

Memo

To: Columbus City Council Members
From: Janet Hegland
CC: Elizabeth Mursko, City Administrator
Ben Gutknecht, Associate Planner
Date: 6/9/2021
Re: Muddy Paws CUP Application for Review at June 9, 2021, Columbus City Council Meeting

I am writing this memo to outline my questions regarding the Conditional Use Application for Muddy Paws and to recommend postponing action on the recommendation for approval from the Columbus Planning Commission until additional information is submitted by the applicant. I would like to state up front that I am supportive of the application and excited that Muddy Paws may continue to offer boarding/grooming/daycare services to dogs and cats but I am concerned that the information provided in the application is inadequate to draft conditions that would be reasonable and provide for the safety/health of the animals served at this facility. The reasons for my concern are outlined below.

- Kennel licensing requirements under Minnesota statutes do not apply to training and boarding facilities, animal day care facilities, groomers, or your own personal pets. The MN Board of Animal Health, responsible for issuing Kennel licenses, directs owners of the above facilities to contact their city and county to ensure compliance with local ordinances. Anoka County does not have regulations related to training and boarding facilities, animal day care facilities, or animal groomers. Our city ordinances do not address requirements of these facilities because they have been allowed in the past under Interim Use Permits. **This means our review of the CUP application and conditions must consider the city's responsibility for ensuring the health and safety of animals in this facility.** I believe we need more information from the applicant to do our due diligence in this regard, which can be provided in response to the below questions and any additional questions the Council deems appropriate.
- The applicant is applying for a new Conditional Use Permit (CUP), this business previously operated under an Interim Use Permit (IUP), which expires May 9, 2022. A CUP may transfer with the land sale, so the conditions in this CUP will transfer to any future owner operating a Boarding/grooming facility on that site. We will not have an opportunity to amend the CUP unless the applicant re-opens the CUP to make changes. This is in contrast to the IUP, which by definition is temporary (up to 5 years), requires review with each renewal and does not transfer to a new owner. Therefore, we must not only be thinking about the current applicant's plan, but that of any future owner of the business. The applicant simply stating that the business model will not change from the current model is inadequate because we do not have a description of the current IUP's business plan, the new owners intend to make changes from that business model and the IUP is not transferable to a new owner. So we start from scratch.
- I worked as a Veterinary Technician for 30+ years (part time) at a small animal hospital that provided pet boarding (dogs, cats, birds, reptiles, pocket pets) for clients. I also served on the Board of Directors of the Animal Humane Society of Ramsay County so I have some experience in this area. There were multiple sections that I felt were not adequately addressed in the application that relate to ensuring the health and safety of the animals, to minimize

possible nuisances or hazards to surrounding businesses and to be consistent with all other CUP applicants. Responses to the following questions would likely allay my concerns and provide for a more thoughtful set of conditions for this CUP. **I would recommend that we forward this list of questions and/or others that the Council deem appropriate and conduct the final CUP review after the applicant has sufficient time to respond.**

General Business Questions

1. There are essentially three separate services outlined in the application, Grooming (dog only?), Boarding (cats and dogs) and Day Care (dogs only?). The findings of fact state that typical hours include drop offs and pickups occurring between 6:00 am and 7:00 pm, it does not include the days of the week that the business is open. Please provide the days of the week the business is open, the core hours of operation for the boarding, grooming and day care business and any accommodations you are willing to make for pick-ups and drop-offs outside of those core hours of operation. Which holidays is the business closed?
2. The findings and application do not state how many full time and part time employees the business will employ and what credentials they will have. Please provide a list of the positions that will be employed by your facility, whether the positions employees or contractors and if they are full time or part time.
3. The findings of fact state that there are 20 parking spaces, I am not sure if this is adequate for the number of clients stated in the recommendations (maximum of 60 animals for boarding and maximum of 60 animals for daycare and an unspecified number of animals for grooming). It would be helpful to understand the timing of the coming and going of the clients to determine if parking is adequate, as I assume the daycare clients are dropping off and picking up over an hour or two at the beginning and end of the day.
4. I heard Mr. Lefto state during the public hearing that he had arranged for establishment of an escrow account with contributions from the current owner, Ms. Evers, to offset the cost of connecting to city water and sewer. If there is an escrow account established, please explain the request to delay (from Sept. 30, 2021, to July 30, 2022) the requirement to connect to public utilities as required per Section 14-305? Is there a timeframe established for the escrow account to be used by?
5. We do not have definitions in our ordinances for animal boarding, day care or commercial day care. I recommend that we adopt definitions like those used by the City of St. Paul (attached) as part of the findings of facts for this CUP.

Animal Health and Safety Related Questions

1. The findings of facts in the draft CUP state: "The applicant stated that the proposed cat boarding would be in its own enclosure", but the floor plan provided has the cat cages lining the walls of the grooming room. How will the cats be shielded from the noise of the dryers and the barking dogs being groomed?
2. The findings of fact state that there are 29 kennels; I count 23 in the kennel room and it's unclear how many are in the grooming area. Please provide the number of separate kennels/runs that are currently on site. There is no description of the cages or indoor runs so please provide a description of the kennels, including the material they are made of, dimensions of the cages and/or runs and the number of each, and the configuration (are they stacked, if so, how high?).

