

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, September 5, 2024 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Charlie Peters at 7:11 p.m.

Members present were: Charlie Peters, Garrett Johnson, Matt Purfeerst, Kenneth Engen.

Members absent were: Julia Hogan

Staff present were: Environmental Services Director Julie Runkle (*Via Zoom*), Zoning Administrator Trent McCorkell, Senior Planner Jeremy Edwards, Administrative Coordinator Anna Aguilar, Clerk Laurie Johnson, Clerk MacKenzie Klett.

Commissioners present: Jeff Docken.

Others present: see Sign-in Sheet and Registrant List.

B. Motion by Garrett Johnson, seconded by Matt Purfeerst, Reading of the Notice

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

C. Motion by Matt Purfeerst, seconded by Ken Engen, Approval of the Agenda

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

D. Motion by Ken Engen, seconded by Garrett Johnson, to approve the minutes of August 8, 2024

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

II. New Business

1. Waiver of Plat/Jirik - Section 14, Forest Township

Jeff Jirik has applied for a Waiver of Plat to create a 4.95-acre single family dwelling building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the SW1/4 of the NW1/4, Section 14, Forest Township, Rice County, Minnesota. The property address is 11291 Canby Ave, Faribault, MN 55021. PID# 06.14.2.50.001. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to recommend approval of the Wavier of Plat with the following conditions and findings for Jeff Jirik. The property is located in Section 14 of Forest Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Jirik – Wavier of Plat (WOP)

1. The new 4.95-acre Transfer Development Right (TDR) receiving parcel shall contain one principle single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. Prior to recording a deed for splitting the property a residential driveway permit shall be obtained by the landowner.
4. Within one year of this approval and prior to any onsite construction the applicant(s) shall record a new deed at the Rice County Recorders Office separating the TDR receiving parcel.
5. Parcels shall be recorded as shown on the submitted survey and shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
6. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
7. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

The PC asked the applicant, Jeff Jirik (JJ), to come forward to add comments or answer questions regarding the request.

Alexander Malecha (AM) - *authorized agent*

CP - Did he have anything for you to add?

AM - No, he could not be here and he asked me to be here, authorized me to be here to talk about what we are doing, moving the TDR from his farm over to his shed site (building site).

CP - I assume the applicant is aware of the 7 conditions?

AM - Yes.

Chair Peters opened the public testimony portion of the item to the public and no one spoke.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - Straight TDR transfer.

GJ - Same property.

MP - Very straight forward. I'll make a motion to approve with the 7 conditions.

GJ - I second.

Motion to recommend approval with stated conditions and findings made by MP, seconded by GJ, and approved unanimously.

2. **Conditional Use Permit/Miller - Section 14, Webster Township**

Charles Miller has applied for a Conditional Use Permit for a commercial dog training and breeding kennel. The property is described as: Part of the SW1/4 of the SW1/4, Section 14, Webster Township, Rice County, Minnesota. PID#s 02.14.3.50.005 & 02.14.3.50.004. Property address is 5982 Bixby Ave, Northfield, MN 55057. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to table the Conditional Use Permit for Charles Miller until the October 10th, 2024 Planning Commission Meeting. The property is located in Section 14 of Webster Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

JD - I have a question about training your own dogs. There is nothing in our ordinance that says you can't train your own dogs on your own property, is that correct?

TM - Correct, the ordinance allows for up to 6 domestic pets on the property of a homeowner. If it was just training his own animals there or even having a trainer come in to work with his animals, that would not require the Conditional Use Permit. It is bringing the other animals in for the training.

JD - And neither would the 3 dogs he is housing because he would still be under.

TM - Yes, he would be under his 6. We do have some sites where someone wants to have 10 personal pets, that triggers the commercial kennel Conditional Use Permit. We do have those around the County. But, if it wasn't for bringing the other animals on to the site here, it wouldn't trigger the kennel permit that is in front of you.

The PC asked the applicant, Charles Miller (CM), to come forward to add comments or answer questions regarding the request.

CM - The only reason I am here is I want to start a business. I am also doing some guiding service for Upland. It sounds like the only way I can start a business is I have to have a permit, so that is my main reason for being here. I want an LLC for all the things I am going to be doing. I am not a commercial breeder, I am an amateur. I am not a pro trainer. I have 3 dogs right now, one is 9, the other just turned

2, and then a 5-month old. That is all the dogs I am going to have. Breeding is something that has been on my bucket list, I have always wanted to have a litter. So it would be a small operation, like I said, the only reason I am here is I want to get an LLC started and then do group training. I run AKC and UKC hunt tests. Dogs have a really photographic memory, so you cannot run your dog to do hunt tests on your property because they will memorize where you've been before. I have about two or three more groups that I train with and we go to different places just to train so the dogs do not get too familiar with the area. These dogs are very, very smart. With this group training they have been out a couple times already. We run marks, and what our marks are is there are a couple guys out in the field and we throw dummies and we say "hey hey hey", duck call and sometimes we use a starter pistol, just to get the dogs excited. Because we want the dogs to stay beside us, we don't want them to leap out because that would be a failure. So that is why we do the "hey hey hey", duck call and maybe a shot, sometimes we don't do that. Setting up these and sometimes the dogs can do 3 marks in a row, so 2 birds are memory. So set up time is really hard, I could do it by myself but it is so much easier with groups. Now with these groups, we don't train all year-round. We don't train in the summer a lot of time because it's too hot and the grass is too tall. So most of this group training will be in the spring and the fall, but in the fall, September and October we are out hunting. So it is not like they are going to be at my property every day. I will be doing obedience training pretty much every day for my dogs, and that is going to be 1-2 hours every day but that is just training with my dogs. These group trainings will be, like I said, I belong to 2 different groups and we go to different places and that all depends. I can't tell you every time or specifics when they are going to come over because I don't know, it all depends on the wind conditions, the grass height and all that. So there is two things I would like to put in this if you decide to go with it, I belong to Lake Country Retriever Club and they have helped me by mentoring me, like I said, I am just getting started. And I would like to bring the group out maybe 2 times a year. So there would be maybe 10-12 dogs there, normally I'd say 4-5 dogs for group trainings when we do it. I would say maybe twice a month but that is all it is. That is what I am asking for.

CP - There are 17 conditions and we need to fill in the blanks on #1 and #5. You had kind of headed towards #1. Would you be boarding any other adult dogs?

CM - I want to scratch kenneling, I do not want to have other dogs.

CP - So that is a 0 on the boarding adult dogs.

CM - Yes, except for my 3 dogs.

CP - Which are allowed, correct TM?

TM - It does with multiple animals on site, it might be best to address them that way. This condition might say, because you are allowed up to 6, you could put in "6 dogs owned by the landowner or personal pets" something like that could be listed there.

CP - So, 6 boarded adult dogs and 6 juvenile or 10-12 juvenile dogs

CM - You mean if I have a set of puppies?

CP - Yes.

CM - Again, if I do. I am not sure if I will or not. that would be the large group it would be mostly 4-5. it's not like every day and all the time.

CP - That would keep it safe for you. And then the additional number of dogs and trainer/owners onsite for training. So that is, you said 10 guys maybe?

CM - Well that would be the larger group, but normally it is going to be like 4 or 5. If you get too many dogs out than it gets to be too much. And a lot of times you are going to look at 2 hours. It's about 45 minutes to set up the hunt and then the rest of the time you are running dogs and once we are done we are out of there. It's not like it is every day and all the time.

CP - So would there be like 10, each trainer/owner have a dog or several dogs?

CM - There are a couple guys that have a couple dogs.

CP - So like 20 dogs and 10 trainer/owners maybe on site for training?

CM - Yeah, I mean, I would like it to be higher, because that way I won't get in trouble.

CP - I think if the trainer/owners kids are there they wouldn't count, but yes.

CM - The good news about these dogs are they are well trained. I mean there is no barking, if they are barking they won't be part of the group. So, these dogs are well trained.

CP - Okay, so for condition #1 we would put an additional 20 dogs and 10 trainers/owners.

GJ - Could you put 20 and 20?

CP - Or 20 and 20.

KE - That sounds good.

MP - And for juvenile dogs, I would increase it from 12. Because if he has got 6 boarded adult dogs you would probably want to make juvenile dogs more.

CM - So how many?

MP - I don't know, if they all have a litter at once with 6 of them...

CM - Well, they can go up to 12.

MP - So we would be talking like 80-some?

CM - I would only be breeding once a year, if that. And it might be only 1 time. It was just on my bucket list, and it might be too hard and too much work, and then I wouldn't do it again.

CP - So let's stick with the 6 and 20 juvenile. And condition 5, dog gun training shall be done between the hours of ___ to ___ and only on certain days of the week.

CM - Here is what I am proposing, I want to work with you guys but I also want this to happen too. We could set it that we don't use any guns, we could do that, we could just do the "hey hey hey" and duck call and then throw the bird. Sometimes that will work out. Maybe early in the morning say no gunshots, make it very specific you know, maybe after 8 we can use the poppers if we want to.

