
CITY OF EMILY

PLANNING COMMISSION/BOARD OF ADJUSTMENT

AGENDA

Monday November 3, 2025

Please Silence All Cell Phones.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Additions or Deletions to Agenda** *(Commission Action-Motion)*
5. **Open Forum-** *This is the time to provide comments to the Planning Commissioners about items not on the agenda. No action will be taken on these items. If you're speaking, please come to the podium, state your name and address for the record.*
6. **Public Hearing**
None
7. **Approval of Minutes**
 - a. October 7, 2025 regular meeting *(Commission Action-Motion)*
8. **Land Use Ordinance Subcommittee Meeting update** *(Informational)*
 - a. Food Truck Ordinance review and Permit Fee
 - b. Shipping Containers as storage units and dwellings.
 - c. Cannabis Ordinance Update for Cannabis and Lower Potency Hemp Edible Retailers (LPHE's).
9. **New Business**
 - a. Food Truck Ordinance Review and possible call for hearing at the December 2025 meeting (Public Hearing tentatively set for January 2026)
 - b. Cannabis and Lower Potency Hemp Edible Retailers (LPHE's). Planning Commission to call for a Public Hearing in December. *(Commission Action-Motion)*
 - c. Proposed Lot Split and Rezone William Spiess 21368 Norway Pine Ln PID 21270766 and 21270767 *(Discussion Only)*
 - d. Garage/Guest House Discussion White 41849 Birchwood Dr. PID 21220502 *(Discussion Only)*
10. **Old Business**
 - a. **UPDATE** Schmidt Unauthorized Construction of Road to Lake Shore 41274 Poplar Drive PID 21220553- Consideration of formal appeal of violation letter-(No further info provided by applicant) *(Commission Action-Motion)*

- b. **UPDATE** Sliva Shoreline Lot Clearing 44275 Roosevelt Rd PID 21050502- Approval of restoration plan. *(Commission Action-Motion)*
- c. **UPDATE** Dahlke Boathouse 20250 Dahler Ave PID 21330545 & 21330546-Possible motions-see recommendation in packet for actions/motions *(Commission Action-Motion)*

11. P&Z Administrator's Report

12. Adjourn *(Commission Action-Motion)*

This agenda is not exclusive. Other business may be discussed as deemed necessary.

**EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT
REGULAR MEETING
October 7, 2025**

1. CALL TO ORDER

The meeting was called to order by Commissioner Rheaume at 6:00 pm.

2. Pledge of Allegiance was recited.

3. ROLL CALL

PRESENT: Pat Rheaume, Mark Mosman, Lynn Bartel, Brent Nolby,
and Faye Hughes

ABSENT: Dave Johnson

Council: Greg Koch (Liaison) Gary Hanson

Staff: Steve Jones, Zoning Administrator (Sourcewell), Sue Fahrendorff, Zoning Clerk

4. ADDITIONS OR DELETIONS TO AGENDA

None

**MOTION BY COMMISSIONER BARTEL TO APPROVE AGENDA AS PRESENTED.
SECONDED BY COMMISSIONER HUGHES. ALL VOTED IN FAVOR. MOTION
CARRIED 5-0.**

5. OPEN FORUM

None

6. PUBLIC HEARING-VARIANCE REQUEST

7.

Following the closure of the Public Hearing for the Variance requests for Mike and Julie Smithson, 21930 County Road 1, Emily, MN, parcel number 21220560, the Planning Commission undertook a discussion and analysis of the various aspects, concerns, findings, and conditions of the variance request. Unfortunately, the electronic version of the meeting (audio and video) had technical issues. It was noted in the meeting that the septic system, listed in the Public Hearing Notice, was found to be in compliance with the code and as such a variance was not needed or debated. During the initial discussion a number of different motions were made, some seconded, and ultimately rescinded, and never formally acted upon. All formal motions, voted upon, and approved, including the passage and acceptance of the Findings and Condition of the Variance requests for each Variance request is noted as formal actions as follows:

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The following motions were made, seconded, and passed by the Planning Commission.

- 1) Motion made by Nolby, seconded by Hughes and on a vote of 4-1 (Nay by Bartel), approved the following variance on the house as shown on the application and site plan; Construct a Residential Addition and Deck within 40 feet of the Lake OHW (35-foot variance) and within 24 feet of County Road 1 (26-foot variance).
- 2) Motion made by Hughes, seconded by Rheume, and on a vote of 5-0, approved the following variance on the driveway setback as shown on the application and site plan; Construct a driveway within 28 feet of the Lake OHW (47-foot variance) and within 10 feet of County Road 1 (40-foot variance), but the lakeside edge of the driveway may not extend past the lakeside wall of the garage.
- 3) Motion made by Hughes, seconded by Nolby, and on a vote of 5-0, approved the following variance on the holding tank as shown on the application and site plan; Construct a holding tank to the south of the garage within 55 feet of the Lake OHW (20-foot variance).
- 4) Motion made by Hughes seconded by Bartel, and on a vote of 5-0, approved the following variance on the garage as shown on the application and site plan; Construct a detached Garage within 39 feet of the Lake OHW (36-foot variance) and within 10 feet of County Road 1 (40-foot variance), with the condition that the roof height of the garage not exceed 12 foot side walls with a 5/12 pitch or not more than 18 feet in height.

For all variances approved for this parcel the following Finding of Facts and Condition were added to every motion:

Finding of Facts:

1. The property is located at 21930 County Road 1, PIN 21220560.
2. The property is zoned "Shoreline Residential" and is located within the Shoreland Overlay Zone.
3. The existing and proposed impervious surface is less than the 20% maximum permitted (17.7%) after all improvements.
4. The property contains a significant historic ice ridge along the shoreline of the property. Any additional stormwater runoff generated should infiltrate the ground prior to entering the lake if the historic ice ridge is left in place.
5. The applicant has established that practical difficulties exist due to the parcel's unique configuration between lake and road, and the very narrow and long configuration, (proximity to Ruth Lake on the West side, and County Road 1 on the East side), creating a situation where there is no adequate buildable areas for an accessory structure, SSTS placement or modest house additions.

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Emily Planning Commission

October 7, 2025

6. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
7. The request is reasonable and necessary for full-time residential use, allowed in this district.
8. The variances will not alter the essential character of the locality.
9. The proposal is consistent with the City of Emily Comprehensive Plan.
10. The plight of the landowner is due to circumstances not created by the landowner and are unique to the property and not self-created.
11. The request is not based solely on economic considerations.
12. The applicant is requesting a series of variances that are interrelated, including a new location for a non-conforming septic system, house, and garage expansion.

Conditions:

1. Preservation of Ice Ridge: The historic ice ridge must remain undisturbed with intact vegetation.
2. Repeal of Prior Variance: The 2021 garage variance granted by the city on March 2, 2021, Crow Wing County Document 956624, is inactive, out of compliance and voided.
3. Septic Compliance: Non-conforming septic will be abandoned; new SSTs will be installed and meet State and city standards.
4. Adherence to all plans: All work must follow approved plans as submitted to the city and approved by the Planning Commission (BZA) and erosion control measures must be in place until the project is completed and the site is stabilized.
5. Time limit: Work must commence within 12 months and be completed within two years, subject to any approved extensions.

8. PUBLIC HEARING-ORDINANCE REGULATING COMMUNICATION TOWERS AND ANTENNAS

- a. Public Hearing to consider recommendation of approval of an Ordinance Regulating Communication Towers and Antennas.

MOTION BY COMMISSIONER RHEAUME TO RECOMMEND CITY COUNCIL APPROVAL OF COMMUNICATION TOWER ORDINANCE 152.090 AND REPEAL OF EXISTING ORDINANCE 152.089. SECONDED BY COMMISSIONER BARTEL. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.

9. APPROVAL OF MINUTES

- a. September 2, 2025 regular meeting.

MOTION BY COMMISSIONER HUGHES TO APPROVE MINUTES AS PRESENTED. SECONDED BY COMMISSIONER MOSMAN. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.

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10. LAND USE ORDINANCE SUBCOMMITTEE MEETING UPDATE

- The Land Use Ordinance Subcommittee continued discussion on a Food Truck Ordinance.
- Discussion regarding shipping containers as storage units and dwelling.

11. NEW BUSINESS

- a. Request to waive After the Fact permit fee of \$2,500.00 for Joe Mann 44513 Roosevelt Drive PID 21040514

MOTION BY COMMISSIONER RHEAUME TO RECOMMEND THE CITY COUNCIL NOT WAIVE THE AFTER THE FACT PERMIT FEE OF \$2,500.00. SECONDED BY COMMISSIONER HUGHES. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.

- b. Discussion only items for the following:

Dahlke Boathouse 20250 Dahler Ave

Sliva Shoreline Lot Clearing 44275 Roosevelt Rd

Schmidt Unauthorized Construction of road to Ruth Lake 41274 Poplar Drive

Jones provided brief background of each item and the Planning Commission engaged in discussion of each topic. Jones stated that he has been working with each property owner and will provide a status update at the November Planning Commission meeting.

12. OLD BUSINESS

None

13. P&Z ADMINISTRATOR'S REPORT

Jones stated the office has been busy with questions and a few issues, but permit requests have slowed down the past few weeks.

14. ADJOURNMENT

MOTION BY COMMISSIONER BARTEL TO ADJOURN THE MEETING. SECONDED BY COMMISSIONER NOLBY ALL VOTED IN FAVOR. MOTION CARRIED 5-0

The meeting adjourned at 7:32 pm.

Respectfully submitted,

Sue Fahrendorff,
Zoning Clerk

FOOD TRUCK FEE SCHEDULES (EXAMPLES)

Here's a table summarizing mobile-food-unit ("food truck") permit/licensing fees in 7 **Minnesota jurisdictions** (or nearby localities) pulled from publicly-available sources. Note: Fees often only cover the *city* permit and do *not* always include state licensing, health/fire inspections, commissary requirements etc.

Jurisdiction	Annual Fee (or major term)	Short-Term Fee / Notes	Source / Comment
City of Big Lake, Minnesota (MN)	\$200 for annual MFU permit.	1-4 days: \$50; 5-10 days: \$100. Lakeside Park seasonal: \$200; seasonal/annual: \$300.	Good example of smaller town structure.
City of Mora, Minnesota (MN)	\$75 annual mobile food unit license.	—	Very modest fee smaller city
City of Monticello, Minnesota (MN)	\$75 annual license.	1 day temporary: \$25; fire inspection: \$50.	Illustrates one-day vs full-year fee.
City of Cannon Falls, Minnesota (MN)	\$250 annual mobile food unit license.	Daily: \$25.	Slightly higher annual fee for small town.
Anoka County, Minnesota (MN)	Temporary (21 days) = \$90 .	Annual option up to \$465 depending on term.	Example of county licensing
City of Rochester, Minnesota (MN)	City mobile food unit license: \$200 . [from earlier note]	—	Benchmark (not extremely small)
City of Duluth, Minnesota (MN) (park permit context)	Annual permit resident: \$500 ; non-resident: \$750.	6-month: \$300 / \$450; 1-month: \$150 / \$200; 1-day: \$50 / \$75.	Higher fees for park/public property specific vending.

Some summary take-aways:

- Many smaller cities have annual MFU/mobile food unit permit fees of **\$75 to \$300** range.
- Short-term or multi-day permits (1-4 days, 5-10 days) are significantly lower (e.g., Big Lake: \$50 or \$100).
- Fees vary widely depending on whether operation is on public property (e.g., city parks) vs private property; if vending on public property, the fees tend to be higher (e.g., Duluth) or additional location/location-use fees apply.
- The state licensing by Minnesota Department of Agriculture (MDA) or Minnesota Department of Health (MDH) is *separate* from city/county permit fees. For example, the MDA notes there is a pre-licensing applicant form fee of \$50 and plan review fees depending on the operation.

ORDINANCE NO. 2025-__
AN ORDINANCE REGULATING MOBILE FOOD UNITS (FOOD TRUCKS AND TRAILERS) WITHIN THE CITY OF EMILY BY ADDING SECTION _____
FOR THE CITY OF EMILY
COUNTY OF CROW WING, STATE OF MINNESOTA

THE CITY COUNCIL OF THE CITY OF EMILY, MINNESOTA, ORDAINS:

Section 1. Purpose and Findings.

The City Council finds that unregulated operation of mobile food units (including food trucks and food trailers) can affect public health, safety, and welfare by creating traffic hazards, sanitation concerns, and potential nuisances. The purpose of this Ordinance is to establish reasonable regulations for mobile food units in order to protect streets and parks, ensure safe food practices, and preserve the character of residential and public spaces in the City of Emily. It is further declared that no person shall operate a mobile food unit within the City of Emily without first obtaining a permit as required herein, unless specifically exempted by this Ordinance. These provisions are in the public interest and for the public good. This Ordinance is adopted pursuant to the City's authority under Minnesota law to protect public health, safety, and welfare.

Section 2. Definitions.

For purposes of this Ordinance, the following terms have the meanings given:

A. **Mobile Food Unit:** A self-contained food service operation located in a readily movable motorized vehicle or towable trailer, used to store, prepare, display, or serve food and beverages. This definition includes "food trucks" and "food trailers."

B. **Special Event:** A city-sanctioned public event approved by the City Council, including but not limited to festivals, fairs, carnivals, community celebrations, or parades.

C. **Mobile Food Unit Permit (or "Permit"):** A license issued by the City of Emily authorizing a person to operate a Mobile Food Unit within the City in accordance with this Ordinance.

Section 3. Permit Required; General Prohibitions.

