

Planning Commission
2022 October Planning Commission Meeting
Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587
6:00 PM on Monday, October 24, 2022

1. **Call to Order**
2. **Agenda Additions or Deletions**
3. **Minutes**
September 26, 2022
4. **Status of Council Recommendations**
 - A. Conditional Use Permits
 1. 235 E Frazee Avenue
 2. Parcels 82000500027008 and 82000500027009
 3. Extension of Glenn Street
5. **Grade and Fill Permits**
Parcel 82000500024000-Lawerence Lake
6. **Construction Permits**
Permits approved by City Clerk-Treasurer
 1. 117 East Main St , flooring
 2. 117 E Main St- Commercial Remodel
 3. 117 E Main St - Move door
 4. 108 Park View Drive - shingling**Items in Question**
311 Park View Dr - Shed
7. **Old Business**
 - A. Nuisance Properties
 1. 306 E Frazee Ave
 - B. Gravel Pit Ordinance
8. **New Business**
Past Conditional Use Permits
9. **Member Terms**

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3. Minutes

September 26, 2022

Files Attached

- 09-26-2022 Planning Commission Meeting minutes.pdf

CITY OF VERGAS PLANNING COMMISSION & PUBLIC HEARING AND MEETING MINUTES
Monday, September 26, 2022
6:00 pm
Event Center & Zoom Meeting

The City of Vergas Planning Commission held a public hearing on Monday, September 26, 2022, at 6:00 pm as a hybrid meeting with the following members present: Bruce Albright, Van Bruhn, Robert Jacoby, Neil Wothe and Paul Pinke. Absent: none. Also present: Clerk-Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Engineer Jeff Kuhn, Julie Bruhn and Loren Menz.

Public Hearing – Conditional Use Permit on parcels 82-000-50-0024-000 on the Extension Glenn Street

Chairperson Bruce Albright opened the public hearing at 6:00 pm and reviewed the request for the extension of Glenn Street.

Loren Menz questioned the effect of Glenn Street if this conditional use permit was approved. Currently there are four properties along Glenn Street and their properties will not be improved by the updates of the street. Discussed utilities and the fact currently they are asking for the road to be extended without any other updates. Menz stated he did not see any problem with creating a road, but it will dictate a need for the City to update the current road. Albright explained he is taking the risk as they could be creating a road with a dead-end sign.

Chairperson Bruce Albright closed the public hearing at 6:15.

The City of Vergas Planning Commission was held on Monday, September 26, 2022, after public hearing as a hybrid meeting with the following members present: Bruce Albright, Van Bruhn, Robert Jacoby, Neil Wothe and Paul Pinke. Absent: none. Also present: Clerk-Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Engineer Jeff Kuhn, Loren Menz and Julie Bruhn.

Call to Order

Chairman Bruce Albright called meeting to order at 6:16 pm.

Agenda Additions and Deletions

Approved agenda as with following deletions: Grade and Fill Permit

Minutes

Motion by Jacoby, seconded by Pinke to approve minutes for August 22, 2022 and September 8, 2022. Motion passed unanimously.

Status of Council Recommendations

Reviewed the denial of the Mark Sand and Gravel permit as Planning Commission recommended. Council sent back the recommendation of conditional use permit for 235 E Frazee Avenue as they would like the pros and cons of approving a conditional use permit and not changing the zoning.

Adjoined planning commission meeting to resume after public hearing.

The City of Vergas Planning Commission was held on Monday, September 26, 2022, after public hearing as a hybrid meeting with the following members present: Bruce Albright, Van Bruhn, Robert Jacoby, Neil Wothe and Paul Pinke. Absent: none. Also present: Clerk-Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Engineer Jeff Kuhn, Loren Menz, Shane Poss, George Jacobs, Maria Roesch, Mike Lorz and Julie Bruhn.

Public Hearing –Conditional Use Permit or Zoning Change for parcels 82-000-50-0027-009 and 82-000-50-0027-008

Chairperson Bruce Albright opened the public hearing at 6:00 pm and reviewed the request for updating the Vergas Zoning or giving a conditional use permit regarding to the following parcels 82-000-50-0027-009 Section 25, Township 137, Range 41; 82-000-50-0027-008 Section 25, Township 137, Range 41 (located on the corner of Hwy 4 and 35). This will change the current residential zoned properties to commercial zoning or give property owner a conditional use permit for the property listed.

Poss questioned if the Council is planning to have commercial zoning all over the city and not in sections of the city. Albright stated that the planning commission cannot speak for the Council but due to the small area of land in Vergas this is going to be happening. Jacoby stated that commercial use is for parcels and zoning changes are for large sections of a community. Discussion extended to how long a conditional use permit is valid.

Lammers provided the following information from the League of MN Cities web site.

A conditional use permit is a property right that “runs with the land.” That is, it attaches to and benefits the land and is not limited to a particular landowner ([Minn. Stat. § 462.3595, subd. 3](#)). State statute requires CUPs be recorded with the county recorder’s office ([Minn. Stat. § 462.3595, subd. 4](#)). When the property is sold, the new landowner will have the continued right to the CUP so long as the conditions are met.

A city can revoke a conditional use permit if there is not substantial compliance with conditions. The revocation must be based upon factual evidence, after appropriate notice and hearing. Because a CUP is a property right, a city should work closely with the city attorney if considering a CUP revocation.

Neighborhood opinion alone is not a valid basis for granting or denying a Conditional Use Permit. While city officials may feel their decision should reflect the overall preferences of residents, their task is limited to evaluating how the CUP application meets the ordinance standards. Residents can often provide key facts to help the city address whether the application meets the standards, but unsubstantiated opinions and reactions to an application are not a legitimate basis for a CUP decision. If neighborhood opinion serves as the sole basis of the decision, it could be overturned by a court if challenged.

