

Zoning Administrator's Report

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

1. Joseph Cronin, 27051 E. Cullen Road, for a fence.

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

1. March 21, 2018 letter to David Herrera regarding his CUP approval which indicates he did NOT have 2 years to install his floor drain/sediment trap as stated by Nathan Walberg;
2. January 9 letter to Dianne Koval regarding Administrative Citation;
3. January 14 Memo sent to property owners who previously rented on VRBO, etc. informing them of the new ordinance;
4. January 14 Memo sent to all 5 Lake Associations regarding Short-term Rental Ordinance;
5. January 31 letter to John and Barbara Derksen informing them their Potential Code Violation was on the upcoming Council Agenda;
6. February 4 letter to Kent and Pamela Johnson approving CUP;
7. February 5 letter to Nathan Walberg approving CUP;
8. February 6 letter to Russell and Shannon Steele regarding Animal Boarding Facilities.

C. Council Meeting Notes:

An excerpt from the February 5 Council meeting are included:

5.1. Highway 371/County Road 29 Intersection Update

Nancy Malecha explained at the November 14, 2018 City Council Meeting, the Council heard from concerned citizens regarding safety concerns at the Highway 371/County Road 29 intersection. The Council requested that MnDOT look into this issue further and report back.

Ken Hansen and Darren Nelson from MnDOT addressed the Council to review and discuss the updated Intersection Evaluation Report. Mr. Hansen noted the following.

- There is not a lot of crash history at this intersection due to the recent improvement project.
- There is a total of seven crashes at this intersection from January 2017 to September 2018 but only two could be directly attributed to the intersection as five crashes included run off the road crashes more related to the curve and deer-vehicle incidents.

- The total crash rate at this intersection is 0.27 crashes per million entering vehicles which is consistent with the statewide average of 0.26.
- Risk factors at this intersection include on/near curve, distance from previous stop, and volume cross product.
- The minimum required stopping sight distance for a 65 mph roadway is 645 feet. Northbound Highway 371 measured at 800 feet and southbound Highway 371 measured at 1,500 feet.
- The Paul Bunyan pedestrian bridge does create a blind spot for both northbound Highway 371 drivers and westbound Wilderness Road drivers in two locations.

Council Member Swanson questioned if the railing on the pedestrian bridge can be lowered and would this help with the blind spot issues.

Mr. Hansen noted the bridge does block the northbound Highway 371 cars in spots but their policies protocol on how they design these types of projects is based on mathematical analysis.

Council Member Pederson noted that nothing identifies pedestrians crossing and this intersection was built as unusable for pedestrians as it is not safe. He further noted this is only intersection of its kind from Brainerd to Jenkins.

Mr. Hansen explained the lakes, roadway curve, Paul Bunyan Trail, and the pedestrian bridge created a design challenge.

Council Member Pederson questioned if MnDOT is looking at alternative options.

Mr. Hansen stated that MnDOT does not want to see anyone get hurt. Any intersection on a four-lane highway will be dangerous to cross and pedestrians may feel exposed even with reasonable buffer and turn lane spacing.

Darren Nelson explained that high speed expressways are not designed as pedestrian friendly. He noted that a local initiated trail to a more favorable crossing area may need to be considered.

Council Member Pederson questioned if flashing lights noting pedestrians crossing could be installed.

Mr. Hansen noted that you need enough sight distance to allow motorists time to stop once the lights flash and it would be difficult to do as timing would be an issue. These types of devices are usually installed in downtown and lower traffic areas.

Council Member Pederson questioned if a pedestrian crossing sign could be installed.

Council Member Swanson questioned if a blind intersection sign could be installed.

Mr. Hansen stated that MnDOT will discuss possible signage at this intersection while keeping in mind not to create a false sense of security.

Mr. Nelson stated they will go back and talk with the state experts on static signage at this intersection and will report back.

6. Planning and Zoning

6.1. Planning Commission Report

The January 31, 2019 Planning Commission Report and January 17, 2019 draft Planning Commission minutes were received by Council.