A. **Permit Required:** No person shall operate a Mobile Food Unit within the City of Emily without first obtaining a City Mobile Food Unit Permit, except as provided in Section 5 (Exemptions) of this Ordinance. A separate Permit is required for each Mobile Food Unit vehicle or trailer. All Permits shall be subject to the requirements of this Ordinance. Operating a Mobile Food Unit without a required Permit or in violation of any condition of this Ordinance is unlawful.

B. **Prohibited on Public Property Without Authorization:** No Mobile Food Unit shall operate on any public street, public parking area, public right-of-way, or other City-owned property (including City parks and facilities), except when the operator has obtained special permission granted by the City Council for a Special Event pursuant to Section 4 of this Ordinance. In the absence of City Council authorization under Section 4, Mobile Food Units are generally prohibited from vending on City property.

C. **Compliance with Other Laws:** All Mobile Food Unit operations shall comply with applicable state and local laws, including health, safety, and traffic regulations. Possession of a City Permit under this Ordinance does not supersede any state licensing requirements or other permits (e.g. Minnesota Department of Health food license) required by law.

Section 4. Special Event Operation (Temporary Authorization).

Mobile Food Units may be allowed to operate at a Special Event open to the public (on public or private property) if the event organizer or Mobile Food Unit operator obtains approval from the City Council as follows:

A. Application for Special Event Permission: The Mobile Food Unit operator (or event sponsor on behalf of multiple units) shall submit a written request to the City Council at least **30 days in advance** of the event. The City Council may waive the 30-day advance requirement for good cause on a case-by-case basis. The written request **must include** the following documentation and information:

1. **State License:** A copy of a valid **Minnesota Department of Health mobile food unit license** (or applicable food license) for the Mobile Food Unit.
2. **Insurance:** Proof of general liability insurance and automobile liability insurance coverage meeting at least the minimum municipal tort liability limits established by Minnesota law, and naming the City of Emily as an additional insured. (The City may require an insurance certificate or endorsement as proof of compliance.)
3. **Event Details:** A description of the Special Event, including the event name, location/address, date(s) and hours of operation for the Mobile Food Unit, and the name of the event organizer or sponsor. The request should specify where the unit will be set up and how long it will operate each day.
4. **Fee:** Payment of a fee in set by the City Council in their Fee Schedule, unless this fee is waived by the City Council. The fee is per Mobile Food Unit per event. The City Council, at its discretion, may waive or reduce this fee (for example, for a nonprofit event or community festival).

B. Council Review and Permission: The City Council shall review the Special Event request at a regular or special Council meeting. The Council may approve the request, deny it, or approve it with conditions. City Council permission under this Section authorizes the Mobile Food Unit to operate only as specified for that event; it does not confer a general Mobile Food Unit Permit (see Section 3) for operation outside the event parameters.

C. Operational Conditions During Event: Mobile Food Units operating under a Special Event permission must adhere to all requirements of this Ordinance (except those explicitly waived by Council for the event) and any special conditions imposed by the Council. This includes having the required health license and insurance on-site, and complying with any location or time restrictions. Failure to comply with the conditions of approval may result in immediate revocation of the event permission and/or other penalties.

D. City Initiated Events: The City Council may itself invite or authorize Mobile Food Units for City-sponsored events (e.g., a City celebration in a park) by motion or resolution. In such cases, the Council's action serves as the required permission, and individual operators must still provide proof of license and insurance to the City Clerk in advance of the event, but the Council may waive the formal application or fee as it deems appropriate.

Section 5. Exemptions.

The following situations are **exempt** from the requirement to obtain a City Mobile Food Unit Permit under this Ordinance:

- A. **Exemptions:** Mobile Food Units duly operating under a separate license or contract with the City are exempt as determined by the City Council.
- B. **Ice cream trucks** or similar mobile vendors that travel through neighborhoods and make brief stops (without setting up a stationary location) are exempt in this Ordinance, but are considered “peddlers” or “solicitors” and may be subject to any applicable peddler licensing ordinances of the City.

Section 6. Mobile Food Unit Permit Application and Administration.

Persons desiring to operate a Mobile Food Unit in the City of Emily (other than exclusively under the one-time Special Event permissions of Section 4 or the exemptions of Section 5) must obtain a Mobile Food Unit Permit through the following process:

- A. **Application Form:** The applicant shall submit a complete application to the City Clerk on a form provided by the City. At minimum, the application shall require: the applicant’s name, business name (if applicable), contact information, a description of the Mobile Food Unit (make/model/license plate or VIN for a truck or trailer), and the nature of the proposed operations (types of food, intended typical locations of operation, and intended hours/days of operation). The application must be signed by the Mobile Food Unit owner or the owner’s authorized agent.
- B. **Required Documentation:** The application must be accompanied by: (1) a copy of a valid Minnesota Department of Health Mobile Food Unit license (or proof that the unit is licensed by an approved health authority for food service); (2) proof of current liability insurance and vehicle insurance; and (3) written consent from the owner of any private property where the unit is expected to operate as a stationary vendor (if the applicant is not the property owner). If the applicant plans to operate at multiple private locations, consent from each intended location’s owner should be provided (this may be in the form of letters or signed statements).
- C. **Fee:** The applicant shall pay a Mobile Food Unit Permit fee in an amount set by the City’s fee schedule (or Council resolution). (This fee is separate from any Special Event fees under Section 4, which may still apply for particular events.)
- D. **Review and Issuance:** Completed applications shall be reviewed by the City Clerk (or other designated City staff) for compliance. The City Clerk may consult with Law Enforcement or other staff as needed. If the application is complete and satisfies the requirements, the City Clerk is authorized to issue the Mobile Food Unit Permit. The City Clerk shall not issue a Permit if: the application is materially incomplete; required documentation or fees are not provided; the applicant’s health license is not valid; or the applicant has had a prior Mobile Food Unit Permit revoked within the past year. In such case, the Clerk will inform the applicant of the deficiency or denial.
- E. **Permit Term and Renewal:** A Mobile Food Unit Permit shall be valid for no more than fifteen (15 days). Up to three (3) permits per year may be issued in the City to the same owner or operator during any calendar year.
- F. **Permit Conditions:** All Mobile Food Unit Permits are granted subject to the requirements of this Ordinance. The City Clerk or City Council may impose reasonable conditions on any Permit

to assure public safety and compliance (for example, limiting operation to certain zoning districts, or requiring relocation if traffic hazards develop). Any such special conditions will be noted on or attached to the Permit. By accepting the Permit, the Permittee agrees to all conditions and to comply with this Ordinance. Permits are not transferable to other persons or to other mobile units; any change in ownership of the Mobile Food Unit will require a new permit.

G. Display of Permit: The Mobile Food Unit Permit (or an official decal or card evidencing the permit, as provided by the City) shall be displayed on the Mobile Food Unit in a visible location during all times of operation. City staff or law enforcement may request to inspect the Permit at any time the unit is operating.

Section 7. Operational Standards.

To protect public health and safety, all Mobile Food Unit operations in the City of Emily shall adhere to the following standards:

A. Hours of Operation: No Mobile Food Unit shall conduct sales between the hours of 10:00 p.m. and 8:00 a.m. Operations may extend until 11:00 p.m. on Friday and Saturday nights. (These hour limitations do not apply to units operating as part of an approved Special Event, which shall follow any hours specified by the event permit or the City Council's conditions.)

B. Site Requirements: The unit shall not obstruct sidewalks, fire hydrants, driveways, or accessibility ramps. No Mobile Food Unit shall operate in any travel lane of a public street or in any manner that impedes or endangers vehicular or pedestrian traffic. Queues of customers shall be managed so as not to block public sidewalks or roadways.

C. Noise: The use of amplified sound or loud generators from a Mobile Food Unit is prohibited if it disturbs the peace. Mobile Food Units shall comply with the City's noise ordinance and refrain from excessive noise. Ice cream trucks or similar vendors may use small music or bell devices while mobile to announce their presence, but such devices must be of a volume and timing that is reasonable and not harmful to community peace (and must be silenced when the vehicle is stopped for sales).

D. Signage: All signage must be attached to or painted on the Mobile Food Unit. No separate freestanding signs or banners are allowed on public property or right-of-way. Signs on the unit must not violate City Code provisions on size or type for temporary signs. Off-premise signs directing patrons to the food unit are not permitted, except as may be allowed for Special Events by the Council.

E. Waste and Sanitation: Each Mobile Food Unit must provide a trash receptacle for customer use during hours of operation and shall keep the immediate area (including any public seating area utilized) clean of litter, food scraps, and debris. The operator is responsible for removing and properly disposing of all trash and waste generated by the unit's operation. Dumping of gray water, grease, or any waste on the ground, into storm drains, or into any waterways is strictly prohibited. The Mobile Food Unit must leave any site of operation in a clean, waste-free condition. Failure to manage waste properly will be considered a violation of this Ordinance.

F. Public Utilities: A Mobile Food Unit may not use City utilities (such as electrical outlets or water connections) without express City permission. All operations must be self-sufficient. If a generator is used, it should be in good working order to minimize noise and emissions. Any power or extension cords must be secured so as not to create a tripping hazard.

G. Location Limitations: Unless part of a City-authorized event, or owned and operated by the property owner, no Mobile Food Unit shall operate within 100 feet of the primary public entrance of any brick-and-mortar restaurant during that restaurant's business hours, without the restaurant proprietor's written consent. This distance is measured from the food unit to the restaurant's door in a straight line. The consent of the restaurant (if obtained) must be made available to the City upon request.

H. Fire Safety: Any Mobile Food Unit using propane, deep fryers, or other combustible cooking equipment shall comply with applicable fire code requirements. A fire extinguisher (Class K for grease fires, if fryer used, otherwise at least a 2A:10B:C extinguisher) must be kept on the unit in an accessible location. The City's Fire Chief may conduct inspections of a Mobile Food Unit to ensure compliance with fire safety standards. Units found to pose a fire hazard (such as due to fuel leaks, defective propane connections, etc.) shall not be allowed to operate until the hazard is corrected.

I. Conduct and Nuisances: Mobile Food Unit operators and their employees shall conduct business in a courteous and professional manner. No loud hawking or aggressive solicitation of customers is allowed. The operation of the unit must not create a public nuisance as defined by City ordinances or state law.

Section 8. Enforcement and Penalties.

A. Enforcement Authority: This Ordinance may be enforced by any peace officer or designated City official. The City Clerk, Zoning Administrator, or other City staff may also perform compliance checks (for example, verifying permits or responding to complaints). If a Mobile Food Unit is found operating without the required Permit or in violation of any provision of this Ordinance, the operator shall be ordered to immediately cease operations until compliance is achieved.

B. Violations: A violation of any provision of this Ordinance constitutes a misdemeanor offense punishable as provided by Minnesota law. Each day of operation in violation of this Ordinance, and each separate distinct violation, shall constitute a separate offense. In addition to misdemeanor prosecution, the City may enforce this Ordinance through administrative or civil actions, including but not limited to issuing administrative citations, seeking injunctive relief, or summarily abating any immediate public safety hazards as provided by law.

C. Permit Suspension or Revocation: The City Council may suspend or revoke a Mobile Food Unit Permit for cause. Cause for suspension or revocation includes but is not limited to: material misrepresentation on the permit application; operating in a manner contrary to the requirements of this Ordinance or any permit conditions; repeated violations or complaints; or any circumstance that would have been grounds to deny the initial application. The permittee shall be given notice of the grounds for proposed suspension/revocation and an opportunity to be heard at a City Council meeting. The Council may then take action to suspend (for a defined period or until specified conditions are met) or revoke the Permit. A permittee whose permit is revoked shall not be eligible to reapply for a new permit for a minimum of one year from the date of revocation.

D. Immediate Suspension (Emergency Closure): If a law enforcement officer, Fire Department official, or health inspector determines that a Mobile Food Unit is operating under conditions that imminently endanger public health or safety (such as a propane leak, food poisoning outbreak, or operation in the middle of a highway causing traffic danger), that official

may immediately order the unit to stop operations and leave the location. The official shall notify the City Clerk as soon as practicable of this action. The suspension shall remain in effect until the issue is resolved to the City's satisfaction. The City Council may then consider further enforcement or permit revocation as appropriate.

Section 9. Severability.

If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subdivision, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases be declared invalid.

Section 10. Effective Date.

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City of Emily City Council this ____ day of _____, 2025, by a __/5ths vote/

Tracy Jones, Mayor

Attest:

Cari Johnson, City Clerk/Treasurer

ORDINANCE NO. 2025-_____
AN ORDINANCE REGULATING MOBILE FOOD UNITS (FOOD TRUCKS AND
TRAILERS) BY ADDING SECTION _____
FOR THE CITY OF EMILY
COUNTY OF CROW WING, STATE OF MINNESOTA

The following is the official Summary of Ordinance No. 2025-__, approved by the City Council of the City of Emily, on the ____ day of _____, 2025.

The purpose of this Ordinance is to add Section _____: Mobile Food Units to the Emily City Code to regulate where Food Trucks and Trailers can be used within the City Limits of the City of Emily, including administration, definitions, registration, and zoning provisions for various types of Food Trucks and Trailers.

The City Council determines that publication of the title and a summary of this ordinance will clearly inform the public of the intent and effect of the ordinance and the Council has approved the text of this summary and has directed that the title and a summary be published pursuant to Minnesota Statute § 412.191 Subd. 4.

A printed copy of the Ordinance is available for inspection by any person at the office of the City Clerk.

Passed by the Council this ____ day of _____, 2025, by the Emily City Council.

