

Zoning Administrator's Report

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

1. Minnesota Power, underground power in right-of-way;
2. Crow Wing County, 5230 County Road 11, for internal signage;
3. Daniel & Jessica Devine, 30668 Rasmussen Road, for a new home & garage;
4. Jay Gorton, 4574 Schmidt Way, for an addition;
5. Jim Eder, 3011 White Oak Road, for ground mounted solar;
6. Marlon Hoefs, 3614 Rickard Way, for a new home;
7. TDS, replace buried facility in right-of-way;
8. Xcel Energy, relocate buried gas lines in right-of-way;
9. Minnesota Power, right-of-way construction;
10. Adam Bitzer, 28050 Hurtig Road, for a pole barn;
11. Pequot Lakes ISD 186, 4555 Engen Road, grading and pave parking lot;
12. American Legion, Trailside Park, relocate Memorial Walkway;
13. Maxine Eckardt, 32793 County Road 112, to replace garage;
14. Steve Saxvold, 5875 Akerson Road, addition to pole barn;
15. Hanco Utilities, Inc. to install fiber for MN Power in right-of-way;
16. John & Laurel Siebolds, 31021 Bell Avenue, for a porch addition & patio;
17. Keith Simar, 28718 County Road 107, for an accessory structure;
18. David Koblas, 6631 S. Sluetter Road, for a new home.

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

1. April 9 letter to North Fork Boulders & Excavating regarding proposed conditions to extractive use interim use permit application;
2. April 20 letter to Virgil Dahl regarding completion of structure and exterior storage;
3. April 23 letter to Timothy & Kristi Crist regarding exterior storage;
4. April 27 letter to Lloyd & Darleen McAninch regarding exterior storage;
5. May 6 Memo to Planning Commission Members regarding meeting attendance.

C. City Council Minutes

An excerpt of the May 5 City Council Meeting Minutes are included:

6.2. SolSmart Designation

Dawn Bittner stated that the Planning Commission held their March and April meetings and they are sending the City Council one recommendation for the SolSmart designation. She stated the City recently adopted ordinance language to allow solar energy systems. She said the Planning Commission learned there is a program available to municipalities that reduces unnecessary "soft costs" for

residents, businesses, and local governments that are interested in installing solar and to provide recognition to communities that have done so. Ms. Bittner stated the Planning Commission is recommending the city of the SolSmart designation and would be tasked with the implementation of solar development into the City's comprehensive plan, ordinances, and permitting. She said the City Administrator is planning to include the City and the Minnesota GreenStep Cities Program, which would coordinate with the SolSmart program as well.

Ms. Bittner stated that one of the questions they anticipated the Council may have questions about would be regarding a reduction in soft costs and what those costs would be. She stated for individuals or businesses that are looking to install solar systems on their property that are the non-hardware costs of installing the solar such as permitting, financing, installation, labor and customer acquisition. She said other communities noted these costs actually make up a significant portion of solar installation, reducing the return on their investment. Ms. Bittner stated that some soft costs can be reduced through the use of best practices and that is what the SolSmart does is gives the City this tool kit to work with such as ordinance templates and a plethora of information that can be used and can be passed on to the residents and businesses.

Ms. Malecha stated that she did review the toolkit briefly today and it is just integrating solar energy or solar systems into the City's Comp Plan, how it can infiltrate that into our comp plan, zoning ordinances, downtown plans, and how it can be integrated into the City's different planning and zoning mechanisms. Council Member Swanson asked if it costs the City anything and Ms. Bittner confirmed that it does not.

COUNCIL MEMBER SWANSON MOVED TO AUTHORIZE THE CITY ADMINISTRATOR TO APPLY FOR THE SOLSMART DESIGNATION. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0. COUNCIL MEMBER AKERSON ABSTAINED.