6.2. Public Nuisance Update

Dawn Bittner informed the Council of the open enforcement action for the property located at 31116 Ash Street owned by John and Barbara Derksen. Ms. Bitter explained that the outstanding violation is the number and location of snowmobiles stored outside. The City Code allows three recreational vehicles to be stored outside in the rear yard. Mr. Derksen currently has seven snowmobiles strewn about his yard and a fifth-wheel trailer which he did move meeting the setback. City staff sent two letters requesting the moving of two snowmobiles along West Sibley Street and Ash Street to the rear yard to reduce the total number of recreational vehicles to three which would remedy the remaining code violations. Mr. Derksen responded to this request on December 18, 2018 noting the snowmobiles along Ash Street were part of a holiday light display and would be disassembled a couple of weeks after the first of the year, weather permitting. Mr. Derksen also noted the snowmobile along Ash Street is a piece of art being turned into a flower planter and would remain indefinitely. Ms. Bittner further noted on January 31, 2019 Mr. Derksen still had snowmobiles along Ash Street and West Sibley Street.

Mayor Tayloe explained that Mr. Derksen's snowmobile planter is decorative and the holiday display is great.

John Derksen, 31116 Ash Street, Pequot Lakes, addressed the Council. Mr. Derksen explained that the first complaint letter he received from the City was because two snowmobiles were brought home from storage for a Halloween display and to be worked on. The second complaint letter from the City was for his Christmas display on the west side of his property. He noted he has three sleds and a sleigh and receives numerous compliments

on his holiday display. Mr. Derksen further noted a few snowmobiles are stored in the back yard among the vegetation growth and covered with good covers. He stated that if the City is going to enforce the new code we better hire more staff as this would impact over 50% of the people.

Nancy Malecha requested clarification from Mr. Derksen on the number of snowmobiles and trailers in his yard.

Mr. Derksen stated he has three snowmobiles, a planter, and two snowmobiles buried in the vegetation.

Council Member Pederson questioned if Mr. Derksen will be constructing a fence to screen these items.

Mr. Derksen stated there is no money for a fence.

Council Member Pederson explained the violation process is complaint driven so if the City receives a complaint, we respond accordingly. He further explained to Mr. Derksen that he has the right to bring forth complaints on other properties.

Ms. Bittner clarified that Mr. Derksen has complied with the other violations on his property and the remaining items are the number of recreational vehicles stored outside.

A consensus of the Council agreed to give Mr. Derksen until Memorial Day 2019 to become compliant with the City Code.

9.2. Traffic Study

Tim Houle explained that WSN is preparing a traffic study proposal but narrowing down the intersections to be counted is a challenge. Mr. Houle explained the following two traffic study approaches for Council consideration.

- One approach is to concentrate on six downtown main intersections for the video traffic counting and analysis. This would include the gathering of data, analysis, traffic layouts, and meetings with the final result of a traffic study report. The cost for this approach would be approximately \$15,000.
- The second approach is to concentrate on six downtown main intersections and six additional intersections which would consist of County Road 17, North Patriot Avenue, South Patriot Avenue, and the Interchange roundabouts. The cost for this approach would be approximately \$25,000. This would also be a video counting study which could potentially provide marketing information to the City and Chamber.

Council Member Swanson questioned why the traffic study would be done in May and is it better to do this study during the summer time.

Tim Houle explained a 48 to 72 hour timeframe is utilized for the study, peak traffic times are during the school year, and there are certain factors applied regardless of when the study is done. He further explained that if the study is done in the summer the school traffic data will not be available and there will be a counting of summer traffic.

Council Member Pederson questioned how goals will be defined as a part of the study.

Tim Houle noted their proposal will have three goals of the physical traffic study. It will not be a computer output and it will not be perfect and clear cut. There will be follow up decisions needed based on the analysis provided.

