

Zoning Administrator's Report

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

1. Lonesome Real Estate, 4772 Morehouse Drive, Billboard;
2. Pat & Lori Acciani, 30879 Pequot Blvd, Addition;
3. Doug Bouchee, 27306 West Twin Lake Drive, ATF Grading/Shoreline Alt.;
4. Paul P. Smith, 6601 S. Sluetter Road, Accessory Structure;
5. City of Pequot Lakes, 4638 Main Street, Signs;
6. Raoul Warzecha, 4412 Jack Pine Drive, Camping;
7. Gary Morrison, 3972 Nelson Street, Accessory Structure;
8. Steve Saxvold, 5875 Akerson Road, Timber Harvesting;
9. Jeanene & Darin Ness, 5689 Wilderness Road, Deck & Porch.

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

1. June 17 letter to Westley Johnson regarding Property Maintenance;
2. June 18 letter to Dianne Koval regarding Exterior Storage and Property Maintenance;
3. June 18 letter to Timothy & Kristi Crist regarding cleanup update;
4. June 18 letter to Arvig Evergreen Properties LLC regarding Exterior Storage and Property Maintenance;
5. June 18 letter to Babinski Properties regarding Land Use Permit Application for After-the-Fact Sign Permit;
6. June 26 letter to Nathan Walberg regarding Cease and Desist letter;
7. June 27 letter to Louisa Tiegen regarding extension of Land Use Permits;
8. June 27 letter to Christopher and Bambi Brown regarding Exterior Storage;
9. June 27 letter to Lonesome Real Estate, LLC regarding amending CUP for Exterior Storage in Light Industrial District;
10. June 27 letter to Wilderness Point Resort, LLC regarding amending CUP to expand Beach Area and Relocate Existing Boat Ramp in the Open Space District;
11. June 28 letter to Wilderness Point Resort, LLC regarding variance request to include restroom in the reconstruction of the Boathouse within the Shore Impact Zone;
12. July 1 letter to Alan & Kristen Brown regarding Subsurface Sewage Treatment System;
13. July 2 letter to Robert & Kimberly Swenson regarding discussion regarding Public Nuisance property;
14. July 9 letter to Brent Ryappy regarding Rezone approval;
15. July 9 letter to Thomas Peterson regarding damage to Hurtig Road.

C. Council Meeting Notes:

An excerpt of the July 2 draft City Council Minutes are included:

5.1. Small Cities Development Program

Jennifer Bergman, Executive Director of Crow Wing County Housing and Redevelopment Authorities; John Schommer, Brainerd Housing and Redevelopment Authorities; and Tamara Landing, Executive Director of Pequot Lakes HRA presented information on the Minnesota Employment and Economic Development - Small Cities Development Program for the Council's consideration. This Program helps cities and counties with funding for housing, public infrastructure, and commercial rehabilitation projects. The project must meet one of three federal objectives; benefit low to moderate income families, eliminate slum and blight or eliminate an urgent threat to public safety or health. MN DEED receives appropriations from HUD annually for this program, last year the state received \$18.5 million. Cities with fewer than 50,000 residents are eligible for this funding through MN DEED, which the City of Pequot Lakes meets. The fund has two different types of grants; Comprehensive Purpose Grant and a Single Purpose Grant. The Comprehensive Grant means two things are being done; for example owner occupied and renter occupied housing rehabilitation or commercial and owner occupied rehabilitation. The maximum amount for a Comprehensive Grant is \$1.4 million. The Single Purpose Grant is only doing one of the rehabilitation projects and the maximum available is \$600,000. These grant are very competitive. Applications for these grants are to be submitted to DEED. A pre-application or preliminary proposal is made and is due in November. The applications are then ranked by high, medium or not competitive. Highs and mediums are welcomed to apply for the full application in February 2020, awards are completed in May or June 2020. Funds are typically available July 1st of 2020 or when Congress appropriates funds; last year appropriated funds were available in October, 2020.