D. 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)



April 9, 2020

North Fork Boulders & Excavating
Phil Swenson
5253 55th Avenue SW
Pine River, MN 56474

RE: Interim Use Permit for an Extractive Use in the Agriculture District

Dear Mr. Swenson:

The City of Pequot Lakes has received your request to for an Interim Use Permit for an Extractive Use in the Agriculture zoning district. We have determined that your application is complete. We have scheduled a public hearing for 6:00 P. M. April 16, 2020 at City Hall. The Mayor has made a Declaration to conduct meetings by telephone or other electronic means. You received a meeting invite April 8 to attend the meeting via Zoom. If this is not an option, please let me know so we can make accommodations for you to attend in person. You are the only public hearing on the Agenda.

To review, an interim use is a use that is generally allowed, with conditions applied to address or mitigate potential problems. For an interim use permit, the Planning Commission holds a public hearing and decides whether to approve or deny the application. The Planning Commission may attach conditions on approval of the permit to ensure that the proposed use meets other provisions of the Ordinance.

The proposed conditions for your application are:

1. All submittal requirements of this interim use approval (below) shall be submitted to and approved by the city prior to any excavation of material on the subject property.
2. Applicant shall furnish a site specific Stormwater Prevention and Pollution Plan to the City, as well as MPCA, NPDES and MPCA General Permit.
3. Topsoil berms shall be placed and vegetated in such a way as to screen the excavation area from view and to serve as a noise and dust buffer for area residences.
4. Applicant shall install fencing on all sides of the excavation area as a safety barrier.
5. The applicant shall furnish a bond in the amount that is acceptable to the City Engineer and the Planning Commission to serve as a guarantee that

the restoration and rehabilitation requirements are met to the satisfaction of the City.

6. The applicant shall submit information required in Section 8.5 "Extractive Uses and Restoration" Subparts 5 (B) (C) and (D).
7. The applicant shall provide a detailed restoration plan meeting the requirements of Section 8.5 "Extractive Uses and Restoration" Subpart 4.
8. The applicant shall provide soil boring data/ground water elevation for at least three boring sites throughout the excavation area. The boring locations shall be spaced at least 100' apart.
9. Extraction operations shall take place between 6:00 AM and 6:00 PM, Monday through Friday.
10. The slopes surrounding the excavation area shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
11. Four (4) inches of black topsoil shall be placed on all areas.
12. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area.
13. The banks of all excavation not backfilled shall be sloped not steeper than 3:1 and said bank shall require the establishment of vegetation.
14. This extractive use shall terminate 5 years from date of approval, April 16, 2025.
15. Reclamation of the extractive use site shall be completed within one (1) year after the cessation of the operation.

The City prepares a staff report for the Planning Commission prior to the meeting. The report will discuss the pertinent ordinances and an evaluation and recommendations on your application. A copy of the report will be available at City Hall for you to read no later than a week before the meeting or on-line at www.pequotlakes-mn.gov.

If you have any questions or concerns prior to the meeting, do not hesitate to contact us.

Sincerely,

Dawn Bittner
Zoning Specialist

CC: Planning Commission



April 20, 2020

Mr. Virgil Dahl
3952 County Road 17
Pequot Lakes, MN 56472

**Re: City of Pequot Lakes
Potential City Code Violation
PIN: 290102404AA0009**

Dear Mr. Dahl:

I tried to call you twice last week but the telephone number the City has for you is no longer correct.

On November 15, 2018, the Planning Commission extended your Land Use Permit to complete the construction of your dwelling until September 30, 2019. The City recently noted your dwelling is not complete.

In addition, the City has received complaints regarding what appear to be inoperable vehicles, miscellaneous items strewn about the property, and numerous bags of garbage.

We would like to take the opportunity to work with you to bring your property into compliance. **By no later than June 20, 2020, please complete the exterior construction of your dwelling, permanently remove all inoperable vehicles and miscellaneous items strewn about the property, and remove all bags of garbage. Please know that if these items are not completed by this deadline date, the City will proceed with our enforcement process.**

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission
Nancy Malecha, City Administrator – via email
Eric Klang, Chief of Police – via email



April 23, 2020

Timothy & Kristi Crist
30660 Rae Avenue
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 291050010040009 - 291050010070009
31215 Pine Street**

Dear Mr. and Mrs. Crist:

It has come to my attention through complaints that there are Exterior Storage issues that again need to be addressed at the above-captioned property.

