

Agenda Item: 6 (a)

Background Information: Zoning Specialist Bittner explained at the May 16 meeting the City had issued a cease and desist order on May 15 regarding his use of the right-of-way along Patriot Avenue, no parking for customers, and fire access. Mr. Walberg called Bittner to discuss the order in which he accused the City of selective enforcement of use of the right-of-way. Bittner told him he could address the Planning Commission with his concerns and he stated he would attend the June 20 Planning Commission meeting.

The conditions of his Conditional Use Permit are:

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.
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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

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

Dawn Bittner

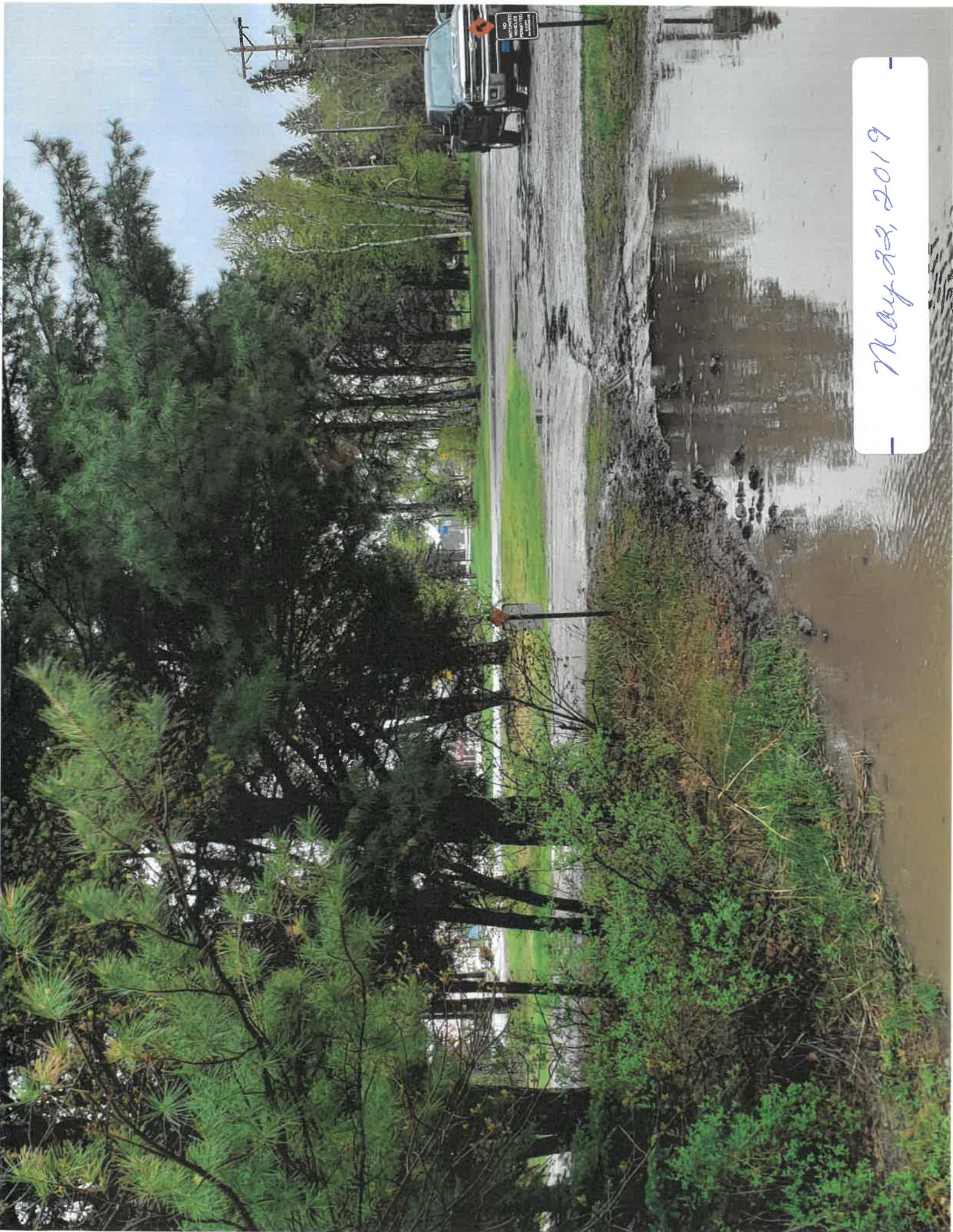
From: Nathan Walberg <nathanmwalberg@gmail.com>
Sent: Thursday, June 13, 2019 4:33 PM
To: Dawn Bittner
Subject: right of way pictures
Attachments: 20190522_101701.jpg; 20190603_103647.jpg; 20190611_142338.jpg; 20190522_131410.jpg; 20190603_152039.jpg; 20190612_125439.jpg

This is a small selection of pictures I have taken of the right of way, I have plenty more if needed. The city doesn't enforce the right of way in this corridor other than against me. I chose not to attend meeting because the enforcement is selective as it relates to right of way. Im not using the right of way other than pulling in and out of my driveway.

Thanks

Nathan Walberg
Budget Auto
218-851-1101

5-29-19



May 29, 2019

5-22-19



May 22, 2019

6-3-19



June 3, 2019

6-3-19



June 3, 2019

6-11-19



June 11, 2019

6-18-19

**Public
Water
Access**
Minnesota Department of Natural Resources

June 18, 2019