This is a labor intensive program for the HRA staff. A survey in a defined target area needs to be done before the pre-application can be submitted. The survey helps to determine how many people are eligible in the area. John Schommer is the rehabilitation coordinator and once the grant is funded he stated they need to stay within the target area. In determining the target area they need to determine the number of low to moderate income families that would qualify and submit a list of interested parties to DEED. The funds are offered to the people that responded to survey. Once funded Mr. Schommer goes out to the property to develop a scope of work which typically consists of roofs, windows, and electrical. They use housing quality standards to develop the scope of work with the goal of having a safe home when the project is done. With older homes a lead risk assessment is required and any issues need to be addressed. Mr. Schommer works with the homeowners to write contracts for the contractors and Mr. Schommer works with the cities to pay the contractors. Rental Rehab is a 70/30 split, which means the owner needs to contribute at least 30% to the project and Owner Occupied and Commercial is an 80/20 split. Discussion ensued about income guidelines, Congress approval of funding and the experience that Crow Wing County HRA has with this grant. The grants are structured in a form of a deferred loan and forgiven after 10 years; 10% forgiven per year. If the property is sold a portion of the deferred loan needs to be

repaid which is based on the percentage remaining on the loan, for example if the property is sold after 5 years 50% of the loan needs to be repaid.

The Crow Wing County HRA hired a company called Community Fundraising Solutions to look at the cities individually within Crow Wing County to help determine areas that would qualify for the grant. The application needs to include certain statistics when applying for the grant and this company helped sum up this information for Pequot Lakes. The population, percentage of low to moderate income of 51% and they surveyed 213 owner occupied units of which 82 of these were considered substandard. The commercial property surveyed was 71 properties which 9 were considered substandard.

The Crow Wing County HRA would like to know if the City of Pequot Lakes is interested in the grant. If the City is the HRA is willing to help throughout the entire process beginning by identifying what type of application to apply for; identify a target area; survey the property owners but the HRA asks that the survey comes from the City since the City knows its residents; prepare the pre-application and submit it to DEED. The City Council authorizes the process every step of the way and there are public hearings that are required to be held both prior to submission and also during the operation of the program. After the preliminary proposal is selected they will help with the final application. Council Member Swanson asked if the HRA requires a fee from the city. Jennifer Bergman said that they will take an administrative fee from the grant between 10-14% and there is no money required if the grant is not funded.

Mark Jurchen said the City of Pequot Lakes had tried several years ago to start the process and the challenge was getting homeowners to do buy in because of the money the homeowner would have to contribute. Mr. Schommer stated that when they submit the application they propose how the owner contribution is funded and to help those homeowners some of the options is they require them to apply for weatherization. MN DEED will count that weatherization as an owner's contribution towards the grant. They also have the MN Housing Deferred Loan that can be accessed as well. MN Deed also looks at leverage dollars the City offers. Crow Wing County HRA will have some funds that they can use for leverage dollars for the grant also. Council Member Pederson inquired on how much City staff time is involved. Jennifer Bergman said that the money flows thru the City, they cut contractor checks, administration checks, and prepare a report every year. Mr. Schommer said the City submits disbursement requests, tracks and reports the cost of each of the projects. MN Deed will come to do a monitoring visit with the City one day where the City staff will have a few hours to invest there. There are some policies that will need to be adopted by City. He said it takes more time to get started but time is cut down quite a bit after a system is in place. Discussion ensued about owner contributions, loan payback requirements and types of improvements that would be authorized.

COUNCIL MEMBER SWANSON MOVED TO PROCEED WITH THE APPLICATION PROCESS FOR THE SMALL CITIES DEVELOPMENT PROGRAM FOR THE CITY OF PEQUOT LAKES. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 5-0.

6. Planning and Zoning

6.1. Planning Commission Report

The June 24, 2019 Planning Commission Report and June 20, 2019 draft Planning Commission minutes.

6.2. Rezone Request

Dawn Bittner presented the request submitted from the Planning Commission to Rezone a 2.49 acre tract of land from Shoreline Residential to Rural Residential. The subject property is located at the corner of 168 and South Sluetter Road. The property was part of a lot split in 2004 and the deed creating the split was not recorded until 2008 therefore when the City did its City wide rezoning in 2005 this was not part of the rezone. This parcel does not meet the requirements for Riparian lot, which means it is not on the water, therefore the Planning Commission is unanimously recommending that the City Council approve the rezone request.

COUNCIL MEMBER AKERSON MOVED TO APPROVE ORDINANCE 19-xx AMENDING THE OFFICIAL ZONING MAP REZONING PARCEL 290272207BCC009 FROM SHORELINE RESIDENTIAL TO RURAL RESIDENTIAL. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 5-0.

