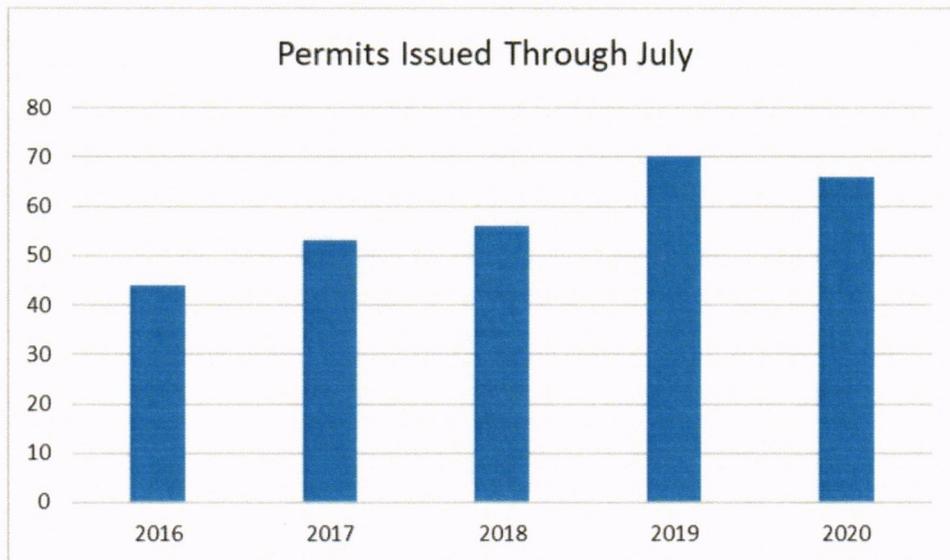


Zoning Administrator's Report

A. July Permits: The following permits were issued over the last month by the Zoning Department:

1. Cooper Tollefson, 28150 Hurtig Road, for a pole barn with living quarters;
2. Nathan Norton, 30880 Maish Street, for an accessory structure;
3. Karen S A Moore Lara, 3015 White Oak Road, for an accessory structure;
4. Erin & Jennifer Gonczy, 3940 Hubbard Street, for an accessory structure;
5. James Byrne, 4905 Olson Road, to replace deck;
6. Judith Wright, 27446 West Twin Lake Drive, for a fence;
7. Juliet Lilgaroth, 31267 Rasmussen Road, to replace deck;
8. James T. Olson, 3544 Wildlife Trail, for an accessory structure;
9. Babinski Properties, 30505 Olson Street, for an accessory structure;
10. Kenneth Henke, 4239 Pillsbury Street, to enclose deck;
11. John Adair, 4829 Pine Needle Drive, for an accessory structure;
12. Xcel Energy, construction of gas service in right-of-way;
13. Dennis Paulson, 4755 County Road 16, for an accessory structure;
14. Alan Brown, 27713 Janco Lane, for a new dwelling;
15. Richard & Beth Barnett, 28468 Hurtig Road, for a pole barn.



(2020 Right-of-Way permits not included)

B. Correspondence: Your Staff sent the following correspondence since the last meeting:

1. July 10 letter to B & K Rentals 1001 LLC, regarding SSTS;
2. July 28 letter to Pallansch Properties, LLC regarding Conditional Use Permit approval;

3. August 4 letter to Enzo Sposito regarding Compliance Inspection.

C. Potential Violations/Enforcement Actions: The City Staff is currently working on the following potential violations/enforcement actions. We will report on each of these each month until they are resolved to the satisfaction of the Planning Commission.

- John and Barbara Derksen – Exterior storage. The City Council, at their August 6, 2019 meeting, unanimously agreed to waive the permit fee of \$50 for the fence permit if there are no verified complaints received in the next 12 months. (5/13)
- Robert Swenson – The City Council declared this property a public nuisance in 2017. Staff has issued 5 Administrative Citations. (6/16)
- David & Christine Kennedy – Maintenance. Staff has issued 4 Administrative Citations. (5/17)
- Lee Moren – Maintenance, Exterior Storage & Lawn. Staff will monitor next growing season. (8/18)
- Wesley T. Johnson – Maintenance. Staff will continue monitoring his mowing and yard maintenance next growing season. (9/18)
- Timothy & Kristi Crist – Exterior Storage and Abandoned Vehicles. (4/20)
- Lloyd & Darleen McAninch – Exterior Storage. (4/20)
- Lance Schmidt – Exterior Storage and Property Maintenance. (4/20)
- Lonesome Real Estate LLC – Offsite Sign. (5/20)
- William Moen – Lawn. (6/20)
- St. Alice Catholic Church – Property Maintenance. (6/20)
- Douglas & Arleen Steele – Property Maintenance. (6/20)



4638 MAIN STREET • PEQUOT LAKES, MN 56472 • (218) 568-5222 • FAX: (218) 568-5860 • www.pequotlakes-mn.gov

July 10, 2020

B & K Rentals 1001 LLC
Ben & Kate Forland
12212 Little Pine Road
Brainerd, MN 56401

RE: PIN: 290113300KA0009
4586 & 4590 Main Street

Dear Mr. and Mrs. Forland:

There is a Subsurface Sewage Treatment System (SSTS) that is shared with the above addresses (owned by Forland's) and 4572 Main Street (owned by Wegman's). The Wegman building has been vacant for most of a year. The Forland rental building at 4590 Main Street drains waste to the septic tank located on the Wegman property. Waste from this septic tank is pumped to a drainfield located on the Forland property. The Forland rental house at 4586 Main Street drains waste to a septic tank located on the Forland property and drains to the drainfield mentioned above.

