

LYNDEN TOWNSHIP
STEARNS COUNTY
CONTINUATION OF PUBLIC HEARING – CONDITIONAL USE PERMIT (CUP)
TAILS OF GOLD, VALORIE MUGGLI (now LABEAU)
February 3, 2016

Those present were Township Attorney Michael Couri, Planning Commission Members Brian Nickolauson, Gary Stang, Jeff Westrum, Todd Voigt, Greg Halvorson and James Kantor. Nickolauson opened the meeting at 6:00 p.m.

Township Attorney Mike Couri confirmed with the Planning Commission members that they have received the report of Nancy Scott, Lynden Township Building Official dated January 27, 2016. The Planning Commission agenda tonight is to determine whether they are going to recommend to the Town Board: 1) revocation of the CUP, 2) finding of no violation of the CUP, or 3) amend the CUP.

Labeau's attorney Michael Moline responds that the Planning Commission can also recommend that negotiations take place that would meet the needs of the township, maintain safety and allow Ms. Labeau to continue her livelihood. He indicates the report is inaccurate as to the Statute that applies here and suggests the applicable Statute is: MN Statute 297A.01s13, 297A.25s9 and Rule 8130.5500. He contends the Planning Commission is not legally required to find a violation as there are no health or safety issues for the dogs and that the mobile home in question is grandfathered in and could be reclassified as an out-building.

Nickolauson relinquished the Chair position to Gary Stang because he was not present at the January 25, 2016 public hearing.

Westrum inquires of Couri regarding the Statutes. Couri indicates the status of the mobile home or how it is classified is not relevant.

Chair Stang inquires of the Commission as to whether they agree there is a violation of the CUP, specifically in regards to the use of the mobile home: 6 members agree.

Planning Commission members discussed the previous testimony and submitted documents, including the proposed resolution to recommend revocation of the CUP.

Westrum made a motion to pass the resolution making a recommendation to the Town Board to revoke the CUP issued on September 12, 2007 and further directing the Town Board and Attorney to work with the property owner to develop and implement a plan that will allow the dogs on the premises to be properly placed in homes in an orderly fashion, seconded by Voigt; Westrum, Stang and Voigt are in favor, Kantor is not in favor, three (3) to one (1), motion passed. Nickolauson and Halvorson abstained.

This issue will now proceed to the Town Board. A special meeting is set for February 29, 2016 at 6:00 p.m.

Stang made a motion to adjourn the meeting, seconded by Voigt, all in favor, motion passed. Meeting adjourned at 6:43 p.m.

Respectfully submitted,

Jenny Schmidt, Clerk

Gary Stang, Acting Chair

James Kantor, Administrator