9.1. Road Improvement Plan Financial Analysis

At the June 4th City Council Meeting, the Council directed Nancy Malecha to proceed with the financial analysis process for the first priority road improvements of Rasmussen Road, South Washington Avenue, and First Street and the second priority road improvements for Wild Acres Road, Nelson Road, and Akerson Road.

Jason Murray from David Drown Associates presented the financial analysis for the City's Capital Improvement Plan, which includes the road improvement priorities noted above. Mr. Murray stated that the Capital Improvement Plan does two things; takes a look at projects over a period of time and how the City is going to pay for them. The City of Pequot Lakes will use four sources to pay for the projects; taxes, water, sewer and the turn back funds or 402 funds which is unique to City. The plan does have some equipment involved in it and it goes out about twelve years. Mr. Murray summarized the major projects, costs and debts into a spreadsheet to show how the projects will be funded and the impact to the City for over the next 12 years. The maintenance project is a debt obligation that will be paid back the 402 fund over the next 12 years. The 402 fund will be used with the Rasmussen Road, equipment purchases from, overlay projects and the Patriot Avenue project. Mr. Murray showed a snapshot of the impact over time to the funds from the City. The City wanted to not exceed the 60% tax rate with operations staying consistent at a 2% increase. The City is using water and sewer funds to help mitigate the tax levy. Mr. Murray stated there is a huge tax capacity market value jump of about 8-9%, which makes it a good time to look at the \$3 million project with Rasmussen Road and the City can manage the project well, staying at a low debt to ratio level. Discussion ensued about possible funding options, including the timing and use of the 402 fund and property assessments.

9.2. Road Improvement Plan Design Engineering Services Proposal

Tim Houle presented Widseth Smith Nolting's (WSN) Road Design Engineering Services Proposal:

- Rasmussen Road, consisting of the two blocks north and south of Main Street, in the amount of \$73,900. In the Proposal storm water needs, existing utility updates, curb/gutter, and scope of work are covered.
- Rasmussen Road from Tree Farm Road to East Woodman Street - \$70,200
- South Washington Avenue - \$32,200
- Total Revised Design Engineering Services Proposal - \$176,300

Nancy talked about the cost, bond and funds included to do project. Discussion ensued about temporarily fixing the roads and the costs associated with that compared to a long term fix. Council Member Pederson inquired on how long the Rasmussen Road project will tie the City up for and asked if it is hindering the City from doing more roads. Mr. Murray talked about the future capacity of the city to do additional projects that are not currently on the plan shown on his tax rate projections slide.

COUNCIL MEMBER SEILS APPROVED THE REVISED DESIGN ENGINEERING SERVICES PROPOSAL BY WIDSETH SMITH NOLTING IN THE AMOUNT OF \$176,300 FOR RASMUSSEN ROAD FROM TREE FARM ROAD TO EAST SIBLEY STREET AND SOUTH WASHINGTON AVENUE TO BE PAID FROM THE GENERAL FUND – ROADS AND STREETS DEPARTMENT (\$30,000), HIGHWAY 371 FUND (\$121,300), WATER FUND (\$5,000), AND SEWER FUND (\$20,000). COUNCIL MEMBER SWANSON SECONDED THE MOTION. MOTION CARRIED 4-1. COUNCIL MEMBER AKERSON OPPOSED.

9.3. Traffic Study Update

Tim Houle informed the Council that the Traffic Study Review Team consisting of Nancy Malecha, Jason Gorr, Dawn Bittner and Council Member Seils met on June 17, 2019 with WSN and Max Moreland, traffic specialist from Spack Consulting. They prepared the video and taken the counts off the video. They then prepared an existing conditions memo as a baseline and the primary purpose of the meeting was to "ground truth" the results of the existing data collected. The proposal said they were going to look at traffic growth, certain intersections, and geometric changes should they be needed and anything that may need to be adjusted moving forward. The draft report will be completed in July, a second meeting will be held the beginning of August and they will complete the Traffic Study by the end of August. Discussion ensued about availability of the video and study information and what the report can be useful for in the future.

9.4. Highway 371/County Road 29 Intersection Update

Nancy Malecha updated the Council that MNDOT was going to be installing some static pedestrian signage at that intersection in both the southbound and northbound lanes. Ken Hansen sent Ms. Malecha an email, which is included in the packet, stating that MNDOT will continue to keep an eye on this intersection but

there will be no further improvements at this time. Discussion ensued about a timeline that MNDOT would have the signage up.