CP - I think you could still have it in there, being if you trained your own dogs, which you can without this, with the gun training and stuff. But those certain weekends were you have the groups, if you want, it is totally up to you or what we decide.

GJ - If you are thinking like 8 a.m., maybe like 8am-6pm? Or something like that?

CM - Well, during the summer I can, it'd be nice to, again we don't train during the day when it is really hot, so early morning and later in the evening. That is when we do a lot of training, because it is cooler.

GJ - So 8am-7pm? Or 8am-8pm?

CM - I just want to tell my neighbors it's not every day we are going to be doing this. I just want to make sure that everyone is aware of that. That it is not every day.

CP - And only on, 3 days maximum a week or maybe 2 days. I know you said it would only be a few events a year, but this is only when you have the group, not when you are doing your own dogs. So how many days? Do you just do it 1 day? Or do it for a weekend when you have the big group?

CM - The big group would just be for 3-4 hours.

CP - In 1 day?

CM - I would say it is going to be two times in the whole year.

MP - The way I read that CP, is that's for his own personal dog training as well. Am I thinking of that right?

GJ - No.

CP - No. So we will just say two days a week.

CM - For group training can we push it up to 3 days just in case? Actually, two days is fine.

CP - Well that doesn't tell you how many different events you can have.

CM - Right, I understand. Two days, that is fine.

CP - That basically takes care of the open conditions, correct?

CM - There will not be a dog competition event. That will not happen. There will be no live ammunition. I don't get this, each large animal shall be provided with a square fence run of at least 36 sqft. But since I am not kenneling anymore that isn't going to be an issue anymore right?

CP - Not for that. But that is a standard condition, so if one of the guys left a dog overnight it would be nice if you had it in there.

CM - Okay. The other thing I have an issue with is number 11. Since I am not really having any dogs over, and it is just my dogs. I am just a small business person and I am retired so I am looking at the added cost here too. Is that something that we can negotiate?

CP - Can we add that on the condition if he so chooses to kennel outside dogs?

TM - Currently the applicant is falling under kennel provisions of the ordinance. It sounds like he is wanting to go away from some of those provisions and possibly doing this under a different category, possibly a home occupation category or something different than the kenneling standards. So, if that is the case this may need to step back so that it can be revised to fit more what he is talking about for the use. It looks like it is not fitting the kenneling category anymore which is what it is currently proposed under.

KE - It is more along the lines of training facility rather than the boarding and breeding.

TM - That is what it is looking like to me, yes.

CM - Well after I read this, I am not going to be a kennel business, I can tell you that. I mean I've got 3 kennels and 3 dogs and that is all I want.

CP - So maybe what we are suggesting is we go back to the drawing board and really slim down these conditions

TM - If this isn't proceeding under the kennel provisions, yes, several of these conditions could be modified quite a bit. Again, if it fits under another category, not sure right off hand what that category

would be. If it does fit possibly under the home occupation category, there isn't a category that is dog training events.

CP - Would you be open if we tabled it?

CM - Oh sure. I am in no hurry.

CP - Then we can work to narrow these conditions down so they are not so broad for you.

CM - Yeah, that is very understandable. I like that. I am retired so I've got time.

TM - I was going to say I believe there are a few people who wanted to speak on the item. I don't know if, you said you are planning to table, but if you want to hear from those folks first? Or let them know that it'll be coming back at a later date if it is a separate conditional use.

CP - We can do that. We will open it up to the public for comment. As you've heard we are probably going to table this and have him come back next month with new/different conditions. From the way it sounds, it is throttled way back from what we have read in our packets.

Chair Peters opened the public testimony portion of the item to the public and the following spoke:

Peggy Frank – 57th St W - I really liked the photographs that you had. However, what was greatly lacking was any pictures of the neighbors. No pictures, we live directly across the street. What we saw, I have to beg to differ, greatly and strongly, with how the applicant is conveying and portraying what he is doing. It is not accurate. What is accurate is having 14 pickup trucks down the road, I mean not on the road, but on his property. In the pictures, you saw the picture of the wetland, right east of the wetland is where 14 trucks were parked. There ensued for over 2 hours huge yelling, at the top of their lungs. For two hours this was going on. The trucks were there, the guys were there, I don't know how many dogs they had. Maybe they didn't have guns, but whatever they had sounded exactly like guns going off "boom boom boom" for 2 hours. I am not exaggerating. He is not portraying this accurately, he is trying to tone it down. With all due respect, I feel that other questions need to be put to this applicant in terms of what he is really doing. He says he only has his 3 dogs. He is going to have puppies potentially and that would bring how many other dogs? We have no idea. We have horses, we have cattle. There are no pictures of how close the neighbors are, none. I really wish that we could see that plat picture and we could point to you where all these neighbors are, which are very, very close. The other thing is, I don't really know what is the wetland there, he dug that out. I don't know if he had permission to do that. What was taken out? I mean that is probably DNR material, but there seems to be things that are being actively taken upon without our knowledge. I didn't even know he was doing this. I hope you can understand that we want you to ask pertinent questions of the applicant that are more targeted. Thank you.

John Miller – 57th St W - I live just down the road from this proposed deal here. And my concern is we have quite a number of head of cattle. And whatever Peg just said about noise and stuff, I am not just worried about us, it is the safety of the community too. Because that is a heavily traveled road and there is going to be more cars and vehicles going up and down it. And anybody knows if they have livestock, how they can be frightened when noises go off. Whether there are no gunshots or if there are other kinds of devices being used, we have to know what kind of limit they are going to be and what other kind of noises there are going to be. Because no matter what kind of fence you have on your property, when animals gets scared, they pick up their tails and they go. So it is a threat to everybody who goes up and down that road. It's not just my loss. And another thing, is this going to decrease property values of any kind around that place? So it's more than just everything that meets the eye. As landowners, property values and everything else. We need to know this in great, deep detail. Thank you.

Richard Mayfield – 57th St W - I live directly kitty-corner to this property. I could stand on my corner and throw a baseball in the upland field you saw in the last photo, it's that close. I could turn and throw a baseball and hit my house. Our horses are right there. If you've ever been around horses, they are very startled. This happened the other night when he had 14 vehicles. This "pop, pop", whether it was a gun or pistol, whatever you want to call it. They went nuts, they ran the fields, they ran the house, they almost broke the fence. When a horse gets out, it's dangerous, not just to the horse but also to the community. There have actually been liability issues with this recently in our township. Not too long ago, somebody actually died because of this. So, this is not a place for a commercial training facility. He is minimizing it. There can be more and more people involved with more dogs. It's a noise nuisance. And it is like living across from a gun range. There are ordinances for gun ranges. This is not a gun range. There is still a "pop, pop", it's very loud. So, it's not just the immediate sound, the animals (sheep,

horses and cattle). The stress goes on for hours. It's not like an immediate, okay we are done with the stress, it goes on for a long time. So, this is not appropriate for this kind of agricultural community. There are houses right across the road and on both sides of this property. And it's like an amphitheater, the sound bellows in this area, so it is not really like a quiet little experience. As far as the training time 8am-8pm you guys have negotiated a time here. Well, we train our horses in the morning, and we train them in the night, at the same time. You cannot train horses when there are shots going off. It's not going to work. Plus, injuries can happen, not just to me but also to the horses themselves. So this ideal time of training is really not appropriate. One or two days a week, we all know when there is a commercial business happening you can expand it a little bit more and a little bit more. And plus, when you bring more people in, you don't have control over everybody. Say like a dozen people and all of a sudden someone took out a pistol, and said, let's do this over here, "bam, bam", hey don't do that. Stuff happens. Yes, you have your conditions, but people are people, so you have to have common sense. We are concerned about the traffic. Thank you for your time.

Jim Traxler - 57th St W - I share a property line with Mr. Miller. My wife and I built our dream house 20 years ago. We knew this was zoned Ag, we knew there would be horses and cattle and sheep. What we didn't expect was a commercial dog training facility and breeding kennel to show up in our neighborhood. It may be zoned for Ag, but there are at least 40 homes within a mile of this proposed facility. Almost half of these homes are within a 1/2 mile and 8 families live less than 2,200 feet away. I have worked at a hunting preserve every year since 1988. I know what to expect, and I know once the toothpaste is out of the tube he can do whatever he wants. Based on what we've seen already, I don't have a lot of faith in what he is trying to sell us on this whole thing. Any of these things, there is noise, there is gunfire, there is barking, people yelling at their dogs. Any of these things is a noise complaint. I drove down the road two weeks ago, and there were like 12 cars and people chasing dogs and training going on. So the mid-summer thing is not quite accurate. So when I got home, I got out of my car, and it was like a baseball game with whistles and yelling. I don't know how anyone can live like that. I am no real estate agent, but I'm 100% sure a dog training facility is not going to help our property values at all. There is enough traffic on the road already. More of the concern is the noise and our property values going in the tank. No neighbor wants this, the only one benefiting from this is Mr. Miller. His life dream is, I guess, a nightmare for us. He profits while our property values go down. And you honestly have to ask yourself do you want to move or live next to a facility like this? I know I wouldn't. I am there already, we gave everything we had to be there, and we're there now. This facility clearly has no business in our neighborhood. It would be a bonus if all the wildlife in the shared wetland, because I own part of the wetland too; don't get constantly harassed by all of these hunting training dogs. I mean that's what dogs do. So, it would be nice if we didn't have to deal with that. That's all I've got. Thank you.