CITY OF EMILY

By: Tracy Jones

Its: Mayor

By: Cari Johnson

Its: City Clerk

City of Emily
Notice of Public Hearing

TO WHOM IT MAY CONCERN: The City of Emily Planning Commission will hold a Public Hearing on Tuesday, _____, 2025 to consider recommendation of approval of an Ordinance Regulating Mobile Food Units (Trucks and Trailers). The hearing will be held at 6:00 PM in the Emily City Hall Council Chambers, 39811 State Hwy 6, Emily, MN, 56447.

This Ordinance will add a new section _____ to regulate Food Trucks and Trailers in the City of Emily, MN.. The staff report and meeting packets will be available approximately one week prior to the meeting. Packets can be accessed by contacting the city.

Members of the public may attend in person or monitor the meeting on-line. If you wish to provide written comments, please email to zoning@emily.net or mail to PO Box 68 Emily, MN 56447. If you want more information, please contact Planning and Zoning at 218-763-2480, or email the Zoning Clerk at zoning@emily.net.

City of Emily Planning Commission

AGENDA-City of Emily, MN

Ordinance Review Committee: Monday, Nov. 3, 2025 (Recommendation) 4:30 PM

Planning Commission: Monday, Nov. 3rd (Review/Call for Public Hearing) 6:00 PM

Planning Commission: Tuesday, Dec. 2nd (Public Hearing/Recommendation) 6:00 PM

City Council: Tuesday, December 9th (Consideration of Ordinance) 6:00 PM

Low Potency Hemp Edibles (LPHEs)

Changes to State law now require that anyone in Emily that presently sells low potency hemp edible products, or wants to in the future, will be required to get a license from the State. All those issued licenses by the State will come to the city for review (registration) and zoning approval.

Those products were sold in the City of Emily in the past and were not regulated by the State (USDA) (examples-convenience stores, liquor stores, bars and restaurants).

This was not included in the City of Emily's original Cannabis Ordinance. In addition, the city will be required to do annual inspections of these LPHEs retailers and should charge a fee to cover administrative costs and the cost of those annual inspections.

From the League of Minnesota Cities: *Local governments will approve applicants for LPHE retail registrations pursuant to their local ordinance. They will also conduct compliance checks, again pursuant to any local ordinance established*

https://mn.gov/ocm/assets/OCM_Local_Government_Guide_4.2_tcm1202-627967.pdf.

The League also has model forms to use for inspections/compliance checks.

CITY OF EMILY, MINNESOTA

ORDINANCE NO. 2025-__

AN ORDINANCE AMENDING THE CITY OF EMILY CANNABIS BUSINESS ORDINANCE NO. 154 TO ALLOW LOWER-POTENCY HEMP EDIBLE RETAILERS

WHEREAS, the Minnesota Legislature enacted Minn. Stat. Chapter. 342 authorizing the regulation and sale of cannabis and lower-potency hemp edibles under the oversight of the Office of Cannabis Management (OCM); and

WHEREAS, the City of Emily adopted a Cannabis Ordinance establishing standards and licensing for cannabis businesses within the city; and

WHEREAS, the City desires to amend its ordinance to recognize and regulate the retail sale of Lower-Potency Hemp Edibles (LPHEs) consistent with state law and local zoning;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EMILY ORDAINS:

The City of Emily Cannabis Ordinance Section 154: Cannabis Businesses, is hereby amended to include the following new section:

Section 154.03 (B) 9, Lower-Potency Hemp Edible (LPHE) Retailers

(A) Purpose. This section aligns the City of Emily's Cannabis Business Ordinance with Minnesota Statutes, Chapter 342, by recognizing and allowing the retail sale of lower-potency hemp edibles (LPHEs) licensed by the Minnesota Office of Cannabis Management (OCM) in appropriate commercial zones.

(B) State License Required. No person may sell or offer for sale lower-potency hemp edibles without a valid LPHE Retailer License issued by the OCM under Minn. Stat. § 342.46.

(C) Local Registration and Fee.

1. A city registration is required for any LPHE retail location in Emily.
2. The registration fee shall be the amount authorized under Minn. Stat. § 342.22, not to exceed \$500 for the initial registration and \$1,000 for annual renewal, or one-half of the applicable state license fee, whichever is less, but it will be locally fixed at a cost to be set by the City Council equal to the cost to administer the license and complete annual inspections.
3. No separate local application fee shall be charged; all registration fees are nonrefundable.
4. Registration shall be renewed annually concurrent with the state license.

(D) Authorized Zoning Districts. LPHE retail sales are permitted only in:

- Commercial Transition, Highway Mixed Use and Downtown Mixed Use Zones

(E) Compliance Checks and Inspections.

At least one annual compliance check shall be conducted for each registered LPHE retailer as required by Minn. Stat. § 342.22, subd. 3.

(F) Enforcement.

Failure to maintain a valid state license or city registration constitutes a violation of this ordinance and may result in suspension, revocation, or civil penalty as authorized by law.

Effective Date.

This ordinance shall take effect and be in force following its passage and publication according to law.

Adopted by the City Council of the City of Emily this ____ day of _____, 2025.

Mayor

City Clerk

CITY OF EMILY, MINNESOTA**NOTICE OF PUBLIC HEARING FOR AN ORDINANCE AMENDING THE CITY OF EMILY CANNABIS BUSINESS ORDINANCE NO. 154 TO ALLOW LOWER-POTENCY HEMP EDIBLE RETAILERS**

TO WHOM IT MAY CONCERN: The City of Emily Planning Commission will hold a Public Hearing on Tuesday, December 2, 2025 to consider recommendation of approval of an Ordinance which would amend the City of Emily Cannabis Business Ordinance to allow for and regulate Lower-Potency Hemp Edible (LPHE) retailers within the city.

The proposed ordinance would:

- Recognize and authorize the retail sale of lower-potency hemp edibles (LPHEs) licensed by the Minnesota Office of Cannabis Management (OCM);
- Require both a valid state LPHE Retailer License and a local city registration;
- Establish local registration fees consistent with state law;
- Permit LPHE retail sales only in the Commercial Transition, Highway Mixed Use, and Downtown Mixed Use Zoning Districts;
- Require annual compliance checks; and
- Provide enforcement authority for violations of licensing or registration requirements.

Members of the public may attend in person at 39811 State Highway 6, Emily, MN or monitor the meeting on-line. If you wish to provide written comments, please email to zoning@emily.net or mail to PO Box 68 Emily, MN 56447. If you want more information, please contact Planning and Zoning at 218-763-2480, or email the Zoning Clerk at zoning@emily.net. The staff report and meeting packets and copies of the proposed ordinance will be available approximately one week prior to the meeting. Packets can be accessed by contacting the city.

Following the hearing, the City Council may consider adoption of the proposed ordinance at a later meeting.

By order of the Planning Commission of Emily, Minnesota

Agenda Item Summary-Lot Split

The Planning Commission is asked to review and discuss a proposed **lot split** affecting a parcel that lies **partially within the Shoreland Overlay District** and partially within the **Neighborhood Residential (NR)** zoning district. The applicant proposes to divide the parcel into two separate lots. Because the existing parcel spans two zoning districts, the review must ensure that both resulting lots comply with the applicable standards of the **City of Emily Zoning Ordinance** and the **Minnesota Shoreland Management Regulations**.

The applicant is proposing both a lot split/combination and a rezone.

Applicable City Code and Regulatory Framework

1. Shoreland Overlay District – City of Emily Code §§152.020–152.026

- The **Shoreland District** applies to **all land within 1,000 feet** of the ordinary high-water level (OHWL) of lakes and **300 feet from rivers or streams** (Minn. R. 6120.2500–3900; City Code §152.020).
- **Important:** Even if the zoning map shows a different base district (e.g., NR), **the Shoreland Overlay applies concurrently** to the portion of the property within 1,000 feet of the lake.

2. Neighborhood Residential (NR) District – City Code §§152.060–152.069

- **Minimum lot area:** [typically 15,000 square feet].
- **Minimum lot width:** [typically 100 feet].
- Standard front, side, and rear setbacks must be met **except where stricter shoreland standards apply**.
- Residential uses are permitted, subject to compliance with subdivision standards.

3. Subdivision and Platting Requirements – §§152.090–152.099

- The **Planning Commission must review** and make a recommendation to the City Council for any proposed lot split.
- A **Certificate of Survey** or preliminary plat must demonstrate compliance with zoning and shoreland regulations.

4. Mixed-District / Split-Zoning Considerations: Normally lots split must all be within one zoning district.

zoning@emily.net

From: Steve Jones <Steve.Jones@sourcewell-mn.gov>
Sent: Thursday, October 23, 2025 9:02 AM
To: Emily Zoning Office
Subject: FW: Proposed Lot Split and Rezone

Sue,
Will you please add this to the PC agenda? We can talk next week and add info.
Steve

From: Steve Jones <Steve.Jones@sourcewell-mn.gov>
Sent: Thursday, October 23, 2025 8:54 AM
To: billottespiess@emily.net
Cc: Emily Zoning Office <zoning@emily.net>; Steve Jones <Steve.Jones@sourcewell-mn.gov>; Patrick Rheaume <prheaume53@gmail.com>
Subject: Proposed Lot Split and Rezone

Bill,

I talked to your surveyor, and he is going to send me an enhanced/enlarged version so I can more easily read it.

I think we need to talk about your proposed lot split/rezone. I think we can do this before you have to pay a fee or we begin the formal process. You said you had time to work this out.

I have some concerns/confusion over what the split means in relationship to the Shoreland Overlay Code. You are adding to the lot in some ways, but also taking away and requesting a rezone of a portion that is within the 1000 feet of the OHW.

Would you agree to have this on the next Planning Commission agenda for discussion? I get what you want to do, and in many ways it makes sense, but the Shoreland Overlay portion of this proposal is giving me pause.

Can I plan to add you to the November 3rd Planning Commission agenda for discussion? (yes, we are meeting on Monday due to the election).

Let me know what you think. I would add it as a discussion item with the Planning Commission.

Steve

§ 152.055 GENERAL.

(A) *Purpose and intent.* To establish and maintain districts that overlay existing zoning districts to better manage significant areas with specific needs, such as encouraging growth in areas with existing public facilities or preserving areas with valued resources and amenities. All sites within an

overlay district shall continue to bear their original zoning, but with the provisions of the overlay district appended.

(B) *Boundaries.*

(1) The boundaries are established based on district-specific criteria and may not be aligned with roads, lot lines or other human-made boundaries. The boundaries are designated on overlay maps.

(2) Overlay maps are considered part of the official zoning map and are therefore approved and amended following procedures in § [152.015](#) of this chapter.

(C) *Permits.* No subdivision, rezoning, reconstruction, alteration or addition shall be made to any existing structure, nor shall any additional structure be constructed upon a site in any overlay district, except in accordance with the provisions of the overlay district.

(D) *Districts.* The following overlay districts are hereby established: Shoreland Overlay District.

(E) *Supremacy.* If a provision of an overlay district conflicts with a provision or provisions of the underlying zoning district, the more restrictive provision shall apply.

(Ord. 906-2011, passed - -2011)

§ 152.056 SHORELAND OVERLAY DISTRICT.

(A) *Purpose and intent.* To create minimum setback and performance standards that would apply to all shoreland properties.

(B) *Applicability.* The Shoreland Overlay District would include all lands within 1,000 feet of designated water bodies.

(C) *Requirements.*

(1) The OHW and bluff setbacks contained in § [152.035](#)(B) of this chapter shall apply.

(2) The performance standards contained in § [152.035](#)(C) of this chapter shall apply where they are the more restrictive.

(Ord. 906-2011, passed - -2011)

Steven Jones | Senior Community Development Administrator

Cell Phone: 320-841-1793

Office Phone: 218-541-5511

Email: Steve.jones@sourcewell-mn.gov

Website: www.sourcewell-mn.gov



Lot Split \$150
Rezoning \$500

CITY OF EMILY
LOT SPLIT/SUBDIVISION/REZONING APPLICATION

APPLICATION:

- A. Applicant shall complete Subdivision/Rezoning Application and submit to the Zoning Administrator.
- B. Preliminary Plat applications shall be completed at least to the minimum standards of the Ordinance.
- C. Final Plat applications shall be completed as per the requirements of the Planning Commission from the Preliminary Plat Hearing and the minimum standards of the Ordinance, Crow Wing County and the State of Minnesota.
- D. Submittals for Metes and Bounds Subdivisions (lot splits) shall conform to the minimum requirements of a Preliminary Plat if either the proposed new parcel or the remnant is less than 10 acres. A survey, showing topography, of both lots must be submitted.
- E. If any of the parcels contain structures with an SSTS, a Sewer Compliance Inspection must be submitted.
- F. **Applicants shall submit 3 copies of the proposed Subdivision on 11x17 size paper and at least 1 copy of the proposed subdivision on Plat size paper.**
- G. All applications must be submitted 30 days prior to the Planning and Zoning meeting in which applicant wishes to be heard.
- H. The City Staff shall, based on submittals, compute the subdivision permit fee. This fee shall be paid by the applicant at the time of application.

REVIEW:

- A. The Planning and Zoning Administrator shall review the application for completeness and assign a reference number to application, plans, and any other attachments. Applicant will be notified where additional information is needed.
- B. After receipt of a completed Subdivision Application and supporting documents, the Zoning Administrator shall schedule a Public Hearing date on the Planning Commission's agenda for the earliest possible opening. Applicant will be notified by mail of the date and time of the Public Hearing.
- C. City Staff will prepare a Staff Report on the application. The Staff Report will be available for public review at City Hall no later than one week prior to the scheduled meeting date.
- D. The City Fee Schedule is based on average processing and review costs for all applications. When costs exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to obtain in reviewing permits. The City may withhold final action on any application and/or hold the release of such permits until all fees are paid.