Discussed the current land usage as it is lakeshore property. Albright stated there are 14 sheds already in and around the area so not having more sheds is not an issue for the area.

Potential owner Mike Lorz reviewed his plans for the property. There is no intention to sub divide the property and they would like to work with the neighboring property owners. Discussed a tree buffer between residential properties and the commercial business. Ordinance 151.31 discusses buffer zones in commercial properties.

Wothe stated in the comprehensive plan it states people would like more residential, some commercial, parking plus keep the small town feel as well as a clear-cut practice in zoning.

George Jacobs stated his concern is dirt bikes and four wheelers in the area, currently this is a quiet ideal spot and would not like to see this change. Lorz stated these are large condominium storage areas where people would be storing items there should not be a lot of traffic other than in the spring and fall when they will be dropping off items.

Chairperson Bruce Albright closed the public hearing at 6:51 pm.

Chairman Bruce Albright restarted the planning commission meeting at 6:52 pm

Construction Permits

Approved Permits by City Clerk-Treasurer

- a. 105 E Main St, Sign for MW Pastry
- b. 320 S Pelican Ave, steel roof and chimney repair

Grade and Fill Permit

Commissioners discussed permitting process: City of Vergas is responsible for everything above the ordinary high-water mark and MN DNR is responsible for everything below the ordinary high-water mark.

Motion by Jacoby, seconded by Pinke to approve grade in fill permits 92 Park View in Vergas by moving dirt and adding sand blanket. Motion passed unanimously.

Old Business:

Conditional Use Permit

- 1. 235 E Frazee Avenue

Planning Commission recommended approval of the permit on September 8 and Council returned to the planning commission to provide the why. Jacoby stated other cities have 2-3 different commercial use for zoning and we may need to change our ordinance. Property currently has trailers parked outside against our residential ordinance. If we change the zoning any commercial building can be built on the property, the planning commission stands by its original recommendation to approve conditional use permit.

- 2. Parcels 82000500027008 and 82000500027009

Motion by Wothe, seconded by Bruhn to recommend to council to approve the conditional use permit for parcels 82000500027008 and 8200027009. Reviewed a buffer zone and if they needed to add requirements. Motion passed unanimously.

- 3. Extension of Glenn Street

Motion by Bruhn, seconded by Pinke to recommend to Council to approve the conditional use permit for the extension of Glenn Street. Motion passed unanimously. Discussed the need for a grade and fill permit to move the road.

Nuisance Properties

DuFrane provided pictures of nuisance properties at 130 E Elm St and 131 E Mill Street which have had complaints filed. Planning Commissioners felt the property at 130 E Elm Street has toys and household items in yard, but they are not nuisances. 131 E Mill has been cleaned up since complaint was filed and no letter needs to be sent. DuFrane mentioned the property at 339 E Frazee Ave needs a letter needs to be cleaned up and 306 E Frazee Avenue has tractors on city property. Motion by Pinke, seconded by Wothe to send nuisance letter to 306 E Frazee Avenue once Lammers receives pictures from DuFrane regarding parking on ball diamond property. Motion passed unanimously. DuFrane questioned 311 Park View Drive and the shed which is on the city easement portion of their property.

New Business:

Gravel Pit Ordinance

Planning Commission members asked Lammers to invite Jeff Hartwick of Mark Sand and Gravel to a meeting to discuss updating the gravel pit ordinance.

Meeting adjourned at 7:35 pm.

Secretary,

Julie Lammers, Vergas City Clerk-Treasurer

Follow Up Actions:

Nuisance letter to 306 E Frazee Avenue

350 Pelican Avenue construction assessment (Tanya at Otter Tail County HRA)
Snow emergency routes.
Review camper ordinance.
Review and update Developers Notice Procedure
Review and update Ordinance 85 regarding culverts.

Council recommendations:

Approve conditional use permit for the extension of Glenn Street.
Approve conditional use permit for changing parcels 82-000-5000-27008 and 82-000-5000-27009 for commercial use.

DRAFT

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5. Grade and Fill Permits

Parcel 82000500024000-Lawerence Lake

Files Attached

- Grade and Fill Permit parcel 82000500024000.pdf

Permit Number: 2022-011 Date Received: 10/05/22 Parcel Number: 82000500 024000 Fee \$50.00

City of Vergas Application for Grade and Fill Permit

Property Description:

Lake # 56055500 Lake Name Lawrence Parcel Number 82000500024000

Legal Description WEST LAKE STREET TO GLEN STREET, SEE PLAT
TBD

Lot TBD, Block TBD, Addition TBD

Property: Width 2250' feet, Length 1300' feet

Property Owner: JRMH Holdings

Address of Project property: TBD

Mailing Address: 36256 504TH ST FRAZER MN 56544

Phone: 218-234-1085

Contractors Name: DM SCHROEDER

License Number: _____ Phone: 218-731-5289

Address 18079
430 STREET PEBBLE RAPIDS MN 56572

Note:

1. The lot lines and project area(s) must be staked before application is made.
2. If the project disturbs more than 1 acre of land, you are required to obtain a General Storm Water Permit from the Minnesota Pollution Control Agency.

On a separate paper, attached to this application, please draw a scale drawing of the project.