Juan Ramirez - 57th St W - We actually live right to the west, the next house west to Mr. Miller's property. He has presented his idea for a new business. Myself, I am a business owner. We love business owners. This has been presented as a commercial business, it's not a home. Homes, for the most part, are static. I can tell you that every business owner that starts a business always underestimates what it's going to take to do it. Every business, if they are going to be successful, is going to grow. We are already talking about 20 dogs with 20 trainers, so we need to add 20 cars. And I know that if this is going to be a successful business there are going to be spectators, they are going to bring the family. If this is good, guess what? I want to invite my friends and I want to tell them, "boy that place is awesome, we gotta go there". And now we've got to have more shifts throughout the day. Okay, that is going to require more insurance, more risk, more parking abilities, they will have a resting area most likely. Most likely they are going to have someone who is a vet in case something happens to the dogs. This business, if it is successful, and any business owner wants to be successful, isn't going to be this size. It's going to grow. Personally, my wife and I don't want to be next to that. For all the other reasons, noise, traffic and all those types of things. I said I love business owners, but not next to my place. Thank you very much.

Ying Packor - Canby Ave - Corner face to the applicants' property. Hi, I am Clarissa Vou and I am his daughter, and I am here to help translate his concerns. We don't know everything that was discussed here, but there seems to be a lot of unknowns. Nothing is really concrete, it's like there might be this much or there might be that much. We might be doing this, we might be doing that. It would be good to get a more concrete business plan. What are your hours of operation? What are you actually doing there?

That would definitely help with easing our minds. But the biggest thing for my dad and my parents here is that my dad is a Vietnam vet. He has PTSD, with guns going off like crazy like that I don't know how many times a year they are going to plan to do this, because that also wasn't clear in the discussion. But that is something that is going to increase his anxiety levels, and his stress level. He already has high blood pressure and high cholesterol, he doesn't need any more health issues. You know both he and my mom moved up here from Oklahoma two years ago for retirement because of their health issues. I live close by, so I take care of them a lot. That is just another burden on them, that okay, now we have to deal with this. We came here for a peaceful life in the countryside. We didn't choose to live in the city, we chose to live in the countryside because it is more peaceful. And now there is a business kitty-corner from us and on top of that it's guns and dogs barking. Again, if there was a better, more concrete business plan put together, maybe that would put them at ease. But with so many unknowns, it is hard to fathom what the future will be like because this is where they are supposed to live until they die. Thank you.

Paul Wagner - 3200 57th St W - A little bit of background, I built two dog kennels. I built Chaos Kennels in Prior Lake and Wagging Tails in Elko, Minnesota. So I am used to commercial dog kennels. I am also a home builder of 45 years, and I've built 14 homes and projects on this street. My 2 daughters live on this road and my 4 grandchildren. People drive like they are nuts already, we don't need more traffic. I hunt, I have dogs, I shoot, I have a lot of guns. I have no problems with guns or dogs but when the application was for a commercial dog kennel, that's what it said in the paper, that grabbed my attention. Because I know all about commercial dog kennels. I have done a lot of dog raising, I started Capable Partners with Helgenberg and we did the hunt club. Took on a lot of dogs, trained a lot of dogs, I know what it takes to train a dog. If you are training hunting dogs, you are shooting guns, lots of guns. That's all I've got. We don't need the traffic out there, I worry about my grandkids. I have got nothing against dogs and nothing against guns, but commercially, it is an issue. Thanks.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - I think from what I've heard, we need to step back, and he needs to have a better plan in place.

KE - He needs to make the permit for exactly what is going to go on.

JD - If I can make just one comment. I guess I don't know the magnitude of what it can be or get to be, and I have no problem with training your personal dogs and everything. I, much like Mr. Wagner, have no problem with the guns and the dogs, that's not the deal. If you were to see the aerial photos, I don't think you guys realize you are adding to our neighborhood which is already plastered with the gun club, and DNR. Because everyone failed to mention the fact that this is on the backside of the DNR property which is open hunting. So, I don't get the DNR and I probably won't get the shots off of this, well I do hear the DNR, but I get the gun club more than anything. So what you've got is a multiplication of gun shots that are already overwhelming for these neighbors. So that has been brought to my attention. If you saw the picture, Mr. Fredrickson on top of the hill, he is not going to be a happy camper if he has to listen to more than he already has to listen to. I think as you say maybe tabling is the right idea to come back with a more specific plan as to what you do and then go from there. I think that if you look at an aerial photo you will see exactly what Mr. Wagner is talking about and Mr. Traxler, about how many homes are really there and how many are surrounded by that. I think that going back and taking a closer look at everything would be a good idea.

CP - Thank you, I agree.

MP - Would you like to make a motion to table it?

CP - I guess at this point, yes.

MP - I make a motion to table this item until the next meeting.

GJ - I second.

Motion to table item until October 10, 2024 meeting made by MP, seconded by GJ, and approved unanimously.

3. **Final Plat/Hubers - Section 18, Northfield Township**

David Hubers has applied for approval of a Final Plat to create five single family dwelling lots through the use of Transfer Development Rights (TDR). The property is described as: Part of the NE1/4, Section

18, Northfield Township, Rice County, Minnesota. PID#s 08.18.1.50.004, 08.18.1.75.001 & 08.18.1.25.004. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend approval of the Final Plat with the following conditions and findings for David Hubers. The property is located in Section 18 of Northfield Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Hubers – Final Plat

1. Final plat shall be recorded with the Rice County Recorder's office within 90-days of the County Board of Commissioners approval.
2. Any adjustments required by the County Surveyor or Recorder shall be made prior to recording of the plat.
3. All construction is to adhere to all Rice County codes and ordinances.
4. The lots and outlot shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
5. The new roadway, stormwater system and revegetation shall be constructed/completed to required standards and plans as submitted or otherwise required.
6. Road numbering/naming is to follow all Rice County naming requirements.
7. The existing conservation easement on the current property must be removed prior to recording of the plat and the required replacement easement is to be recorded immediately after recording of the plat. Replacement easement is to cover the current easement area outside of the proposed final plat.
8. All required conservation easements for the transfer development rights must be recorded prior to recording of the plat.
9. An in-lieu park dedication fee of \$2500 shall be paid prior to recording of the plat.
10. A final signed development agreement between the developer and Rice County shall be completed prior to recording of the plat. The development agreement is to include provisions for financial surety of 1.25 times the estimated cost of the improvements, guarantee completion of improvements within two years, and warranty the construction.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

The PC asked the applicant, David Hubers (DH), to come forward to add comments or answer questions regarding the request.

DH - We are here for our Final Plat approval. TM pretty much summed it up good for us. He has been very helpful through this whole process. We have read through all the conditions and are aware of all of them.

Chair Peters opened the public testimony portion of the item to the public and no one spoke.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - This has been several years in the works and very organized.

KE - I am the newest one here, and it is my second time on this.

GJ - I think we worked out all the bugs.

MP - I'll make a motion to approve with the 10 conditions.

KE - I second.

Motion to recommend approval with stated conditions and findings made by MP, seconded by KE, and approved unanimously.

4. **Conditional Use Permit/Marvets - Section 9, Walcott Township**

Julie Marvets has applied for amendments to an existing Conditional Use Permit (CUP) for a cat sanctuary facility. The proposed amendments are to add a spay and neuter veterinary clinic within an existing building, add accessory merchandise sales, a new building entry and to increase the number of cats allowed onsite to 500. The property is described as: Part of the NE1/4 of the NW1/4, Section 9, Walcott Township, Rice County, Minnesota. PID# 15.09.2.00.001. Property address is 3405 220th St E, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Ken Engen, to recommend approval of the Conditional Use Permit with the following conditions and findings for Julie Marvets. The property is located in Section 9 of Walcott Township.