ACTION:

- A. The Planning Commission shall hold a Public Hearing on the application.
- B. At the conclusion of the Public Hearing, and after consideration of the testimony presented, the Planning Commission shall make a recommendation to the City Council.
- C. The City Council shall consider the Planning Commission's recommendation at the next scheduled Council meeting.

APP # _____
Date _____
Fee _____
(for office use only)

**CITY OF EMILY
LOT SPLIT/SUBDIVISION/REZONING APPLICATION**

Name of Applicant WILLIAM SPIESS Phone 218 839-4274

Property Address (E911#) 21368 NORWAY PINE LN Local Phone _____

Mailing Address PO BOX 402 E-mail BILLOTTESPIESS@EMILY.MN.GOV
(if different than above)

City, State, Zip EMILY MN 56441

Applicant is:

Legal Owner ☒

Contract Buyer ☐

Option Holder ☐

Agent ☐

Other _____

Title Holder of Property (if other than applicant)

(Name) _____

WILLIAM F SPIESS

(Address) _____

PO BOX 402

(City, State, Zip) _____

EMILY MN 56441

Signature of Owner, authorizing application (required): _____
By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Location of property involved in this request: _____

Property ID # 21270766 + 21270767 Zoning District Seasonal Res. Rec
(8 digit # on tax statement) Red HOTO

Nature of request (select only one):

Sketch Review ☐

Preliminary Plat ☐

Final Plat ☐

Metes and Bounds ☐

Rezoning ☒

Proposed New Zoning District _____

Note: Applicants may apply for Preliminary Plat and Final Plat at the same time, but they must be on separate applications. Preliminary Plat and Final Plat hearings will not be held at the same meeting. The effective date of Final Plat application will be the date of Preliminary Plat approval.

LOT SPLIT/SUBDIVISION/REZONING CHECKLIST

_____ Completed application, signed by property owner

_____ Fee

_____ Sewer Compliance Inspection Report

OK All current City charges paid

OK Survey

_____ Site Plan with the minimum information outlined in the Ordinance (unless waived by P&Z Administrator):

CITY OF EMILY PLANNING AND ZONING OFFICE CONTACT INFORMATION

Planning and Zoning Administrator: Steve Jones
Zoning Clerk: Sue Fahrendorff
P. O. Box 68
Emily, MN 56447

Phone: (218) 763-2480 (Emily Office)
(320) 841-1793 (cell)

Fax: (218) 763-2481

Email: zoning@emily.net steve.jones@sourcewell-mn.gov

Nov



**the 731 GUN CO fire threat from Iraq's Army Armored
AND ALL SO ON. I THINK**

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PROPOSED LEGAL DLS

AND ASSUMING

that part of the South of
County Abasco, from

1

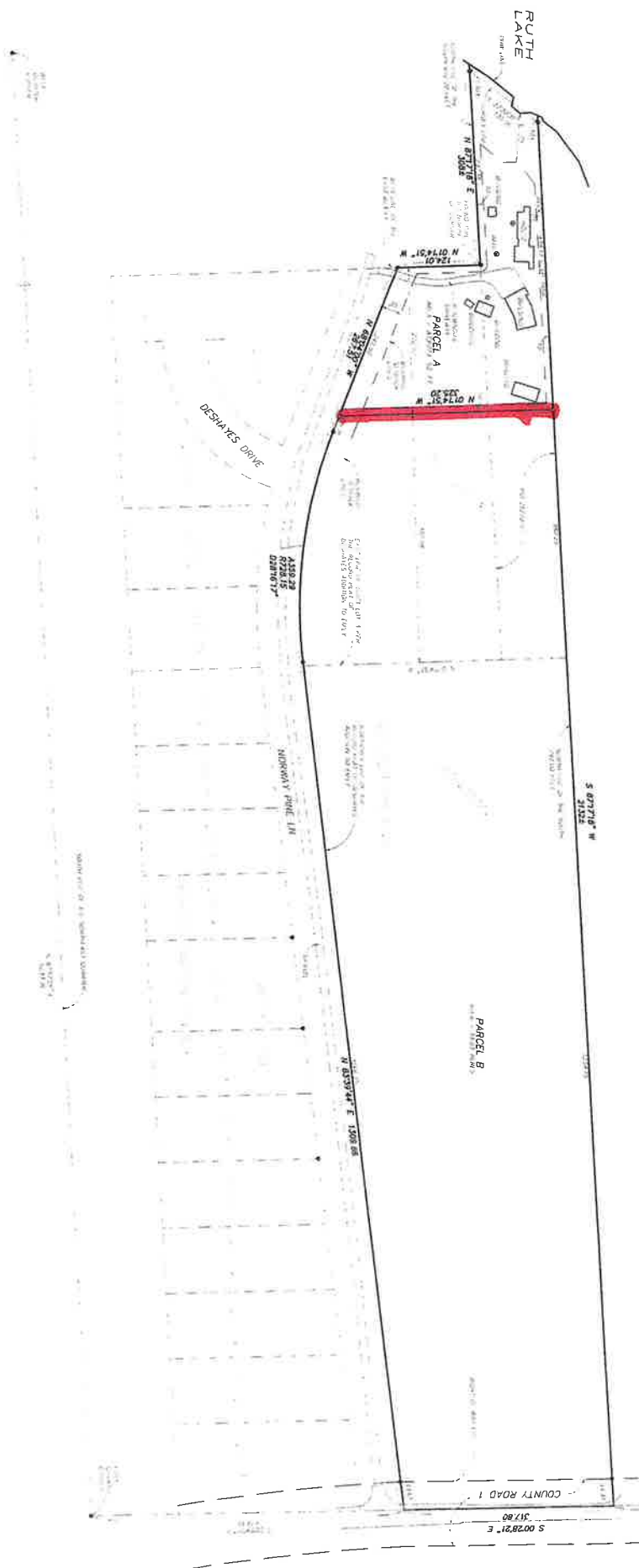
REVIEW COPY
Paul Hochstadt
10-17-25
45875

William Spiess
P.O. BOX 402
EMILY, MN 56447

RUTH LAKE

Certificate of Survey

ME3



The author has completed his M.D. at the University of California, San Francisco.

Within 100 feet of the South 79th level of Casamirovsky but I am Section 2? Kaminby 1M Ruler 2N Together with and placement but it is difficult over and it is the most interesting road.

PROPOSED LEGAL REFORMS FOR MICHIGAN

THE main of the *Michigan 100-20* part of the Commission for Section 22, Township 12S, Range 26S, Twp 14N of the T14N of 20S, 1st Principal Meridian, Michigan

[illegible]

3. How useful are personality or aptitude tests, measured as a percentage, with respect to the following?
4. How useful are aptitude tests, measured as a percentage, with respect to the following?
5. How useful are aptitude tests, measured as a percentage, with respect to the following?

The independent variable, which has 4 levels, is the field among respondents. The survey asked no question that the respondents should respond to in the 'not answer or not relevant' category.

4. The results are presented in a table of the survey.



review copy
Paul Herkenhoff
10-17-25
Date: License No. 45B75

Prepared for	
Client	EM
Product	TIS
Project	FDI
Received by/eng. by/val. by:	

William Spiess
P.O. BOX 402
EMILY, MN 56447

RUTH LAKE

Certificate of Survey

PAUL HERRNSTADT 218-961-0090

PLANNING COMMISSION REVIEW: MONDAY NOVEMBER 3, 2025

**ANALYSIS/DISCUSSION WITH PLANNING COMMISSION OF ADDING
GARAGE/GUEST HOUSE SITE -WHITE PROPERTY-41849 Birchwood Drive**

Staff suggested the builder and planner talk to the Planning Commission and get their ideas on possible solutions before moving forward with the project.

Initial Staff Review Notes From Earlier Meetings

Note: Over the last few months staff has had a number of conversations with the builder and architect/planner to attempt to find the best site to build a garage/guest house addition. The lot is large, but is bisected by a road, and it would be very tight to add on the house side of the parcel. There is ample space across the road, except there are a large number of wetlands. Staff had a conference call with the builder, planner and Crow Wing County Wetland professionals to talk about filling in wetlands, but after review of the project, and the use of an active site/planning tool, it appears that with a possible few minor variance requests, we can keep the proposed site out of any wetland.

SYNOPSIS OF LATER REVIEW RE: EMAILS AS OF 10/27

Thanks, (To Jonny Deitz)

This (**new proposal**) is a very large accessory building, seems to me the models we were looking at the other day were much smaller and almost fit without the need of large variances. I can almost guarantee you that they (Planning Commission) will say you can make it smaller, you would have to make a case for some sort of practical difficulty for this size, not sure what that practical difficulty would be for this size. They will see this as a second house with a garage, not a small guest house and not an accessory building with second floor bedrooms, which is what they normally see, and is the spirit of the code. In addition to the square feet in the setback areas, I also need the distance or actual variance ask (Distance to the lot line/wetland line versus what is required.)

I strongly recommend you develop a smaller foot print, I don't see this flying with them (Planning Commission) at all given the number/distance of the proposed variances, and it will be very hard to make a case for a practical difficulty.

Steve Jones

From: Jonny Deitz <jonny@stromarch.com>

Sent: Monday, October 27, 2025 4:12 PM

To: Steve Jones <Steve.Jones@sourcewell-mn.gov>

Cc: Emily Zoning Office <zoning@emily.net>; Jesse Wendt <jesse@forma-mn.com>; Jackson Strom

<jackson@stromarch.com>

Subject: White Accesory Building

EXTERNAL

Good Afternoon Steve,

Continuing with our discussion from last week, we wanted to give you the site plan & floor plan for the proposed accessory building @ 41849 Birchwood Dr Emily, MN 56447 on Ruth Lake.

Having the building located directly across from the existing driveway is our preferred option for a number of reasons:

1. Reduces the impervious as it will result in the shortest driveway
2. Smaller overlap with the Wetland's setback compared to other options
3. Safety, having the driveways align will allow backing up trailers to be more efficient and stay out of the ROW

Please don't hesitate to reach out if you have any questions or concerns.

Thank you,

JONNY DEITZ

Project Manager,
Strom Architecture

Overall Property Overview

- **Type:** Single Family Residence
- **Year Built:** 2000
- **Size:** 3,657 sq ft
- **Lot Size:** 2.79 acres (Large Lot)
- **Zoning:** Shoreland Residential (Ruth Lake)
- **Parcel ID:** 210221101
- **Flood Zone:** 27035C0100C
- **Issues:** Large lot, but wetland on the parcel across from Ruth Lake

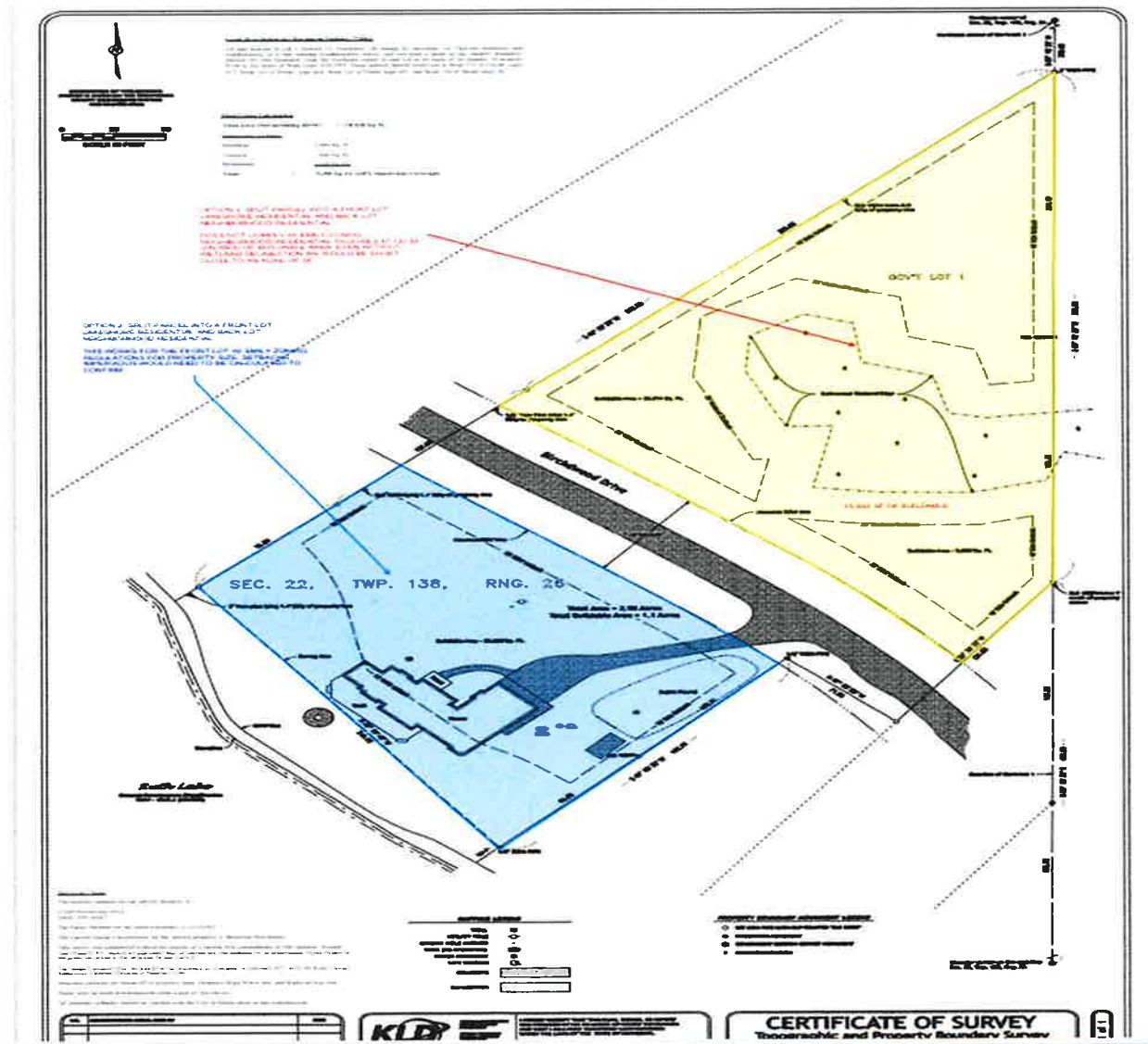
Existing House Features

- **Bedrooms/Bathrooms:** 3 beds, 2 full baths, 1 half bath
- **Garage:** Attached, finished, heated, insulated (2-car)
- **Basement:** Crawl space with concrete block foundation
- **Water/Sewer:** Private drilled well, tank with drainage field

House Site & Environmental Context

- **Location:** Southwest-facing on Ruth Lake
- **Shoreline:** 243 feet of sandy shoreline with level elevation
- **Vegetation:** Towering pines and park-like landscaping
- **Additional Land:** Parcel across the street.