Please describe the project: - SEE PLAT

Detailed Information:

Area to be cut/excavated 3000 length 60 width 12 depth

Area to be filled/leveled 3000 length 30 width 2 depth

Culvert(s) X yes _____ no If yes, you must indicate size and location on drawing: SEE PLAT

Type of soils and/or fill material BLACK DIRT, SAND, GRAVEL

Total cubic yards of earthmoving requested 80,000

Signature of property owner Josh R. M. Hansen Date 10-4-22

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6. Construction Permits

Permits approved by City Clerk-Treasurer

1. 117 East Main St , flooring
2. 117 E Main St- Commercial Remodel
3. 117 E Main St - Move door
4. 108 Park View Drive - shingling

Items in Question

311 Park View Dr - Shed

Files Attached

- 2022-042 Construction Permit 117 E Main St.pdf
- 2022-043 Construction Permit 117 E Main St.pdf
- 2022-044 Construction Permit 117 Main St.pdf
- 2022-045 Construction Permit 108 Park View Drive.pdf

Fee: \$25.00

Owner: City of Vergas

Applicant: JoAnne Knuttila

General Contractor: JoAnne Knuttila

No. 2022-042
City of Vergas

Construction Permit

IN CONSIDERATION OF The statements and representations made by Loren Menz, whose address is 117 E. Main Street, Vergas, MN in the application therefore duly filed in this office, which application is hereby made a part hereof, PERMISSION IS HEREBY GRANTED TO said City of Vergas as owner to Install new laminate flooring in upstairs retail area, remove old carpet as described in construction permit application with following zoning rules: Plat or addition 82000990066000 which tract is of the size and area specified in said application.

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

Given under the hand of the Mayor of said City of Vergas and its corporate seal and attested by its Clerk this
6th day of October 2022.

Attest:

Clerk

Permit Expires in one year

Acting Mayor

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

Permit Number: 2022-0420 Date Received: 9/13/22 Parcel Number: 8200099006000
 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 MIN 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: City of Vergas

Address of Construction Project: 117 East Main St, Vergas

Mailing Address: PO Box 32 Phone: 218-302-5996

1. Permit to (CIRCLE ONE)

- Build
- Install
- Addition
- Alter
- Demolish
- Repair
- Remodel
- Move

Description of work to be done:

New laminate flooring in upstairs retail area, remove old carpet.

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

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: _____

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: Jules Gammon DATE: 10/6/22
 Permit expires in one year if project is not complete, please reapply for permit.

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

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

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

Signature of Applicant _____ Date _____
 Zoning Official _____ Date _____

FOR OFFICE USE ONLY

S _____ Water Hook-up
 S _____ Sewer Hook-up
 S _____ Permit Fee / EDA
 S _____ Total Fees 0
 Receipt = W-A Date Paid _____

Signature: Jules Gammon (Permitting Authority) Date: 10/6/22
 Date Approved by Planning Commission or Clerk-Treasurer: _____

Fee: Waived/ EDA

Owner: City of Vergas

Applicant: Joanne Knuttila

General Contractor: Joanne Knuttila

No. 2022-043
City of Vergas

Construction Permit

IN CONSIDERATION OF The statements and representations made by City of Vergas, whose address is 117 E. Main Street, Vergas, MN in the application therefore duly filed in this office, which application is hereby made a part hereof, PERMISSION IS HEREBY GRANTED TO said City of Vergas as owner to:

- Build a storage area (area B) 14' x 8' as indicated by drawing. Sheetrock wall that we will paint a soft white.
 - Put up Barn Door (sliding) on the right end of the storage space.
 - Add sheetrock wall on inside walls of dressing room.
 - Paint barnwood wall on left side of chimney.
 - Walls above wainscoting patched up & painted.
 - Re-finish countertop.
 - Whitewash the barnwood display.
 - Replace or paint paneling on the stairs.
 - Stain & clean up stairs in front entrance.
 - Replace electrical outlets to white.
 - A new faucet for the sink below the counter.
- as described in construction permit application with following zoning rules: Plat or addition 82000990066000 which tract is of the size and area specified in said application.

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

Given under the hand of the Mayor of said City of Vergas and its corporate seal and attested by its Clerk this 18th day of October 2022.

Attest:

Julie Lammors
Clerk



Permit Expires in one year

Robert B. ...
Mayor

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

Permit Number: 2022-043 Date Received: 10/03/22 Parcel Number: 82000990066000
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: JoAnne Kauttila / A Step Up Thrift Boutique

Address of Construction Project: 117 East Main St, Vergas

Mailing Address: [Redacted] Phone: 218-849-2509

Mailing Address:
36343 S.
Rose Lake Rd
Frazee

1. Permit to (CIRCLE ONE)
- | | | | |
|-------|----------|----------|---------|
| Build | Install | Addition | Alter |
| Move | Demolish | Repair | Remodel |
- Description of work to be done: SEE ATTACHED!

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

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: _____

4. Attached a "Site Plan." showing the proposed location of any new construction in reference to the property including existing buildings. If you have a copy of a professionally prepared site plan, attach a copy for review by the City's Site/Zoning Inspector. Blueprint or Design Drawings must be submitted for any new construction, addition or remodel.
5. Certification: I hereby certify that I am the applicant herein and that the information given above and or any exhibits submitted herewith is in all respects true and accurate to the best of my knowledge and belief, and further, if this permit is granted, said construction will comply with plans and specifications herewith submitted and applicable requirements of the City of Vergas.
6. I am the (CIRCLE ONE) OWNER LESSEE PURCHASER AGENT

7. APPLICANT'S SIGNATURE: _____ DATE: _____
 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.

JoAnne Knuttila Oct 3 _____ Oct
 Signature of Applicant Date Zoning Official Date