RESULT: Approved, AYES: Charlie Peters, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Marvets – Conditional Use Permit (CUP)

(reordered condition #21 to replace original condition #6 which was removed per discussion below)

1. The Conditional Use Permit (CUP) is for a commercial kennel for a cat sanctuary and adoption facility including accessory merchandise sales. The CUP also includes a spay and neuter veterinary clinic for cats. Changes to the use are not permitted without approval of a new/amended permit.
2. The operation and site shall comply with all Federal, State and Local rules and regulations. Site owner and operator shall maintain proof of compliance with applicable regulations and submit said proof to county staff upon request.
3. There shall be no more than 400 sanctuary cats on the site at any one time. The only other animals allowed onsite are up to 6 domestic pets for the homeowner.
4. The approved site plan shall be followed. Cats shall only be housed and fed within the existing cat buildings and outdoor fenced enclosure.
5. No sanctuary cats, cat furniture, feeders, or toys shall be outside of the onsite buildings or enclosures.
6. The spay and neuter clinic shall only operate 2-days per week, between the hours of 8am and 5pm.
7. Visitors to the facility shall be limited to that permitted within the existing parking lot and shall only be between the hours of 1pm and 5pm with the additional hours of 6:30pm to 8:30pm on Federal and State holidays.
8. Onsite accessory sales shall be conducted within existing structures, shall be limited to the public visitation hours, and shall be limited to sales of onsite facility branded apparel and merchandise.
9. The operation may have one special 2-day event for visitors per calendar year. This event will be between the hours of 1pm and 6pm and may include up to 200 persons onsite subject to compliance with the Rice County large gathering ordinance provisions/permitting and creation of a parking plan.
10. The applicant shall create and submit to Rice County Environmental Services a site decommissioning/closure plan. This plan is to identify proposed relocation sites and shall be maintained with up-to-date facility management contact information.
11. The operation shall, in coordination with the road authority, provide dust control at least once a year by July 1st for 220th Street East, for 100ft on each side of the home driveway for all homes between County Road 19 and the site driveway.
12. The applicant or operator shall furnish Rice County a continuous \$50,000 bond or other financial surety to ensure proper site closure and remediation. The surety must be approved by the Rice County Attorney's office.
13. Indoor facilities having adequate heating, ventilation, and lighting shall be provided for all

animals. Outdoor facilities shall have shelter from the elements, sunlight, rain, snow, and cold weather.

14. Facilities shall be inspected at least once a year at the owner's expense by a doctor of veterinary medicine who shall provide a report to the County, by August 1st of each year, describing the condition of the animals and facility, medical treatment required by the animals, and remedial actions necessary to improve the condition of the facility. This report is to include the number of current animals onsite and a summary from the past year animals moved in and out of site.
15. Proof of a proper animal waste disposal system shall be submitted annually, by August 1st of each year, to the Rice County Environmental Services office.
16. The onsite septic system shall be shown to be in compliance with the existing and proposed use.
17. All buildings used shall meet building code for the intended use. Any new construction on the parcel is to adhere to all Rice County codes and ordinances.
18. All vehicles, equipment and trailers stored/parked outside shall be operable and have a current license. There shall be no outside storage of inoperable equipment or waste materials.
19. No onsite camping/short term rental use shall be allowed unless approved through a separate permit.
20. Failure to comply with conditions may result in revocation of the conditional use permit.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

CP - Is the house unoccupied?

TM - That is a good question for the applicant. They had been operating a short-term rental, which isn't allowed under our ordinance. They did come forward with an amendment to change that, but the discussion was taken over by the Planning Commission and the county Board and has moved forward with some ideas the County has to address the short-term rentals. Currently, they are still not allowed, but the amendment is laid out and is proposed to come forward later this year, during the winter time as the board indicated. There is a condition addressing that stating that it's not allowed as a short-term rental unless permitted separately.

MP - I see the dust control condition is highlighted.

TM - Yes, based on the current CUP and some of the concerns raised. There were dust control concerns raised. On other CUPs we have dealt with that in a number of different ways, so there is not a clear direction to give you. If you want to address that, we can figure something out for that. Most of the time, dust control conditions come from gravel mining, with sometimes it being required only in front of homes or sometimes along whole sections of roadway, and sometimes they have been required to pave the roadway. For a few sites, it is required to water the roadway regularly. A lot of it ends up having to be coordinated with the Township.

MP - As far as the vet clinic, it would be spay and neuter only?

TM - That is the way it is proposed and how it is listed in the conditions, yes.

The PC asked the applicant, Julie Marvets (JM), to come forward to add comments or answer questions regarding the request.

JM - Faribault, MN - We were formerly "Furball Farm Pet Sanctuary". In the last year, we changed our name to "Furball Farm Cat Sanctuary". The calls we were getting for dogs, skunks, deer, rodents. We had to clear that up. Our mission is for feral cats. In a nutshell, spay and neuter. We preach spay and neuter. There are too many cats in this world. We are a sanctuary for feral cats. When we moved into our new building in June 2022, we were really excited that we had a building that was created just for feral cats. We work hard to rehab them to try about adopt them out. We had a huge social media presence. We had fun making videos and reels in our new home and showing off these cats. *JM showed a picture of one of the cats* - This was a feral cat that was live trapped and brought to us. If you look at him today, he is now adoptable. This is our mission, to be a safe place and hopefully, one day adopt these cats out. As we are having fun with our cats, our social media presence was growing, but so were the calls for help. With there being no animal control in Faribault, we were inundated "please" and "rescues are full". There are no low-cost spay/neuter programs in southern MN. You have to go to the

cities. Six months into our new building, these calls are coming in, and we are taking these emergency cases because our hearts are so big, and we want to help, and we have the space. We were getting referrals from Faribault Police Department, Owatonna Animal Control, Kenyon. Vet clinics in Faribault were giving us referrals by just giving out our number. We were donated a nice sum from a friend of mine. I felt like we were spinning in circles. There were so many pleases, but we can't take all the cats in the world. I asked her, "Beverly can I use your donation to start a low-cost spay/neuter program? We need one here in Faribault." She was thumbs up. Thus, the Dr. Beverly Stephenson low-cost spay/neuter program was born. That was in October 2022. Sadly, Dr. Beverly passed away at the end of November, but she got to see her program start. I am thankful she got to see about 60 cats spayed/neutered under her program. Now we have this spay/neuter program, we are seeing farmers and people that feed cats in the trailer parks. They don't just have one, they have mommas and babies, and they keep feeding all of these cats. Farmers get cats dumped on them and they can't afford it. That is the bottom line, people cannot afford to spay and neuter. We are using our monies, our funds, and doing this program at Faribault Vet, which is a burden on them because they run their own practice, and we use up their surgical suite. We are spinning in circles and doing the best we can, but the numbers are still there. We are getting calls. We took in 55 cats from Walcott Township and 45 from Medford. When I got the phone call, they said it was 3 adults and 11 kittens. The owner's brother passed away, and he lived in a mobile home park. I was like "we got this, it's only 3 adults". So I contacted Rescue 55021. We work hand-in-hand. They do the friendlies, we do the ferals. I am giving this backstory to help explain why we want to up our numbers. When we went to this mobile home park, we had to wear hazmat gear. It was disgusting. 45 cats were pulled out of there. We live trapped. The person was deceased and it was the ammonia that helped attribute to his death. We split them up. Rescue 55021 took all the kittens and the pregnant ones. We took the skittish adult feral cats. I think we ended up with 23 of them. What really sunk in was that that poor man probably lived in a mobile home park, feeding cats, had compassion, winter time, brought the cats in, they reproduced, he was too embarrassed, and he couldn't afford to spay/neuter. I had such sympathy for his family. It started an awakening in all of us going "how can we get this to stop?" We cannot be the end all be all. We want to be a part of spaying and neutering. We do not want all these cats. I wish I could retire and not have to be in charge of this. I started this 8 years ago and for 7.5 years, I was not compensated for this because I love cats. I wanted to make a difference. I want to stop getting these calls with cats. The most recent case we took 9 strays in Faribault, two were pregnant. Rescue 55021 took the friendly pregnant one and we had to make lemonade. We put the pregnant one in our isolation room. She had babies. They will be 6-weeks next week, and we are going to adopt them out. It's endless. It's depressing. It's 12-hour days. It's endless. The numbers fluctuate. We are double the number we are allowed. We are transparent. We are live streamed. You can hop onto Twitch 24/7. We do videos. We do live streams. We do reels all day long. We are not hiding our numbers. We are trying to educate the public. Don't let your backyard look like this, spay and neuter. We are so successful. We are so blessed with the donations to be able to help. The City of Faribault, we could go in there and help the mobile home parks, but we are tied by this number. It's hard to justify. It's hard to say no. I hope you understand, we want to stop this. I want to show you one more cat who was live trapped too late. We had to put him to sleep. He was too far gone. We don't want this to happen anymore. Some people say "I don't like cats". Well you should love us because we want to spay and neuter Rice County. We want to go further than Rice County. The common reason is that they can't afford to spay/neuter. With our immense public, social media and the revenue we get, I would like instead of having us driving back and forth to Faribault Vet with the cats. Half the time, the people that bring their cats have to come to our farm to pick them up. That's a lot of driving. Dr. Mills, who is our hired veterinarian to oversee things, she wanted to have it onsite. At first, I was against it, but now with all the driving, it could be a benefit for our onsite veterinary to take care of our sanctuary cats. Right now, when a cat is sick, we have to trap the cat, drive to Faribault Vet, and drive back. They squeeze our cat in and when it's done, we drive back to Faribault Vet, pick up the cat, and drive back. It's a lot of driving. It makes sense to put a clinic right adjacent to our building. Our thoughts now are, low cost/no cost. I propose it is free for farmers because we know what it's like to get dumped cats. Looking at the bright side, if people are going to dump a cat on our property, generally they are skittish and scared, and they know humans, so they meow. We know that it's a friendly cat, that it's not one of our cats. We will catch that cat, we spay/neuter it, and we have such a good success rate with adopting those cats out. To date we have spayed/neutered 1,316 cats through the Dr. Beverly Stephenson program. That is only two days a week and we can only do 10-15 a time. Dr. Mills is having a family crisis right now, but comes back once a month from Ohio. The Faribault Vet is now doing spay and neuters, but they can only do 8 one week and 6 the next. To me, this is God's way of telling me that it is time to amend our CUP. We are here to help Faribault. We are

