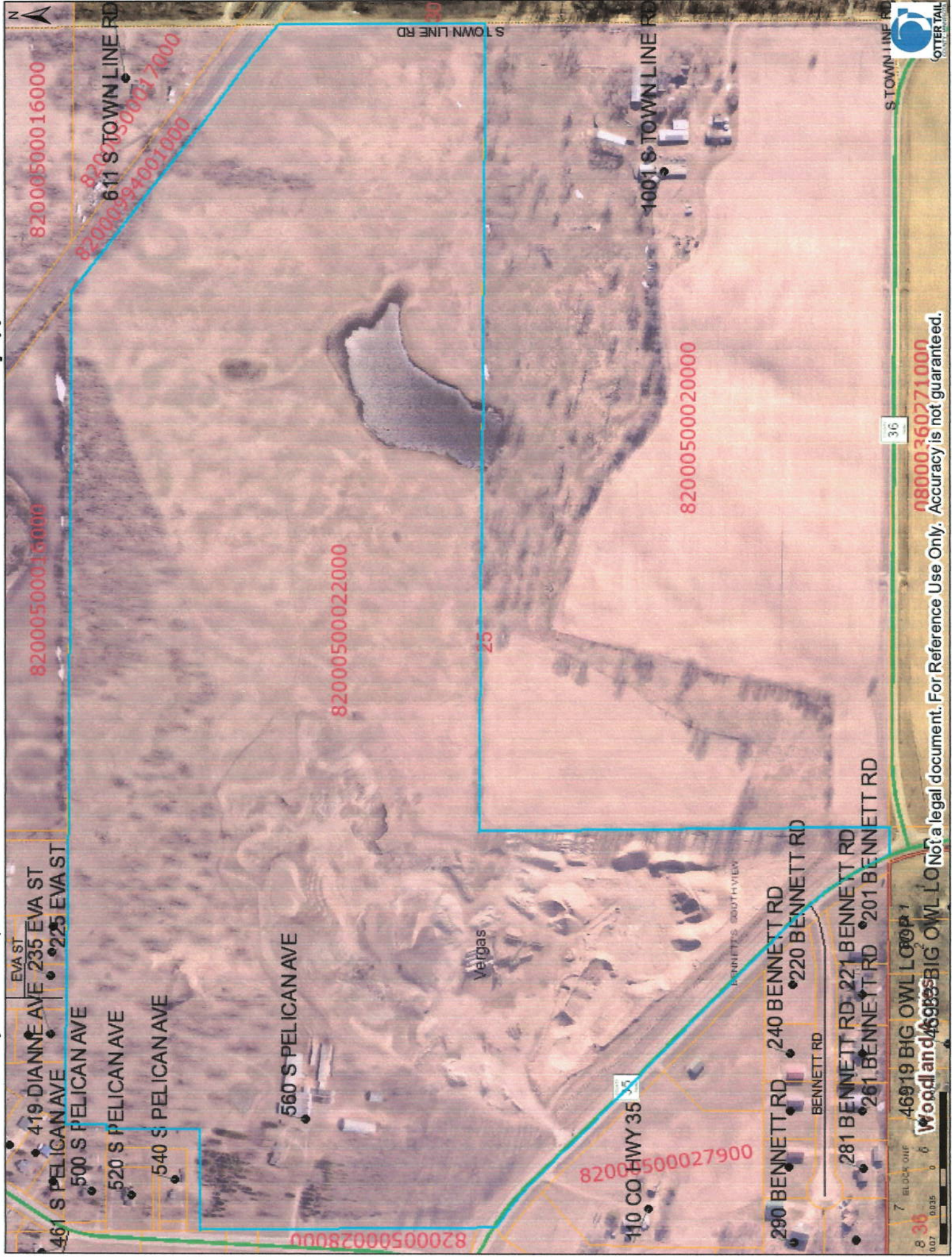


By: Renee C. Llewellyn  
Renee C. Llewellyn, Assistant Secretary