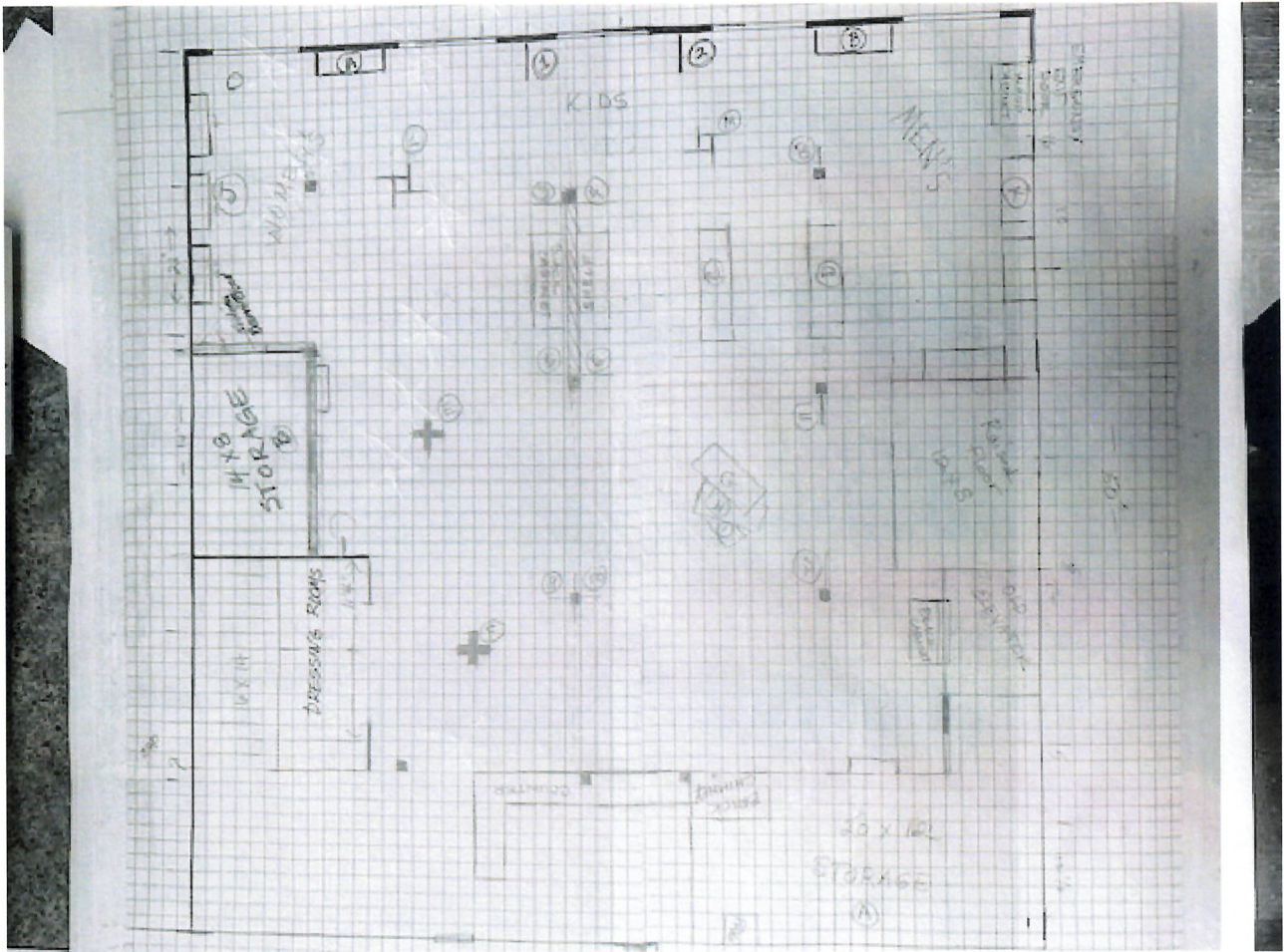
FOR OFFICE USE ONLY

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

Receipt = _____ Date Paid _____ .20 _____

Signature: Julie Jansen Date: 10/18 .20 22
 (Permitting Authority)

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



Work for A Step Up Thrift

- * (1) Build a storage space (B) 14x8 as indicated by drawing. Sheetrock wall that we will paint a soft white!
- * (2) Put up Barn Door (sliding) on the right end of storage space.
- * (3) Add sheetrock walls on inside walls of dressing rooms.
- * (4) Paint Barnwood Wall on left side of chimney! (It is already poorly whitewashed so want to re-do that painting job.
- * (5) Walls above wainscoting all need to be patched up and painted.
- * (6) Re-finish countertop.
- * (7) Optional: Would like to either whitewash the barnwood display wall in center of room, or do some other effect on that wall as the barnwood is in bad shape there:
- * (8) Optional: Would like to replace or paint paneling on the stairs.

- * (9) Optional: Stain + clean up stairs in front entrance.
- * (10) Replace electrical outlets to white from old dingy beige.
- * (11) Look at ^{for} sink below counter! We think it need a new faucet and the drain doesn't drain well.



Approved by Municipal Building
Committee on 10/13/2022

Julie Lammers

From: Julie Bruhn
Sent: Tuesday, October 4, 2022 8:55 AM
To: Julie Lammers
Subject: Re: A Step Up Proposed Projects

1. Drawing not attached, but assume storage space would be ok
2. Unless when you looked at drawing you had a concern.

2. ok
3. Not sure what is the current walls of dressing room area, but would seem ok if current condition not good as it was a tucked in area.
4. Agree the current whitewashed barn board wasn't in good condition and could be better done.
5. ok
6. ok
7. Did't look at barnboard in center of room, but if in really bad shape, doing something would be ok. It's not like a side wall
8. ok. Paneling is really outdated
9. ok

I am assuming this is all being done at their expense.

From: Julie Lammers <jlammers@cityofvergas.com>
Sent: Monday, October 3, 2022 4:02 PM
To: Rebecca Hasse <rhasse@cityofvergas.com>; Julie Bruhn <jbruhn@cityofvergas.com>; Kyle Theisen <ktheisen@cityofvergas.com>
Subject: Fwd: A Step Up Proposed Projects

Attached are the plans by A Step Up for committee approval. Please let me know if you would like to give approval by email or if you would like to meet.

