

CITY OF COLUMBUS
PUBLIC HEARING IN INTERACTIVE TECHNOLOGY MEETING FORMAT
STATUTES SECTION 13D.021
INTERIM USE PERMIT-KENNEL 8145 BROADWAY AVE NE
09-21-2022

The 09-21-2022 Public Hearing to consider a request for an Interim Use Permit for a Kennel at 8145 Broadway Ave NE. The meeting was called to order at 6:58PM by Chair Ron Hanegraaf at the City Hall. Present were Planning Commission members Ron Hanegraaf, Kris King, Barb Bobick, and Bob Berens, City Administrator Elizabeth Mursko, Associate Planner Frank Koenen, Planning and Zoning Permit Tech Ella Giefer, Assistant City Administrator Jessica Hughes, and City Attorney Megan Rogers.

In attendance via interactive technology were Council Member Shelly Logren, Scott Zieglmeier, Jake Jensen, Amy Sieben, Sue Wagamon, Jen, Jody, 1875, motoz4, Samsung sm-s908u.

Also, in attendance in person were Mayor Jesse Preiner, Council Member Janet Hegland, John Waldoch, Don Waldoch, Alex Waldoch, Scott Pearce, Andrea Rasmussen, Sean Homa, Dave Ryback JR, Dennis Retcher, Betty Hanegraaf, Myron Angel, Cindy Angel, Barb Hearley, Fran Hearley, Mike Wood, Helen Wood, Leon Wojtowicz, William Krebs, and Stan Frieder.

The meeting was held in an interactive technology meeting format.

Hanegraaf: We're going to go onto item number 6 tonight, a public hearing and discussion, 8145 Broadway Ave NE Kennel Interim Use Permit, Barb and Fran Hearley, pages 18-50 and A17-A22. Ella, would you like to read the notice as published?

Notice was read at this time by the recording secretary.

Hanegraaf: Thank you Ella. You must be Barb and Fran? Would you state your full names and your address, just for the record?

Fran Hearley: Fran Hearley, 8145 W Broadway Ave, Columbus, MN.

Barb Hearley: Barb Hearley, 8145 W Broadway Ave, Columbus, MN.

Hanegraaf: Thank you. As normal protocol, and as you probably have sat through with the last one, even though we read your whole introduction can you explain what you want with your kennel license and what you have, your dogs?

Barb Hearley: It's up on the on the board. We've got 6 whippets. Deuce who's 9, Angel who's 8, Lola who's 5, MeatLoaf who's 4, Valleri who's 2, and her puppy Halford. And then if you go to the next one, we do a lot of activities with our dogs. We race them, we course them, we show them, we do obedience with them, and we do dock diving with them. And there's just a couple pictures there, some of the stuff we do. This is a hobby for us. This is not a money making issue or anything like this. We get ribbons and toys is what we win, mostly it just takes up our money in our time and that's about it. Most of all, they're just our pets. They're just our family. We don't have any children. We've got dogs. So they live in the house, Whippets are not outside dogs. If in the winter they need to wear coats and boots, in the summer they need to be in the air conditioning. So that's why we are looking for a kennel permit, just so that we can have our six dogs.

Hanegraaf: Well, I've seen all your packet and it was very informative with your dogs and their names and all that. Also, for tonight's record, did you receive that copy of the report made by the staff dated September 16th? And you read it all and you understand everything, do you have any questions about it?

Barb Hearley: No, we've actually been talking to Frank. We did have some questions, he answered them all and we were told we needed to ask for another permit for some of the events we have on our property. So I've got a an application for that, which I give to you?

Koenen: Are you going to be around afterwards? If not you can just hand it to me.

Barb Hearley: And then I've got to make out a check to just the City of Columbus?

Mursko: We can just go on with the hearing and after you're finished we can take care of the other business.

Barb Hearley: OK. So that that was the only issue we had.

Hanegraaf: It's kind of different because we got the kennel, we're going to have to ask Megan a question on this.

Rogers: Yes, absolutely. What's before you this evening is the kennel CUP permit and that's what's before you at this point in time. That's what's subject to the public hearing process, and then if you wish to discuss the licensing question after we have heard the public hearing, we have heard all of the findings that the planning staff has put together with regards to the kennel CUP, and then after that has closed and this board has made a determination upon that then we would move on to that secondary question.

Hanegraaf: OK thank you. Is there anyone who has any questions for Barb or Fran?

King: Yes, this is Kris. I know you said you have an application now for your events, and I think that's been one of the questions. There was a complaint because of races you hold. You hold races there, correct?

Barb Hearley: Yes.

King: Are they sanctioned events? Please explain what your event is.