9.5. Trailside Park – Flag Display Project Quotes

Ms. Malecha stated that at the June 4th City Council Meeting, a consensus of the Council agreed to proceed with the Flag Display Project design as shown on the attached map. Based on that design the City received quotes from two flag companies, Coil's Flags and Falls Flag Source. Coil's Flags submitted revised estimates which includes the flag pole thickness down to .125 thickness to coincide with Falls Flag Source estimate. He is proposing a total estimate cost of \$87,356.50 for the flags and a light for the American flag. Ms. Malecha estimated about \$17,400 on flagpole plaques since she did not receive an estimate for them. Discussion ensued about what will be on the plaques. The City received one quote from Anderson Brothers in the amount of \$14,869.66 for bituminous walking paths. The City received a donation of \$150,000 to develop the flag display. An estimated ongoing maintenance cost from Coil's flags is approximately \$2,840 per year and \$2,957 per year from Falls Flag Source. Discussion ensued about the yearly maintenance.

COUNCIL MEMBER PEDERSON MOVED TO ACCEPT THE LOWEST QUOTE FROM COILS AMOUNT OF \$87,356.50 AND ANDERSON BROTHERS IN THE AMOUNT \$14,869.66 FOR A TOTAL OF \$106,030.66 FOR THE FLAG DISPLAY TO BEGIN CONSTRUCTION AFTER LABOR DAY 2019. COUNCIL MEMBER SWANSON SECONDED THE MOTION. MOTION CARRIED 4-1. 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 and screened the snowmobiles in a corner. However, he did not apply for a Land Use Permit 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 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 – Parking within the right-of-way of Patriot Avenue and on DNR Snowmobile Trail. (3/1)
- Wesley T. Johnson – Maintenance. Staff is monitoring his mowing and yard maintenance. (9/18)



June 17, 2019

Westley T. Johnson
3894 Ramsey Street
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 291070030410009 and 291070030420009
3894 Ramsey Street**

Dear Mr. Johnson:

I contacted you April 4, 2019 regarding Property Maintenance issues that needed to be addressed at the above-captioned property. You stopped by City Hall April 19 and told me the brush piles I referred to was a compost pile and that there were no rodents in that pile. You also stated there were a couple of branches on the ground that hadn't been picked up from the winter.

I visited your property June 11, 2019 and took the enclosed photographs which indicate there are numerous branches lying in your yard and the lawn needs to be mowed.

Per City Code, the following Property Maintenance issues must be addressed within the next fifteen (15) days (by July 2, 2019):

- Remove the branches strewn about the yard and dispose of them;
- Mow the lawn and keep it mowed for the remainder of the growing season.

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. 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.
 - B. Turf grass and lawns shall not grow to a height to allow such grasses to go to seed.

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.

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 2, 2019 you perform the actions listed above.**

Failure to comply with the City Code by July 2, 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. You will also 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, as well as any abatement costs. Any expenses or costs will be assessed against your property.

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.

Sincerely,

Dawn Bittner
Zoning Specialist

Enc.

C: Planning Commission



June 18, 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:

On January 9, 2019, I sent you a letter explaining that we would monitor your yard in the spring and work with you to clean it up, but if those efforts failed, the City will declare this property a public nuisance and order it be cleaned up. I took the enclosed photographs June 11, 2019 which indicate there has been little to no change over the past 2 summers.

Per City Code, the following Exterior Storage and Maintenance issues must be addressed within fifteen (15) days (by July 3, 2019):

- Complete the garage addition and remove or properly store all items currently stored outside;
- Properly dispose of any and all household garbage;
- Remove or properly store the abandoned vehicles;
- Properly discard all items beyond their usable life in accordance with the standards of Crow Wing County.

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.
 - 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 July 3, 2019 you perform all of the actions listed above.**

Failure to comply with the City Code by July 3, 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 issued by the specified deadlines. If you have any questions, please contact me at 218-568-6699 or at dbittner@pequotlakes-mn.gov. If you would like to meet at your property, I would be happy to do so prior to the July 3 deadline.

