

LYNDEN TOWNSHIP
STEARNS COUNTY
PUBLIC HEARING – CONDITIONAL USE PERMIT
TAILS OF GOLD, VALORIE MUGGLI (now LABEAU)
January 25, 2016

Those present were Township Attorney Michael Couri, Supervisors Anne Ackerman, Jerry Finch and Dave Johnson, and Clerk Jenny Schmidt. Also present were Planning Commission Members Gary Stang, Jeff Westrum, Todd Voigt and James Kantor. Stang opened the meeting at 7:00 p.m. and opened the public hearing. Kantor made a motion to nominate Gary Stang to lead tonight's meeting in Brian Nickalauson's absence, seconded by Westrum, all in favor, motion passed. This meeting is a Joint Public hearing of the Town Board and the Township Planning Commission.

The purpose of the hearing is to consider the revocation of a Conditional Use Permit (CUP) issued to Valorie Muggli (now Valorie Labeau) and Tails of Gold Kennels in September, 2007 for the operation of a commercial kennel at 16855 County Road 44, South Haven, Minnesota. The Board is operating under Stearns County Zoning Ordinance Section 4.8.8 (as adopted by the Township). Under the County's Ordinance, the CUP Holder must be given 30 days notice of the alleged violation and an opportunity to correct the violation. That notice was sent to the owner (Valorie Labeau) on December 16, 2015. An inspection of the kennel by the Building Inspector and Town Attorney was performed on January 19, 2016. The Town Board has received information from the Stearns County Sheriff's Office that LaBeau may be in violation of the conditions of the CUP and/or in violation of Township Land Use and Zoning Ordinance Number 7 for the following reasons:

1. Boarding in excess of 30 puppies.
2. Boarding in excess of 8 breeding female adult dogs.
3. Boarding in excess of 45 dogs.
4. Stock piling of dog waste.
5. Not properly disposing of dog waste.
6. Primary enclosure surfaces are not made of a material that can be cleaned and sanitized.
7. Secondary kennel surfaces are not maintained according to an approved waste management and drainage plan.
8. The kennel is not properly registered as a kennel with the State.
9. The mobile home on the site has been used as a primary and secondary enclosure for the dogs.

Township witness: Deputy Eric Schultz. Michael R Moline, Attorney for LaBeau, stipulates that the pictures taken of the premises on November 6, 2015 are a true and accurate depiction of the Kennel on that date.

Township witness: Township Building Inspector Nancy Scott. Scott conducted an inspection on January 19, 2016 and produced a report indicating the inspection failed. See report for full details.

At 7:47 p.m. Stang opened the meeting for public comment. Public speakers included:

- Julie Janski – 16918 County Road 44, Clearwater
- Ken Lorenz – 1221 16th Str S, St Cloud
- Kyle Green – 424 N Sibley Ave, Litchfield
- Dan Torgerson – 18421 Eaglewood Road, Clearwater
- Libbey LaBeau – 1400 Gottens Way, St Cloud
- Elliot LaBeau – 592 River Str, Paynesville
- Emily Lorenz – 1221 16th Str S, St Cloud
- William Wagner – 328 16th Ave N, St Cloud
- Alicia LaBeau – 592 Business 23 W, Paynesville
- JimDerosa – 20793 Edgedale Court
- Julie Gerdes – 18874 Nowthen Blvd, Anoka
- Diane Sterling – 13525 Grover Ave NW
- David Fogel – 641 8th Str

Four letters were received but only three were read by Clerk Schmidt as one was anonymous.

Kantor made a motion to close the public comment portion of the hearing, other than to allow LaBeau and her Attorney Moline to present their case, seconded by Westrum, all in favor, motion passed at 9:05 p.m.

Moline presented binders of awards, certificates and accomplishments that LaBeau has at the report done by Gene Boysen, the Vet that was on site on November 6, 2015. Boysen gives a good report regarding the health of the dogs. They will respond to two (2) allegations tonight: 1) surfaces that are not impervious and 2) the use of the trailer to house the animals. They have taken action to correct the flooring situation and invite Scott to review the corrective actions. As to the issue of using the trailer to house the dogs, they admit that it fits the definition of a manufactured home but the building has changed and it is now an agricultural building. There is no longer a Certificate of Occupancy, the title has been surrendered and it would no longer be used for human habitation.

Ackerman questioned how the number of animals is monitored. How did the number of dogs get so high? Moline explained there was a change in staff and that this was 1 singular incident. Johnson questioned a statement made by LaBeau (page #8 of Deputy Schultz report) in regards to having a kennel license through the Township, which allowed for 15 dogs. Moline indicated the difference between dogs and puppies. Ackerman raised the question of un-announced visits. Couri indicated the Town Board is the only one who can change a CUP. Moline suggests negotiations take place within 30 days which could include un-announced visits. They also have no objections to continuing today's hearing.

Stang made a motion to close the public hearing at 10:20 p.m., seconded by Kantor, all in favor, motion passed. Stang made a motion to continue today's hearing to February 3, 2016 at 6:00 p.m., seconded by Westrum, all in favor, motion passed.

Ackerman made a motion to adjourn the meeting, seconded by Finch, all in favor, motion passed. Meeting adjourned at 10:33 p.m.

Respectfully submitted,

Jenny Schmidt, Clerk

Anne Ackerman, Chair

James Kantor, Planning Commission