Thanks,

Julie

Get [Outlook for iOS](#)

From: Ronola Richards <rrichards@cityofvergas.com>
Sent: Monday, October 3, 2022 4:00:20 PM
To: Julie Lammers <jlammers@cityofvergas.com>
Subject: Fw: A Step Up Proposed Projects

From: City Of Vergas <cityofvergas.donotreply@gmail.com>
Sent: Monday, October 3, 2022 4:43 PM
To: Ronola Richards <rrichards@cityofvergas.com>
Subject: A Step Up Proposed Projects

Fee: Waived/ EDA

Owner: City of Vergas

Applicant: City of Vergas

General Contractor Loren Menz

No. 2022-044
City of Vergas

Construction Permit

IN CONSIDERATION OF The statements and representations made by City of Vergas, whose address is 117 E. Main Street, Vergas, MN in the application therefore duly filed in this office, which application is hereby made a part hereof, PERMISSION IS HEREBY GRANTED TO said City of Vergas as owner to Move door 4' in hallway as described in construction permit application with following zoning rules: Plat or addition 82000990066000 which tract is of the size and area specified in said application.

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

Given under the hand of the Mayor of said City of Vergas and its corporate seal and attested by its Clerk this 17th day of October 2022.

Attest:

Julie Lamore
Clerk

Permit Expires in one year

[Signature]
Mayor



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

Permit Number: 22-044 Date Received: 10/17/22 Parcel Number: 82000990 660 000
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: City of Vergas

Address of Construction Project: 111 Main St

Mailing Address: PO Box 32 Vergas Phone: 218-302-5996

1. Permit to (CIRCLE ONE)
- | | | | |
|-------|----------|----------|--------------|
| Build | Install | Addition | <u>Alter</u> |
| Move | Demolish | Repair | Remodel |

Description of work to be done: move door 4 feet in hallway

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

3. **VALUATION (not just your cost) of work being completed:** \$ 1,500⁰⁰

Building Contractor:

Name: Loren Menz License Number: _____ Phone: _____

Plumber: (must have MN License)

Name: _____ License Number: _____ Phone: _____

Electrician:

Name: _____ License Number: _____ Phone: _____

Fee: \$25.00

No. 2022-045
City of Vergas

Owner: Eric & Brenda Krueger
Applicant: Eric & Brenda Krueger
General Contractor: Mike Summers

Construction Permit

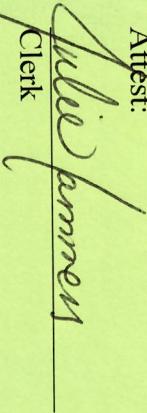
IN CONSIDERATION OF The statements and representations made by Eric & Brenda Krueger, whose address is 108 Park View Drive, Vergas, MN in the application therefore duly filed in this office, which application is hereby made a part hereof, **PERMISSION IS HEREBY GRANTED TO** said Eric & Brenda Krueger as owners to Install shingling as described in construction permit application with following zoning rules: Plat or addition 82000990177000 which tract is of the size and area specified in said application.

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

Given under the hand of the Mayor of said City of Vergas and its corporate seal and attested by its Clerk this 18th day of October 2022.

Attest:

Clerk



Permit Expires in one Year



Mayor

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



Permit Number: 2022-045 Date Received: 10/18/2022 Parcel Number: 82000990177000
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 5 ,Block 1 , Addition _____
Property: Width 100' feet, Length 260' 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: Eric + Brenda Krueger

Address of Construction Project: 108 Park view Drive vergas, MN 56587
Summers Construction

Mailing Address: Po Box 155 vergas Phone: 218-841-5012

1. Permit to (CIRCLE ONE)

Build	Install	Addition	Alter
Move	Demolish	Repair	Remodel

Description of work to be done:

shingling

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

3. VALUATION (not just your cost) of work being completed: \$ 1,500.00

Building Contractor:

Name: Mike Summers License Number: BC 694784 Phone: 218-841-5012

Plumber: (must have MN License)

Name: _____ License Number: _____ Phone: _____

Electrician:

Name: _____ License Number: _____ Phone: _____

- 4. Attached a "Site Plan." showing the proposed location of any new construction in reference to the property including existing buildings. If you have a copy of a professionally prepared site plan, attach a copy for review by the City's Site Zoning Inspector. Blueprint or Design Drawings must be submitted for any new construction, addition or remodel.
- 5. Certification: I hereby certify that I am the applicant herein and that the information given above and or any exhibits submitted herewith is in all respects true and accurate to the best of my knowledge and belief, and further, if this permit is granted, said construction will comply with plans and specifications herewith submitted and applicable requirements of the City of Vergas.
- 6. I am the (CIRCLE ONE) OWNER LESSEE PURCHASER **AGENT**
- 7. APPLICANT'S SIGNATURE: [Signature] DATE: 10-18-22
 Permit expires in one year if project is not complete. please reapply for permit.

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

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

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

[Signature] 10-18-22 _____
 Signature of Applicant Date Zoning Official Date

FOR OFFICE USE ONLY

S _____ Water Hook-up S _____ Sewer Hook-up
 S 25⁰⁰ Permit Fee S _____ Tar Break Up Deposit
 S 25⁰⁰ Total Fees

Receipt = 149392 Date Paid 10/18 2022

Signature: [Signature] Date: 10/18 2022
 (Permitting Authority)

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

Planning Commission
2022 October Planning Commission Meeting
Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587
6:00 PM on Monday, October 24, 2022

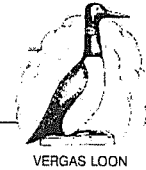
7. Old Business

- A. Nuisance Properties
 - 1. 306 E Frazee Ave
- B. Gravel Pit Ordinance

Files Attached

- 306 E Frazee Avenue - nuisance.pdf
- Proposed Updates to 2017-001 Gravel Pits Ordinance.pdf

City of Vergas



Minnesota's State Bird

October 12, 2022

Keith Kuehne
306 E. Frazee Ave.
Vergas MN 56587

RE: Existence of Nuisance at 306 E. Frazee Ave., Parcel Number 82000990166001

Dear Keith Kuehne,

NOTICE OF VIOLATION

You are hereby notified that there exists upon the property identified above a nuisance. Either you or the occupant of the property has:

- maintained or permitted a condition upon the property that unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable members of the public;
- Interfered with, obstructed, or rendered dangerous the passage of any public highway or right-of-way, or waters used by the public; and/or
- Has violated Sections 92.16 (Public Nuisances Affected Health), 92.17 (Public Nuisances Affected Morals and Decency, or 92.18 (Public Nuisances Affected Peace and Safety of the Code of Ordinances of the City of Vergas.