Sincerely,

Dawn Bittner
Zoning Specialist

Enclosure: Photographs

C: Planning Commission



4638 MAIN STREET • PEQUOT LAKES, MN 56472 • (218) 568-5222 • FAX: (218) 568-5860 • www.pequotlakes-mn.gov

June 18, 2019

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

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 291050040030009 – 291050010040009 - 291050010070009
31215 Pine Street**

Dear Mr. and Mrs. Crist:

The last update I have regarding the cleanup at the above-captioned property was December, 2018. Please provide an update regarding the exterior storage to me no later than June 30, 2019. I noticed there are 2 vehicles and 2 trailers parked by the garage.

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

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission



June 18, 2019

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

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 29602000090D0009
Evergreen Point**

Dear Mr. Arvig:

I contacted you May 14, 2019 regarding the Exterior Storage and Property Maintenance issues that needed to be addressed at the above-captioned property. I visited your property June 14, 2019 and took the enclosed photograph which indicates no attempt has been made to address these issues.

Per City Code, the following Exterior Storage and Property Maintenance issues must be addressed within the next fifteen (15) days (by July 3, 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 17-7.4 EXTERIOR MAINTENANCE:
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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.

Sincerely,

Dawn Bittner
Zoning Specialist

Enclosures: Photographs

C: Planning Commission



June 18, 2019

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

**RE: City of Pequot Lakes
Potential Violation/Enforcement Action
After-the-Fact Sign Permit
30533 Patriot Avenue**

Dear Mr. Erickson:

Enclosed please find a Land Use Permit Application to make application for an After-the-Fact Sign Permit for the non-permitted, freestanding sign erected at 30533 Patriot Avenue. Please include the sign dimensions on your diagram.

In addition, freestanding signs in the Commercial zoning classification must have downward directional lighting as outlined in the City Code below.

Section 17-7.1

SIGNS

- (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.

Please return the completed Application to City Hall by **June 28, 2019** to avoid the After-the-Fact Permit Fee (5 times the base fee). The fee for a Sign Permit is \$100.00.

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.



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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



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June 27, 2019

Louisa Tiegen
6504 South Sluetter Road
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 290273206G00009**

Dear Ms. Tiegen:

The City of Pequot Lakes extended Land Use Permit #15-22 and #17-81 with a final completion date of December 17, 2018. We have documented with photographs that the exterior of your dwelling and garage are not complete. The Planning Commission, at their June 20, 2019 meeting, extended your time to complete the exterior to **October 31, 2019**. Failure to complete the exterior by October 31, 2019 will cause the City of Pequot Lakes to initiate an enforcement action against you.

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
Nancy Malecha, City Administrator



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June 27, 2019

Christopher L. and Bambi Z. Brown
28345 Mayo Hills Road
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 29132001001Z009
Corner of Mayo Hills Road and Hurtig Road**

Dear Mr. and Mrs. Brown:

I contacted you April 5, 2019 regarding the Exterior Storage issues that needed to be addressed at the above-captioned property. You telephoned me April 8, 2019 and stated screening of equipment on your lot with the principal structure hadn't been mentioned. I am enclosing a copy of the August 16, 2018 meeting Minutes which clearly indicate you were advised of the screening requirement.

Parking of your construction equipment was also discussed. In our April 8, 2019 telephone conversation, you indicated the Planning Commission had not stated a 24-hour requirement for parking your construction equipment on the vacant lot. I had the Planning Commission confirm their intent at their June 20, 2019 Planning Commission meeting. They directed me to inform you that equipment for your business could be parked on the vacant lot and removed the next business day.

In addition, the Planning Commission directed me to initiate an enforcement action against you for the exterior storage on the above captioned lot. I visited your property June 11, 2019 and took the enclosed photograph.

Per City Code, the following Exterior Storage issues must be addressed within the next fifteen (15) days (by July 13, 2019):

- Remove all trailers, boats, and recreational vehicles being stored from this property;
- Remove all construction materials.

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.

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 13, 2019 you perform the actions listed above.**

Failure to comply with the City Code by July 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. You will also 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, as well as any abatement costs. Any expenses or costs will be assessed against your property.

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.

