

Zoning Administrator's Report

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

1. Joe Ruttger, 4604 Morehouse Dr., Accessory Structure;
2. Anthony Oltmann, 3989 Nelson Street, Fence;
3. Premier Homes, Inc., XXXX Little Walnut Lane, New Home and Garage;
4. Donna Sutton, XXXX Fox Lane, New Home and Garage;
5. Babinski Properties, 31210 Pequot Blvd, Replace Garages;
6. Robert LaRose, 4817 Akerson Road, Accessory Structures;
7. Gregory & Mark Shirley, XXXX Nagel Road, Timber Harvesting;
8. Kathleen Harms, 4573 White Spruce Lane, Deck.

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

1. July 11 letter to David Watkins regarding Cease and Desist order;
2. July 11 letter to Kelsey, David and Michelle Foy regarding Cease and Desist order;
3. July 11 letter to Claude and Donna Schmidt regarding Cease and Desist order;
4. July 15 letter to Babinski Properties regarding completing Land Use Permit Application for a sign;
5. July 16 letter to John and Barbara Derksen regarding fence Land Use Permit Application;
6. July 23 letter to Mitch Kittock regarding Metes and Bounds subdivision request;
7. July 23 letter to City of Pequot Lakes regarding Variance request approval;
8. July 23 letter to Daniel and Lauri Helbling regarding Final Plat of "The Range";
9. July 31 letter to Donald and Jeanette Reschke regarding Subsurface Sewage Treatment System permit;
10. August 5 letter to Robert and Jeanne Alm regarding name sign;
11. August 6 letter to Dianne L. Koval resolving enforcement action.

C. Council Meeting Notes:

The draft August 6 City Council Minutes were not finished when this report was prepared.

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 complaints received in the next 12 months. (5/13)
- Dianne Koval – Exterior storage. Ms. Koval has removed the abandoned vehicles and the numerous items stored outside. We consider this matter resolved. (4/16)
- Robert Swenson – The City Council declared this property a public nuisance in 2017. Staff has issued 3 Administrative Citations. (6/16)
- Timothy & Kristi Crist – Exterior Storage and Lawn. Staff will continue to monitor and meet with Mr. Crist. (4/17)
- David & Christine Kennedy – Maintenance. Staff has issued 3 Administrative Citations. (5/17)
- Gary Galle – Stormwater and Incomplete Construction. Mr. Galle's permit was extended 6 months. Landscaping has been stabilized with straw blanket. Part of the north side and the west side siding needs to be completed. (6/18)
- Lee Moren – Maintenance, Exterior Storage & Lawn. Exterior storage has been removed and a Lawn Letter was recently sent. (8/18)
- Scott Pederson – Exterior Storage. Property owner has removed some items and claims to be compliant. Storage is not visible from public right-of-way. (6/18)
- Nathan Walberg – Staff is monitoring. (3/1)
- Wesley T. Johnson – Maintenance. Staff is monitoring his mowing and yard maintenance. (9/18)



July 11, 2019

David Watkins
31061 Honeysuckle Street
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
City Code Violation
Cease and Desist/Corrective Action Order
PIN: 2911000000B0009**

Dear Mr. Watkins:

It has come to our attention through complaints and personal observation that you have created walkways, removed vegetation and placed a dock along the shoreline of Sibley Lake on property owned by the City of Pequot Lakes.

You are hereby ordered to Cease and Desist use of this property in this manner.

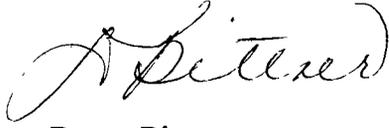
This is a serious matter which we expect you to take immediate action to address.

The following shall take place:

1. Immediately cease and desist any use of the walkway/path;
2. Immediately cease and desist any further vegetation removal and weed-whipping and/or trimming along the shoreline and walkway/path;
3. By no later than July 21, 2019 permanently remove the dock.

In the event the City finds erosion issues from the use of the walkway/path, it shall be your responsibility to reimburse the City for any and all expenses associated with the resolution of those issues.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Bittner".

Dawn Bittner
Zoning Specialist

Enc. – Photographs

C: Nancy Malecha, City Administrator
Jason Gorr, Public Works Director
Planning Commission



July 11, 2019

Kelsey, David and Michelle Foy
31013 Honeysuckle Street
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
City Code Violation
Cease and Desist/Corrective Action Order
PIN: 2911000000B0009**

Dear Kelsey, David and Michelle Foy:

It has come to our attention through complaints and personal observation that you have created walkways, removed vegetation and placed a dock along the shoreline of Sibley Lake on property owned by the City of Pequot Lakes.