Per City Code, the following Exterior Storage issues must be addressed within the next thirty (30) days (by May 23, 2020):

- Remove any and all items stored outside that do not meet the standards of Section 17-7.5, Subpart 2 (D) below;
- Remove all abandoned vehicles.

The City Code states in Section 17-7.5 EXTERIOR STORAGE:

Section 17-7.5 EXTERIOR STORAGE

1. Declaration of Nuisance. Excess outdoor storage of materials, equipment and other objects is declared to be a public nuisance because it is unsightly, decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, adversely affects property values and neighborhood patterns and poses a threat to the public health and safety when such objects are visible and accessible to passersby.
2. Standards. Objects stored outside that are visible from public rights of way or neighboring properties are a public nuisance if they are not stored in compliance with the following requirements.

- A. There shall be no exterior storage allowed on lots that do not contain a principle or accessory structure.
- B. Where there is a principle or accessory structure, all materials, equipment and other objects shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, recreational equipment, construction landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein.
- C. No more than two fish houses are permissible. Fish houses must be stored at least 10 feet distance from a rear property line and outside of the OHW setback.
- D. Exterior storage shall be allowed as follows:

ZONING CLASSIFICATION	STANDARD
Rural Residential Transition Residential Urban Residential	A maximum of three (3) recreational vehicles, including boats, shall be allowed to be parked and/or stored outside a building on private property in the rear yard of a non-riparian lot not less than the applicable setback from any property line. (1) (2) (3)

- (1) All recreational vehicles, including boats, shall display a current license or watercraft registration if required for such boat or recreational vehicle.
- (2) Non-motorized watercraft nine (9) feet in length or less that do not require watercraft registration by the State of Minnesota are not considered as stored under this article, so long as applicable setbacks are maintained.
- (3) For the purposes of this section, multiple recreational vehicles stored on a single trailer less than 16 feet in length shall be considered one recreational vehicle.
- G. Abandoned motor vehicles shall be stored within a structure or completely screened from view from adjacent properties and right-

of-way. See Chapter 3, Article 8.

The City Code states in Section 17-7.6 VISUAL STANDARDS:
Section 17-7.6 VISUAL STANDARDS – SCREENING

1. General. No use shall create, maintain or continue any activity or structure which has a strong negative visual impact or offends the morals or violates the standards of the City.

The City Code states in Section 17-7.7 SOLID WASTE:

1. All solid waste shall be disposed of in accordance with the standards of Crow Wing County.

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 May 23, 2020 you perform all of the actions listed above.**

Failure to comply with the City Code by May 23, 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.

Having exterior storage and solid waste as depicted in these pictures is not only a blight to the rest of the community, it is a health and safety issue that we take very seriously. Maintaining property in this manner attracts rodents and other wildlife in an urban neighborhood. 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 issues by the specified deadlines. If you have any questions, please contact me at 218-568-6699 or at dbittner@pequotlakes-mn.gov.

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission



April 27, 2020

Lloyd & Darleen McAninch, Trustees
19 Park Drive
Circle Pines, MN 55014

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 290223405A00009 & 290223405BA0009
County Road 168**

Dear Mr. and Mrs. McAninch:

It has come to my attention through complaints that there are Exterior Storage and Property Maintenance issues that need to be addressed at the above-captioned property.

Per City Code, the following Exterior Storage and Property Maintenance issues must be addressed within the next thirty (30) days (by May 27, 2020, 2020):

- Remove all miscellaneous items strewn about the property;
- Remove the abandoned and inoperable vehicles;
- Dispose of all solid waste and garbage pursuant to Crow Wing County Standards.

The City Code states in Section 17-7.4 EXTERIOR MAINTENANCE:
Section 17-7.4 EXTERIOR MAINTENANCE

All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values, and aesthetics. All landscaping shall be properly maintained so as to preserve planting in a live state and free of noxious weeds.