Recent Sale (October 2025): MLS Listings: Appeared under MLS #6730935 and #6721291 (Pictures of site available)-New Owner



Proposed Guest House Site/ Guest Quarters (Shoreline Residential Zone)

Under § 152.035 (Shoreline Residential “SR” district) of the City Code:

- A guest house/guest quarters may be allowed if the lot meets the minimum requirements for single-family dwellings (and other standards) in that zoning district.
- For lots meeting minimum requirements:
 - Guest quarters must be **minimum 400 sq ft** and **maximum 600 sq ft** in area, and shall not exceed **15 feet in height**.
 - It must be located so as to reduce visibility from public waters and adjacent shorelands.
 - It must be screened by vegetation, topography, color, or other city-approved means to reduce visibility from the lake/shore.
- For lots that meet minimum single-family dwelling requirements: (alternate approach)
 - The total number of bedrooms on the property (including the guest house) shall **not exceed five**.
 - Impervious coverage requirements must be met.
 - The accessory structure height may be increased to **25 feet** where necessary to accommodate a second-story dwelling unit.
 - Same visibility and screening requirements apply.

Accessory Building / Structure Standards

- In the definitions: Accessory buildings include detached garages, “guest quarters” and other structures subordinate to the principal use.
- Under § 152.008 (Building Standards):
 - All structures must comply with the Minnesota State Building Code.



Scalar: $\frac{1}{\sqrt{2}} = 0.707$



NOTE: SEE PLAN VIEW FOR EMBANKMENT AND PLEASE REFER TO
CERTIFICATE OF SURVEY AND COORDINATE WITH GENERAL
CONTRACTOR FOR BUILDING LOCATION, UTILITY, ETC.

WETLAND SETBACK OVERLAY	ADDED 37
SCUM SETBACK OVERLAY	A 10000 37
SCUM SETBACK OVERLAY	6300 37

CODE INSTRUCTIONS	611,000 SF
EXHAUSTIBLES REMAINING	61,100 SF
TOTAL COVERAGE REMAINING	NONE

Agenda Item-Planning Commission Meeting

November 3, 2025

Appeal of Planning Department Decision (After-the-Fact Review) 41274 Poplar Drive, Emily, MN

Construction of a asphalt path/road to the lake in a Shoreland Zone. Violation letter sent on September 30, 2025.

- **Parcel ID:** 21220553
- **Property Owners/Appellants:** Bob Schmidt and Maureen Schmidt
- **Staff File Reference:** Correction Letter dated September 30, 2025

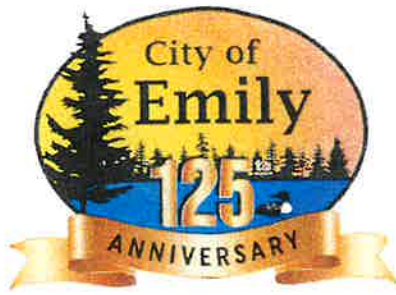
Staff Notes:

- Copy of the Planning Department correction letter issued September 30, 2025 regarding an unauthorized project (construction of an illegal path/road).
- October 14, 2025 in-person discussion between the homeowners, City staff, and the Planning Commission Chair regarding the project, appeal rights and required submittals.
- Overview of applicable sections of the City Code/Ordinances governing:
 - Unauthorized land alteration/path/road construction.
 - Impervious surface coverage limits and calculations.
 - After-the-fact permit? (Staff had originally asked them to apply for an after-the-fact permit, but we received guidance that this was not a permitted use, so no permit should be issued/considered.)

Applicant/Appellant Presentation (Pending)

Suggested Findings and Considerations (ALL PENDING!!!!)

1. Whether the path/road was constructed without required approvals/permits.
2. Whether the appellant's proposal/submittals are complete, including a defensible impervious surface calculation.
3. Whether the resulting total impervious coverage meets or exceeds the maximum allowed by ordinance.
4. Whether restoration, mitigation, or conditions are necessary to bring the site into compliance and protect public resources.



39811 State Highway 6
PO Box 68
Emily, MN 56447
218-763-2480

CITY OF EMILY

September 30, 2025

TO: Bob Schmidt, 41274 Poplar Drive, Emily, MN 56447 Parcel Number: 21220553

RE: Notice to Correct Violation – Unauthorized Construction of Road to Lake Shore

Dear Mr. Schmidt,

The City of Emily has determined that you have undertaken land clearing and the construction of an asphalt road extending to the lake shore on your property located at 41274 Poplar Drive, Emily, MN, Parcel Number 21220553, **without the required permits and approvals.**

This activity is a direct violation of the **City of Emily Code of Ordinances, including the Shoreland Management and Land Use Regulations**, which prohibit the construction of roads or alterations within the shoreland zone without prior authorization.

NOTICE TO CORRECT

You are hereby requested to undertake the following actions:

1. **Cease and Desist** – Immediately stop all work, use, or further disturbance related to the unauthorized asphalt road and associated clearing.
2. **Permit Submission** – Within **10 calendar days** of receipt of this Order, submit a complete after-the-fact permit application to the City of Emily for review. Approval of such a permit is not guaranteed and will be subject to a full compliance review.
3. **Restoration Requirement** – If permits are denied, or you plan is found out of compliance with the code, you will be asked to prepare and implement a **restoration plan**, approved by the City, to return the affected area to a condition consistent with City Code and environmental standards. Restoration shall be at your expense.

ENFORCEMENT AND PENALTIES

Failure to comply with this Notice may result in additional enforcement actions, including but not limited to: Referral to City Council for further action, coordination with the **Minnesota Department of Natural Resources** for joint enforcement action, or referral to City Attorney.

Please contact me if you have any questions.

Sincerely,

Steven C. Jones, Senior Community Development Administrator, Sourcewell
On Behalf of the City of Emily



To: Emily Planning Commission

From: Steve Jones, Senior Community Development Administrator

Date: November 3, 2025

Subject: Sliva Property – Shoreland Setback Disturbance and Restoration Plan

Background: Mr. Sliva obtained a permit to perform limited dirt work on his property for the purpose of adding a driveway. This permit followed a series of discussions between the applicant and city staff, which resulted in a modification of the original proposal to ensure that bluff areas and nearby wetlands were avoided. This adjustment seemed to represent an outcome consistent with the intent of the city's shoreland management and environmental protection goals, and a driveway was installed.

Issue: Despite these precautions, a complaint and subsequent site inspection revealed that Mr. Sliva exceeded the scope of the approved work. Specifically, he removed several trees, brush and disturbed soil within the 150-foot shoreland setback area. (He also removed dead and dying trees). This unpermitted activity included using a drag and removing vegetation closer to the lake than allowed under city ordinance.

Site Review: Upon receiving the complaint, Mr. Sliva promptly agreed to meet with city staff to review the situation. On Tuesday, October 14, a site visit was conducted by myself and Planning Commission Chair Patrick Rheaume. At the time of the inspection, the property owner had already taken several corrective actions, including:

- Installation of erosion control devices along the lake edge.
- Placement of erosion control blankets over all disturbed soil areas.

These immediate stabilization measures were appropriate and consistent with best management practices.

Restoration Plan: Mr. Sliva has submitted a restoration plan (attached) that includes the following actions:

- Proper seeding of all disturbed areas with an approved seed mix. (attached)
- Replacement of three trees (those over 4 inches in diameter) that were removed, (other smaller trees/dead trees were also removed when the ground was dragged), with:
 - **Four evergreen trees (red pines or white pines)-5 to 6 feet tall**
 - **Two maple trees (3-4 inch in diameter)**
 - **Two oak trees (3-4 inch in diameter)**
 - **Twenty-four-DNR suggested shrubs (shrub willows and elderberry) that grow well along the shoreline, or other approved equals such as red-osier, black chokecherry, or dwarf bush honeysuckle, city staff will assist land owner with choice/vendors.**

Recommendation

City staff recommends that the Planning Commission acknowledge the corrective efforts taken by the property owner and approve the restoration plan as submitted, with the condition that staff verify installation, completion and survival of replacement plantings in the Spring and Fall of 2026.

ROOSEVELT DRIVE, CITY OF EMILY, CROW WING COUNTY, MINNESOTA

ROOSEVELT DRIVE, CITY OF EMILY, CROW WING COUNTY, MINNESOTA

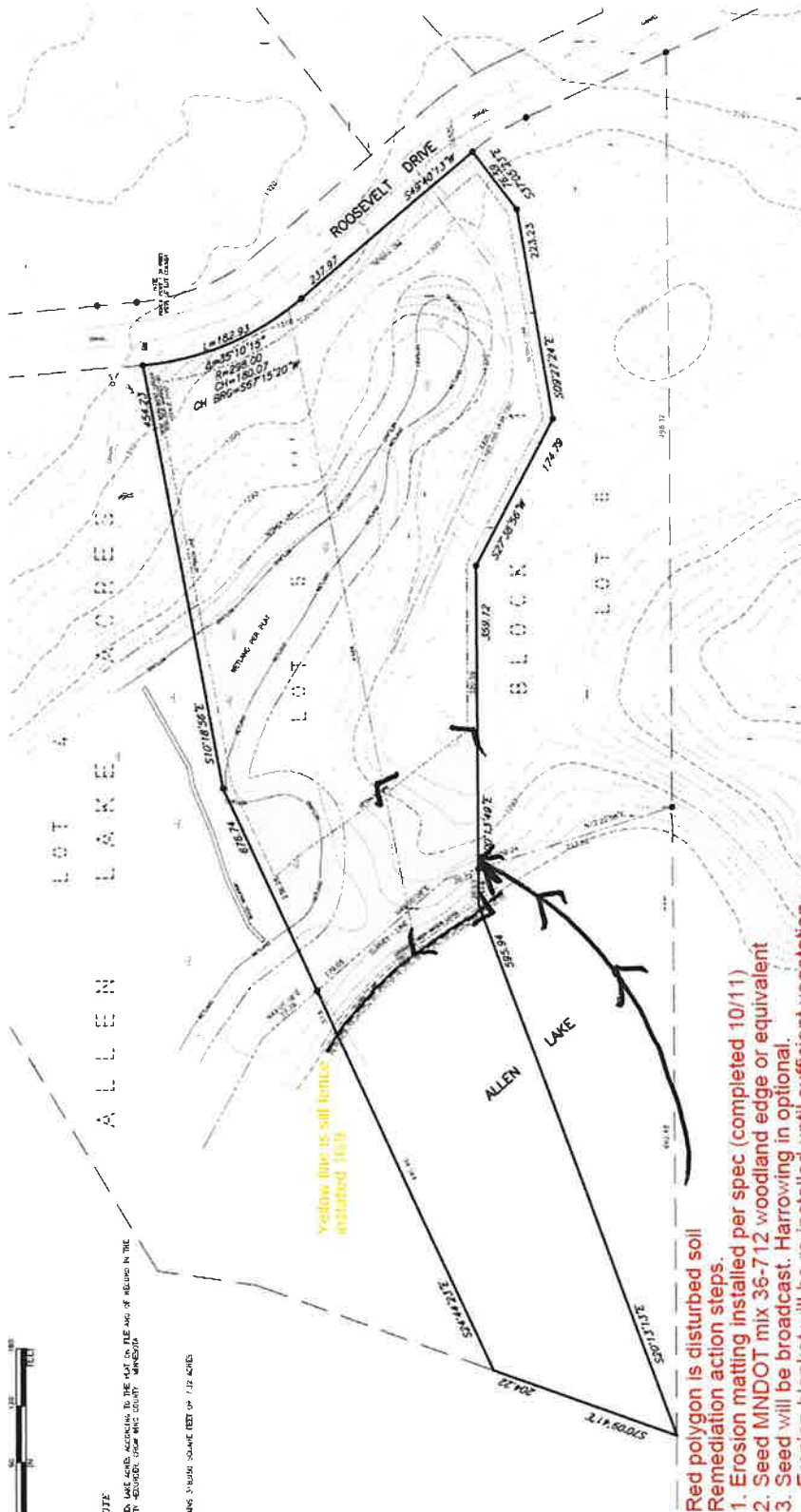


LET A BIRTH RECORD HAVE BEEN ACCORDING TO THE MAT ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY - EXORDIO FROM KING COUNTY MINNESOTA

LET A BIRTH RECORD HAVE BEEN ACCORDING TO THE MAT ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY - EXORDIO FROM KING COUNTY MINNESOTA

THE MIXTURE CONTAINS 3.45% SOLUBLE FIBER OF 1.12 CMES

THE MIXTURE CONTAINS 3.45% SOLUBLE FIBER OF 1.12 CMES



1. Erosion matting installed per spec. (completed 10/11)
2. Seed MNDOT mix 36-712 woodland edge or equivalent
3. Seed will be broadcast. Harrowing in optional.