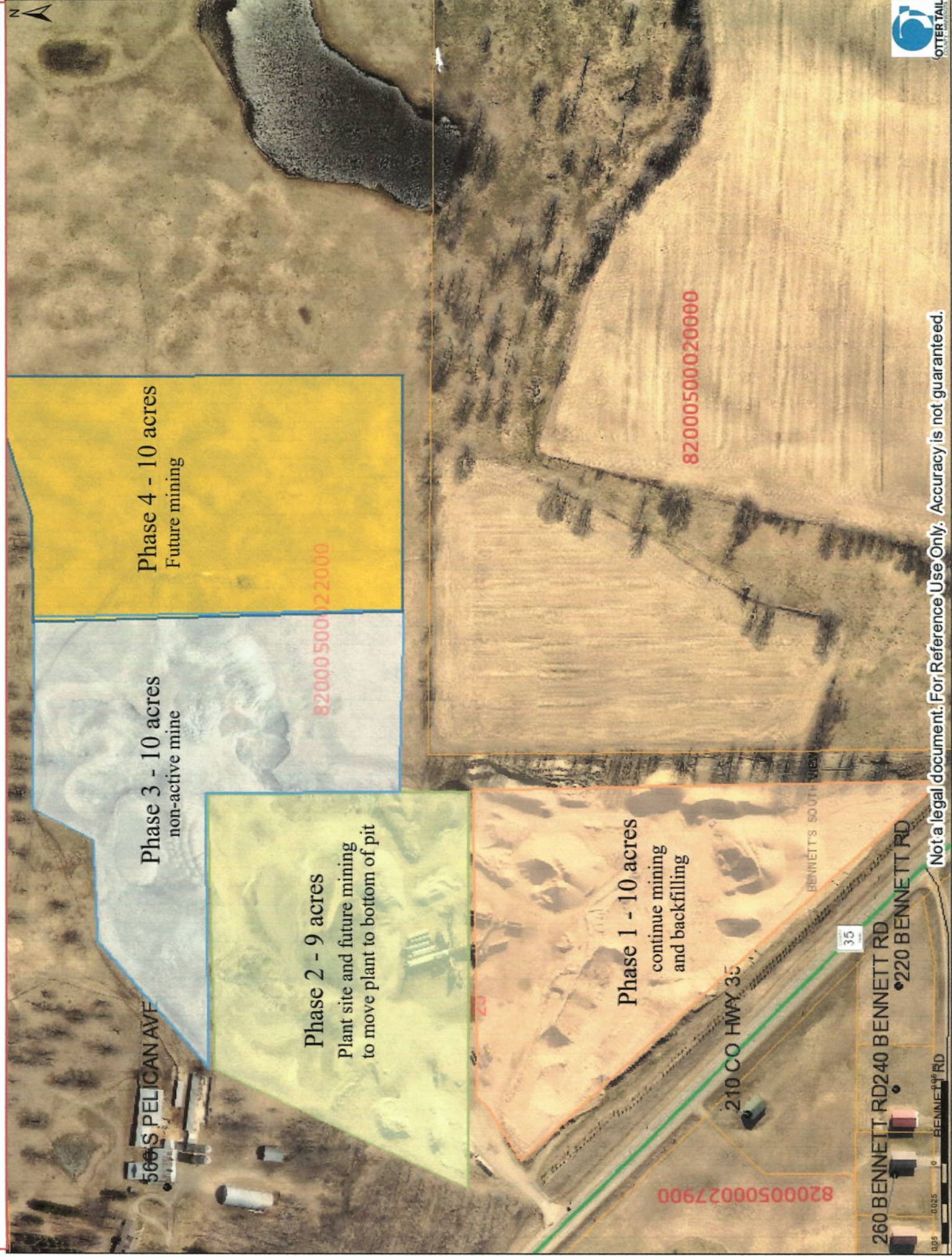
Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-813-886-8881