Barb Hearley: So I'm not sure what you mean by sanctioned. It's a hobby, so it's no different than a bunch of people getting together and having an obedience trial with a dog, or like agility where you get the dogs out there and then they go through all the tunnels and the stuff like that.

King: But it's a posted item that's through-

Barb Hearley: The parent club is called Continental Whippet Alliance.

King: And I was just looking at what we were given and it looked like there were five different events that were held at Columbus or listed as being held at Columbus. So what exactly goes on? Is it like an obstacle course or what is it?

Barb Hearley: It's actually racing. I'll step back a little bit. Whippets were bred to chase rabbits and that is what their whole goal in life was when they were evolved. In England the rich people had greyhounds and the poor people had whippets because the poor people were not allowed to have greyhounds. The whippets would catch rabbits for the dinner pot and then the whippets were also bred to keep you

warm in bed, so they like to snuggle. So those are their goals in life. Chase rabbits, cuddle in bed. Along with some of the other sighthounds they like to chase things, so there's different venues of racing types that they do. One of them is straight line racing, and that's where you put the whippets in a starting gate and then they run 200 yards and the first dog over the line wins. And another venue is you have a course set up in a large field and a little white bag zigzags through the field and the dogs chase it and they catch their little 'rabbit' at the end, its called lure coursing. And of course the other one is the one that Greyhounds do, which is oval track racing. Which is where they go in a circle and they chase their little toy that goes around a circle. The oval track racing and lure coursing actually require large areas. We do lure coursing down in Farmington, MN at the Dakota County Fairgrounds. And there's a place up in Ramsey County where they do the oval track. So we just get a bunch of people together that have whippets and we draw names and they race against each other, we put the faster ones with the faster ones and the slower ones with the slower ones, the ones that win the most win the meet. What they really win is stuffed toys, we give out stuffed toys for our gifts, so the winner might get the first choice of stuffed toy and everybody gets a toy. And then after we do that, we have a little fun match like a dog show where everybody parades their dog around and we have a judge and they say, 'oh, this one is the prettiest one' and then they get a toy, and then after that we usually sit down and have dinner. That's pretty much it.

Fran Hearley: Just to explain the racing a little bit more. There's four programs, each dog runs four times. So the first program they run according to their grade, which is how many points they got their last time running, and then after they all run once, they all get points for where they finish in the race. The ones with the most points run against each other and the ones with less points or against each other. So they shuffle it up and they actually run 4 times and then at the end there's a winner and 2nd, 3rd. It goes from the top to the bottom.

Barb Hearley: And again, it's a hobby. No different than something like agility or obedience. There's no betting, nothing like that. It's just a bunch of dog people getting together, doing what their dogs do. And as for the complaint we received, we did reach out to that person and have since invited him to our events, and he seems to be OK with them now.

King: But per our city with an assembly or social functions if you hold them multiple times you need to pull a permit, correct? And that's what you're willing to do right now.

Barb Hearley: Right, when we talked to the city last year. We'll step back here even further. When we first moved to before we moved to Columbus 10 years ago, we actually called the city and we said, 'this is what we do, we have these dogs, is this going to be a problem? Is this something we can do in your city before we even purchase property?' and they said 'No, that's something you can do but what you have to do is you have to get a kennel permit'. So as soon as we moved in we got the kennel permit, and we didn't realize that we had to get a permit for the other stuff. So apparently this guy said something. Then we had a discussion with Jessica Hughes last year. It appeared from the ordinance that if we did not charge entry fees, if we weren't charging an admission, then we were exempt from needing a permit. But this year, when we talked to Frank, he said that was not the case and that the attorney was interpreting that differently from the way we read it and from the way that had been read previously, and that we needed a permit. I have a permit application.

King: Megan, I think some there's some important language here that does matter.

Rogers: What's before you this evening is an interim use permit for the kennels with more than the limited number of dogs. Then the secondary application is a license, and that's under chapter 4 of the City Code. A license is required. And just to be super clear about what a license is, it's a \$20 inspection fee, and it allows us to review sort of the impacts of what we would consider a large assembly. A large assembly is defined by the code as a gathering of 50 or more people at any location at any single time for any purpose. And what the code provision says is a license is required where there's a large assembly or there is a fee charge for admission for a long list of events. Races would be one of those that would be incorporated by those events. And so based upon the size of the gathering, that's where this is triggered here.

Barb Hearley: I'm gonna jump in there, we've never had more than 50 people. We're talking maybe 15 people, tops. We've never had over 50 people.

Rogers: So as we understand it, the last sign up for one of the events was for over 25 dogs, which is what led us to the understanding that reasonably you would you would have a dog and then a couple and there could be more people-

Barb Hearley: Oh no, these are people like us. Two people, six dogs.