Erosion blanket will be re-installed until sufficient vegeta
establishment in spring. LEGAL DESCRIPTION:

LOT 5, BLOCK 1, ALLEN LAKE ACRES ACCORDING TO THE PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, GOOD HUNG COUNTY, MINNESOTA

THE HIGHER QUALITY (CONTAINING) 318.950 BUREAU FEET ON 7 M. ADIES

ADDITIONALLY TO THE CHANGING AND ESCALATING WITHIN THE DIVISION
WITHIN THE DIVISION OF THE SURVEILLANCE DIVISION AND THE
SUBDIVISION

HONSA SURVEYING

HONSA SURVEYING

Woodland Edge Central 36-712

Updated: 2023

This woodland edge mix has been designed for central Minnesota in areas with dry to mesic soils and part sun for at least 50% of the day where land is being converted from other uses such as lawn, or agricultural fields like row crops or pasture.



Partners also include collaboration among Non-profits, Seed vendors, SWCD, Tribal Governments, Consultants, County and Cities. (See partners list on [website](#))

36-712 Woodland Edge Central Mix

Code	Common Name	Scientific Name	PLS lb/ac	% by PLS lb/ac	Seeds/ft ²	% by Seeds/ft ²
andger	Big Bluestem	<i>Andropogon gerardii</i>	0.50	1.45%	1.84	3.12%
boucur	Sideoats Grama	<i>Bouteloua curtipendula</i>	1.00	2.91%	2.20	3.75%
brocil	Fringed Brome	<i>Bromus ciliatus</i>	0.50	1.45%	2.02	3.44%
brokal	Prairie Brome	<i>Bromus kalmii</i>	0.86	2.50%	2.53	4.30%
danspi	Poverty Oats	<i>Danthonia spicata</i>	0.10	0.29%	0.92	1.56%
elycan	Canada Wild Rye	<i>Elymus canadensis</i>	0.50	1.45%	0.96	1.62%
elyhys	Bottlebrush Grass	<i>Elymus hystrix</i>	0.50	1.45%	1.40	2.37%
elytra	Slender Wheatgrass	<i>Elymus trachycaulus</i>	0.79	2.30%	2.00	3.41%
elyvil	Silky Wild Rye	<i>Elymus villosus</i>	0.60	1.74%	1.21	2.06%
elyvir	Virginia Wild Rye	<i>Elymus virginicus</i>	1.00	2.91%	1.54	2.62%
schsco	Little Bluestem	<i>Schizachyrium scoparium</i>	0.65	1.89%	3.58	6.09%
sornut	Indiangrass	<i>Sorghastrum nutans</i>	0.50	1.45%	2.20	3.75%
		Grasses Subtotal	7.50	21.80%	22.40	38.10%
achmil	Common Yarrow	<i>Achillea millefolium</i>	0.03	0.09%	1.96	3.34%
agafoe	Anise Hyssop	<i>Agastache foeniculum</i>	0.06	0.17%	1.98	3.37%
amocan	Lead Plant	<i>Amorpha canescens</i>	0.05	0.15%	0.22	0.38%
astcan	Canada Milkvech	<i>Astragalus canadensis</i>	0.25	0.73%	1.56	2.66%
aqucan	Wild Columbine	<i>Aquilegia canadensis</i>	0.04	0.12%	0.56	0.95%
dalcana	White Prairie Clover	<i>Dalea candida</i>	0.06	0.17%	0.42	0.71%
dalpur	Purple Prairie Clover	<i>Dalea purpurea</i>	0.18	0.52%	0.99	1.69%
helhel	Ox-eye Sunflower	<i>Heliopsis helianthoides</i>	0.37	1.08%	0.86	1.46%
lescap	Round-headed Bush Clover	<i>Lespedeza capitata</i>	0.07	0.20%	0.21	0.35%
monfis	Wild Bergamot	<i>Monarda fistulosa</i>	0.07	0.20%	1.80	3.06%
osmcla	Sweet Cicely	<i>Osmorhiza claytonii</i>	0.05	0.15%	0.05	0.08%

rosbla	Smooth Wild Rose	<i>Rosa blanda</i>	0.07	0.20%	0.07	0.11%
rudhir	Black-eyed Susan	<i>Rudbeckia hirta</i>	0.20	0.58%	6.76	11.50%
rudlac	Cutleaf Coneflower	<i>Rudbeckia laciniata</i>	0.06	0.17%	0.31	0.52%
solspe	Showy Goldenrod	<i>Solidago speciosa</i>	0.04	0.12%	1.18	2.00%
symlae	Smooth Blue Aster	<i>Symphyotrichum laeve</i>	0.06	0.17%	1.21	2.06%
symlat	Calico Aster	<i>Symphyotrichum lateriflorum</i>	0.03	0.09%	2.75	4.69%
		<i>Symphyotrichum oolentangiense</i>	0.06	0.17%	1.76	3.00%
zizaur	Golden Alexanders	<i>Zizia aurea</i>	0.15	0.44%	0.61	1.03%
		Forbs Subtotal	1.90	5.52%	25.25	42.96%
		<i>Avena sativa/Triticum aestivum</i>	25.00	72.67%	11.14	18.95%
cover	Oats/Winter Wheat	Cover Crop Subtotal	25.00	72.67%	11.14	18.95%
		Total	34.40	100.00%	58.79	100.00%

36-712 Woodland Edge Central Seed Mix Guidance

(MIX IMAGE)

Seed mix name: 36-712 Woodland Edge Central (previously 36-711)

Geographic area: Chippewa Plains, Pine Moraines & Outwash Plains, and Mille Lacs Uplands subsections. Mn/DOT Districts 2(southeast) & 3A.

Year of development: 2009

Year/s of update: 2021

Status (*Standard or Pilot mix*):

Primary and Secondary Functions:

Primary – Partly shaded grassland planting for native roadsides, reclamation, etc.

Secondary – Carbon sequestration, wildlife habitat, emission reductions, water quality

Similar State Mixes: 36-212, 36-312, 36-412

Compatible NRCS Practice Standards: None

Compatible Minnesota CRP Practices: None

Suitable Site Conditions

Areas with dry to mesic soils and part sun for at least 50% of the day where land is being converted from other uses such as lawn, or agricultural fields like row crops or pasture.

How to Modify for Site Conditions and Goals

Use species substitution and diversity list to adjust as needed for site conditions. Use the [BWSR Seed Mix Substitution Table](#) when species are not available from vendors, or the landowner has alternative goals for the site.

Site Preparation

The primary goal of site preparation is to control weed species and provide ideal growing conditions for native seeds or plants to be installed. Preparation methods vary depending on the current site conditions. For example, sites with introduced perennial grasses require different suppression techniques than sites that have been farmed with row crops. Specific conditions should be considered when selecting site preparation techniques: unique biology of current (unwanted) vegetation, potential desirable and undesirable species in the seed bank, previous pesticide use on site, and potential for soil erosion. Annual cover crops or row crops can be used in preparation for a native planting, as long as they are not grown with persistent pesticides such as neonicotinoids or other long-lasting chemicals that may negatively impact pollinators or desirable vegetation establishment. For

example, following soybean harvest, an un-tilled soybean field provides a good seedbed with potentially little plant residue for planting native prairie mixes. For fields where persistent chemicals have been used (including neonicotinoids or long-lived herbicides) it is recommended to plant a temporary cover crop for one or two seasons to allow the chemicals to break down in the soil. For more details on organic or pesticide-free site preparation techniques, see the Xerces Society guide, [Organic Site Preparation for Wildflower Establishment](#).

Seeding Dates

Forb-dominated pollinator seed mixes can be installed in the spring or fall but fall dormant plantings allow seeds to naturally stratify and settle into the soil through periods of freezing and thawing over the winter. Spring seedings should be done on or around May 1-July 1 when soil temperatures are at least 60 degrees Fahrenheit or higher. Fall seeding should occur when soil temperatures fall below 50 degrees Fahrenheit for a consistent period of time (usually around October 15 in the northern half of the state and November 1 in the southern half of the state). Fall dormant seedings can help reduce weed pressure during the first year of growth because native cool-season grasses and forbs germinate earlier and start competing with weed species right away. Frost seedings are also an option if the snow cover is shallow, ice-free, and winds are calm. For a frost seeding, seeding rates may need to be increased by 25 -50 percent due to lower germination rates and loss of seed that is consumed by wildlife over the winter months.

Seedbed Preparation

Methods that are used to prepare a seedbed can vary depending on the type of seeding equipment to be used. If a traditional native seed drill will be used, a smooth, firm seedbed is required. Soybean fields usually are sufficiently prepared for a native seed drill. Corn fields should be raked and bailed if possible or light tillage should be used to remove leftover corn residue that would prevent sufficient seed to soil contact. Sites that were recently tilled will require additional soil treatment such as field cultivation, harrowing and rolling to prepare a firm seedbed and prevent seed from being buried too deep. Native seeds will have difficulty germinating if they are buried more than ¼" deep. Broadcast seeding can be conducted on soybean or corn fields; fields that have been disked, should be cultipacked or allowed to settle before seeding. Some practitioners have found that broadcast seeding on a smooth surface (not tilled or disked) leads to the establishment of higher diversity. It is important that the soil surface is not too hard packed, so cultipacking or light harrowing of crop fields before broadcast seeding may be needed. Seed can be lost on smooth surfaces, so it is recommended to seed into temporary cover crops or to roll sites after broadcast seeding. BWSR has seedbed preparation guidance based on current site conditions on our website: <https://bwsr.state.mn.us/habitat-establishment-management-resources>

Temporary Cover Crops and Mulch

Short-lived temporary cover crops can help stabilize project sites in preparation for planting native seed mixes. Cover crops such as oats (the most commonly used species) should be mowed to 10-12 inches before seeds mature (or harvested upon maturity) to prevent re-seeding. Other cover crops typically used in agricultural fields, such as buckwheat, winter wheat, sorghum sudangrass, and radishes, can help stabilize soil, build soil health, or provide weed competition as part of restoration projects. Residues from temporary covers should be minimized prior to seeding to increase seed to soil contact.

Seeding Methods

A variety of seeding equipment is used for upland pollinator plantings including broadcast seeders, no-till native seed drills, Brillion seeders and Trillion seeders. Specialized native seed drills can handle a wide variety of seed (fluffy, smooth, large and small) and low seeding rates. Conventional grain drills are not capable of handling diverse seed sizes and will not provide satisfactory results. Broadcast seeding is common for planting pollinator mixes. Broadcast seeding equipment should be used that is designed to spread mixes with different sized seeds

(e.g., Vicon Seeders). NRCS recommends broadcast seeding at a rate of 1.5 times the normal seeding rate and cultipacking after seeding (based on Agronomy Tech Note 31).

Management Methods

Integrated Pest Management – Land managers and seed mix practitioners should utilize [Integrated Pest Management](#) in their efforts to establish and manage plantings. Integrated Pest Management, or IPM, is an environmentally sensitive approach to pest management that relies on the use of a combination of practices (conservation grazing, haying, prescribed burning, etc.) to successfully establish and manage native vegetation while minimizing the use of chemicals and accomplishing goals such as the protection and restoration of pollinators and other beneficial insects. Ultimately, using a variety of practices is the most effective, sustainable, and culturally appropriate way to achieve project goals.

Establishment Mowing – Mowing can be an important step in the establishment of upland prairie restoration sites that have high pressure from annual weeds. Mowing at least twice the first season and once the second season with a flail mower or stalk chopper (to prevent smothering plants) may be needed to decrease competition and to provide sufficient sunlight for seedlings. Haying is another method to remove mowed vegetation that prevents smothering of the new seeding. Mowing should be conducted before weeds mature and seed out and it is important that mowed vegetation does not smother the planting. Problematic weeds should be mowed to between five and eight inches before seed is allowed to set (usually as weeds reach 12-14 inches). Mowing height should be raised as native plants establish. Mowing too short can be detrimental to the outcomes of a successful planting. The timing and frequency of mowing should be planned to allow sufficient light to reach native plant seedlings and to prevent weed seed production. Some grassland managers see success without mowing but the need will vary depending on site conditions (such as soil productivity) and weed pressure.

Prescribed Burning – Prescribed burning is beneficial to remove thatch, control invading woody and invasive plants in prairies, fertilize the soil with ashes, stimulate seed germination and new plant growth, and increase diversity in plantings. Burning is typically initiated after the third or fourth years of establishment, after native vegetation is reaching maturity. Uplands benefit from burning every three to five years. The timing of a burn can help with management goals. Late spring burns are used to combat cool-season non-native species such as brome and reed canary grass. Burning a portion of the property each spring instead of an “all at once” burn will leave undisturbed nesting cover for ground nesting birds. Fall and spring burns should be alternated periodically to simulate natural variation. Burn plans are needed to define the details of how the burn will be conducted, who will be involved and for contingency planning. In many cases, permits are also required. It is recommended to only burn one-half or less of a project site at a time if they are large (over 50 acres), or don’t have any adjacent refuge such as other conservation lands adjacent to the site for wildlife species. Partial burns and burns that are patchy may also benefit pollinator populations if timed correctly (when pollinators are not actively foraging, or pollinators have pupated and are mobile).