Council Member Pederson questioned if the study will give a count on how many people are coming into town from Patriot Avenue.

Tim Houle stated yes. He noted the video will show all turning movements at the intersections defined, cameras will differentiate the intersections, and a traffic model will be built utilizing this data.

Jason Gorr explained it would be good to see the actual use and where motorists are going once they come in on the main arteries as this can provide data to project pavement conditions and useful life numbers.

A consensus of the Council agreed to direct WSN to bring forth a proposal on the second traffic study approach utilizing the intersections of South Patriot Avenue, the Interchange roundabouts, North Patriot Avenue, County Road 17, Front Street, Main Street, Woodman Street, West Lake Street, and Rasmussen Road.

9.3. Rasmussen Road Project

Tim Houle explained that storm drainage along Rasmussen Road is an important component of this Project. He noted storm drainage could potentially drain toward the City's property just east of the Water Treatment Plant. Based on this, he suggested the Council consider improvements on Rasmussen Road consisting of two blocks north and south of Main Street instead of the one block north and two blocks south as was originally specified by Council.

A consensus of the Council agreed to proceed with a proposal from WSN for improvements to Rasmussen Road consisting of two blocks north and south of Main Street.

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 except for the snowmobiles. Staff has requested he reduce his Recreational Vehicles to 3. (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 2 Administrative Citations. (6/16)
- Timothy & Kristi Crist – Exterior Storage and Lawn. On May 31, 2018 Mr. Christ invited Staff onto his property on Pine Street and explained his plans to remove the exterior storage. 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. Part of the north side and the west side siding needs to be completed. (6/18)
- Lee Moren – Maintenance, Exterior Storage & Lawn. Property owner is making progress and requested additional time to comply. (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 – Violate CUP Conditions. New CUP approved. (9/18)
- Wesley T. Johnson – Maintenance. Piles of storm debris remain from last summer and need to be removed or burned. Staff will verify in the spring. (9/18)



March 21, 2018

David Herrera
6101 County Road 8
Brainerd, MN 56401

RE: Conditional Use Permit to Operate an Automotive Repair Shop in the
Downtown Mixed Use District

Dear Mr. Herrera:

Please be advised that on March 15, 2018, the Planning Commission approved your Conditional Use Permit based on the following findings of fact:

1. The conditional use permit request is to allow an automotive repair shop in the Downtown Mixed Use zone.
2. The subject property is a conforming parcel. The property contains a single story structure.
3. The property is served by municipal water and wastewater.
4. The subject property contains adequate parking space.
5. The proposed "use" is considered "Commercial Use (Other, Not Classified)" and requires a conditional use permit.
6. Signage will be applied for under separate Land Use Permit meeting Section 17-7.1 of the City Code.
7. The proposed use, with conditions, conforms to the Comprehensive Plan.
8. The adjacent property is zoned Downtown Mixed Use and Transition Residential.
9. The proposed use is compatible with the existing neighborhood.
10. 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.
11. 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.
12. The subject property is accessed via Front Street. There will not be a significant increase in traffic on 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.
13. The proposed use will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
 14. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
 15. The proposed use, with conditions, will promote the prevention and control of ground and surface waters.

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

1. The property shall maintain a neat and orderly appearance and free of inoperable equipment.
2. The property shall have no more than five automobiles, trucks, trailers, etc. or combination thereof parked outside while awaiting to have work performed them.
3. All hazardous waste from the automobile repair shop shall be stored and disposed in accordance with Minnesota Pollution Control Agency standards. Applicant shall submit a permit as a hazardous substance generator or a copy of the contact with OSI.
4. Signage shall be permitted by separate application.
5. All work on vehicles shall be conducted within an enclosed structure.
6. A floor drain/sediment trap shall be installed in the auto repair area in accordance with Minnesota Department of Health'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. A copy of a maintenance/pumping contract shall be submitted to the city. The holding tank system shall be installed prior to the commencement of business.
7. The existing vegetation along the north property line shall remain.