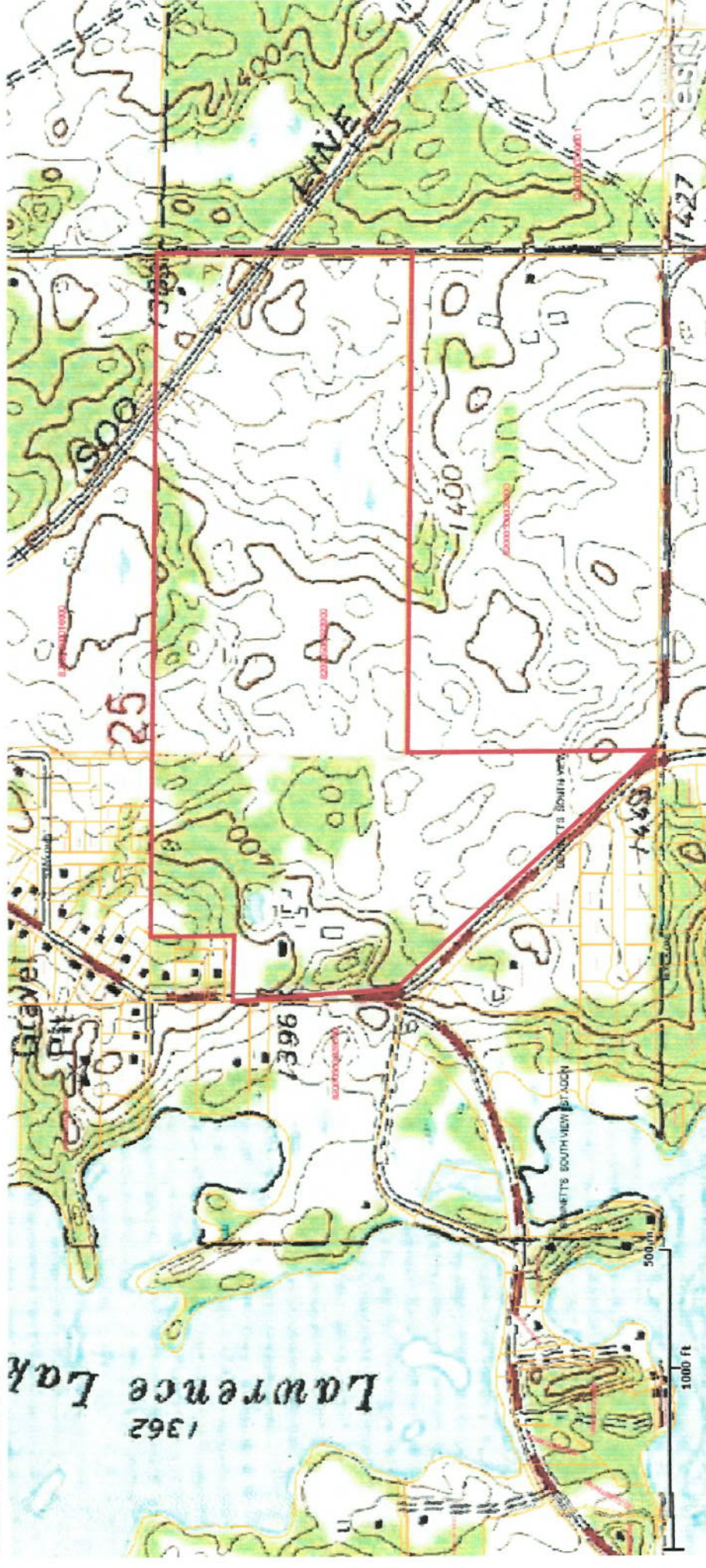






# Otter Tail County, Minnesota

## Bunkowski Pit



### **Bunkowski Pit Topographical Map**

This area historically consisted of gently rolling hills with a maximum elevation of 1400 feet above sea-level to a low of 1360 feet near a slough on the east side of the property.