3. The findings of fact or recommendations do not include an estimate number of animals a day that will be seen for grooming. Please provide an average number of grooming appointments anticipated and which days these may be scheduled. Is grooming only for dogs or does this include cats too?
4. It would be helpful to better understand, based on the size of the kennels/runs, how many small, medium, large, and giant size (e.g., St. Bernard) animals can be boarded. It appears that the current kennel capacity shown on the floorplan cannot accommodate 60 animals, if this is incorrect, please provide more detail to show how 60 animals can be accommodated and how many animals by size (e.g., small, medium, large, giant) the current kennel capacity can accommodate. If a maximum of 60 animals boarded is a future goal, please include a plan for increasing the capacity, including timeframe and where the additional kennels/runs would be located.
5. Please provide a description of how the runs/kennels are cleaned and disinfected, including the type of disinfectant used, the frequency of cleaning. Can the runs be hosed down and if so, where does the run-off drain to?
6. Similar to our requirements for a manure management plan at the Harness Racing Track, please provide a description of your procedures for the removal and disposal of animal and food wastes, bedding, and debris to minimize vermin infestation, odors, and disease hazards.
7. Please provide a detailed description of the Day Care facilities and services and how a maximum of 60 animals can be accommodated. If a maximum of 60 animals in Daycare is a future goal, please include a plan for increasing the capacity, including timeframe and where the additional Daycare facilities would be located. How many dogs of what size can be accommodated in the current facility configuration? There are 6 boxes lining the wall of the indoor play area on the floor plan, but they are not labeled. Are these temporary kennels?
8. Please provide a description of your vaccination policy for boarding, daycare, and grooming. Do you require a certificate from the veterinarian indicating the animal has been tested and found free of intestinal parasites?
9. What is your isolation protocol should an animal become ill with a potentially infectious virus, such as kennel cough, during their stay with you?
10. What is the age minimum for animals you will board, groom, or allow in Day Care?
11. Please provide your procedures should an animal become ill or injured and the owner is not available or is unable to get the animal to a veterinary clinic; or the situation is such that emergency care is warranted. Do you have a veterinary clinic that you have secured the services of in these instances?
12. Is your facility staffed 24/7, if not, what are the fire prevention procedures you have in place to ensure that animals would not be trapped should there be a fire in the building when there is no staff present?
13. Please provide your feed (type and quality of food available, storage conditions, e.g., is refrigeration available for perishable food), water (ability for animals to access fresh water) and medication (should the animal need to be medicated during its stay) protocols or procedures.
14. Is there natural light available to the kennel area or if not, what is the lighting schedule?

15. Please provide your protocol for having dogs in the outdoor fenced-in areas. Is this area used just for elimination purposes or do they also have time outdoor to play? It states in the conditions that dogs out of doors are under an employee's supervision, but does this mean there is always someone physically outside with them? How many animals can be outside together at once?
16. Please confirm that you will not board or house rescue animals or strays and that you will not house an animal that has been declared dangerous or potentially dangerous by any jurisdiction, including but not limited to any city or state.

Additional Recommendations

1. Typically, there is a site visit by one or more Planning Commissioners and often one or more Council Members for new CUPs as part of the CUP review/approval process. My understanding is that the Planning Commission's Chair was not able to get his request for a site visit granted prior to their meeting and public hearing on the application. I would therefore like to request that the applicant arrange for a time that interested Council members/Planning Commissioners could visit the facility for a tour prior to final approval of the CUP.
2. I would recommend a requirement that once per year, the City of Columbus Animal Control contractor, currently North Metro Animal Care & Control, shall inspect the facilities to determine continued suitability for animal day care or animal boarding. Criteria for suitability could be adopted from the City of St. Paul's ordinance (see attached) or similar language as the Council sees fit.

Draft Criteria for Inspection of Facilities to determine continued suitability for animal day care or animal boarding from City of St. Paul's Ordinances:

Chapter 348. - Animal Day Care and Animal Boarding

Sec. 348.05. - Regulations

Once per year, the animal control officer shall re-inspect the facilities to determine continued suitability. Nothing in this section shall prevent animal control officers to inspect the premises more often than once per year. The premises shall meet the following minimum criteria:

- (1) The facility shall be structurally sound, maintained in good repair, and designed so as to protect the animals from injury and restrict the entrance of other animals.
- (2) Each animal shall be provided with adequate floor space to allow such animal to turn about freely and to easily stand, sit and lie in a comfortable and normal position.
- (3) Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.
- (4) Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable food.
- (5) Provision shall be made for the removal and disposal of animal and food wastes, bedding and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.
- (6) The facility shall be sufficiently heated or cooled when necessary.
- (7) The facility shall have interior walls, ceiling and floor surfaces constructed of materials which are resistant to the absorption of moisture and odors, or which surfaces shall be treated with sealant or with paint. Floor surfaces shall not be made of unsealed wood. Interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris.
- (8) Outdoor facilities shall be constructed to provide shelter from excessive sunlight, rain, snow, wind, heat, cold or other elements.
- (9) Outdoor facilities shall provide sufficient space for the proper exercise and movement of each animal contained therein.
- (10) Outdoor facilities shall be enclosed by walls or fences sufficient to keep animals within and to prevent entrance of other animals.

City of St. Paul Code of Ordinances

Chapter 348. - Animal Day Care and Animal Boarding

Sec. 348.02. - Definitions.

Animal boarding means and includes every place kept or maintained for the care and socializing of live dogs or cats for any amount of time by a person other than the owner of the live animal. An animal boarding facility may also offer animal day care. Animal boarding does not include facilities that provide breeding of animals, selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

Animal day care means and includes every place kept or maintained for the care, grooming, training, exercising, and socializing of live dogs or cats for less than twenty-four (24) hours per day by a person other than the owner of the live animal. Animal day care does not include facilities that provide animal boarding, breeding or selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

Commercial animal day care means any animal day care establishment that is located in a building other than a residence.

Home occupation animal day care means any animal day care establishment that is located in a residential building. A home occupation animal day care can only be operated by a person residing in the building. A home occupation animal day care can care for no more than three animals at one time including any animals that are owned/kept by the resident/licensee.

(C.F. No. 08-567, § 2, 6-25-08)