here to help with the population. There is no animal control in Faribault. It's us I guess, I am ok with that because I care about the cats. We are so blessed with donations. I get goosebumps and I want to cry at the amount of support we have because people follow us and they know our hearts. We are in this for the cats. I want to retire. I don't want to have 500 cats. For now we are going to play catch-up. We need to spay and neuter, we need to get those farmers to bring in their 10 cats at a time. Right now we only get 8 spots. One of the veterinarians can only do neuters. Our hands are really tied right now. If we do a low-cost spay/neuter clinic, I'd like to start small, one day a week. we have to get the wrinkles out. Dr. Mills can kick out 30 spay/neuters in a day, I have 3 vets that are ready and excited to join our team. One of them designed the animal emergency hospital in Oakdale and she came two weeks ago and was completely floored by how clean our facility is, how well run we are, how healthy the cats are. She said she is 150% in and she gave me permission to say her name, Dr. Karen Reinhout. We have vet techs that want to join. We do not want a ton of cats coming in. We have people in Rice County that have 30-50 cats in their house. We know about it, but we can't take them in. We would like to go get 30. We are not going to be a low cost program. We are going to vet these people, but it's not people who have little Persian kittens that want to come get a cheap spay/neuter. That is not our plan. Our plan is to stop the cycle outside. The mobile home parks have feeders and we know they don't have money to spay/neuter. that's where we want to help the City of Faribault. We want to help farmers, we want to stop the number of cats. In 2023, we had 367 adoptions. This year to date, 247 adoptions. We are a feral cat sanctuary, that is not our mission. We are taking in cats that rescues can't and we are moving them out. I know the word hoarder has been used. We are not hoarders. We are a team of professionals. We have physicians, veterinarians, vet techs. We have professional people that think we have to stop this. We want no more suffering. If you approve us to have this clinic, I can personally guarantee that in two years our sanctuary numbers will go down. I want to retire. I want to be in Florida. The pleases will go down. We are going to help rescues. Rescues will be able to use our facility, because rescues are struggling to pay their vet bills also. We are going to help the rescues that take in the friendly, owner surrenders, and the dumped. It's going to be teamwork between the city and the county and all the rescues. I call it rescue teamwork. I ask that you up our numbers so we have wiggle room and always in compliance. It will make the county better. It will make us feel better. It will make it better for cats. I love cats, but I don't like this many cats.

Crystal Gilson (CG) – Fargo, ND – *affiliation to Furball Farm, volunteer and board member* - There are 20 conditions. What we thought we could do is break them up and BJ and I can provide more information about some of the conditions. There are a few we have some questions on, a few we want to provide more explanation around and there are several that we are absolutely ok with and agree to. Does that sound like a plan or do you have some questions for us?

CP – It looks like we have to go through them. There are a few we will need to go in-depth on. We can go number by number.

CG – I actually grouped them. I was going to discuss 3-12 and I split them into three groups because some of them are related. I started with 3 because we absolutely agree with 1 and 2. Number 3, the first sentence, we would like to up that number to 500 domestic cats. JM used the word wiggle room. We are not going to house 500 cats. This allows us to move cats through the system. We get cats 20, 30, 40 at a time that need to be spay/neutered. TNR – trap, neuter, release or relocate – the vets help make that decision about whether a cat can be released back to where it came from. If a vet says no, they need to be relocated and they come to us. That's why we need that wiggle room. They do not necessarily stay there. We try to adopt them out as quickly as possible. We also use fosters. The numbers we include, the 150 and doubling that, it does include foster care. We have a lot of fosters that help us. You are not looking at 500 cats sitting in this sanctuary at one time. But if the county comes to the sanctuary and sees there are extra cats there, they could be moved out within a day or two. We are working with other rescues. We are trying to move these cats through the system. The second sentence of #3 says we are only allowed up to 6 domestic pets for the homeowner. We are on a farm. We have farm cats. We would like it to say no more than 10. The cats came with the farm. It's been there for a while. These cats are spayed/neutered. They are going to die and have their next adventure in the sky. We have no intention of increasing the outside cat population, but we would like to be in compliance and make sure those cats are covered. They are farm cats for lack of a better phrase. They are working cats. They deliver staff rodents almost daily from other areas of the farm.

CP – The feral cats that are taken in, they are all contained, none of them run loose?

CG – That is correct. TM took pictures of inside our sanctuary. They have a very large space inside. That is connected to a covered catio, and that is connected to a completely enclosed "playground". It's

wire mesh, nothing can get in or out. We worked with the county to ensure everything is to code. That playground is completely enclosed, none can get out. We do have some of those cats that are on hospice, which means they are going to die in the near future. There are a few of those feral cats that are so handleable that they are in the kitchen and during the day, we let them sit on the front porch. They get some sunshine. They do not stay outside for long periods of time. They do not stay outside overnight. When county staff have visited, they have seen those cats sitting there. They also greet the visitors. They are not the extremely feral cats, they are handleable by humans. They just cannot be adopted. They are “pee cats” or “naughty cats” or they are on hospice and we let them have some sunshine before they pass on.

CP – The 6-10 run loose?

CG – They are free, yes. We understand that we need to provide shelter to them as well. There is not a picture that shows the room adjacent to where the feral cats are. There is a cat door there. Those cats can seek shelter in that room. That is actually where they deliver the rodents as well. The farm cats are in a separate room. Conditions 4,5 and 6 talk about are the cats inside or outside, which ones are outside, why are they outside, etc. I hope I clarified that. I do want to talk about that room where the farm cats are able to get into. There is a door there and it says here that we will not have that door anymore. I am speaking to this one because I am very passionate about it. We need to keep that room open. We need to have that cat door available. TM said this would attract other cats. I mentioned that we have no interest in growing that outside cat population. We know that our cats are not roaming off the property. We know there are not cats roaming onto our property. How do we know that? There are more cameras on this property than in Fort Knox. There are a lot of cameras. On top of that, we have over a million followers on social media. One good thing about social media, there is something called Twitch. We have people monitoring those cameras 24/7 and they tell us when something happens. We can see the dogs coming from the other property, roaming at 3am, 4am, 5am onto our property. We see that. We don’t see cats roaming onto our property. What we do see is people dumping cats onto our property. That is the second reason why I want that door to stay open. We have amazing professional live trappers. They can help us get those cats that are dumped. Let me back up to that camera. We can see who is dumping. We can see their license plates. We report that. We do not have time to file charges. Also, that does not help the cat situation. And if they are dumping more than one cat, they are dumping male and female cats. It is extremely urgent we get there before they start having kittens. We can work with our trappers to get those cats. How long does that take? Maybe a week. It depends on the cat. It depends on if the capture one of our 10 farm cats. It’s much easier if that cat can go into that cat door where there are cameras. We can see that the cat is in there and we can quickly seal that door. we have staff that can nab that cat within minutes. Then we can get that cat through the system. More than likely, those cats that are being dumped don’t really belong at our sanctuary. They are probably people that we have said no to who said that we have to take their cats. They are scared cats, but they are friendly. They know humans. So, what we can do is get them, spay/neuter them, vet them -which includes all the necessary shots, and get them to other rescues and adopt them out. Are we attracting cats through that door? Only the ones we absolutely have to find on our property. Those are the things I wanted to mention about conditions 3-6. Are there any questions?

CP – No.

CG – The next group is 7-9 with the fill in the blanks. Number 7 states visitors to the facility shall be limited to that permitted within the existing parking lot and shall only be between the hours of... Right now, we have 1pm-5pm and it’s 7 days a week. We would like to include extended hours on holidays, 6:30pm-8:30pm. Why are we 1pm-5pm, 7 days a week? We are there and we want to bring the public in. The public can help socialize these cats and they do. That is why we are able to adopt as many cats as can. The other reason we want the public to come in 1pm-5pm and with the extended hours, is so a variety of people can come in and become adopters. Number 8 we are fine with about onsite accessory sales. Number 9 is about the one special event per calendar year. That’s fine. We would like to do one event. We have something called Furball Fest. It’s a 2-day event, usually at the end of July. We would like the hours of 1pm-6pm on one day and 1pm-5pm on the second day, usually a weekend, with about 200 persons per day. This is a great fundraiser for us. It’s a great way to get more donations. Everything you saw in the pictures, the building, everything has been donated. That’s what is so incredible about this place. These kinds of events help us. That’s what I had for condition 7-9. Any questions or concerns?