Sincerely,

Dawn Bittner
Zoning Specialist

Enclosures: Photograph

C: Planning Commission



June 27, 2019

Lonesome Real Estate, LLC
Brandon Andersen
PO Box 665
Pequot Lakes, MN 56472

RE: Amend Conditional Use Permit for Exterior Storage in the Light Industrial District

Dear Mr. Andersen:

Please be advised that on February 4, 2010, the Planning Commission approved your Conditional Use Permit based on the following Findings of Fact:

1. The conditional use permit request is to amend the screening requirements of the conditional use permit approved in 2007. The use of exterior storage is an appropriate use in the Light Industrial district, which allows exterior storage as an accessory use.
2. The subject property is a conforming parcel. The property contains a manufacturing facility and 5 accessory structures.
3. The subject property is served by municipal water and wastewater.
4. The subject property contains an adequate number of off-street parking spaces.
5. The use does not conflict with the Comprehensive Plan, which encourages a diversity of industrial uses.
6. The use would be compatible with the existing neighborhood which contains light industrial businesses and similar structures. Some businesses have been using portions of their property for outdoor storage for several years.
7. The use is unlikely to be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City, as the storage of wood for a manufacturing business is unlikely to be harmful. The exterior storage area is visible from State Highway 371.
8. The use, with conditions, will not be injurious to the use and enjoyment of other property in the immediate vicinity as the properties to the west and north are also industrial in nature, with the lot to the south being vacant and State Highway 371 to the east.

9. The use will not impede the normal and orderly development of surrounding vacant properties as the surrounding vacant properties are platted and proposed for industrial uses. The use will be entirely contained on the subject property.
10. The use will not require any additional public services at a public cost, and so will not have a detrimental impact on the economic welfare of the community.
11. The applicant accesses the property off of Morehouse Drive with one access point near the north lot line of the northernmost lot, a second access just to the north of the intersection of Morehouse Drive and Schmidt Way, and a third access just to the south of that intersection. These multiple accesses should not cause issues with traffic in the surrounding area.
12. The use of exterior storage does not require any parking spaces, but the related manufacturing business on the same property provides sufficient parking onsite to serve the operation.
13. The exterior storage of wood will not produce noise, dust, fumes, or vibration in a manner that would constitute a nuisance
14. The use, with conditions, will not result in the damage or destruction of natural or historical features of major significance.
15. The use will prevent and control the pollution of surface and groundwater through the use of retention basins around the norther property line and the eastern property lines in the north. A second retention basin is located on the west side of the property near the intersection of Morehouse Drive and Schmidt Way.

Please note that the Planning Commission also added the following as a condition to the conditional use permit:

1. All conditions of Conditional Use Permit # 07-71 shall remain in effect except conditions number two and three which are hereby removed from the permit.

Section 17-11.6 (8) of the Pequot Lakes City Code states *“Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. 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

CC: Planning Commission



June 27, 2019

Wilderness Point Resort, LLC
207 North Chestnut Street, Suite 138
Chaska, MN 55318

RE: Amend Conditional Use Permit to Expand Beach Area and Relocate Existing Boat Ramp in the Open Space District

Dear Mr. Steffens:

Please be advised that on June 20, 2019, the Planning Commission approved your Conditional Use Permit based on the following findings of fact:

1. The conditional use permit request is to expand the existing beach to a width of 156 feet and to relocate the existing boat ramp to the north side of the beach.
2. The subject property is a conforming parcel. It is approximately 30 acres in size and is zoned Shoreline Commercial and Open Space. The Shoreline Commercial District allows commercial planned unit developments.
3. There is no reason to believe that expansion of the beach area or relocating the boat ramp at Wilderness Resort, with conditions, would harm the health, safety, or welfare of the community.
4. Access to the resort is off of public right-of-way.
5. The planned unit development will continue to act as a resort. Although there will be some intensification of use, there will be no change in land use. The use will remain compatible with the adjacent properties.
6. A Commercial PUD is a permitted conditional use within the Shoreline Commercial District.
7. The Comprehensive Plan states *“Make the area’s natural, scenic, and recreational amenities the Pequot Lakes brand. The primary reason that people choose to live, work, and visit the Pequot Lakes area is the natural, scenic beauty and the many recreational opportunities.”* This proposal, with vigorous conditions to safeguard the environment and water quality, is consistent with the objectives of the Comprehensive Plan.
8. Onsite stormwater retention ponds will reduce sedimentation and nutrient loading of public waterways.
9. The site is largely covered by wooded areas and wetlands. The proposal will not significantly reduce the amount of wooded areas and will not impact the wetlands.