Spot Mowing – After vegetation has established it may be beneficial to spot mow areas with invasive or noxious plants. Spot-mowing can slow some of the aggressive and fast-growing invasive plants while allowing the native species to become established. Spot-mowing should be done at a raised height between 4-6 inches in order to target the invasive plants and to not damage the native species. Spot-mowing for control of invasive or noxious weeds can be done every year to ensure planting health, even during 10 establishment years. Care should be taken to avoid mowing the planting too frequently or too aggressively, such as weekly or shorter than the recommended height as this can damage the native vegetation and cause the planting to fail. A list of noxious/invasive weed species that should be eradicated can be viewed at the Minnesota Department of Agriculture’s website.

Spot Management of Weeds – Problematic perennial weeds that cannot be managed effectively with other methods may require digging, pulling, smothering or spot treatment with herbicide for sufficient control. Examples include reed canary grass, smooth brome, quack grass, purple loosestrife, Canada thistle, Kentucky

bluegrass, crown vetch, and birds-foot trefoil. These methods often are not conducted during the first year of establishment due to potential impact to native plant seedlings, but it may be important to control some weeds before they have a chance to spread. If herbicides will be used it is important that monitoring indicates that they are needed, and treatments are made with the goal of removing only the target plant or plants. Herbicides should be selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment. For example, they should only be used when pollinators and other insects are not active (A common approach is to mow or grazing invasive weeds in the summer followed by herbicide application in the fall). Minimize herbicide first year/spot spray year 2. Unless significant problem weeds show up.

What to Expect in Year 1

During the first year of establishment, many native grasses, sedges and flowers will remain about one to three inches tall. Mowing will help to keep agricultural weeds (foxtail, barnyard grass, ragweed etc.) managed so the native plant seedlings receive sufficient water and sunlight. The planting may have a somewhat weedy appearance in the first year (see establishment mowing paragraph above).

(IMAGE)

What to Expect in Year 2

During year two, some of the native grasses, sedges and flowers may reach their mature height and some of them may even flower. Depending on when the seeding was conducted (spring or dormant), there might also be many first-year native seedlings germinating alongside native plants that established the year prior. Mowing may still play a key role in managing weeds and allowing seedlings to grow.

(IMAGE)

What to Expect in Year 3 and Beyond

By the end of year three many of the native plants will be mature and should start flowering. There may be some species that are slow to establish and may not show up for several years.

Problem Solving

Poor Establishment After Year 1 – It is often difficult to determine if a seeding is successful during the first year as establishment may vary depending on weather conditions and some species may be slow to establish. It is typically best to wait until the second year to conduct any corrective actions. Look for species such as Black-Eyed Susan flowering in year 1 for confirmation the seeding was a success.

Poor Establishment After Year 2 – If native plant seedlings are not establishing about every one to two feet it may be necessary to inter-seed some species into the planting. If this is a concern it is recommended to inspect the site during the growing season to recommend what species could be supplemented.

High Annual and Biennial Weed Competition – Typically, annual and biennial weed competition is not a big problem in prairie plantings as they are short lived and as long as mowing is conducted before seed is set, they should not add additional seed into the planting.

High Perennial Weed Competition – Dense establishment of perennial species can be a problem as it can prevent the establishment of forbs. Prescribed burning, prescribed grazing, and/or herbicide application may be needed to manage perennial weeds.

Low Forb Diversity After Year 3 – If grasses and sedges are establishing successfully but there is a lack of forbs it is recommended to conduct inter-seeding of additional forbs in late fall or after a prescribed fire in spring or fall. See the [Xerces Society guide](#) for additional information about inter-seeding wildflowers.

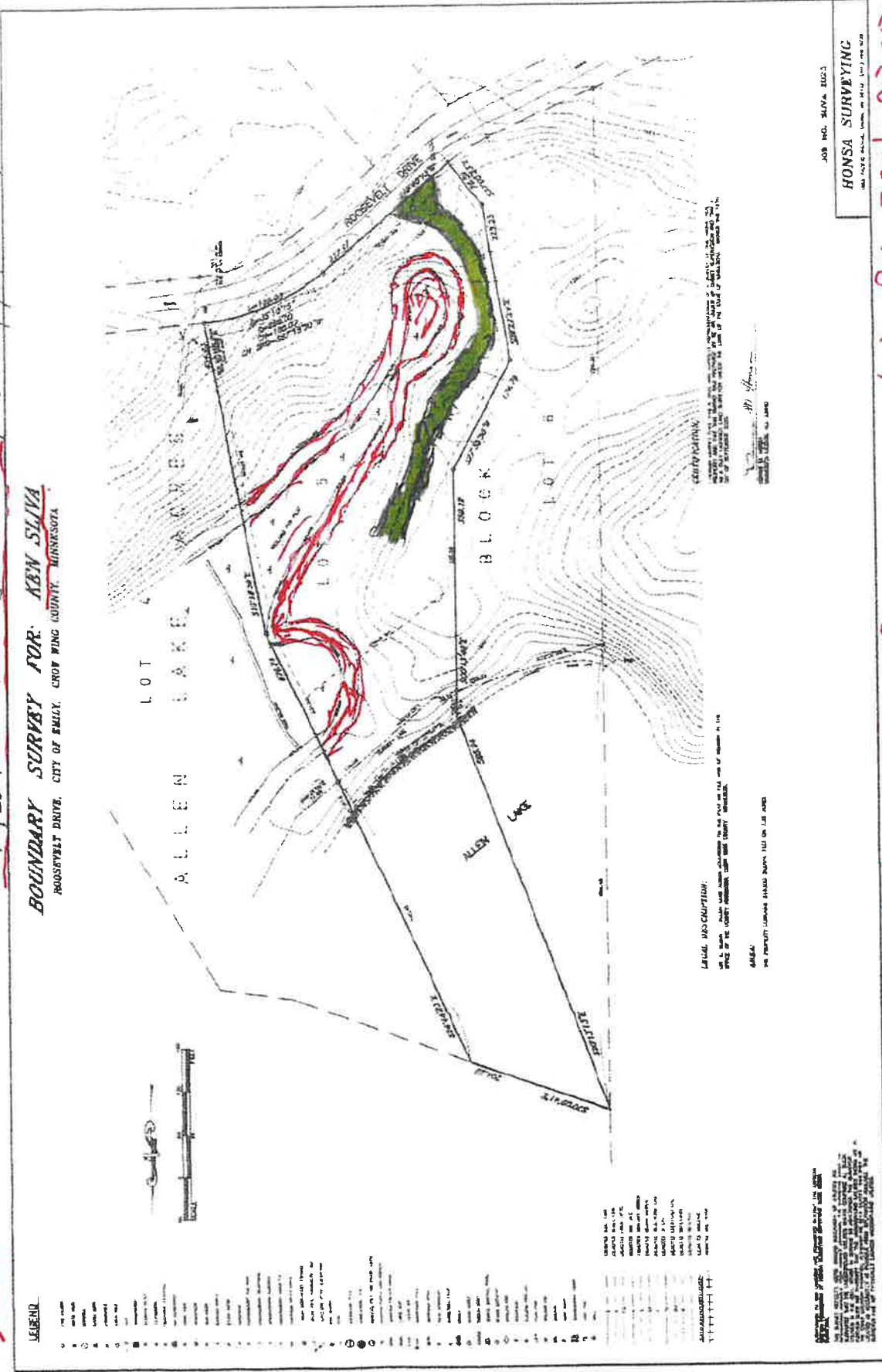
(Approved)

GRADE IS AT 4.6%
FROM TOP OF ROOSEVELT RD.
TO CHWL

WETLAND AREA
PROPOSED DRIVEWAY

44275 ROOSEVELT ROAD, EMILY, MN.

BOUNDARY SURVEY FOR: KEN SILVA
ROOSEVELT DRIVE, CITY OF EMILY, CROOK COUNTY, MINNESOTA



LEGEND

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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JOB NO. 2474, 2010
HONSA SURVEYING
1000 1/2 S. 10TH AVE. SUITE 100, MINNEAPOLIS, MN 55410

NONE OF WETLAND DESCRIBED AREA WILL BE DISTURBED

Agenda Item: Consideration of Planning Commission Recommendation Regarding Lack of Action on Violation Letter – Dahlke Property

Background:

A violation letter was previously issued to Mr. Dahlke regarding Shoreland repairs that needed to be completed because of the removal of a collapsed boathouse (the DNR required the removal of the structure). Two violation letters have been sent, as well as several phone conversations and one in office conversation with the property owner. To date, no action has been taken.

A third letter was sent letting them know this would be on the November 3rd Planning Commission meeting for recommendation of additional action. (copy attached)

Requested Action:

The Planning Commission is asked to consider the matter and determine whether to recommend further enforcement action or referral to the City Council for consideration.

Possible Motions:

1. *Motion to recommend that the City Council take enforcement action regarding the unresolved violation by Mr. Dahlke.*
2. *Motion to take no further action at this time.*
3. *Motion to table the matter pending additional information or staff follow-up.*

2025 Permits--Emily Planning and Zoning

<u>NUMBER</u>	<u>Recd</u>	<u>Appvrd</u>	<u>RE CODE</u>	<u>LAST</u>	<u>FIRST</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>DESCRIPTION</u>	<u>FEE</u>	<u>DISTRICT</u>	<u>Project Completed Y/N</u>
25-01	12/27/2024	2/4/2025	21260571	Ronayne	Brian	40107 E Emily Dr	SSTS	After-the-Fact Permit for Septic Installation	\$260.00- ATF Permit fee per city council 5X	SR	Yes-GK 12-16-2024
25-02	1/13/2025	2/4/2025	21250540	Wes Hanson Builders	Jason Quilling	22984 S Shore Dr	Land Use	Construct New Dwelling-2,719 SqFt	\$550.00 SR	SR	
25-03	1/13/2025	2/4/2025	21250540	Wes Hanson Builders	Jason Quilling	22984 S Shore Dr	SSTS	Install New Septic-Winter Agreement	\$260.00 SR	SR	Yes-GK 9/24/2025
25-04	1/13/2025	1/14/2025	21260550	Frodesen	Fred	21843 Whitetail Dr	Camper Permit	Annual Camper Permit	\$25.00 NR	NR	NA
25-05	2/10/2025	2/10/2025	21260571	Ronayne	Brian	40107 E Emily Dr	Camper Permit	Annual Camper Permit	\$25.00 SR	SR	NA
25-06	2/5/2025	2/18/2025	21270501	Emily Food Shelf		20948 County Rd 1	Land Use	Enclose drive through for cold storage and install new sign	NA-waived by city council	DMU	YES-SF/SJ 5/13/2025
25-07	2/24/2025	2/25/2025	21170535	Doberstein	Timothy	19227 Blue Lane E	Land Use	Construct a new 18'X24' (432 SqFt) Accessory Structure	\$150.00 NE	NE	
25-08	3/19/2025	3/19/2025	21020500	Cass County Construction	Dan Hardel	91 S Lake Lawrence Rd NE	SSTS	Septic Upgrade to Drainfield. Mound system Type 1, 450 GPD, Existing 2250- 2 compartment tank	\$250.00 SR	SR	Yes 5/25/2025 GK
25-09	4/1/2025	4/8/2025	21220569	Radzevicius	Stanley	41756 State Highway 6	Land Use Permit	Land Use Permit for Accessory Structure. Replacing existing garage with smaller new garage 30'X24' (720 SqFt)	\$250.00 SR	SR	Yes 9/2/2025
25-10	4/3/2025	4/8/2025	21330618	Hagemann	Mark	20203 County Road 1	Land Use Permit	Install a 4 foot high metal cattle fence	\$60.00 NR	NR	
25-11	4/14/2025	4/15/2025	21080530	Somers	Robert	19411 Blue Lake Road	Land Use Permit	Construct a 36'X56' (2,016 SqFt) Accessory Structure	\$400.00 SR	SR	
<u>NUMBER</u>	<u>Recd</u>	<u>Appvrd</u>	<u>RE CODE</u>	<u>LAST</u>	<u>FIRST</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>DESCRIPTION</u>	<u>FEE</u>	<u>DISTRICT</u>	<u>Project Completed Y/N</u>