CP - Not at the moment.

CG – Let’s talk about conditions 10 and 12. I am going to skip over the dust issue right now. We will come back to that one. Number 10, the applicant shall create and submit to Rice County a site

decommissioning/closure plan. We have part of that already in our bylaws. You don't start something like this without having some type of closure plan or some kind of plan to allow for a catastrophic event. We just haven't submitted it; we have not been asked to submit it. We can get that written up and sent to you. We want to beef up our bylaws to include that information. Number 12, the applicant or operator shall furnish Rice County with a continuous \$50,000 bond or other financial surety to ensure property site closure and remediation. We would like to do a security trust and we would like to run that by our lawyer and accountant to make sure that is fine. We are happy to set aside \$50,000 to make sure that should the county need it, we do not anticipate it, that it is there, but we also want that money to be ours at some point, so if we do have a catastrophic event or if we need to close, that it's there and we can use it. I plan to turn it over to BJ to continue through the remaining conditions. Do you have any questions or concerns about anything I have mentioned so far?

MP – Going back to the door, explain that. You talked about the door for a while. Right now, it's a 2-way door, the cats can come and go?

CG – It's like a dog door, we call it a cat door.

MP - The 10 farm cats can come from the outside. It's basically for them?

CG – That is for them. That is where they get their food and that is where they can seek shelter.

MP – There was complaint about animals coming and going and how you control that?

CG - I am happy to have that person come and sit down and look through the cameras. I come from the research world. There is what we think is happening and there is what is really happening. Those cameras can tell us what is really happening.

KE – Your outdoor facility goes from your new building to the next building which is the same building that has the cat door on the other side of it, correct?

CG – It is another room.

KE – Based on the pictures we saw, my question is do cats from the outside facility, or catio, have access to the room where the cat door is located?

CG – Yes, if they go out into the kitchen and go outside, then could get in there, but we quickly grab them and put them back in.

KE – Just trying to clarify whether or not cats can go in and out by themselves?

CG – The farm cats can.

KE – My question is if the cats within the enclosure can get to the area where the door is located.

CG – No. Absolutely not. We would love to have you come for a visit so we can show you. I thought you were talking about the hospice cats. If the hospice cats went into that area, we would go get them.

KE – I was wondering if cats could get from the catio into that room?

CG – No they cannot. Those feral cats are completely enclosed. They have a great playground with lots of enrichment, they really are not interested.

Brett Johnson (BJ) – Lakeville MN – *affiliated with Furball Farm, treasurer and board member* – I will start with the dust control along the roadway. I wasn't aware of any complaints about dust control. It sounds like there is something attached to our amendment request. We don't anticipate a lot of traffic with the spay/neuter clinic. Maybe 3-5 extra vehicles per day. I don't see this increasing. The clinic will have limited hours as well. We are not going to be a 24-hour facility. We are open to discussing options if there are strong feelings that dust is a problem.

CP - I can comment on that. One of the letters comments on dust control. The guy who grades your roads also grades our roads. Last night he said there is a lot of traffic and the roads are horrid because of it. I think we do need to look at some kind of dust control.

BJ – If there is strong evidence of that, we are willing to look at options. Number 13, indoor facilities having adequate heating, ventilation and so on. We feel our current facilities meet those requirements, so we are fine with that condition. Number 14, facilities shall be inspected at least once a year. We currently have it inspected twice a year. We are fine with that condition as well. I think we are well covered there and we have received glowing reviews. Number 15, proof of a proper animal waste disposal system shall be submitted annually. We are fine with that and have been complying with this all along. We just submitted the most recent one in July. We have no problem with that. Number 16, septic system shall be shown to be in compliance with existing and proposed use. I do our project management as well on some of the construction projects at Furball Farm. I did reach out to the septic system contractor they used previously and talked about our plans going forward with a spay/neuter clinic and an additional bathroom. He indicated that we will most likely need a new septic system which we are fine doing. Number 17, all buildings used shall meet building code for intended use. We are totally comfortable with that. I worked in project management for years and understand the importance of

following codes. Number 18, all vehicles and equipment. I think this was touched on by TM already that we had some that were out of compliance as far as license tabs, but we have brought those up-to-date. Number 19, no onsite camping/short-term rental use shall be allowed unless approved through a separate permit. We definitely do not do camping. As mentioned, we have the farm house and in full transparency, we have been using that. As TM mentioned, last fall we initiated the amendment for the county to allow short-term rentals. JM and her husband paid to get that started. Some of the revenue from that benefits us and allows us to do what we are doing. Hopefully, we can work something out with a separate permit or something until we have the full approval or modification to the existing ordinances. In summary, we have kind of become a social media phenomenon, Furball Farm Cat Sanctuary. JM and other staff do a really good job with the lives streams and have attracted a lot of followers and interest in what we are doing, compassion. Because we have so many followers, we are getting advertising revenue now. That allows us to do what we are doing. It's an opportunity to allow us to do the spay and neuter clinic and help the community with something it does not currently have to tackle the stray cat population issue. I see it as an opportunity for the Rice County Planning Commission and the Board of Commissioners to take advantage of.

Chair Peters opened the public testimony portion of the item to the public and the following spoke:

Linda Devine - 250th St W - I am a long-time Walcott resident. I own acreage out there. Over the years, I have had a number of many feral, half dead, diseased, starving cats either show up at my place or be dumped at my place. I absorbed them, I paid for them myself and I found them homes. Eventually, no one wants to talk to you anymore. You've gotten a home for every cat that you possibly can. In 2017, I believe it was, there was yet another cat I was calling around to local rescues just to see if anybody was missing a cat. Julie at that time, I had never met her. I said I will take the cat, I will find it a home, but she said I could use her name at the local vet because it's very expensive to spay and neuter these cats on your own. Since then, I started volunteering there. I myself am happy to find out tonight that I am in compliance. I have 6 cats, all ferals from the neighborhood. And I can't absorb anymore cats, I told my boyfriend that I don't want to be a crazy cat lady. He said "Hun, you are rounding the last bend". So I have been volunteering there regularly. I have helped with Julie and Furball Farms, I've helped trap numerous cats. I have gone to the neighbor farms, and I've also asked them, "Do you want your cats spayed or neutered?" They said yes. So we work in a team. I am a neighbor, I am like 3 streets over. As for dust control, I live 3 streets over, and quite frankly, a lot of those roads in Walcott are pretty rough. I've had part of mine washed out for weeks, not saying anything. I know those guys do a good job, and it's a lot of work. So, I guess the dust control is here nor there. But I just want to say they have done an invaluable service for the community. They also provide volunteering for people with disabilities and a number of our area residents are able to go there and volunteer to make them feel like they are part of the community and contributing. And they also help out local corrections, they provide community service hours. So, for non-profit, they are totally independent, they are not getting any money from the county or the state or anyone else, they are doing a phenomenal job. And the spaying and neutering clinic will only help out. One last thing, I was part of the 9 cats and the 2 pregnant kittens, this was a Facebook post that I foolishly answered. This was right downtown Faribault, right behind what is now Circle K. You know these cats keep breeding. It was a guy feeding cats, he had good intentions, he had no money. And these cats keep breeding and breeding and breeding. They become a nuisance, they can also become a danger with disease. (3 minute time limit) Thank you.

Joanna Zachman - 5th St NW - I have been a resident of Faribault since May of 2021. I have visited the Furball sanctuary about 14 times since then and I've just looked at the conditions. The conditions I think are great, as far as the use of space, as far as the volunteers that show up. I think they have 50+ volunteers and if you look at the amount of cats they are caring for that's over 10%, so that's really good. The use of space for the spay and neuter clinic I think makes sense because I think it can be managed. The actual cost of a spay/neuter in Minneapolis or in Minnesota, we just checked about an hour ago is about \$250-300. That is just for the spay/neuter, so can you see why people can't afford to do that? If you have 6 kittens, and you have to spay/neuter them, I can see why it gets out of control as fast as it does. So, the fact that they are willing to do this and are willing to manage it and willing to have staff to oversee it, I think this is a good thing. The other thing I just wanted to say, I think Furball Farm is managing two agendas. They are managing growth and then also managing the integrity of the growth. And I think they are balancing it, and I think it's keeping in the history and integrity of the area as well as being willing to manage change. I have noticed this about the Furball Farm, if you visit there, it is an

occasion for a lot of people. People come there, and they bring their families, their children, they interact. Then the people go to places like the Depot or they go and just hang out in downtown Faribault, which is great. You are bringing in revenue into other places, they are discovering Faribault. So it's becoming a good destination place. I myself go to the Depot and have dirty martinis afterward, I can attest to that. So I guess that is what I am saying. I want to comment on the dust situation. I literally live about 4 blocks away from here. I am on ladders constantly, cleaning the dust off of my overhead fans, and those are paved roads. Dust is dust, I guess that is all I have to say.