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



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

January 9, 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 December 10, 2018 I mailed you an Administrative Citation with an amount due of \$100 by December 30, 2018. You are receiving this letter today as a courtesy to explain that you received an Administrative Citation, not another Violation Letter.

You did stop by City Hall on December 28 explaining you had cleaned up the yard except for the items frozen to the ground. I told you we would monitor this in the spring. I took the enclosed photographs today indicating numerous items strewn about the yard, in addition to the vehicles. In early spring the City will make a concerted effort to work with you to clean this up. If those efforts fail, the City will declare this property a public nuisance and order it be cleaned up.

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

Sincerely,

Dawn Bittner
Zoning Specialist

Enclosure: Photographs

C: Planning Commission

"This institution is an equal opportunity provider and employer."



MEMO

TO: (name)

FROM: Dawn Bittner, Zoning Specialist

DATE: January 14, 2019

RE: Short-term Property Rental (VRBO, Airbnb, etc.)

The City of Pequot Lakes developed a Short-Term Rental Ordinance in 2018 requiring property owners who rent their homes 30 days or less to obtain a permit from the City.

You are receiving this Memo as you rented your property in the past in a short-term manner. I am enclosing Ordinance 18-15 which outlines the requirements now in effect, as well as the Short-term Rental Permit Application. If you plan to rent your property in 2019 you must do so with a permit issued by the City. Please complete the Application and return to me at City Hall with the required submittals.

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

4638 Main Street
Pequot Lakes, MN 56472
dbittner@pequotlakes-mn.gov
218-568-6699



MEMO

TO: Cullen Lakes Association
East Twin Lake Association
Mayo Lake Association
Sibley Lake Association
West Twin Lake Association

FROM: Dawn Bittner, Zoning Specialist

DATE: January 14, 2019

RE: Short-term Rental Ordinance

The City of Pequot Lakes developed a Short-term Rental Ordinance in 2018 requiring property owners who rent their homes 30 days or less to obtain a permit from the City. Ordinance 18-15 is available for review on the Planning & Zoning home page on the City's website at www.pequotlakes-mn.gov, as well as the Application form to obtain a permit for short-term rental.

We are asking each of our Lake Associations to include this information in their upcoming newsletters and meetings so property owners are aware of this. These short-term rentals became an issue in 2017 and 2018 due to noise, increased boat traffic, etc. The City wants everyone to enjoy our beautiful lakes, but not at another's expense.

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

4638 Main Street
Pequot Lakes, MN 56472
dbittner@pequotlakes-mn.gov
218-568-6699

January 31, 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:

I have placed a Public Nuisance Update on the February 5, 2019 City Council Agenda where I will request direction from the City Council how to proceed with this Potential City Code Violation. The meeting begins at 6:30 PM and will be under the Planning and Zoning Department.

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

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission



February 4, 2019

Kent and Pamela Johnson
3830 Wildlife Trail
Pequot Lakes, MN 56472

RE: Conditional Use Permit request to operate an Indoor Sports Facility

Dear Mr. and Mrs. Johnson:

Please be advised that on November 15, 2018, the Planning Commission approved your Conditional Use Permit based on the following findings of fact:

1. The conditional use permit request is to operate an indoor sports facility that will include concession area with a drive-thru window for coffee drinks and pre-packaged snacks in the Commercial zone.
2. The subject property is located at 28795 Peterson Path and is zoned Commercial.
3. The subject property is a conforming parcel. It contains an existing structure on the north end of the parcel that meets all setback requirements. There is a shed encroaching the north lot line that belongs to the property owner to the north. A Land Use Permit was recently issued for the construction of 4,800 square foot pole building for building contractor office and storage space. The parcel to the west contains an existing structure that meets all setback requirements. The parcel to the north contains a restaurant. The subject property surrounds two parcels on three sides. One of these parcels is vacant and the other contains a day care and a restaurant.
4. The subject property will be served by a private water well and a conforming private sewer system.
5. The proposed "use" is considered "Commercial Use (Other, Not Classified)" and requires a conditional use permit.
6. The proposed use, with conditions, conforms to the comprehensive plan.
7. The adjacent property is zoned "Rural Residential" and "Commercial".
8. The proposed use is compatible with the existing neighborhood.
9. Signage will be applied for under separate Land Use Permit meeting Section 17-7.1 of the City Code.