I was notified earlier this week that the drainfield located on the above-captioned parcel was saturated. This would mean it is an imminent public health threat. I had a licensed SSTS Inspector check on it for me and found the following:

1. The septic tank on the Wegman property needs to be pumped immediately. The Wegman building has been mostly vacant the past year and the waste from the Forland rental building drains to that septic tank.
2. The septic tank on the Forland property needs to be pumped soon or it could back-up into the rental house.
3. The lift pump on the Wegman property needs to be replaced.
4. The first 2 trenches of the drainfield had water standing in them at the inspection pipes; the next 4 trenches were normal.

There should have been a maintenance agreement in place for the SSTS when this property was subdivided years ago. Proper maintenance, including pumping, should ensure a longer life for the drainfield.

Please immediately have the septic tank at the Wegman property pumped. I have been in contact with them and they will need to install a new lift pump after the septic tank is pumped.

I would suggest that you also have the septic tank located on your property pumped while the pumper is there. That septic tank was quite full when inspected.

If you have any questions, please feel free to contact me at dbittner@pequotlakes-mn.gov or at 218-568-6699.

Sincerely,

Dawn Bittner
Zoning Specialist



July 28, 2020

Pallansch Properties, LLC
315 – 12th Street NE, Suite B
Little Falls, MN 56345

RE: Conditional Use Permit to construct a 20 unit Assisted Living Facility

Dear Mr. Pallansch:

Please be advised that on July 16, 2020, the Planning Commission approved your Conditional Use Permit based on the following findings of fact:

1. The proposed development, with conditions, is an appropriate conditional use in the Rural Residential zone.
2. The proposed use conforms to the Comprehensive Plan as the proposed use maintains the rural character of the property. The subject property is currently used for similar purposes and expanding the existing use would not conflict with the future plans for the area. The Future Land Use map identifies the subject property as Rural Residential.
3. The neighborhood surrounding the subject property consists of rural residential properties. The proposed use, with conditions, is compatible with the surrounding neighborhood.
4. The proposed use, with conditions, will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance, or prosperity of the City.
5. The proposed use will not be injurious to the use and enjoyment of surrounding property.
6. The proposed use, with conditions, will not impede the normal and orderly development and improvement of surrounding vacant properties.
7. The proposed use will utilize onsite sewer and water systems. There should be no increase in traffic on County Road 107. With the removal of the building at 5496 Country Care Lane, current staffing and resident count will remain unchanged. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.

8. The proposed use will be accessed by a private drive from County Road 107.
9. The proposed development contains adequate off-street parking.
10. The proposed use will not generate any offensive odor, fumes, dust, noise, or vibrations that will be a nuisance to neighboring properties.
11. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
12. The proposed use will promote the prevention and control of pollution of ground and surface waters. All stormwater generated on the subject property will be contained onsite.

Please note that the Planning Commission also added the following as conditions to the conditional use permit:

1. This application constitutes an amendment to the existing conditional use permit for the subject property. All of the conditions of approval of the existing conditional permit remain in effect in addition to the conditions of this approval.
2. The landscaping noted on the enlarged site plan dated June 16, 2020 shall be implemented in full. The landscaping shall be maintained and kept free of weeds and debris.
3. An SSTS design which guarantees the discharge standards in MN Rules Chapter 7081.0130, Subpart 2, and Pequot Lakes City Code Section 15-3.24 Subpart 5C, shall be submitted for a system serving the proposed building. The building may not be occupied until the SSTS is inspected and a certificate of installation is issued by the city.

Section 17-11.6 (8) of the Pequot Lakes City Code states *“Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing.”* If you have any questions, please feel free to contact me.

Sincerely,

Dawn Bittner
Zoning Specialist

CC: Planning Commission



August 4, 2020

Enzo Sposito
c/o Joseph & Joann Lutter
5432 Sibley Lake Road
Pequot Lakes, MN 56472

Dear Mr. Sposito:

When the Land Use Permit was issued for the accessory structure you agreed to provide a Compliance Inspection on the septic system. This Compliance Inspection is a State requirement which the City must enforce in Section 15-3.24, Subpart 3/a (1):

- “A. Compliance inspections shall be required when any of the following conditions occur:*
- (1) When applying for a land use permit, ...”*

Please contact someone from the Inspector column of the enclosed list of professionals to have the inspection completed **no later than August 28, 2020.**

As opposed to initiating formal enforcement action against you for a violation of the City Code, we would like the opportunity to work with you to correct the situation. **We are requesting that by no later than August 28, 2020 you perform the action listed above.**

Failure to comply with the City Code by August 28, 2020, will prompt us to initiate enforcement action up to and including criminal prosecution or other civil legal action to remedy the above-described violations. Alternatively, the City may initiate administrative action to achieve voluntary compliance with the above-referenced City Code provisions without resorting to prosecution or other legal action, which administrative action would include citation(s) and administrative penalties in the amount of \$100.00 per day for each day the violation continues.

Please understand our seriousness and commitment to uphold the City Code. We hope you will take this opportunity to work with us and resolve this matter without further enforcement action becoming necessary.

We would appreciate your assistance at remedying the above issue by the specified deadline. If you have any questions, please contact me at 218-568-6699 or at dbittner@pequotlakes-mn.gov.

Sincerely,

Dawn Bittner
Zoning Specialist

Enc.