You are hereby ordered to Cease and Desist use of this property in this manner.

This is a serious matter which we expect you to take immediate action to address.

The following shall take place:

1. Immediately cease and desist any use of the walkway/path;
2. Immediately cease and desist any further vegetation removal and weed-whipping and/or trimming along the shoreline and walkway/path;
3. By no later than July 21, 2019 permanently remove the dock.

In the event the City finds erosion issues from the use of the walkway/path, it shall be your responsibility to reimburse the City for any and all expenses associated with the resolution of those issues.

In addition, it appears you have created a private fire pit and seating area on public property. Private use of public property is not allowed. If you feel a fire pit for public

use should be an added feature to Sibley Lake Park, please forward your request to the Park Commission at the City Hall address above.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Bittner". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dawn Bittner
Zoning Specialist

Enc. – Photographs

C: Nancy Malecha, City Administrator
Jason Gorr, Public Works Director
Planning Commission



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July 11, 2019

Claude and Donna Schmidt
PO Box 251
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
City Code Violation
Cease and Desist/Corrective Action Order
PIN: 2911000000B0009**

Dear Mr. and Mrs. Schmidt:

It has come to our attention through complaints and personal observation that you have created walkways, removed vegetation and placed a dock along the shoreline of Sibley Lake on property owned by the City of Pequot Lakes.

You are hereby ordered to Cease and Desist use of this property in this manner.

This is a serious matter which we expect you to take immediate action to address.

The following shall take place:

1. Immediately cease and desist any use of the walkway/path;
2. Immediately cease and desist any further vegetation removal and weed-whipping and/or trimming along the shoreline and walkway/path;
3. By no later than July 21, 2019 permanently remove the dock.

In the event the City finds erosion issues from the use of the walkway/path, it shall be your responsibility to reimburse the City for any and all expenses associated with the resolution of those issues.

Sincerely,

Dawn Bittner
Zoning Specialist

Enc. – Photographs

C: Nancy Malecha, City Administrator
Jason Gorr, Public Works Director
Planning Commission



July 15, 2019

Babinski Properties
Attn: John Babinski
30533 Patriot Avenue
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 290154100A00009
30533 Patriot Avenue**

Dear Mr. Babinski:

As outlined in my June 18, 2019 letter to Bob Erickson's attention, the freestanding sign erected on the above-captioned property was erected without a permit.

Per City Code, the following action must be addressed within the next ten (10) days (by July 26, 2019):

- Complete the enclosed Land Use Permit Application for the freestanding sign, including dimensions on your diagram and return to City Hall.

Section 17-7.1 SIGNS

2. Required Permits. All signs are considered structures and require a Zoning Permit, except signs placed by the City, County or State to relate the laws or ordinances, or to promote the health, safety and welfare of the community which are exempt, and signs exempted in this Chapter.

5. Onsite Signs.

A. Commercial and Industrial Districts.

(4) Each property is allowed one freestanding sign so long as the sign can meet setbacks and its placement does not obstruct lines of sight or pedestrian corridors.

- (a) On all freestanding signs, both sides of the sign are counted to determine the sign area.
- (b) Buildings located in a 45 mile per hour speed zone or higher are allowed up to 96 square feet of freestanding sign that shall not exceed 15 feet in height.
- (c) Buildings located in a less than 45 mile per hour speed zone are allowed up to 64 square feet of freestanding sign and, for multi-business buildings, are allowed an additional 8 square feet for each business after the first. The sign may not exceed 10 feet in height.

Section 17-5.10 COMMERCIAL (C)

- E. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.

Section 17-11.8 LAND USE PERMITS

- 1. Land Use Permits shall be issued for all new structures and any change in structure exterior, plumbing or number of bedrooms, any construction or repair of a sewage system and any grading and filling in shoreland not exempted by this ordinance. No person shall assemble, install, repair, remodel, remove or construct any structure prior to applying for and receiving a Land Use Permit.

Section 17-11.10 FEES

The Council shall adopt a schedule of fees from time to time for all permits. No permit shall be issued, or request brought before the Board of Adjustment or Planning Commission until the fees are paid. All late applications shall require the payment of an after-the fact fee as outlined in the fee schedule.