10. 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.
11. 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.
12. The subject property is accessed via Peterson Path. 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.
13. The subject property is not served by the city sewer or water systems. There will be no additional costs to the city with the proposed use.
14. There is adequate off-street parking and loading space on the subject property for the proposed use.
15. The proposed use will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
16. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
17. The proposed use, with conditions, will promote the prevention and control of ground and surface waters.

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

1. There shall be no exterior storage of materials or equipment.
2. The Landscape Plan shall be implemented by September 30, 2019 and shall remain in a live state.
3. Signage shall be permitted by separate application.
4. A Landscape Plan meeting the requirements of the ordinance shall be submitted for the January 17 meeting for Planning Commission review and subsequent approval.

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



February 5, 2019

Nathan Walberg
29349 Patriot Avenue
Pequot Lakes, MN 56472

RE: Conditional Use Permit Application 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 within the Commercial District

Dear Mr. Walberg:

Please be advised that on January 17, 2019, 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 existing conditional use permit to allow expansion of the parking area for the used motor vehicle lot, add maintenance and repair of customer owned vehicles, provide towing services, tire sales and onsite sales and display of sawmills in the Commercial zone.
2. The subject property is located at 29349 Patriot Avenue and is zoned Commercial and Shoreline Residential.
3. The subject property is conforming. The parcel contains a dwelling, an office, a pole building, and a log building.
4. The subject property is served by private water wells and 2 private sewer systems.
5. The proposed "use" is considered "Commercial Use (Other, Not Classified)" and requires a conditional use permit.
6. The proposed use, with conditions, conforms to the comprehensive plan.
7. The adjacent property is zoned "Shoreline Residential", "Commercial", and "Recreation".
8. The proposed use is compatible with the existing neighborhood.
9. Signage will be applied for under separate Land Use Permit meeting Section 17-7.1 of the City Code.

10. 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.
11. 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.
12. The subject properties are accessed via Patriot Avenue. There will not be a significant increase in traffic on either street 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.
13. The proposed use will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
14. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
15. The proposed use, with conditions, will promote the prevention and control of ground and surface waters. No tire sales, exterior display saw mills, or repair/maintenance work on customer owned vehicles may be allowed on the subject property until the conditions of this permit are fulfilled.

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

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.

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



February 6, 2019

Russell and Shannon Steele
30867 Rasmussen Road
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 29103000907B009
30867 Rasmussen Road**

Dear Mr. and Mrs. Steele:

It has come to my attention through a complaint that there are numerous dogs being kept on the above-captioned property in violation of the City Code regarding Animal Boarding Facilities.

Per City Code, the following must be addressed within the next thirty (30) days (by March 9, 2019):

- All dogs being fostered shall be permanently removed. Animal Boarding Facilities are an excluded use in the Downtown Mixed Use District.

The City Code states in Section 17-3.2 DEFINITIONS:
Section 17-3.2 DEFINITIONS

15. **Animal Boarding Facility.** An establishment that houses animals, other than those belonging to the occupant, overnight or over an extended period of time.

The City Code states in Section 17-5.16 LAND USE MATRIX:
Section 17-5.16 LAND USE MATRIX

A- allowed w/o a permit, P - permitted, C- conditional use, I - interim use, AC - accessory use, E - excluded

<u>USE</u>	<u>DMU</u>
Animal Boarding Facility	E

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 March 9, 2019 you perform the action listed above.**

Failure to comply with the City Code by March 9, 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.

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 issue 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

C: Planning Commission
Douglas and Arleen Steele