Specifically, the followings conditions exist or have been allowed to be maintained on your property:

Unlicensed vehicles, Section 92.20 (Identify code sections.)
Equipment parked on City property

92.20 INOPERABLE MOTOR VEHICLES.

It shall be unlawful to keep, park, store or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation with the state, pursuant to M.S. ' 168B.011, Subd. 3, as it may be amended from time to time.

You must **abate the nuisance by October 21, 2022**. In order to abate the nuisance, you must complete the following:

- License, and repair to operating condition or remove the cars in your yard.
- Remove equipment form City property.

If the nuisance is not abated by the date specified above, an officer or employee of the City will report that fact to the City Planning Commission and then to the Council for further action. That action may include public hearings, enforcement proceedings, litigation, and the City hiring someone to abate the nuisance for you. If the City is forced to abate the nuisance on your behalf, you will be billed for all costs associated with abating the nuisance including administrative costs. The City may also assess those costs against your property. A City employee will be reporting their findings regarding your property at the **October August 24, 2022** Planning Commission meeting.

If you have any questions concerning this notice, please contact me at **218-302-5996**.

Very truly yours,

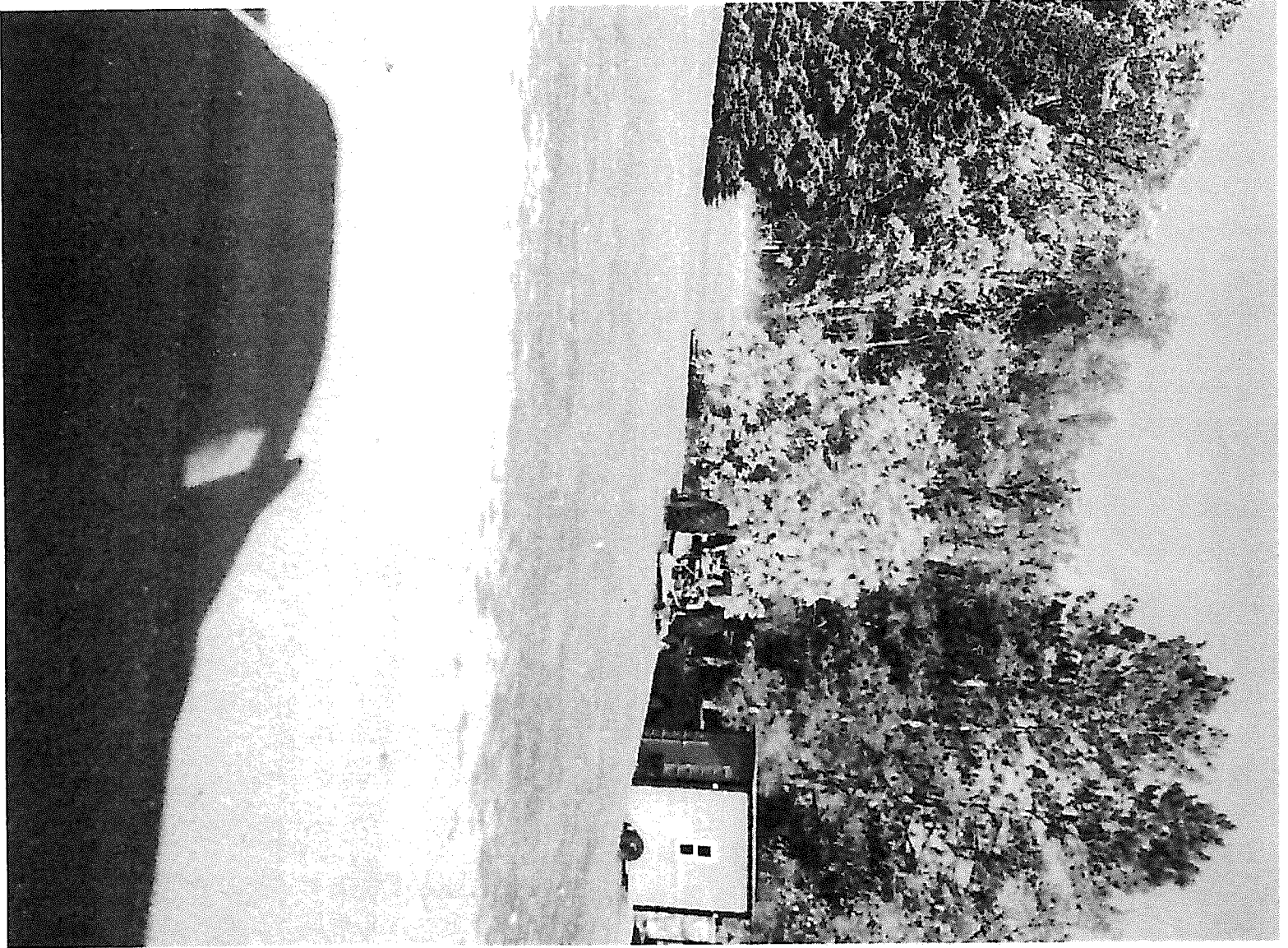
Julie Lammers
City Clerk

111 East Main Street • P.O. Box 32 • Vergas, Minnesota 56587 • Phone: (218) 302-5996 • Fax: (218) 342-2068
Website: www.cityofvergas.com • Email: cityofvergas@arvig.net

#870
306 E FRAZEE AVE



#870
306 E FRAZEE AVE



AFFIDAVIT OF PERSONAL SERVICE

STATE OF MINNESOTA

SS.

