

**APPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
OCTOBER 8, 2013
7:00 PM**

CALL TO ORDER:

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission of October 8, 2013 to order at 7:00 P.M.

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Judy Coughlin, Mathew Engstrom, Mark Lobermeier, Ken Meyers, and Frank Storm.

Members Absent: None.

Also Present: Zoning Administrator Fred Weck, Council Liaison Roger Elmore.

DETERMINATION OF A QUORUM:

Chairman Storm determined a quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

“An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate.”

No members of the public spoke.

APPROVAL OF MINUTES:

1. **Consider approving the minutes of the Regular Meeting of the Wyoming, Minnesota Planning Commission for September 24, 2013.**

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER MEYERS, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR SEPTEMBER 24, 2013.

Voting Aye: Coughlin, Engstrom, Lobermeier, Meyers, and Storm.

Voting Nay: None

Abstain: None

NEW BUSINESS

2. **None**

SCHEDULED PUBLIC HEARINGS

3. **Interim Use Permit for a residential dog kennel at 6679 262nd Street.**

Commissioner Storm asked the applicant James Dielke if he had reviewed the staff report and if he had anything he wanted to add; Mr. Dielke responded that he had and that he had nothing to add. Commissioner Storm asked Zoning Administrator Weck if there was anything he wanted to add to the staff report. Zoning Administrator Weck replied that he had received a phone call and an anonymous letter objecting to the interim use permit that the Planning Commission has

now. He also told the Commission that the initial public notice had an error in the date that the interim use would end but that the posting at city hall and on the city website had been fixed.

Commissioner Meyers asked Mr. Dielke about the barking complaint; he responded that the dogs only bark at the neighbor's dogs on the other side of the fence or when dogs are being walked in front of the house. He also added that the dogs are let out at night at 10:15 P.M. and are back inside by 10:30 P.M. Commissioner Meyers asked about any other complaints; Weck responded that the police report in the P.C. packet is the only complaint that the city has about the applicant's dogs. Commissioner Meyers asked about the number of dogs that applicant currently has, Mr. Dielke responded that they have 4 dogs now but one of them would be leaving by the end of the month. Commissioner Meyers asked if the applicant had seen the letter that was submitted and if he could address what was in the letter. Weck replied that the comment in the letter about lot size had been a requirement in the township ordinance but since the city did not have that requirement it was removed when the two ordinances were merged. He also said that with the interim use permit application the ordinance is being followed and that covenants are not enforced by the city. Mr. Dielke responded that his dogs are not out late at night or in the morning and that if they are hearing barking dogs that the dogs are someone else's. Commissioner Meyers asked the applicant if he is disputing everything in the letter; Mr. Dielke replied yes he was.

Commissioner Coughlin asked Zoning Administrator Weck about public nuisance animals and prohibited animals in the staff report. Weck responded that barking and animal waste are included as nuisance animals and that prohibited animals included dangerous animals and nuisance animals. Commissioner Coughlin asked the applicant about the letter saying that the dogs were barking at the neighbor kids when they are outside. Mr. Dielke responded that the neighbors to the east have a privacy fence and that all the others except the one to the west are too far away for the dogs to see and that his dogs only bark at the one to the west when their dog is running along the fence. Commissioner Coughlin asked what it would take to have the permit revoked if the applicant was not in compliance with the permit. Weck responded that the Dielke's would be notified they are in violation and that the City Council could revoke the permit.

Commissioner Engstrom asked when is a barking dog determined to be a nuisance. Weck responded that some communities have a length of time that dog barks as a standard but that the city does not have that and the ordinance leaves it to the officer's discretion.

Commissioner Coughlin asked if the dogs could be trained no to bark. Mr. Dielke responded that he could put up a privacy fence along the front of the property and along the side that does not have a privacy fence.

Commissioner Lobermeier asked how long he has had the four or more dogs. Mr. Dielke responded that they had three and that after one died that they got the two puppies and that the oldest dog has cancer and will be passing soon.

Chairman Storm asked the applicant if the reason for the kennel application is for his own dogs and for family members. Mr. Dielke responded in the affirmative. Chairman Storm asked about the expiration date of 2020 for the permit. Mr. Dielke responded that by seven years time that only the youngest three dogs should remain with them. Chairman Storm asked him about other dogs in the neighborhood; he responded with a number of neighbors with dogs; Chairman Storm responded back that the neighborhood is full of dogs.

Chairman Storm opened the public hearing at 7:17 P.M. Reed Radden of 6602 262nd Street asked how many dogs are allowed to be had on a property; Weck responded that a kennel permit is required whenever there are more than three dogs on a property. There being no additional comments the hearing was closed at 7:20 P.M.

Chairman Storm asked the Commissioners if the Commissioners had any further questions. Commissioner Myers asked when the ordinance had been merged and what changes had been made. Weck responded that it had been about a year and a half and that the only change in regard to the application is that the former township residents could have an additional dog over the previous ordinance. Commissioner Meyers expressed concerns that the applicant had more dogs than the ordinance allows before applying and that a neighbor took the time to write a letter regarding the dogs barking.

Commissioner Coughlin also expressed a concern about the barking complaint and told that applicant that if they want to keep the permit that he will need to adhere to the conditions and not have any problems with the neighbors.

Commissioner Engstrom asked for clarification on the lot size requirements and also commented that he can understand the frustration of people not knowing the ordinance requirements but that once the Dielke's did know they submitted the application for the permit.

Commissioner Lobermeier asked the applicant if he is willing to put up a privacy fence; Mr. Dielke responded that he is willing to do whatever it takes to be a good neighbor.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER LOBERMEIER, SECONDED BY PLANNING COMMISSION MEMBER ENGSTROM, TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF JAMES & CORRINE DEILKE REQUES TO ALLOW THE OPERATION OF A RESIDENTIAL DOG KENNEL FOR UP TO SIX (6) DOGS OVER FOUR (4) MONTHS OF AGE.BASED ON THE FINDING THAT THE STANDARDS CONTAINED IN ARTICLE V, DIVISION 6, CONDITIONAL USE PERMITS HAVE BEEN MET, AND WITH THE FOLLOWING CONDITIONS:

1. That the Interim Use Permit is subject to continual compliance with the standards for Conditional Uses as contained in the City of Wyoming Zoning Ordinance.
2. That the Interim Use Permit is subject to continual compliance with The City of Wyoming's Animal Ordinance.
3. That no more than six (6) dogs over four (4) months of age may be kept on the property.
4. That animal waste is properly disposed so as not to become a nuisance.
5. That the dogs are contained in the fenced area of the property or are kept on a leash.
6. That the Interim Use Permit will expire on September 19, 2020, or upon the sale of the property, or when the applicants vacate the property.

Voting Aye: Coughlin, Engstrom, Lobermeier, and Storm.

Voting Nay: Meyers

Abstain: None

OLD BUSINESS

4. The Planning Commission discussed how the residential dog kennel ordinance should be applied or amended; including lot size and an initial one year interim use permit so that the use can be reviewed.

COMMUNICATIONS:

5. NONE

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER LOBERMEIER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO ADJOURN THE

**REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR
OCTOBER, 8, 2013 AT 7:49 P.M.**

Voting Aye: Coughlin, Engstrom, Lobermeier, Meyers, and Storm.

Voting Nay: None

Abstain: None