1. Declaration of nuisance. Buildings, fences, and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they are unsightly, decrease adjoining landowners' and

occupants' enjoyment of their property and neighborhood, and adversely affect property values and neighborhood patterns.

2. **Standards.** A building, fence, or other structure is a public nuisance if it does not comply with any of the following requirements.
 - A. Structures with rotten, deteriorated or damaged components or peeling paint shall be repaired, replaced, removed or repainted.
 - B. All landscaping shall be properly maintained so as to preserve planting in a live state and shall be kept free of noxious weeds and debris.
 - C. Turf grass and lawns shall not grow to a height to allow such grasses to go to seed.
 - D. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained so as to be free of cracking, crumbling, dilapidation or deterioration,
 - E. Rotten, deteriorated or damaged landscape elements shall be repaired, replaced, or removed.

The City Code states in Section 17-7.5 EXTERIOR STORAGE:

Section 17-7.5 EXTERIOR STORAGE

1. **Declaration of Nuisance.** Excess outdoor storage of materials, equipment and other objects is declared to be a public nuisance because it is unsightly, decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, adversely affects property values and neighborhood patterns and poses a threat to the public health and safety when such objects are visible and accessible to passersby.
2. **Standards.** Objects stored outside that are visible from public rights of way or neighboring properties are a public nuisance if they are not stored in compliance with the following requirements.
 - A. There shall be no exterior storage allowed on lots that do not contain a principle or accessory structure.
 - B. Where there is a principle or accessory structure, all materials, equipment and other objects shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, recreational equipment, construction landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or intended for use on the premises, off-

street parking except as otherwise regulated herein.

- C. No more than two fish houses are permissible. Fish houses must be stored at least 10 feet distance from a rear property line and outside of the OHW setback.
- D. Exterior storage shall be allowed as follows:

ZONING CLASSIFICATION	STANDARD
Shoreline Residential Shoreline Commercial	A maximum of three (3) recreational vehicles, including boats, shall be allowed to be parked and/or stored outside a building on private property in the rear yard of a riparian lot, not less than the applicable setback from any property line or ordinary high water mark of a public water. (1) (2)

- (1) All recreational vehicles, including boats, shall display a current license or watercraft registration if required for such boat or recreational vehicle.
- (2) Non-motorized watercraft nine (9) feet in length or less that do not require watercraft registration by the State of Minnesota are not considered as stored under this article, so long as applicable setbacks are maintained.
- (3) For the purposes of this section, multiple recreational vehicles stored on a single trailer less than 16 feet in length shall be considered one recreational vehicle.

- G. Abandoned motor vehicles shall be stored within a structure or completely screened from view from adjacent properties and right-of-way. See Chapter 3, Article 8.

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- 1. All solid waste shall be disposed of in accordance with the standards of Crow Wing County.

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Sincerely,

Dawn Bittner
Zoning Specialist

Enclosure: Photographs

C: Planning Commission



MEMO

TO: Planning Commission Members
FROM: Dawn Bittner, Zoning Specialist 
DATE: May 6, 2020
RE: Meeting Attendance

For quite some time, I have noticed that my efforts to contact Planning Commission Members via email or telephone regarding meeting agenda packets and attendance have been unresponsive and this is causing inefficiencies in my work tasks relating to Planning Commission Meetings. I understand the difficulties we all face in balancing our personal and professional matters; however, I need each of you to check and respond to your City emails in a timely manner as this will allow me to determine if we have a quorum for our meetings and to set up accordingly for our virtual meetings. It is very important for you to “accept” or “decline” meeting invites, return my telephone calls, and let me know if something comes up and you are unable to attend a meeting.

We have been successful establishing a new notification process for the expiration of the passwords for your City email accounts. You will receive an email notification that guides you through changing your password. You will need to watch for that notice.

Let's work to communicate more effectively as a team and if there is something I can do to make this easier, please let me know.

Thank you for all you do for the City of Pequot Lakes! We truly appreciate it.

4638 Main Street
Pequot Lakes, MN 56472
dbittner@pequotlakes-mn.gov
218-568-6699