25-12	4/24/2025	4/29/2025	21170616	Hughes	Faye	18914 Usherwood Lane	Land Use Permit	Construct a 2nd story addition (58' X 36') to existing lower level of dwelling. Construct a 28'X36' Detached garage. Construct a 10'X30' Addition to existing barn. Construct 2 decks (30'X4' & 10'X10')	\$400.00	NR	
25-13	4/29/2025	4/29/2025	21330536	Resch	Diane	39563 Trout Ave	Land Use Permit	Construct an addition to existing dwelling 3' X 3.5' (10.5 SqFt)	\$75.00	SR	
25-14	4/29/2025	4/29/2025	21040514	Mann	Joe	44513 Roosevelt Dr	Land Use Permit	Annual Camper Permit	\$25.00	NR	
25-15	4/29/2025	4/29/2025	21040514	Mann	Joe	44513 Roosevelt Dr	Land Use Permit	Accessory Structure 12'X16' (192 SqFt)	\$75.00	NR	
25-16	5/5/2025	5/6/2025	21270656	Emily Wesleyan Church	Paster Jason Gressman	40141 State HWY 6	Outdoor Market Permit	Outdoor Market	\$75.00	DMU	
NUMBER	Recd	Apprvd	RE CODE	LAST	FIRST	ADDRESS	TYPE	DESCRIPTION	FEE	DISTRICT	Project Completed Y/N
25-17	05/05/25	5/6/2025	21190585	Plummer	John & Cindie	18426 Jermark Rd	Land Use Permit	New Dwelling 28'X56' (1,652 SqFt) with attached 16'X6' Deck	\$550.00	FR	
25-18	5/12/2025	5/13/2025	21190585	Plummer	John & Cindie	18426 Jermark Rd	SSTS Permit	Install a New Type 1 Trench/Pressure Bed System; 1,500 Gallon Tank	\$260.00	FR	
25-19	5/12/2025	5/13/2025	21170524	Joslin	Jim	43133 Minnie Lake Dr	Land Use Permit	Construct a 20'X32' (640 SqFt) Accessory Structure	\$250.00	SR	
25-20	5/12/2025	5/13/2025	21340892	Stepien/Schultz	Michele & Randy	21193 3rd St.	Land Use Permit	Install a 48" Chain Link Fence	\$60.00	SR	Yes 7/9/2025
25-21	5/13/2025	5/13/2025	21180501	Benson	Mark	17788 Jermark Rd	Land Use Permit	Construct a 40'X72' (2,880 SqFt) accessory structure Pole Shed	\$400.00	NR	
25-22	5/16/2025	5/20/2025	21340845	Kading Enterprises		21351 County Rd 1	Land Use Permit- Trailer	Temporary Trailer Permit up to 30 days	\$60.00	DMU	
25-23	5/20/2025	5/20/2025	21250522	Larsen	David & Ann	23310 S Shore Dr	Land Use Permit	Construct a 12'X16' (192 SqFt) Addition to Existing Dwelling	\$75.00	NR	
25-24	5/22/2025	5/27/2025	21260623	Cass County Construction	Chris Isrealson	40972 Yellow Birch Ln	SSTS Permit	Install a Trench Seepage Bed Design System Type 1; 450 GPD; 2250 Gallon 2 Compartment Tank	\$260.00	SR	Yes 7/21/2025 GK

25-25	5/28/2025	6/3/2025	21270689	Redding	Pat	20996 County Rd 1	Land Use Permit	Construct a 20'X12' (240 SqFt) Accessory Structure	\$150.00	DMU	
25-26	6/3/2025	6/3/2025	21030518	Hall	Rodney	21428 Evening Star Lane	SSTS	Install a Type 1 Pressure Bed/Trench Septic Design, 600 GPD, 1,500 Gallon Tank	\$260.00	RP	Yes 6/16/25 GK
25-27	6/3/2025	6/3/2025	21030518	Hall	Rodney	21428 Evening Star Lane	Camper Permit	Annual Camper Permit	\$25.00	RP	
25-28	6/3/2025	6/3/2025	21030518	Hall	Rodney	21428 Evening Star Lane	Land Use Permit	Construct a New Dwelling with Attached Garage (3,152 SqFt)	\$550.00	RP	
NUMBER	Recd	Appvrd	RE CODE	LAST	FIRST	ADDRESS	TYPE	DESCRIPTION	FEE	DISTRICT	Project Completed Y/N
25-29	6/16/2025	6/16/2025	21280505	Rode Inn LLC	Pam Roden	40025 Evergreen Dr	Land Use Permit	Annual Camper Permit	\$25.00	NR	Yes
25-30	6/17/2025	6/17/2025	21260511	Ring	Michael	22046 Shadow Point	Land Use Permit	Construct a 40'X60' Pole Shed and allow for 2 storage sheds & Garden Pavilion	\$400.00	NR	
25-31	6/23/2025	6/24/2025	21060572	Oihus	James	18048 Wood Lake Blvd	Land Use Permit	Construct a 24'X40' (960 SqFt) Addition to existing house	\$250.00	SR	
25-32	6/23/2025	6/24/2025	21260571	Ronayne	Brian & Lori	40107 E Emily Dr	Land Use Permit	Construct a 30'X40' (1,200 SqFt) Accessory Structure	\$250.00	SR	
25-33	6/24/2025	6/24/2025	21170587	Case	Denise	42945 Blue Lane W	Land Use Permit	Construct a 26'X28' (728 SqFt) Accessory Structure	\$250.00	NR	
25-34	6/30/2025	7/1/2025	21330553	Erickson	Ryan	20342 Dahler Ave	Land Uses Permit	Construct patio & stairs to lake	\$210.00	SR	
25-35	7/2/2025	7/8/2025	21040564	McCutcheon/Joe Mann	Laura	XXXX Roosevelt Drive	Land Use Permit	Construct path to lake	\$75.00	SR	
25-36	7/9/2025	7/16/2025	21250507	ABRA Landscaping	Tim Phenow	23642 S Shore Dr	Land Use Permit	Rip Rap on shoreline; Patio	\$75.00	SR	
25-37	7/11/2025	7/16/2025	21060605	Doerr	Todd	18283 Wood Lake Blvd	Land Use Permit	Home Addition	\$250.00	NR	
25-38	7/15/2025	7/22/2025	21030557	Schmidt	Warren	44906 S Smokey Hollow Rd	Land Use Permit	Home Addition	\$75.00	SR	
25-39	7/22/2025	7/22/2025	21090587	Gallagher	Paul & Carolyn	20484 Clearwater Dr	Land Use Permit	Grade & Fill Landscaping	\$100.00	SR	
25-40	7/22/2025	8/18/2025	21060517	Rygwaliski	Michael	18722 Wood Lake Blvd	Land Use Permit	Construct a 12'X12' (144 SqFt) Accessory Structure	\$75.00	SR	

25-41	7/28/2025	7/29/2025	21260607	Swanson	Tod	22820 S Shore Drive	Land Use Permit	Construct a 36'X56 (2,016 SqFt) Accessory Structure	\$400.00	SR	Yes 10/10/2025
25-42	7/28/2025	9/23/2025	21060502	Sundstrom	Kari & Eava	44865 Preserve Pt	Land Use Permit	Construct 29'X10' (290 SqFt) & 20'X5' (100 SqFt) Deck with stairs	\$210.00	SR	
25-43	7/23/2025	7/29/2025	21260552	Frodesen	Fred	40463 Bemis Ct	Land Use Permit	Construct 14'X18' (252 SqFt) Deck	\$150.00	NR	Yes 8/4/2024
25-44	7/28/2025	7/29/2025	21170564	Field	Jim	19478 Blue Ln E	Land Use Permit	Grade & Fill Landscaping and 12X8 Shed	\$175.00	SR	
NUMBER	Recd	Appvrd	RE CODE	LAST	FIRST	ADDRESS	TYPE	DESCRIPTION	FEE	DISTRICT	Project Completed Y/N
25-45	7/29/2025	7/29/2025	21270615	Petersen	Susan	40203 Bloomquist Dr	Land Use Permit	Construct a 12' X 36' (432 SqFt) Accessory Structure	\$150.00	DMU	
25-46	7/29/2025	7/29/2025	21170597	Ahlstrom	Al & Cheryl	19745 Blue Lane E	Land Use Permit	Construct a 12' X 16' (192 SqFt) Accessory Structure	\$75.00	SR	
25-47	8/4/2025	NA- Withdrawn	21040541	Werley	Scott	20741 Levitt Lane	Land Use Permit	Construct a 20'X20' (400-SqFt) Dwelling-Addition	\$150.00	SR	Withdrawn by property owner
25-48	8/4/2025	8/5/2025	21270708	Pringle	Thomas	21279 County Rd 1	Land Use Permit	Construct a 10'X12 (120 SqFt) Dwelling Addition	\$75.00	NR	
25-49	8/4/2025	Withdrawn	21270723	Jason Puhl- Contracting	Pat Beguecki	21492 Pinewood Lane	Land Use Permit	Construct a 6' Lean-to on existing Garage	\$75.00	NR	Contractor withdrew permit- due to lack of setbacks
25-50	8/6/2025	8/13/2025	21330525	Werth	Benjamin	39664 W Trout Ave	SSTS Permit	Install a Type 1 Mound Septic Design, 450 GPD, 1,651 Gallon tank	\$260.00	SR	
25-51	8/7/2025	8/12/2025	21330525	Werth	Benjamin	39664 W Trout Ave	Land Use Permit	Construct a 36'X60' (2,160 SqFt) Accessory Structure	\$400.00	SR	
25-52	8/11/2025	8/26/2025	21250566	Roerick	Kristal	23651 N Shore Drive	Land Use Permit	Construct a 18'X36' (1,237 SqFt) dwelling Addition	\$250.00	SR	
25-53	8/11/2025	8/12/2025	21170609	Lunzer	Tom	19518 Anna Drive	Land Use Permit	Construct a 8'X16' (128 SqFt) dwelling addition	\$75.00	SR	
25-54	8/11/2025	8/12/2025	21170609	Lunzer	Tom	19518 Anna Drive	SSTS Permit	Install a Type 1 Mound Septic Design, GPD, 1,500 Gallon tank	\$260.00	SR	

25-55	8/18/2025	8/19/2025	21190549	Plummer	Richard	18353 Jermark Rd	Land Use Permit	Construct a 8'X8' (264 SqFt) Accessory Structure	\$150.00	SR	
25-56	8/20/2025	8/26/2025	21030576	Classic Renovation- Jerry Anderson	Outing LLC Bonnerup Trust	44413 Quinn	Land Use Permit	Construct a 6'X24' (144 SqFt) addition to existing accessory structure	\$75.00	NR	
25-57	8/20/2025	8/26/2025	21230516	Eno	Michael	41286 Yellow Birch Ln	Land Use Permit	Construct a 26'X32' (832 SqFt) Accessory Structure	\$250.00	NR	
25-58	8/26/2025	8/26/2025	21340896	St. Emily Catholic Church	Bill Spiess	39922 Lake Street	Land Use Permit	Install a 6'4"X4 electric sign	\$60.00	DMU	
25-59	8/26/2025	9/2/2025	21220566	Oehrlein	John	41264 State HWY 6	SSTS Permit	Install a 1,500 Gallon Holding Tank	\$260.00	HWU	Yes 9-15-2025 GK
25-60	8/26/2025	9/2/2025	21220566	Oehrlein	John	41264 State HWY 6	Land Use Permit	Construct a new 32'X32'(640 SqFt) Dwelling	\$250.00	HMU	
25-61	9/8/2025	9/16/2025	21250554	Laurel Leaf Landscapping	Peg Tembreull	23289 North Shore Drive	Land Use Permit	Replace Existing Steps to lake. Install a 200 SwFt Paver Patio area.	\$160.00	SR	
25-62	9/9/2025	9/16/2025	21320504	Haugen	Jeffery & Lynette	39898 Par West Drive	Land Use Permit	Construct a 30'X75' (2,250 SqFt) Dwelling w/attached garage on main lot	\$550.00	NR	New Permit issued for construction. (Permit #22-58 expired 8/23/2025 after 2 extensions issued)
25-63	9/9/2025	9/16/2025	21300526	Hansen	Matthew & Gene	40527 Bufferfield Beach Rd	Land Use Permit	Construct a 40'X60' (2,400 SqFt) Accessory Structure	\$400.00	SR	
25-64	9/23/2025	9/25/2025	21030505	Blackwell	Tim	21310 Evening Star Lane	Land Use Permit	construct a 24'X36' (864 SqFt) Accessory Structure	\$250.00	RP	
25-65	9/29/2025	10/13/2025	21260523	Chuba	Rodney	40460 E Emily Dr	Land Use Permit	Construct a 40'X72' (2,880 SqFt) accessory stucture Pole Shed	\$400.00	NR	
25-66	10/8/2025	10/8/2025	21270676 & 21270606	Diners Chicken Shack	Heather Mittyng	40124 State Highway 6	Land Use Permit	Sign Permit-Replace existing sign with new cement pad 68"X18" and 5.5 Feet Tall	\$60.00	DMU	
25-67	10/9/2025	10/21/2025	21030594	Joshua Nolasco	Todd Marshall	44689 Old HWY 6	Land Use Permit	Solar Panels	\$75.00	SR	

<u>NUMBER</u>	<u>Recd</u>	<u>Appvrd</u>	<u>RE CODE</u>	<u>LAST</u>	<u>FIRST</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>DESCRIPTION</u>	<u>FEE</u>	<u>DISTRICT</u>	<u>Project Completed Y/N</u>
25-68	10/6/2025	10/21/2025	21040514	Mann	Joe	44513 Roosevelt Dr	Land Use Permit	New Dwelling 24'X40' (960 qFt) Modular Home	1250.00 After the Fact	NR	Holding Permit for payment
25-69	10/21/2025	10/21/2025	21260537	Hohlen	Scott & Tracy	22335 Shadow Point	SSTS Permit	Install a Type 1 Pressure Bed/Trench Septic Design, 750 GPD, 1,500 Gallon tank	\$260.00 SR		
25-70	10/21/2025	10/21/2025	21260537	Hohlen	Scott & Tracy	22335 Shadow Point	Land Use Permit	Construct a 32X48 Dwelling with 16'X14' Porch (Total SQFt 2752) AND 30'X54' (1,620 SqFt) Accessory Sturcture	\$950.00 SR		
25-71	10/21/2025	10/28/2025	21040601	Classic Renovation- Jerry Anderson	Linda Van Straaten	44794 Roosevelt Lane	Land Use Permit	Construct a Dwelling Addition-Entry Way 12X6, Deck 12X12, and 2 walkways 5x12 & 4x20.	\$150.00 SR		