

**LYNDEN TOWNSHIP
COUNTY OF STEARNS
STATE OF MINNESOTA**

RESOLUTION NO. 2016-5

**RESOLUTION REVOKING CONDITIONAL USE PERMIT ISSUED TO
VALORIE MUGGLI FOR OPERATION OF A COMMERCIAL KENNEL**

WHEREAS, the Town Board has previously issued a Conditional Use Permit on September 12, 2007 (“CUP”) to Valorie Muggli (now Valorie LaBeau, and hereafter referred to as “LaBeau”) for the operation of a commercial kennel at 16855 County Road 44, South Haven, Minnesota (“Kennel”); and

WHEREAS, LaBeau operates Tails of Gold, a commercial dog breeding operation which breeds and sells golden retrievers at the Kennel; and

WHEREAS, 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.

WHEREAS, the information received from the Sheriff’s Office indicated the following conditions existed at the Kennel on November 6, 2015:

1. 23 adult dogs were on site.
2. 47 puppies under six months in age were on site.
3. Dog waste was stockpiled in various locations.
4. Dog waste was not properly disposed of.
5. Many primary enclosure surfaces were not made of a material that could be cleaned and sanitized.

6. Secondary kennel surfaces were not maintained according to an approved waste management and drainage plan.
7. The mobile home on the site was being used as a primary enclosure for the dogs.

WHEREAS, on December 16, 2015 the Township sent LaBeau written notice regarding alleged violations of the terms of the CUP based on the information received from the Sheriff's office and providing LaBeau with 30 days to remedy such alleged violations; and

WHEREAS, the Township has provided LaBeau with all of the information that the Township believes supports the alleged violations of the terms of the CUP; and

WHEREAS, the Township's building inspector inspected the Kennel on January 19, 2016 and issued a report and completed the Township's Kennel checklist; and

WHEREAS, the Township's building inspector has found the following conditions at the Kennel on January 19, 2016:

1. 16 adult dogs were on site of which 8 were breeding females.
2. 18 puppies under six months in age were on site.
3. There were a total of 34 dogs on site.
4. Dog waste was being disposed of in plastic bags and placed within a dumpster.
5. There was no evidence of dog waste stockpiled on site.
6. Several of the areas where dogs were primarily kept were not impervious, allowing for the infiltration of liquid into such surfaces.
7. Exterior pen areas appeared relatively clean and did not have large amounts of dog waste present.
8. Water dishes were freezing at the edges in the primary area in the detached garage.
9. The upper level of the home had a very strong odor of excrement/urine.
10. The mobile home on the site was being used to house 3 adult dogs and 9 puppies.

WHEREAS, the CUP requires:

- Condition #5—That all primary enclosure surfaces can be cleaned and sanitized and secondary kennel surfaces must be maintained according to an approved waste management and drainage plan for the site.
- Condition #11—That the mobile home may not be used as a primary or secondary enclosure.

WHEREAS, the Township has duly noticed and held a public hearing to consider the revocation of the CUP issued to LaBeau; and

WHEREAS, LaBeau has been given an opportunity to rebut the findings of the Township's building inspector and to present evidence to the Lynden Town Board regarding the Kennel operation in relation to the conditions of the CUP;

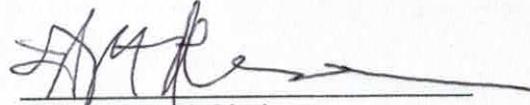
NOW, THEREFORE, based upon the information presented to the Lynden Town Board related to the LaBeau Kennel, the Town Board makes the following findings of fact:

1. A primary enclosure is any structure or device used to restrict a dog to a limited amount of space, such as a room, pen, run, cage or kennel, and is so defined in Section 6.31.1.G of the Township's Ordinance No. 7.
2. LaBeau is currently using the mobile home as a primary enclosure for the dogs in violation of condition #11 of the CUP.
3. The surfaces in the mobile home and in the upstairs of the main residence, both of which are primary enclosures, cannot practically be cleaned and sanitized as urine from the animals is able to seep into the cracks between the wood laminate flooring boards in the main residence and is able to seep between the wall and vinyl flooring in the mobile home, preventing effective sanitization of these areas. The strong excrement/urine odor in the upper level of the home clearly indicates the inability to properly sanitize this primary enclosure.
4. The existence of the "dog door" in the mobile home that allows adult dogs and puppies to freely pass from the mobile home to the outdoor enclosure at will has effectively made the outdoor fenced area adjacent to the mobile home a primary enclosure, as evidenced in part by the photos showing in excess of 20 puppies sleeping on the bare ground outside between the stairs to the wooden deck and the mobile home. The grime on the mobile home where the puppies are pictured sleeping indicates that this area is routinely and repeatedly used by the puppies as a sleeping/congregating area.
5. The deck adjoining the mobile home is constructed of wood, which cannot be properly sanitized.
6. The fenced grounds adjoining the mobile home consist of grass, dirt, rocks and snow, which cannot be properly sanitized.
7. Using primary enclosures with surfaces that cannot be properly cleaned and sanitized is a violation of condition #5 of the CUP.
8. The inability to properly sanitize primary enclosure areas is a potential threat for the spread of disease among the dogs.

NOW, THEREFORE, based upon the findings set forth above, and based upon all of the files relating to the Kennel, the Lynden Town Board hereby:

1. Revokes the CUP issued to Valorie Muggli on September 12, 2007.
2. Directs the Town Attorney and one Town Board Member to work with LaBeau to develop and implement a plan that will allow the dogs on the premises to be properly placed in homes in an expeditious and orderly fashion. That plan shall be submitted to the Town Clerk within 30 days of the date of this resolution.

The foregoing resolution was duly adopted the 29th day of February, 2016 by the Lynden Town Board.


Town Board Chair

ATTEST:


Town Clerk

