

**Applicant:** Nathan Walberg

**Agenda Item:** 6 (a)

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**Background Information:** Mr. Walberg requested to be placed on the Agenda to discuss his fence and tank system (floor drain). Staff is unsure the extent Mr. Walberg intends to discuss the fence and tank system so Staff is including the following as a timeline from his Conditional Use Permit approval in January, 2019 for your information.

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Mr. Walberg's application for a Conditional Use Permit to increase parking area for used motor vehicle lot, and add maintenance and repair of customer owned vehicles, provide towing services, tire sales, and onsite sales and display of sawmills and related products was approved January 17, 2019. The conditions of approval were:

1. No tire sales, exterior display of sawmills, or repair/maintenance work on customer owned vehicles may be allowed on the subject property until the conditions of this permit are fulfilled.
2. There shall be no exterior storage of tires.
3. Fifty percent screening shall be maintained along Patriot Avenue.
4. A floor drain/sediment trap shall be installed in the auto repair area in accordance with MDH's best management practices. The floor drain shall be connected to a holding tank and pumped regularly. The holding tank system shall be designed by a licensed SSTS designer or licensed plumber. A copy of a maintenance/pumping contract shall be submitted to the city. The floor drain/holding tank system shall be installed by August 30, 2019.
5. All garbage, used oil and related waste shall be disposed of in accordance with MPCA regulations.
6. No more than fifteen (15) inoperable units (vehicles and sawmills) shall be present on the property at any given time.
7. All mechanic work on vehicles shall be conducted within an enclosed structure.
8. Signage shall be permitted by separate application.
9. There shall be no more than a total of one hundred fifty (150) vehicles and sawmills allowed on the subject property. The maximum number allowed is a combination of vehicles and sawmills.
10. Parking areas shall be set back a distance of 10' or greater from side property lines in areas that are not screened by a fence.
11. A 6'-7' high wooden privacy fence shall be constructed along the south property line. The fence shall commence at the rear of the front building and run west to the front of the rear building. The fence shall be a

minimum of 3 feet from the south property line. The fence shall be installed by August 30, 2019.

12. The property owner shall improve and maintain the access to the property so as to comply with Section 503 of the 2015 Minnesota State Fire Code, as reasonably determined by the City's Fire Chief.

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On May 15, 2019 a Cease and Desist letter was issued regarding parking in the right-of-way of Patriot Avenue, the fire access is not properly maintained, the customer parking area is nonexistent and there is nowhere to turn around, and the used vehicles continue to be parked in a haphazard manner. (Letter attached) On May 17, Mr. Walberg requested to be placed on the June 20, 2019 Planning Commission Agenda to discuss the Cease and Desist letter. The Minutes of that meeting are below:

**NEW BUSINESS:**

**a. Nathan Walberg – Cease and Desist Letter**

Zoning Specialist Bittner explained the Staff Report. Mr. Walberg was not present.

The Planning Commission reviewed the photographs provided by Mr. Walberg, indicating Watt Auto and Crow Wing Auto Body park vehicles in the right-of-way. The photos also indicate traffic from the right-of-way in front of his business onto the access for the DNR property. Bittner noted it appears a small parking area has been created for customers and the fire access has been created. However, most often it is blocked by a tow truck.

Chair Hallan noted it appears some vehicles have been moved around. However, the fire access was blocked by a trailer on his way to the meeting.

There were several people in the audience. One gentleman stated he attended the Public Hearing to expand the use. When the Planning Commission suggested a 10-foot setback for parking vehicles, he stated that would cut down the customer parking area. Mr. Walberg is not abiding by any of the setbacks, including right-of-way and DNR property. He is supposed to only have 15 inoperable vehicles. Fifty of the 150 might start. He has been using the right-of-way for his sawmill business; tree bark is present.

The Planning Commission reviewed the photos presented.

Revocation of the Conditional Use Permit was discussed.

The Planning Commission directed Staff to schedule an onsite meeting at the Walberg property with all of the Planning Commission in attendance, 1 or 2 City Council Members, the Fire Chief and the Police Chief.

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On June 26 Staff contacted Mr. Walberg to schedule the meeting. Mr. Walberg responded on July 10 and stated he was extremely busy with car sales and starting the work necessary to comply with the terms and deadlines of the Conditional Use Permit and that he didn't feel it is necessary to discuss this matter further. (Letter attached)

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On September 9 Staff contacted Mr. Walberg regarding the 2 conditions that needed to be met by August 30, 2019. (Letter attached). On October 3 Mr. Walberg requested to be placed on the October 17 Agenda to discuss the fence and tank system.

