

Eureka Township

Dakota County

State of Minnesota

Special Town Board Meeting
July 31, 2006

Call to Order

Chair Cory Behrendt called the Special Town Board Meeting of Eureka Township to order at 7:05 PM. Present were Supervisors Cory Behrendt, Gary Smith, Cheryl Monson, Dan Rogers and Clerk/Treasurer Nanett Champlain, to record the minutes. Township attorney Jim Sheldon.

Supervisor Gloria Belzer removed herself from the meeting due to a conflict of interest.

The meeting opened with the Pledge of Allegiance.

Agenda

Issuance of the CUP for Jeffery and Andrea Krapu.

Chair Cory Behrendt explained that the meeting is not a public hearing, that the Town Board is here to work through the process of issuing a Conditional Use Permit. They do not intend to take any further public input at this meeting. The Board failed at the appeal and has decided not to appeal to the Supreme Court and uphold the District Court Order which was upheld by the appeals court to issue the conditional use permit.

In summary the District Court – has granted the conditional use permit to operate a kennel with a capacity of up to 50 dogs with reasonable conditions to be determined by the Township based on the existing record. The Township attorney is present to help the Town Board work through the details to make sure what we do is applicable and reasonable.

The Town Board reviewed the list of conditions recommended by the Planning Commission. Each condition was addressed individually.

1. *Tree, spruce or pine at least 10' tall, 10-15 foot centers, suggest staggering rows, screened parking east side of new building and on burm.*

The Town Board added: Trees evenly staggered in two rows on top of a 6 foot burm on east side. Trees only on the Southern border of the kennel/ exercise area to screen street and residential view.

2. *Noise Containment*

The Town Board added: Assure noise generated inside the kennel building to be containment to a 200' boundary.

Kennel to be constructed to the same specifications as presented, including minimum R38 walls and ceiling, Homasote sound barrier, decoupled walls and ceiling, acoustical ceiling tiles, FRP lining, etc. (as presented on the building documentation)

3. *Paved Parking Lot*

The Town Board added: with a minimum of 10 parking spaces to facilitate customer parking.

4. *No grooming at this location*

The Town Board added: services limited to dog boarding only.

5. *No sales of products at this location*

6. *Fenced exercise area*

Town Board Added: Exercise area shall be enclosed with a minimum 6' fence and an angles 3' fence top or other method of containment which prevents any dog from escaping. Fencing must be constructed in a manner as to prevent the running at large or escape of the animals confined therein.

7. *Limit of 10 dogs in outside in enclosed runs at one time.*

Town Board rewoded: maximum of 10 dogs outside the building at any one time, including outside kennels and exercise area, etc.

8. *Enclosed dumpster, minimum pickup once per week.*

Town Board clarified: All waste must be contained in an enclosed dumpster within an enclosed garbage area. A minimum pickup of garbage once a week, more if needed. All waste from kennel to be double bagged.

9. *No use of present building for this business.*

Town Board clarified: All kennel activities and storage must be limited to the kennel building and the associated exercise area. No existing or subsequent buildings can be used for this conditional use unless prior approval is obtained through a modified CUP.

10. *Hours of operation 7 am to 7 pm*

Town Board changed to: Hours of operation are limited to Monday thru Friday 7:00 AM to 6:00 PM and 8:00 AM to 5:00 PM Saturday and Sunday. Pickups and drop-offs should be staggered to minimize traffic congestion.

11. *Exercise Area all dogs must be on a leash and under control at all times.*

Town Board: All dogs in exercise area must be on a leash and under control of a handler at all times.

12. *All dogs on property must be on leash and under control at all times.*

Town Board: All dogs on the kennel property must be leashed and under control at all times, except kenneled and personal dogs.

13. *Keep outdoor clean and free of debris.*

Town Board: Outdoor are must be kept clean and free of debris. Waste shall not be permitted to accumulate so as to create any odor detectable by adjoining property owners.

14. *No outdoor lighting except on north side of the building.*

Town Board: No outdoor lighting except on north side of kennel building.

15. *Comply with all the ordinances of the Township*

Town Board: Kennel operation must comply with all other ordinances of the Township, county ordinances and state and federal laws.

16. *Duplicate of #9*

17. *These conditions fulfilled before dogs are allowed on the premises.*

Town Board: All conditions must be fulfilled before dogs are allowed on the premises.

The following additional conditions were entertained by the Town Board:

- Kennel is limited to short term boarding of a maximum of 50 dogs. Boarding of any other animals, such as cats, birds, or other domestic or non domestic animals is prohibited.
- Kennel will be 96' by 36' located on parcel 13-01800-012-25 according to the proposed site plan and will be owned by Jeff and Andrea Krapu at its inception.
- Kennel business must maintain a two lane ingress and egress point at Dodd Blvd with lane identifying markings.
- Kennel must install and maintain a separate septic system specifically designed for the proposed dog boarding kennel meeting all applicable codes.
- Kennel will be allowed one, non-light, 18" x 22" sign and must comply with all Township ordinances.
- A boarding contract must be signed for each boarder requiring current vaccination and the right to muzzle or use barking collar in case of excess barking. Owners will be notified to pickup the dog if other measures fail.
- A review of CUP compliance and payment of applicable fees must be completed on an annual basis.
- Must obtain a Kennel Operators License and renew on a yearly basis.

Supervisor Cory Behrendt made the changes to the draft copy of the conditions. Copies were then distributed to the Town Board for review; a few corrections were made to the document.

A draft resolution had been drafted by the Township attorney. The Town Board will use the two pages of the draft resolution. The legal description of the property will be included in the resolution. The prepared page of conditions will be added as page number two.

A motion by Supervisor Dan Rogers: To grant Krapu's a Conditional Use Permit for a dog kennel located at 24315 Dodd Blvd Lakeville MN with the conditions set forth in the three page document. Motion seconded by Supervisor Cory Behrendt for further discussion. Vote was taken on the motion, three supervisors voted in favor of the motion, one opposing vote. Motion carried.

Supervisor Cheryl Monson cast the dissenting vote. She approved of all the conditions except Conditions 3. & 13. on the attached resolution.

The Township attorney will put the documents into legal format and forwarded to the applicants.

A motion by Supervisor Cheryl Monson: To adjourn. Motion seconded by Supervisor Gary Smith.

Meeting adjourned at 9:33 pm.