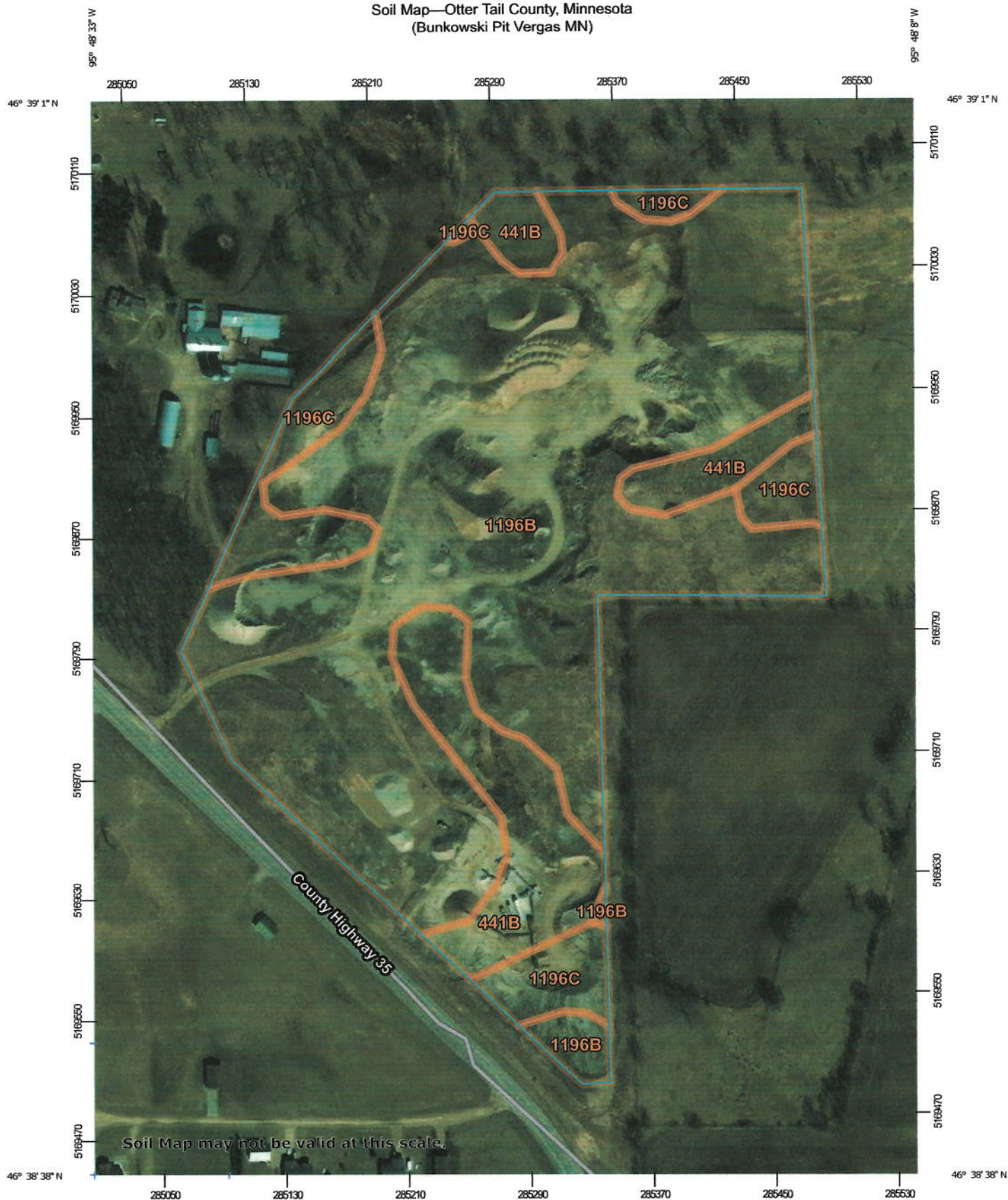
The proposed finished topography will include 4 to 1 sloped edges at the mined boundaries with a level to gently rolling floor.

The finished elevations will range from 1360 to 1370 feet above sea-level across the mined area.

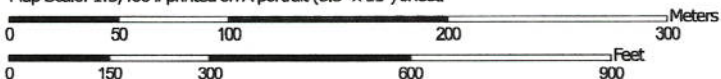
Elevations within 100 feet beyond the perimeter of the mine boundaries will remain as they are currently and will not be affected by this operation.



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



Map Scale: 1:3,460 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 15N WGS84




























Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

2/19/2021  
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## MAP LEGEND

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

## MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

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

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

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

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

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

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

## Map Unit Legend

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