

# Zoning Administrator's Report

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

1. Jessica & Timothy Harry, 31139 Pine Street, Accessory Structure;
2. Vladimir Wogen, 30357 Rasmussen Rd, Fence;
3. Michael & Stacy Lippert, 3608 Paradise Cove, Short-term Rental Permit;
4. Nancy Adams, 4847 Olson Road, Rebuild Accessory Structure;
5. Wilderness Point Resort LLC, 6316 Wilderness Road, Move Cabin 4;
6. Wilderness Point Resort LLC, 6316 Wilderness Road, Move Cabin 15;
7. Chris Henkels, 3855 Coleman Drive, Retaining Wall & Steps to Lake;
8. Jay Gorton, 4566 Schmidt Way, Additions;
9. Christy Janousek, 32890 Evenson Road, Accessory Structure;
10. Joseph & Joan Cronin, 27011 E. Cullen Road, New Home and Garage;
11. Sweet P Treats, 4404 Main Street, Signs.

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

1. May 14 letter to Arvig Evergreen Enterprises regarding Exterior Storage and Property Maintenance issues;
2. May 15 letter to Nathan Walberg regarding Cease and Desist/Corrective Action Order;
3. May 17 letter to Nathan Walberg regarding Cease and Desist/Corrective Action order discussion at June 20, 2019 Planning Commission Meeting;
4. May 29 letter to Douglas Boschee regarding Cease and Desist Order;
5. June 11 letter to John and Barbara Derksen regarding fence permit.

## **C. Council Meeting Notes:**

**An excerpt from the draft June 4, 2019 City Council Minutes are below:**

### 10.2. Heart of the Good Life Development Marketing Strategy

Ms. Malecha informed the Council that the Economic Development Commission has been working on a marketing strategy for the Heart of the Good Life Development and at their last meeting they recommended the City proceed with a flag display strategy for visual marketing to passing motorists. The EDC would like the City to erect six flags, at a height not to exceed 15 feet, and at a cost not to exceed \$2,000 to be paid from the 2019 Economic Development budgetary funds designated for the shared communications manager position. Ms. Malecha stated a conditional use permit application will be reviewed by the Planning Commission at their meeting held on June 20<sup>th</sup>.

**COUNCIL MEMBER SWANSON APPROVED THE FLAG DISPLAY MARKETING STRATEGY FOR THE HEART OF THE GOOD LIFE DEVELOPMENT AS PRESENTED TO BE PAID FROM THE 2019 GENERAL FUND – ECONOMIC DEVELOPMENT BUDGET AT A COST NOT TO EXCEED \$2,000. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 2-1. COUNCIL MEMBER AKERSON OPPOSED.**

**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. Mr. Derksen has brought this property into compliance by screening items with a fence. Staff has requested application for a permit be made for the fence. (5/13)
- Diane Koval – Exterior storage. Staff issued an Administrative Citation. (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 2 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. 6/11/19 Part of the north side and the west side siding needs to be completed. (6/18)
- Lee Moren – Maintenance, Exterior Storage & Lawn. 6/11/19 Lawn needs to be mowed and items on deck. (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 – Parking within the right-of-way of Patriot Avenue and on DNR Snowmobile Trail. (3/19)
- Wesley T. Johnson – Maintenance. Staff reminded him in April to remove the piles of branches and yard debris. Mr. Johnson visited City Hall 4/19/19 and stated he had a composting brush pile, no rodents, and a couple of

branches in the yard. 6/11/19 branches still in yard and lawn not mowed.  
(9/18)

- Louisa Tiegen – Incomplete Construction. Exterior not complete after permit extension (garage door). Three Administrative Citations have been issued.



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May 14, 2019

Arvig Evergreen Enterprises LLC  
PO Box 812  
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes  
Potential City Code Violation  
PIN: 2960200090D0009**

Dear Sir:

It has come to my attention through a complaint that there are Exterior Storage 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 June 13, 2019):

- Permanently remove the two (2) abandoned vehicles and trailer;
- Permanently remove the miscellaneous items strewn about the property;
- Make application for an After-the-Fact Land Use Permit for the accessory structure (garage/shed).

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.

- 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.

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 June 13, 2019 you perform all of the actions listed above.**

Failure to comply with the City Code by June 13, 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 deadline. If you have any questions, please contact me at 218-568-6699 or at [dbittner@pequotlakes-mn.gov](mailto:dbittner@pequotlakes-mn.gov).

Sincerely,

Dawn Bittner  
Zoning Specialist

Enclosure: Photograph and Land Use Permit Application

C: Planning Commission



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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

May 29, 2019

**SEND VIA US MAIL  
AND HAND DELIVERED BY POLICE DEPARTMENT TO  
27306 W TWIN LAKE DRIVE, PEQUOT LAKES, MN**

Douglas Boschee  
8332 Needham Ave NE  
Otsego, MN 55330-1120

**RE: City of Pequot Lakes  
City Code Violation  
Cease and Desist Order  
PIN: 291280000130009  
27306 W Twin Lake Dr.**

Mr. Boschee:

The city received a report including photographs of excessive unpermitted grading between your dwelling located at 27306 West Twin Lake Dr. and the OHW of West Twin Lake.

**You are hereby ordered to Cease and Desist all unpermitted grading and dirt moving activities on your property and contact me (218) 895-4151 or [justin.burslie@sourcewell-mn.gov](mailto:justin.burslie@sourcewell-mn.gov).**

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

Upon receipt of this notice of violation, you must do the following:

1. Immediately contact me (contact info above);
2. Immediately cease and desist all dirt moving activities on your property;
3. Immediately stabilize any exposed soil with straw/erosion control blanket;
4. Install silt fence five feet from the shoreline the entire length of the project area

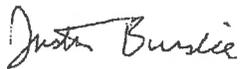
Per the City of Pequot Lakes Land Use and Subdivision Ordinance, until this matter is resolved, you are barred from pulling any land use permits or doing any work requiring City of Pequot Lakes approval.

Failure to comply with the City Code by the above timeline will prompt us to take more aggressive action. This would likely include administrative fines for each day the violation continues, civil action to obtain a court order directing you to comply with the City Code and could potentially include criminal action.

In addition, you will be responsible to reimburse the City for any expenses incurred in remedying this violation. This would include any consultant fees or other professional services that City Staff determines is necessary, including but not limited to the City Planner, the City Engineer or the City Attorney.

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.

Sincerely,



Justin Burslie  
City Planner

Enc.

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



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June 11, 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:

We would like to take this opportunity to thank you for your efforts in removing and screening items you are storing outside. Upon recent inspection we documented you have provided adequate screening of these items in the southeast corner of your lot. However, the fence was constructed without a permit.

Please complete the enclosed Land Use Permit Application and return to City Hall no later than June 18, 2019. The fee for a Fence Permit is \$50. If we do not receive the completed application by June 18, 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](mailto:dbittner@pequotlakes-mn.gov).

Sincerely,

Dawn Bittner  
Zoning Specialist

Enc.

C: Planning Commission