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May 15, 2019

Nathan Walberg  
29349 Patriot Avenue  
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes  
City Code Violation  
Cease and Desist/Corrective Action Order  
PIN: 290224100DA0889**

Dear Mr. Walberg:

It has come to my attention through numerous complaints and personal observation that vehicles are being parked within the right-of-way of Patriot Avenue, the fire access is not properly maintained, the customer parking area is nonexistent and there is nowhere to turn around, and the used vehicles continue to be parked in a haphazard manner throughout the commercially zoned property.

You are hereby ordered to Cease and Desist any parking of vehicles, trailers, and other miscellaneous items and driving upon the right-of-way of Patriot Avenue.

**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 all parking, turning around and driving upon the Patriot Avenue right-of-way. Your repeated use has left this area impervious.
2. Immediately remove any and all vehicles, wood, logs, and/or other items from the public right-of-way adjacent to your property.
3. By no later than May 22, 2019 relocate or remove vehicles to create an adequate parking area for your customers to park and turn around to exit your property. This parking area shall be a minimum of 25' X 32' as indicated on the site plan you provided.

4. By no later than May 22, 2019 relocate or remove vehicles to create adequate access to the property as reasonably determined by the Pequot Lakes Fire Chief.

Failure to comply with the orders contained in this notice may result in the city removing the vehicles and other items from the right-of-way at your expense and/or revocation of your conditional use permit.

Sincerely,

Dawn Bittner  
Zoning Specialist

CC: Planning Commission  
Eric Klang, Chief of Police – via email



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May 17, 2019

Nathan Walberg  
29349 Patriot Avenue  
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes  
City Code Violation  
Cease and Desist/Corrective Action Order  
PIN: 290224100DA0889**

Dear Mr. Walberg:

Pursuant to your request I have placed you on the upcoming June 20, 2019 Planning Commission Agenda under New Business to discuss the Cease and Desist letter you received. Please mark this on your calendar as this is the only notice you will receive.

In addition, pursuant to your request, I am enclosing the opinion from the City Attorney requiring access to your property to comply with the fire code.

Sincerely,

Dawn Bittner  
Zoning Specialist

Enc.

CC: Planning Commission



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June 26, 2019

Nathan Walberg  
29349 Patriot Avenue  
Pequot Lakes, MN 56472

Dear Mr. Walberg:

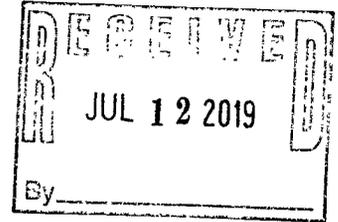
The Planning Commission, at their regular June 20, 2019 meeting, discussed the Cease and Desist letter you received, as well as the email and photos you sent regarding the right-of-way. To better understand the issue, the Planning Commission would like to meet with you onsite to discuss this sometime in the middle of July. Please call me at 218-568-6699 giving your permission to schedule the meeting.

Thank you.

Sincerely,

Dawn Bittner  
Zoning Specialist

C: Planning Commission



**BUDGET AUTO  
29349 PATRIOT AVE  
PEQUOT LAKES, MN 56472  
(218) 851-1101**

July 10, 2019

City of Pequot Lakes  
City Hall  
Pequot Lakes, MN 56472

Dear Planning Commission:

This is in response to your recent letter.

I have been complying and will continue to comply with your cease and desist order regarding use of the right a way. Therefore, I don't feel it is necessary to discuss this matter any further. Right now I am extremely busy with car sales and starting the work necessary to comply with the terms and deadlines of the Conditional Use Permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Walberg".

Nathan Walberg



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September 9, 2019

Nathan Walberg  
29349 Patriot Avenue  
Pequot Lakes, MN 56472

Dear Mr. Walberg:

Two of the conditions of approval of your Conditional Use Permit expansion were:

- A floor drain/sediment trap shall be installed in the auto repair area in accordance with MDH's best management practices. The floor drain shall be connected to a holding tank and pumped regularly. The holding tank system shall be designed by a licensed SSTS designer or licensed plumber. A copy of a maintenance/pumping contract shall be submitted to the city. The floor drain/holding tank system shall be installed by August 30, 2019; and
- A 6' – 7' high wooden privacy fence shall be constructed along the south property line. The fence shall commence at the rear of the front building and run west to the front of the rear building. The fence shall be a minimum of 3 feet from the south property line. The fence shall be installed by August 30, 2019.

I have documented with photographs that the fence has been installed. Please contact me at 218-568-6699 or [dbittner@pequotlakes-mn.gov](mailto:dbittner@pequotlakes-mn.gov) to schedule a time when I can document that the holding tank and floor drain have been installed. Please feel free to contact me with questions. Thank you.

Sincerely,

Dawn Bittner  
Zoning Specialist