COUNTY OF OTTER TAIL

I hereby certify and return that on the 10/12/22 at 1:52 pm
(date) (time)

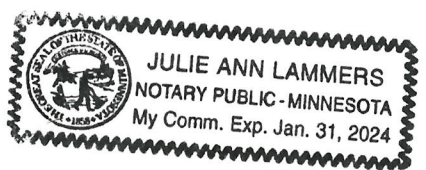
In the City of Vegas in said county and state I served the attached
Nuisance Notice upon Address 306 E. Frazee Ave.

Delivered to SIDE DOOR true and correct copy thereof.
(Who this was given to or where it was placed)

[Signature]
(Employee name)

Subscribed and sworn to before me
this 12 day of Oct, 2022

[Signature: Julie Lammers]
Notary Public



City of Vergas
 PO Box 32
 Vergas MN 56587

Invoice No. 101222

INVOICE

Customer

Name Keith Kuehne
 Address 306 E. Frazee Ave.
 City Vergas State MN ZIP 56587
 Phone

Misc

Date 10/12/2022

Qty	Description	Unit Price	TOTAL
1	Administrative Letter Fee *This fee is for the delivery of the nuisance notice. Thank You	\$ 30.00	\$ 30.00

Subtotal	\$ 30.00
Shipping	
TOTAL	\$ 30.00

Other

Comments
 30 Days
 60 days
 90 days
 Past Due

Tax Rate (s)

Thank you for your prompt payment.

E-mail: cityofvergas@arvig.net
 Phone: 218-342-2091

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

151.70 EXCAVATION, MINING AND GRAVEL PITS

151.70 PURPOSE AND INTENT

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

151.701 DEFINITIONS.

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

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

Active Gravel Pit. The terms "active gravel pit" and "active excavation" also mean any area where the topsoil or overburden has been removed for the purpose of mining earthly deposits or minerals, yet the area has remained idle since the topsoil removal. The terms "processing area" also mean any area that is being used for stockpiling, storage, or processing or recycling of sand, gravel, soils, or other materials or products derived from gravel mining, even if such materials did not originate or were not produced on the premises. Such operations may include, but are not limited to, concrete mixing, concrete block production, asphalt production, the grinding and/or crushing of concrete or asphalt, and the processing of petroleum-contaminated soil being managed pursuant to state pollution control agency approval, so long as the processing or recycling does not violate any federal or state law or any of the requirements of any regulatory agencies having jurisdiction over the operations.

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

Dust. Airborne mineral particulate matter.

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

Excavation. The movement or removal of soil and minerals.

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

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

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

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

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

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

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

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

Processing 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.

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

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

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

Soil. Is naturally occurring superficial deposits overlaying bedrock.

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

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

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

151.71 PERMIT REQUIRED.

Mineral Extraction.

- A. Permit Required. Irrespective of the zoning classification of a subject property a permit, as provided herein, is required for Mineral Extraction or Manufacturing unless specifically excepted from such permit.
- B. An Interim Use Permit (I.U.P.) is required for any Mineral Extraction or Manufacturing Facility.
- C. Interim Permits are valid for one year and shall be applied for on or before March 1 of each year.

151.72 PERMIT APPLICATION REQUIREMENTS.

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

- A. The legal description of the lands from which it is proposed to excavate, remove, process, store or handle minerals.
- B. The name and address of the applicant and the name and address of the owner of the land.
- C. Names and addresses of all adjacent landowners within one-half mile radius.
- D. Copies of any agreements pertaining to the operation including the duration of any lease, if applicable.
- E. The purpose of the removal.
- F. The estimated time required to complete the removal.
- G. The highways, streets or other public ways within the city upon and along which the material removed shall be transported.

H. The plan of operation, including, but not limited to:

1. Soil processing (any operation other than direct mining and removal),
2. Nature of the processing and equipment,
3. The area to be included in the operation,
4. Depth of topsoil and soil type,
5. The depth and grade of excavation,
6. The estimated quantity of material to be added to or removed from the premises,
7. Location of the plant,
8. Location of 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 ten (10) acres of the site to be open to mining at any one time. Before any additional land may be mined, the applicant must reclaim the site to the condition that is indicated on the approved reclamation plan.

I. The operation plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and rising dust out of any sand or gravel pit.

J. A reclamation plan including, but not limited to:

1. Final grade of the property;
2. Depth of topsoil reclaimed;

3. Type of vegetation replanted;
4. Number of trees to be replanted, replacing the trees removed during excavation.

151.73 BOND.

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

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

- B. In addition to the bond required in subsection (a), the applicant for the permit shall post a performance bond of at least \$100,000.00. The amount may be greater based on the city engineer's recommendation. The performance bond shall be executed by a corporate surety company authorized to do business in the state. The performance bond shall be used for the active areas for which a permit is granted and conditioned upon full performance of the terms and conditions of this chapter by the applicant and/or owner of the premises described in the permit application. The bond shall remain in effect for at

least one year after the expiration of the permit. The bond shall guarantee the required restoration of the entire site.

151.74 AGREEMENT TO HOLD CITY HARMLESS

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

151.75 FEES AND APPLICATIONS.

151.75.01. **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.

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

151.75.03. **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.

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

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

151.76 INSPECTIONS.

The city engineer shall inspect operating gravel mining pits twice a year, May 1st and November 1st, to confirm compliance with this Ordinance. Written reports shall be submitted to

the city administrator within 30 days following each of these inspections. The Engineer shall inspect and certify as compliant or, if deficient, note the deficiency and corrective action to be taken pursuant to a checklist to be developed by the engineer and the City to ensure compliance with this ordinance.