Wendy Eckert - *Division St W* - I am a past volunteer at Furball Farm. I also have had and cared for a feral male orange tabby, which when he became sick I could not find any help. The Faribault community officers said that they do nothing to help the feral cat population and problem. What's the reason? They get too many calls. So fact, we know there is a feral cat problem in Faribault. And by the way, just so you know I did reach out to Furball Farm and they were at capacity. It is estimated that there are 300,000 to a million feral cats in the Twin Cities, I was unable to find anyone who knows how many feral cats live in Faribault. Feral cats are a significant, unwanted effect on the environment because they have a capacity to kill wildlife. They live in colonies and have high birth rates. There is a need for food, and it causes a nuisance, so they are in dumpsters, they are in your garbage. They are not vaccinated, so they can be diseased with rabies, feline leukemia, toxoplasmosis, FIV, and cat scratch disease. What is cat scratch disease? It is a bacterial infection transmitted to humans from a scratch or a bite from an infected cat and FIV. Rabies is a community health hazard to all the citizens of Faribault. Cats are protected by Minnesota state law. You cannot shoot them or poison them. Furball Farm and its mission has put Faribault on the map. Furball's awareness has been increased by many local news stations; MPR, CBS News, FOX News, Christianforum.com, Eyewitness News and lastly, SouthernMinnesota.com. Furball's Facebook base is known worldwide, in many other countries as well as people in the United States. People plan special trips and vacations just to visit Furball Farm. 30 vet offices that I called within the last couple of weeks know and support Furball Farm. Now Furball Farm specifically, is a 501(c)3 nonprofit. They provide a solution that is extremely humane and this is how: 1. Feral cats, they live in a clean cage-free environment, 2. Spay/Neuter and provide needed health care, 3. Some cats are found to be friendly and are adopted, which makes room for more feral cats. (3 minute time limit)

Janice Guehner - *Inmon Trail, Lakeville* - JM is my twin sister, she sucked me into this. I did this, I gave up my job to do this. For many, many years, for nothing. I'm going to tell you that everything they said is awesome. I take most of the phone calls from the public and people are pissed when we can't take their cats. People swear and they are very angry because we can't keep taking cats. But you know what we can do? We can do a spay/neuter program, where we won't take those cats but we will spay and neuter. I am very passionate about this. We need this program, if you could step in our shoes and take the phone calls. Yesterday I had two phone calls, one was 25+ and many pregnant mommas and litters and they can't afford to spay and neuter. It keeps happening. We get referrals from, is Steele County and Owatonna the same thing? I don't know, but I keep getting phone calls being referred from Owatonna Animal Control and some people say Steele County, I don't know if they are the same thing. I am from Lakeville. All I know is that people need help and they can't afford to spay and neuter their cats and we can't keep taking them. I'm tired, we are tired. So I beg you guys to please let us have a spay and neuter program, we can at least start stopping the overpopulation of stray cats. So then we don't have to keep taking them like I want to, because I freaking love cats.

Dirk Dixon - *Bayard Ave, Saint Paul* - I volunteer on Saturdays. I work a full-time job in downtown St. Paul, I get two days off, Saturday and Sunday, and I spend my Saturdays there. The reason I spend my Saturdays there is because I believe in what they are doing, and I see how they are doing it. The place itself is extremely clean, I can't imagine. Before I get there, what they do every morning, cleaning this place and if you haven't been there, you really should go there and see how clean this place is. It's incredible. The door that they were mentioning for the outside, I go into that room and I would notice if there was other cats coming in because I would see new cats. And I am sure they do too. They talk about being on Twitch and see that, there was some discussion over cats are coming in there because that's available and I don't see it. I see the same cats, and it's kind of a safe harbor for them in the winter time or if they need food and stuff like that, so that is why that is needed. It is not to attract other cats. The dust, yeah, I wash my car every time I leave. It's a dusty road. I do see that it looks like in front of the houses are oiled or something, because there is not a lot of dust there. And I also see a lot of people that

aren't going to Furball Farms flying down that road. If people went the speed limit, the dust wouldn't really be as big of an issue, you know? But you do see people that are flying down the road and it's usually not during the visiting hours. So I don't know how much traffic is being caused by them that is hurting the road, but I do see it can be pretty busy and not during those visiting hours. So, that's really about all I had to say, thank you.

Melanie Hernandez - *Albers Ave* - I have been a volunteer at Furball for over 3 years and working during visiting hours is one of my favorite times. I enjoy talking to people and finding out how people find us. You know, talking about the social media platforms is huge. Doing what we can to continue talking to people and finding more followers. But one of the greatest things that I hear is how healthy all of these cats look. It is one of the greatest pleasures that I can hear. The greatest compliment that I hear is how healthy all these cats look. Whether it is 50 cats, or 150 or 300 cats, they all look amazing because we have these amazing volunteers here, every single day, to care for these cats. And that is one of the greatest things: we do a really good job of caring for these cats, no matter how many there are. Thank you.

Brenda Dorr - *220th St E* - I am directly across the street from Furball. Just let me say before I start, I am taking a lot of risk by coming out today. When JM first moved in, well nobody's actually moved in, nobody has actually lived there. But when she first started, you know the first two years. I have been in the veterinary medical field for over 40 years. So when she moved in, I found out that she had a rescue there or, you can call it a rescue, or sanctuary. Things were good. I was so happy to see another rescue. Like I said, I have been involved with these facilities for many, many years and you can probably go across to every board meeting in the State of Minnesota and hear these same things. I am all for spay/neuter, I know there is a huge problem in the State of Minnesota and in every other state in the country. I believe in spay/neuter. I think it's wonderful. And initially, on first meeting JM, like I said, "Oh come in, see what we've got going" and she asked me to count the cats that I could see. Then the next thing she said was, "Oh that's good because I am going in for permitting" or something, and I said, "Well yeah, I am sure the state will be coming to visit too." Because I have also worked in the teaching situation with veterinary technicians, I was a teacher for many years and I know the whole process with the Board of the State of Minnesota. And it was fine for a while and then all of a sudden she thought I was turning her in for everything. So now, even this last week before this week, what did they say, on her millions of followers and 150,000 Twitch people, all I heard was bad words about me. All over the whole world, and before this week I have gotten death threats, I've gotten harassment. If you happened to see it while you were out there TM, mine is the mailbox with the garbage this deep around it. I have been in contact with the sheriff, I have been in contact with an attorney and currently again. Especially after this week of reports, I am supposed to be some puppy mill that lives across the street from them. Our family has lived there for 60 years, and we are not a puppy mill. I am not a breeder. (3 minute time limit). Did you get a chance to look at the videos, where the biggest thing I want to say is she came for 150 at that time she had 350, you can see the photos you can see the things. And she currently has more than 500. If you saw the video "Janice, we are up to 500+".

Kris Olson - *220th St E* - What I didn't hear about from most of the people who are for the farm or work there is that they don't live there. They don't live on the street, Brenda lives on the street and there is one other neighbor here. Many of the neighbors don't want to come forward because they don't want to piss off the neighbor per say. The dust is an issue and the road conditions are bad, especially when they have events. And they have had more than one a year. Kind of looking at it as this went from a sanctuary to a huge now commercial building, where does it end? And everything has been after the fact. Every permit she has gotten, and now this is the third time she has been here asking for something. So if you've got 500 cats now, what's next? So I guess that's my issue with it, you got my letter on it. I mean if you've got any questions you can ask away. I appreciate it.

Candace Knudson - *220th St E* - I am a half mile east of Furball Farms. Considering the dust issue, I live next door to Straight River farms and they would have hundreds of people during strawberry season coming and picking strawberries. So, I mean we have always had a dust issue out there. And then we had the sand pit down Cone Ave, and so, passenger cars do not have as big a toll on the road as all these big dump trucks hauling gravel and sand or whatever they were hauling. We have got farm machinery going up and down the roads all the time and as far as I am concerned, I don't have any problem with Furball and the traffic. And I don't see roaming cats they rarely see cats and I talked to my neighbors

with the strawberry patch and I know that somebody wrote in that cats were peeing and pooping in there. And I asked if that was true and they said we have never seen cats pooping and peeing in our yard. They have a problem with sometimes deer doing that. And I asked them about roaming cats because they are right across the train track. They said that a gray cat has moved into one of their sheds, but they rarely see another cat on their property. And I don't see cats at my place. I know that another neighbor, two of their cats went down the road and they moved in. They built a home for them, they feed them every day, they are big and fat. And I think we have two neighbors who don't like them, but I talk to all the neighbors and I don't see that the last two people do nearly as much as I do. And it's kind of like yeah, I mean it's not a problem. I am so happy. I don't particularly like cats, and so I have helped a lot with taking cats up to Golden Valley for free spaying and neutering. I can fit 5 traps in the back of my Prius and I'll run them up there and they were doing free feral neutering. I know another neighbor in Walcott came over and said, hey I've got these cats, can you take them? And they were like, no, we can't. But he was like, what am I supposed to do with them? And they go well, okay I guess we will take them. And I just think it's such a good service for our community and I know that our trailer parks are full of cats. We've got cats roaming all over. (3 minute time limit) Yeah, well, environmentally, they are pooping and peeing all over, which is not good, and we have to buy all this food for them. But anyway you guys, give them a thumbs up and go out there. It's amazing.