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 July 26, 2019 you perform all of the actions listed above.**

Failure to comply with the City Code by July 26, 2019, 2019, 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. 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

Enclosure: Photograph

C: Planning Commission



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July 16, 2019

John R. and Barbara J. Derksen
31116 Ash Street
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 291050040230009 and 291050040240009
31116 Ash Street**

Dear Mr. and Mrs. Derksen:

As outlined in my letter of June 11, 2019, the fence you constructed to provide screening required a Land Use Permit. Please complete the enclosed Land Use Permit Application and return to City Hall no later than July 24, 2019. The fee for a Fence Permit is \$50. If we do not receive the completed application by July 24, 2019, the After-the-Fact fee is 5 times the base fee with a minimum penalty of \$300.

Please feel free to contact me with any questions at 218-568-6699 or at dbittner@pequotlakes-mn.gov.

Sincerely,

Dawn Bittner
Zoning Specialist

Enc.

C: Planning Commission



July 23, 2019

Mitch Kittock
6256 North Sluetter Road
Pequot Lakes, MN 56472

Re: Metes and Bounds Subdivision Request

Dear Mr. Kittock:

Please be advised that on July 18, 2019 the Planning Commission approved your metes and bounds subdivision request based on the following Findings of Fact:

1. The subject property is zoned Rural Residential and is vacant.
2. The lot widths of the proposed parcels both do not meet the minimum standard of 200 feet.
3. Both of the proposed parcels do not meet the minimum buildable area requirements of 5 acres in the Rural Residential Zone.
4. Applicant proposes to consolidate proposed "Tract A" with Lot 2, Block 3, Sibley Wildlife Estates and to consolidate proposed "Tract B" with Lot 4, Block 3, Sibley Wildlife Estates.
5. The property is suitable in its natural state for the intended purpose and this lot split would not be harmful to the health, safety, or welfare of future residents or of the community.
6. The applicant is not proposing any provisions for water-based recreation.
7. The proposed lot layout meets the requirements of the ordinance.
8. The proposed side lot lines are at right angles to the adjacent property lines.
9. Each of the proposed parcels has at least 33-feet of frontage on public right-of-way.
10. The subject property meets the requirements of the code for stormwater management.
11. There are no public streets proposed within the development.

Please be advised that the Planning Commission attached the following as a condition of approval:

1. Proposed "Tract A" shall be consolidated with Lot 2, Block 3, Sibley Wildlife Estates and proposed "Tract B" shall be consolidated with Lot 4, Block 3, Sibley Wildlife Estates.

Section 17-11.9 (5H) of the Pequot Lakes City Code states *"Failure of the subdivider to act after an approval of a Metes and Bounds subdivision within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new review by the Planning Commission."*

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

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission



July 23, 2019

City of Pequot Lakes
Attn: Nancy Malecha
4638 Main Street
Pequot Lakes, MN 56472

Re: Variance Request to Exceed the Maximum Timeframe for Temporary Signage
and to Exceed the Maximum Amount of Signage Allowed in the Public zoning
classification

Dear Ms. Malecha:

Please be advised that on July 18, 2019 the Board of Adjustment approved your
Variance request based on the following Findings of Fact:

1. The subject property is located south of Derksen Road and is in the "Public" zone.
2. The property is vacant.
3. The applicant plans to develop and sell the subject property. The Pequot Lakes Economic Development Commission is marketing the subject property for sale and plan to use the feather shaped flags as an advertising tool.
4. The applicant proposes to place six, two-sided feather shaped flags, not to exceed fifteen feet in height, along the eastern border of the subject property.
5. The subject property is adjacent to municipal water and wastewater at the intersection of Derksen Road and Morehouse Drive.
6. The applicant has established that there are practical difficulties in complying with the Code. A 9 square foot "For Sale" sign is not adequate to market the 80+ acre site and a banner for 14 days in a 90 day period is not sufficient time to market the 80+ acre site.
7. The property owner proposes to use the property in a reasonable manner.
8. The deviation from the Code will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan. The Comprehensive Plan does not specifically address this request but allows for commercial development within the City.
9. The variance will not create a land use not permitted in the Public zone.

10. The variance will not alter the essential character of the locality as there are “For Sale” signs along State Highway 371.
11. The variance has not been made based on economic considerations.