Rogers: OK. So there's 2 sections of this conversation. The first section of the conversation is what's before you tonight is the Planning Commission. The second is the license requirement based upon how the events are structured. And that's a conversation that we absolutely can have. So what I would encourage you to do this evening is to make a determination based upon the application that was submitted. For the IUP. And then in city staff will work to address the follow up questions with regard to the licensing as we move forward.

Hanegraaf: I've got a question Megan, is this something we should have an ordinance on, that if you're going to have a dog kennel license? So this doesn't come up?

Rogers: I think that these are unique circumstances, and I think the code sufficiently covers it in terms of your licensing section and the use that we're looking at. There's the difference between a use and a license, a use is those common reoccurring events that you're holding, that's the purpose of the place. Here are the purpose of the place is your home, and then you have gatherings, and those gatherings may have impacts around the surrounding neighborhood. They may have traffic impacts and things like that, of which the city can be assistive with. For example, if you had 100 people for a race one evening, we might want to have signs that were drawn helping to direct traffic. That's something the city could be assistive of and would be part of the licensing review. And another thing would be if you have that many people, oftentimes sanitation as a question, are there sufficient restroom facilities, things of that nature. That's what the licensing process is for, is for those sort of pop up events as compared to the long term use of having six dogs at their home.

Hanegraaf: Thank you, Megan. I do remember, did you have a race here a couple weeks ago?

Barb Hearley: We did.

Hanegraaf: I went by your place and see.

Barb Hearley: Yeah, lots of people come by and watch.

Hanegraaf: Yeah, I saw your camper sitting out in your front yard. Any other comments anybody?

Bobick: Well, I just have a question. How come they didn't know about this before? Maybe it should have been mentioned to them previously, 10 years ago.

Fran Hearley: May I also comment that we've been holding races for eight years, and nobody ever said anything. It's right out there in the open, everybody knows we do it. We've never had any complaints.

Barb Hearley: Yeah, we usually invite the neighbors. The one that complained was always down the road, so we hadn't invited him, and apparently he felt left out.

Fran Hearley: I don't understand why all of a sudden now it's a problem. We've been doing this for 8 years.

Bobick: That's what I'm questioning too. I don't know how we would resolve a situation like that.

Barb Hearley: Well and again I think I told Frank, we're not trying to get away with anything here, we had no idea. Like I said when we first moved in we were told that what we needed was a kennel permit, and so that's what we went and got. And after that one guy did say something, then we thought when we looked at the thing we thought, well we don't have over 50 people and we're not doing a lot of this other stuff and so it doesn't really seem to apply. The only thing that seemed to apply was maybe if we were charging entry fees and so we said well, we won't charge entry fees. It's free. And so then we thought, OK, we're fine, we're kosher, we're doing everything right. Then like I said this year when Frank looked into it, he said we did need a permit, even if we don't charge any money and even if we have less than 50 people.

Bobick: I just feel badly that you feel-

Fran Hearley: We don't make money, we pay for the food for them still afterwards, we pay for the toys, we maintain the property. We don't make any money. Even when we were charged and entry fees, it was like \$10 or \$12 a dog.

Barb Hearley: And that mostly covered the food and the toy and the donation that we had to give to the parent company. We like doing it. It's fun. It's our hobby. So if you guys want a license, if that's the way this falls out, we'll figure it out. We probably will have to charge people now so we can pay for the license.

Bobick: Yeah, we just didn't want you to feel like you were being persecuted or something. It's just unfortunate that it wasn't made clear to you previously.

Barb Hearley: I'm sorry, but when you look at that it's very confusing. When I talked to Frank, I read it completely differently than what he did and what you did.

Hanegraaf: That's why we have attorneys. And they all have opinions too. Anything else? I'd just like to ask you one more, just for the record. Did you get that letter by the staff dated September 16th? They gave the findings of facts, recommendations and conditions.

Barb Hearley: Yes.

Hanegraaf: And do you understand it? Do you have any questions about it?

Barb Hearley: No.

Hanegraaf: OK, thank you. Any other questions? Now we'll open up the hearing to the public. Anyone who has an interest in this manner and wants to present testimony as evidence on the issues, please acknowledge themselves by stating their name and address, after which you have the floor to speak. Is there anybody online? Anybody in the other room? Well, since nobody came forth, we'll close the public hearing and then we'll have a discussion amongst the Commissioners.

At this time Chair Hanegraaf closed the Public Hearing. Hearing closed at 7:21 PM.

Ella Giefer

Respectfully submitted: Ella Giefer, Recording Secretary