10. The subject property contains an adequate number of off-street parking spaces.
11. The adjacent property to the north is zoned Recreation, while the property to the south is zoned Shoreline Residential and to the west is zoned Recreation. The subject property is adjacent to Middle Cullen Lake on the south and east. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
12. The proposed use is compatible with the existing neighborhood.
13. The proposed use, with conditions, will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
14. The conditional use, with conditions, will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property.
15. The subject property is accessed via Wilderness Road. There will not be a significant increase in traffic due to the proposed use. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
16. The proposed use, with conditions, will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
17. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
18. The proposed use, with conditions, will not impact ground and surface waters.

Beach Area:

19. The existing beach area is located on the west side of the point and is approximately 100 feet wide. The applicant is proposing to extend the width of the existing beach area to 156' wide.
20. Removal of aquatic vegetation is necessary for the creation/expansion of the beach areas. The City does not have jurisdiction on any work performed below the OHW.
21. The City Code does not allow grading in excess of 50 cubic yards in the Shore Impact Zone.
22. Centralization of the beach area will reduce adverse impacts (unfiltered runoff, erosion, etc.) to the shoreline and the lake.
23. The distance between the location of the proposed boat ramp and the existing boathouse is approximately 165'.

Relocation of the Boat Ramp:

24. The applicant is proposing to relocate the existing boat ramp to the north side of the existing beach and swimming area.

25. Relocation of the ramp will require removal of approximately 10 – 20 feet of aquatic vegetation on the north side of the beach to allow for installation of the boat launch.
26. Relocation of the existing boat ramp may require a permit from the Minnesota Department of Natural Resources.

Please note that the Planning Commission also added the following as conditions to the conditional use permit:

Beach Area:

1. The applicant shall demonstrate with professional grading and drainage plan how untreated runoff will be prevented for entering the lake via the proposed beach area.
2. In order to minimize negative impacts on Middle Cullen Lake, one centralized beach area shall be allowed on the subject property. The existing beach may be expanded to 156' in width.
3. Grading in the vicinity of the beach area shall include the use of berms, swales and natural vegetation near the beach area.
4. Necessary permits shall be obtained from the DNR for the removal of any aquatic vegetation for the expansion of the beach area and relocation of the boat ramp.
5. In order to maintain the "up north" character referenced in the Comprehensive Plan and to protect the shoreline and Middle Cullen Lake, the resort may have one centralized beach area.
6. The existing beach area may be expanded to the length of the shoreline between the proposed boat ramp location and the west corner of the existing boat house.
7. The centralized beach area may not exceed existing width (landward).
8. The proper permits shall be obtained from DNR before the boat ramp may be relocated.
9. Stormwater shall be diverted away from the lake. Surface runoff at turnaround area and landward shall be diverted to stormwater features and not allowed to run directly down into the lake.

Section 17-11.6 (8) of the Pequot Lakes City Code states "*Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing.*" If you have any questions, please feel free to contact me.

Sincerely,

Dawn Bittner
Zoning Administrator

CC: Planning Commission



June 28, 2019

Wilderness Point Resort, LLC
207 North Chestnut Street, Suite 138
Chaska, MN 55318

Re: Variance Request to include a restroom in the reconstruction of the Boathouse within the Shore Impact Zone

Dear Mr. Steffens:

Please be advised that on June 20, 2019 the Board of Adjustment denied your Variance request based on the following Findings of Fact:

1. The subject property is located at 6316 Wilderness Road and is in the "Shoreline Commercial" and "Open Space" zones.
2. The property contains Wilderness Point Resort, a commercial planned unit development.
3. Applicant proposes to remove the existing boathouse and reconstruct a 400 square foot structure. Applicant proposes to use this structure for guest services, storage, gift shop, and restroom. This structure would be within the Shore Impact Zone.
4. The subject property is served by a private deep well and a MPCA NPDES permit for the septic system.
5. The applicant has not established that there are practical difficulties in complying with the Code. The resort beach is used by over 100 people daily during the summer and there are no bathroom facilities that will be available other than in nearby cabins.
 - a. A restroom facility may reasonably be constructed in a conforming location on the subject property.
6. The deviation from the Code will not be in harmony with the general purposes and intent of the City Code and Comprehensive Plan. The applicant does have the ability to rebuild the structure to the floodplain standards; however, intensification of the use would not be compatible with zoning ordinance and Comprehensive Plan.