Please note the Board of Adjustment included the following Conditions in their motion to approve your Variance request:

1. There shall be no more than six, temporary, two-sided feather shaped flags, not to exceed fifteen feet in height, along the eastern border of subject property.
2. The temporary flags shall meet the one-foot setback from State Highway 371 for a sign.
3. The temporary signage may be located on the subject property owned by the applicant as long as the property is for sale.
4. The temporary signage may be placed in any location owned by the applicant so long as the standard signage setbacks are met.
5. Any flags that become frayed, ripped or torn shall be immediately replaced or removed.

Section 17-11.7 (7) of the Pequot Lakes City Code states *“Failure by the owner to act within 6 months on a Variance unless extended by the Board of Adjustment shall void the Variance. 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

C: Board of Adjustment



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July 23, 2019

Via US Mail and Email

Daniel and Lauri Helbling
PO Box 488
Pequot Lakes, MN 56472

RE: Final Plat of "The Range"

Dear Mr. and Mrs. Helbling:

We are returning your application for Final Plat of "The Range" due to missing submittal documents as outlined in our email dated July 18, 2019, namely:

1. Grading, development, erosion control, drainage, utility and road plans (per Development Agreement and CUP condition);
2. Landscaping Plan (per Development Agreement);
3. Water Supply Plans (per Development Agreement and CUP condition);
4. Bylaws (per Development Agreement);
5. Financial Security (CUP Condition);
6. Title Opinion;
7. Plat Check from a licensed surveyor; and
8. Wetland Delineation Report.

In addition, the Declaration you provided refers to the rental of their units by a management company. The Declaration shall refer to the City's Short-term Rental Ordinance.

You may pick up the submittal documents you provided at City Hall, as well as your check for the Park Dedication Fee.

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

Enc. – Final Plat Application

C: Planning Commission



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July 31, 2019

Donald and Jeanette Reschke
15810 – 9th Avenue N.
Plymouth, MN 55447

Dear Mr. and Mrs. Reschke:

On June 17, 2019 I received a Design from Martin Joyce for a new Subsurface Sewage Treatment System. I issued the permit for the installation on June 17, 2019 and the permit is ready to be picked up. The amount due is \$200; \$100 for the permit and \$100 for the inspection. Please either mail me your check or stop by City Hall to make payment and pick up the permit.

I will need to have 24 hours' notice prior to installation the schedule the inspection.

Please feel free to contact me with any questions. Thank you.

Sincerely,

Dawn Bittner
Zoning Specialist



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July 31, 2019

Steve Saxvold
5875 Akerson Road
Pequot Lakes, MN 56472

RE: Timber Harvesting Permit

Dear Mr. Saxvold:

Thank you for stopping by City Hall so quickly June 20 to make application for your Timber Harvesting Permit. I issued the permit June 20 and the \$125 permit fee is due.

In addition, this permit triggered the necessity for a Compliance Inspection on your Subsurface Sewage Treatment System. I have enclosed a list of Septic System Professionals. Please choose someone from the Inspector column or another licensed septic professional to perform the Compliance Inspection.

Please feel free to contact me with any questions. Thank you.

Sincerely,

Dawn Bittner
Zoning Specialist

Enc.



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August 5, 2019

Robert and Jeanne Alm
2024 Vernon Drive S.
Minnetonka, MN 55305

Dear Mr. and Mrs. Alm:

It has come to my attention that you may have placed a name sign on your neighbor's property. Offsite Signs are not allowed in the Shoreline Residential zone. To amicably resolve this matter, one of the following measures must be addressed within the next thirty (30) days (by September 6, 2019):

1. Permanently remove this sign; or
2. Enter into a written agreement with the property owner to:
 - a. Remove the sign when you sell your property; or
 - b. Remove the sign when the property owner lists her property for sale.

Please feel free to contact me with questions at dbittner@pequotlakes-mn.gov or at 218-568-6699.

Sincerely,

Dawn Bittner
Zoning Specialist

Enc. – Photograph

C: Planning Commission
Sandra Fowler

8-4-17

ORIOLE DR

ALM





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August 6, 2019

Dianne L. Koval
3876 Brown Street
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
City Code Violation
PIN: 291100030140009 and 29110003013B009
3876 Brown Street**

Dear Ms. Koval:

The City of Pequot Lakes would like to thank you for your efforts to bring the above-captioned property into compliance regarding Exterior Maintenance, Exterior Storage, and Visual Standards. We would like to take this opportunity to thank you for your assistance in remedying this situation.

We consider this matter resolved.

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission