

CITY OF VERGAS PLANNING COMMISSION MINUTES
Monday, May 22, 2023
6:00 pm
Vergas Event Center

A City of Vergas Planning Commission meeting was held on Monday, May 22, 2023, with the following members present Bruce Albright, Judy Kvam, Rebecca Hasse and Neil Wothe. Absent: Robert Jacoby. Also present: Clerk-Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Engineer Blaine Green, and Jeff Hattlewick.

Call to Order

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

Agenda Additions and Deletions

Motion by Wothe, seconded by Hasse to approve agenda with following additions: Bunkowske property and approved by Clerk-Treasurer permits.

Minutes

Lammers reviewed the rules regarding attending the meeting online vs in person. Members need to let Lammers know before the agenda is provided to the public location of board members. Motion by Hasse, seconded by Kvam to approve minutes for April 24, 2023. Motion passed unanimously.

Status of Council Recommendations

None.

Construction Permits

Approved by Clerk-Treasurer

101 E Linden St

Lammers approved permit for 101 East Linden for remodel with new windows, siding, fascia, and removal of addition and replacement with a deck (if deck is over 30 inches they will need railing).

Permits Needing Approval

88 Park View Drive, Landscaping

Albright explained the city owned property proposal has been approved by the City Council. Motion by Wothe, seconded by Kvam to approve construction permit 88 Park View Drive for working within shoreline, stabilizes the whole outlet and is completed by May 31, 2023. Motion passed unanimously.

311 E Scharf Ave, Fence and shed

Motion by Kvam, seconded by Hasse to approve fence and shed as designed by plan. Motion passed unanimously.

Bunkowske Property

DuFrane reviewed work being done at 350 Townline Road. There are 7 Grade and Fill permits along his property and the properties lakeside which have been purchased. DuFrane stated they have removed the fence and leveled out his property. Bunkowske told DuFrane that he did not realize Doug Ackling was

moving this much dirt. DuFrane questioned if we could stop allowing Ackling from working within the City of Vergas. Albright stated we would need to speak with our attorney regarding this. Albright questioned if the city holds contractors responsible for having permits. The volume of dirt being moved is not associated with the past grade and fill permits already purchased. A grade and fill permit is \$75.00, and this will double due to work being done before the permit was applied for. A silt fence is required for the 6 lots that have grade and fill permits, but DuFrane is unable to see a silt fence. The property has signs saying private property, so he has not gone on the property. DuFrane stated this work is now done as the farmer has planted the land. Albright asked Lammers to check with the attorney regarding working in the city. DuFrane questioned licensing contractors who are working within the city. Motion Wothe, seconded by Hasse to send a letter to Bunkowske to get a grade and fill permit which will be doubled in cost for additional work done on his property. Motion passed unanimously.

Old Business:

Gravel Pit Ordinance

Albright reviewed the gravel pit ordinance improvements. Jacoby sent the following items for discussion:

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

***Prohibited Zone for Mining Operations.** The area within the subject property that cannot be mined/excavated as it does not meet the conditions and setbacks as described in this ordinance.

Potential minable areas should also exclude wetlands and other areas that cannot be legally mined under any local, county, state or federal laws, rules or regulations. For example if I have a 100-acre parcel including 50 acres of wetland this wording may allow me to excavate the entire 50 acres of dry land.

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

Since we are applying a percentage to this, we need to define real property as it relates to this ordinance. Is it a single parcel, can it be multiple parcels or is it something the applicant needs to identify in its permit application?

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 portions of the site to the condition that is indicated on the approved reclamation plan.

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

I would like to know why the original ordinance had the 10-acre limit. It seems to me we are adding this provision for the benefit of the current pit. This ordinance is also for future pits. Prior the city council must have had a reason for the 10 acres limit. We should be prepared to explain to the public and to the city council why we feel the 10-acre limit is inappropriate.

15 Minimum Potential Minable Area. No permits shall be granted for lots with less than thirty (30) Acres of potential minable area.

We need to define lots or replace it with subject property which is defined

151.73 **BOND.**

The bond shall remain in effect for *at least one year after the expiration of the permit or until reclamation of the subject property* . The bond shall guarantee the required *restoration* of the entire site.

Is this the later or earlier of the two events? Replace restoration with reclamation.

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.

Is the current pit in violation of this ordinance? What is the definition of “the working face”? What slope is allowed on

the working face? We need to ensure the safety of this pit and future pits.

Commissioners reviewed comments. Greene stated we may want to include the wetlands in the prohibited zone definition. The City of Vergas does not manage the wetlands, there is other agencies which oversee them. Motion by Kvam, seconded by Wothe to recommend to Council to approve the proposed gravel pit ordinance by having public hearing and readings with the following change in prohibited zone for mining operations: wetlands which cannot be altered. Motion passed unanimously.

Open Burning

Moton by Hasse, seconded by Kvam to recommend to Council to approve the proposed open burning ordinance by having public hearing and readings with the following addition adding the word DNR to which was provided in section. Motion passed unanimously.

Streets & Sidewalks

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

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

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

Shoreline Management Ordinance

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

Updated Vergas Basic Code

Lammers provided LMC update and is working on ordinance to accept and deny portions of the ordinance. This is a work in process and will have an update soon.

New Business

Nuisance Properties within Vergas

101 E. Mill Street

There is garbage all over the yard. Pile of debris with wood and grill.

130 E Elm Street

Trash all over the yard. (No picture was supplied)

131 E Mill Street

Trash all over the yard, dogs continue to tear up garbage and place everywhere.

339 E Frazee Ave

Trash piled up in the back yard.

170 South 1st Avenue

Tractors in front yard. Otter Tail County is working with property owners regarding tractors in the right of way as requested by the streets, sidewalks and yard waste committee. (No picture was supplied)

207 Main Street

Trash all over the yard. (No picture was supplied)

Motion by Wothe, seconded by Hasse to have Lammers send letters to 101 E Mill Street, 131 E Mill Street, and 339 E Frazee Ave. Motion passed unanimously. Discussed having an ordinance stating all properties must have garbage service? Lammers will look into laws regarding.

Motion by Hasse, seconded by Kvam to adjourn meeting at 7:33 pm.

Secretary,

Julie Lammers, Vergas City Clerk-Treasurer

Follow Up Actions:

Snow emergency routes.

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

Send letter to property owner at 241 Bennett Road regarding trees in right of way. (June 1, 2023)

Updated Shoreline Management Ordinance (Lammers & Kvam)

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

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

Review laws regarding requiring garbage service.

Check with the City Attorney regarding contractors working without a permit.

Council recommendations:

Approve open burning and gravel pit ordinance. (Brought to special council meeting).