7. The Variance will not create a land use not permitted in the Shoreline Commercial zone. Accessory structures are a permitted use.
8. The subject property is surrounded by Recreation, Shoreline Residential development. The Variance will not alter the essential character of the locality of the subject property.
9. The Variance does not appear to be for economic reasons alone and reasonable use of the property seems to exist under the Code.

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 1, 2019

Via US Mail and Posted on Cabin

Alan J. and Kristen B. Brown
1401 Blaine Ranch Street
Henderson, NV 89012

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 29125000010A009
27713 Janco Lane**

Dear Mr. and Mrs. Brown:

It has come to my attention that your Subsurface Sewage Treatment System (holding tank) may be failing and needs to be replaced. Please have a Compliance Inspection completed on this Subsurface Sewage Treatment System (SSTS) and have the report sent to me no later than August 1, 2019. Failure to do so will prompt us to initiate an enforcement action. I am enclosing a list of SSTS professionals. Please choose someone from the Inspector column or another licensed Inspector to perform the Compliance Inspection.

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

Sincerely,

Dawn Bittner
Zoning Specialist

Enc.

C: Planning Commission



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July 2, 2019

Robert D. and Kimberly Swenson
3409 – 4th Street NW
Backus, MN 56435

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 291050040070009 and 291050040080009
31051 Pine Street**

Dear Mr. and Mrs. Swenson:

Thank you for stopping at City Hall on Friday, June 28th. We met with Mayor Tayloe and he didn't concur with your comments regarding no further letters from the City and no pending issues with your property. Please remember the City Council declared your property a Public Nuisance on June 6, 2017.

If you would like to address your public nuisance declaration with the City Council, you can attend an upcoming City Council Meeting to address this. Their next meeting will be held on August 6, 2019. Please notify me by July 17th if you would like to be placed on this City Council Meeting agenda. If I do not hear from you I will assume you do not wish to address the Council.

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



July 9, 2019

Mr. Brent Ryappy
19723 Rosemary Road
Brainerd, MN 56401

RE: Rezone to Rural Residential
PIN: 290272207BCC009

Dear Mr. Ryappy:

Please be advised that on July 2, 2019, the City Council approved your request to rezone the above-captioned parcel to Rural Residential, based on the following findings of fact:

1. The applicant is proposing to rezone 2.49 acres from "Shoreline Residential" to "Rural Residential."
2. The subject property is privately owned. The property owner has not indicated any plans for future development.
3. The subject property is within the Shoreland Area and no Shoreland soil types have been identified.
4. The vegetative cover of the subject property consists of trees and grasses.
5. The subject property is not adjacent to a public water body. "In-water physical characteristics" and recreational use of surface water do not apply.
6. The subject property has approximately 482 feet of frontage adjacent to South Sluetter Road. Pursuant to a condition of lot split approved October 21, 2004, access to subject property shall only be from South Sluetter Road with said access to be located a minimum of 100 feet south of the centerline of County Road 168.
7. The proposed rezoning does not increase the socio-economic development needs of the public.
8. The public sewer and water utilities are not available in the vicinity of the subject property. There are no plans to extend the public utilities to the area of the subject property.

9. The subject property does not contain any known significant historical or ecological value.
10. The subject property is adjacent to property zoned “Rural Residential” and “Shoreline Residential”. The proposed reclassification is not considered “spot zoning.”
11. The proposed rezoning is in conformance with the City of Pequot Lakes Comprehensive Plan.
12. The future land use map identifies the subject property as “Rural Residential.” Rezoning the subject property to “Rural Residential” is compatible with that classification.

If you have any questions, please feel free to contact me.

Sincerely,

Dawn Bittner
Zoning Specialist

CC: Planning Commission
Brent Anderson



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July 9, 2019

Thomas Peterson
3712 Lincoln Avenue
Columbia Heights, MN 55421

RE: Lot 1, Block 1, Charliewood

Dear Mr. Peterson:

It has come to my attention that your activities on the above-captioned lot is undermining the integrity of Hurtig Road, photograph enclosed. You must immediately place gravel or other suitable material to establish a construction entrance that will remedy the degradation. Once this has been established, the City's Public Works Director, Jason Gorr, will determine the damages, if any, to Hurtig Road, which will be your responsibility.

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

Sincerely,

Dawn Bittner
Zoning Specialist

Enc.

C: Nancy Malecha, City Administrator
Thomas Peterson, 4095 County Road 168