151.77. CONDITIONS OF PERMIT.

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

151.77.02. **Fencing or Berm:** Where deemed necessary by the City, a fence or berm may be required prior to the commencement or as a condition of the continuous operation of any Mineral Extraction or Manufacturing operation enclosing the area authorized by the applicable permit. If required, the fencing must have a minimum of two (2) single strand wires with posts a maximum of twelve (12) feet apart and at least four (4) feet in height. The berm must be a minimum of thirty (30) inches high and six (6) feet in width at the base.

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

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

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

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

151.77.07. **Air Quality.** All activities on the Subject Property will be conducted in a manner consistent with the Minnesota Pollution Control Agency's standards.

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

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

- a. No mining shall take place within one hundred (100) feet of any property lines, road right-of-way or easement;
- b. No part of the operation shall be within five hundred (500) feet of any occupied structure not owned by the Operator or Owner and existing at the time of the original permitting.

151.77.10. **Limits of Excavation.** No more than ten (10) acres shall be open to active mining. For each additional five (5) acre area to be mined, five (5) acres of previously mined area must be reclaimed. The processing area shall be no more than ten (10) acres.

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

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

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

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

151.78. RECLAMATION.

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

- 1) The peaks and depressions shall be graded and backfilled to a surface which will result in a gentle rolling topography in substantial conformity to the land area immediately surrounding. All interior slopes shall be graded to a maximum of 4:1.
- 2) The slope to adjacent properties shall be four foot horizontal to one foot vertical (4/1) of mined areas;
- 3) Reclaimed areas shall be surfaced with six (6) inches of soil of a quality at least equal to the topsoil of the land areas immediately surrounding; and
- 4) The topsoil shall be seeded, sodded or planted with legumes and grasses. Trees and shrubs may also be planted, but not as a substitute to grasses and legumes. Erosion control measures must be implemented until ground cover is established.

151.78.0011. **Standards for filling and compaction.** Prior to reclamation, the operator shall provide to the city engineer the location, area, and depth of the land before and after the anticipated activity. Such activity and the materials used shall be subject to the following:

151.78.0012. Prior to such activity, the operator shall submit an engineering analysis of the proposed fill and compaction method to the city engineer. Side slopes of the excavation shall

be graded to a maximum 1:1 slope prior to the placement of fill and achieve a maximum final slope of 4:1 after filling operations are complete.

151.78.0013. Unless otherwise approved by the city council, materials including, but not limited to, organic soils and debris (topsoil, peat, muskeg, muck, stumps, roots, logs, brush, etc.), demolition debris (broken concrete or bituminous fragments, brick, lumber, metal, etc.) and any other solid or hazardous wastes shall not be used as fill in reclamation.

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

151.78.0015. The top ten feet of all fill areas shall be compacted by mechanical equipment as the fill is placed, unless otherwise approved by the council, to a minimum of 95 percent of maximum density for a particular soil as determined by the Standard Proctor method.

151.79.00 PERMIT RENEWAL

Operations in compliance with the Interim Use Permit may renew the permit on an annual basis. Renewal applications must be submitted to the City on or before February 1 of each year.

151.80.00 TERMINATION OF PERMIT.

151.80.01. **Violations.** The Council may terminate an Interim Use Permit for violation of this Ordinance, or a condition of this permit, or for violation of other applicable laws.

151.80.02. **Notice to Terminate.** To terminate a permit, the Council shall give notice of the violation or other cause for termination along with an order that the condition be remedied. If the condition has not been repaired within two (2) weeks, the Council shall hold a hearing to determine whether the permit should be terminated.

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

151.81.000 PENALTY

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

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

151.80 ENFORCEMENT.

Shall be pursuant to Chapter 151.99, as amended.

Planning Commission
2022 October Planning Commission Meeting
Vergas Event Center and Zoom - Meeting ID 2670942170 password: 56587
6:00 PM on Monday, October 24, 2022

8. New Business

Past Conditional Use Permits

Files Attached

- PERMITS - HISTORIC.pdf

DATE	NAME	LOCATION	DETAILS	PUB HRG	APPROVED
	RICHARD & JOANN GETZSCHMAN MIKE LORZ	Parcel #'s 82000500027008 & 009	Operating commercial business in residential zoning area		10/11/2022
	RODNEY & OLIVE HANSON ROBIN HANSON	325 E. FRAZEE AVE.	Operating commercial business in residential zoning area		10/11/2022
	JRMH HOLDINGS LLC	GLENN ST./LAWRENCE LK ACRES	Extension of Glenn ST		8/23/2022
	KEITH & SHELLY BUNKOWSKE		Build road per drawing		7/12/2022
	TYLER SAZAMA	401 S. PELICAN AVE.	Operate firearms-based business out of home: gunsmithing, machining, manufacturing & other metal fabricating activities not related to firearms		8/12/2019
5/2/2011	SKAL/ANTHONY SOLAND	219 E. FRAZEE AVE.	Enclosed outdoor seating, fence 36" high	5/17/2011	5/24/2022
6/22/2010	RICHARD YOKOM	900 E SCHARF AVE	Retaining wall 3' -4' high, 40' -50'long/around tree root	7/6/2010	7/6/2010
11/1/2010	BRUCE NERESON	920 SCHARF AVE	Build retaining wall/lake side		11/1/2010
10/5/2009	RICHARD MCCRADY	S. RAILWAY AVE.	Fill 900 YD of dirt @ elevator prop.		10/5/2009
3/21/2005	TERRY BENNETT	110 CO HWY 35	Landscape building site, move 2,500 CY of dirt	4/4/2005	4/4/2005
5/28/2002	KEITH & SHELLY BUNKOWSKE	KEILLY SHORES	Build road-moving 6,000 -12,000 of dirt	6/17/2002	6/17/2002
2/8/1999	TERRY BENNETT	Former Kratzke Prop.	Build road moving 15,000-18,000yards of dirt	2/8/1999	2/8/1999