Tatiana Ibarra (via Zoom) - *Asiatic Ave, Inver Grove Heights* - Pardon my English, it is not my first language, and I am still learning, but I am going to try to be as clear as I can. So I am here to give my full support to Furball cat sanctuary and the building of this new facility. Over the 7 years of their existence, JM, as a founder, along with Janice and Chris have proved through actions their deep love for the cats. Giving them a permanent home, food and veterinary care. For the last 2 years as a volunteer there, I have seen firsthand how they don't hesitate to help any feral or stray cats. As many as possible. Also, they don't hesitate in educating people like me, who want to do the right thing but don't know how to do it. Allowing Furball to have this new facility will not only expand their good deeds for the cats but will benefit the whole community. Please remember, Furball is doing what most people in the world are failing to do. So just give them a chance, thank you.

Connie Cooper (via Zoom) - *Renfair Dr, Plantersville, Texas* - I have been following Furball on social media for just about 2 years now and one of the things that I haven't heard this evening is some very basic facts. And JM touched on the fact that she had spayed and neutered over 1,000 cats through the Beverly program. So if we split those cats into 2 groups of 500, one being female and one being male, every single cat that she had spayed (female cats) was capable of producing 24 cats per year if not more. The boy cats, there is no counting, they can just have a blast out there. And if you just put that into small numbers, 1 cat, 1 boy and 1 girl, how many kittens will not be born to be feral cats? Another thing I have watched and just been enamored with is seeing the visitors come in and knowing that every one of those people who go in there interacts with a cat. And I like to watch the kids because some of these kids have never seen a cat. Some of these kids don't have pets for whatever reason, or they just aren't familiar with how to treat an animal. And they are learning, the little kids are learning and their little faces just light up so much when a little cat comes up and rubs on them. I put this in the comments at one point, but that visitation is crucial for socializing the cats and for teaching people. The spay and neuter is the answer. If you just take cats away from a colony, it creates a vacuum in the community and new cats will come in. If you spay and neuter, and they get returned to that colony, if they are physically able to and healthy, then they keep other cats from coming because they are pretty territorial. And it slows down the problem of so many cats everywhere. I strongly encourage that this clinic be approved and that their expansion of numbers of cats be accepted and that is pretty much all I have to say. Thank you.

Deja Bogen (via Zoom) - *La Casa Dr, Moeno Valley, California* - I want to be brief, but I did write something because this is very close to my heart and I don't want to "um" in anyway. I am nowhere near local but this is very close to my heart. I typed and annotated that I wanted to specifically say that Furball Farm, they are actively dedicating their lives to something very important. Something very critical and something that is bigger than themselves. Something that has a nationwide, potentially (as we have seen in some of the comments, including people from Sweden) a world-wide impact. They are an educational resource as well as a beautiful resource for the community they serve. Many states don't have any programs or organizations that come close to what Furball Farms Cat Sanctuary has developed with love, care and discernment! They have already amassed a large world-wide support, support lives that cannot support themselves and that cannot advocate for themselves. And now they really need the

county's support and they deserve it because they are humane, they are thoughtful and extremely logical so far as being reactive and proactive at the same time. The individuals of Furball Farm are professional in going for the best and other cities and states would be honored and blessed, if you're religious, to have Furball Farm or an organization of that nature in their county or city. As I heard in a previous proposal, I believe there was a member of the board that said it would be considerate to have proposed vet care for I believe it was the dog training proposal. With the amount of lives that are in the care of Furball Farms, spay and neutering must be approved as a standard for safety, for care and just to grow in the right way while reducing numbers and proactively working towards the future. Thank you.

Lisa Lenzner (*via Zoom*) - *Valley Forge, PA* - I just want to say, I have been following Furball for three years online. I have seen them grow from the garage to the place they are in now. And sometimes when you are watching you wonder where are all the cats? There are not as many cats as people may think that they have because you don't see them. There is a lot, but there is not as much as you think and they also adopt out on a regular basis. So there are cats coming in, but there are cats going out all the time. So their mission is clear, to help cats, control the cat population, and it benefits the community as a whole. And you can tell the passion that JM has for these cats. She also helps other cat sanctuaries in the state of Florida where she also currently resides. She helps other cat sanctuaries in helping them control the pet population as well. That just shows her passion and her love for these cats. And also, you can see how extremely clean they are and their professionalism, the whole team, how they clean every single day. They go on lives every day, and they show every single cat, and they know the name of every single cat, which is amazing to me. And they have a little bio and a little book with every cats picture and their history, their health history. And if a cat is ever sick, they know exactly what to do, they call the vet. They really care and truly have a love for these cats, and it really benefits the community when they come to visit. There are people who are struggling with depression that watch lives every day or who go to visit, and you can just see how much joy it gives them. So to take something like that away would be a sin. So please help them in their mission to help the cats in the community and get the spay and neuter clinic going for them. Thank you.

Kandice Cassidy (*via Zoom*) - *Austin, MN* - I kind of dabble in the rescue community. I have a lot of friends on social media who are in rescue that I work with. I don't do anything near the capacity that Furball Farm does, but I just want to say that Julie has helped us down here in Austin, Minnesota. We have no low cost spay/neuter clinic options, we have no low cost vet services, we don't have any rescues that can take in feral cats and help feral cats or spay and neuter any feral cats. Or any capacity to help feral cats. And as a cat lover myself and a person who is dabbling or doing my best to help in an independent way. Another one of my friends and I, we have done some trapping down in this area and anytime we have done trapping of cats that, say were not feral, but we have had to drive 2.5 hours or better out of Austin to get them into a rescue to get them help. JM and Furball Farm has helped not just immensely in Rice County, but she has helped in Mower County. She helps in various communities in Minnesota. I mean she is helping the entire state of Minnesota as much as she can. So it's not just your county and your community in Rice County that is benefiting from Furball Farm. And allowing them to expand their spay/neuter abilities at their facility would be a huge asset to the state of Minnesota, to your community, to our community, and to everybody that she has helped. I really hope that you will support this and let them do this spay/neuter clinic in their facility. They have already got the building and the space. Essentially, it's just an added asset and benefit to the cats and to the community. And I know it was touched on but there are so many feral cats and cats in need. It is just absolutely heartbreaking; you don't even know. When a kitten is 4 months old, a female can get pregnant at 4 months old, so picture that if you will. These cats can breed at 4 months old, that is just 16 weeks of age. They are ready to breed and start popping out babies very young which is sad, because if you've ever peeled a kitten off of a frozen sidewalk in Minnesota in January, that is barely hanging on. Or in the middle of the summer seeing a kitten whose eye is ruptured and popped out of its head because it has no proper medical care, no antibiotics, no one to help it. This is the suffering that can be lessened and eliminated if Furball Farm is continued and able to get their spay/neuter clinic going. Thank you, please let them go through with their clinic.

Todd Stevens - *Apple Valley, MN* - I volunteer at Furball, I grew up here in Faribault. I live in Apple Valley right now. One thing that I wanted to comment on because it hasn't really come up, but people are talking about it online, is the predators are around Furball. Both coyotes and dogs. I won't comment on where the dogs come from, but they do have dogs coming on the property and digging through

garbage and that is one reason why we pull in some of our farm cats. One, in particular, he thinks dogs are friendly. We pull him in at night. But there are predators out there, I just wanted to bring that up. Thank you.

Debbie Wilson (*via Zoom*) - *S Quail Run, Washington* - I am a 25-year law enforcement officer, who over the last couple of years would say my profession has seen quite a negative hit. I stumbled upon the Furball Farm Facebook page and it kind of kept me sane over the past few years. I made a trip with a friend of mine down there. We stayed at the Airbnb for a few days, and I would say that was probably one of the most amazing experiences of my life. Great people, wonderful cats, very clean. We spend the mornings cleaning and loving on the cats. It was more of a therapy visit for me than it was a sanctuary for the cats. But it is a fantastic place and I hope that you give them what they need.

Gillian Marais (*via Zoom*) - *Australia* - I actually don't even live in the US, I live in Australia. I just wanted to let you know how far and wide Furball has touched everybody's hearts with what they do for the cats. They are just a wonderful sanctuary and definitely on my bucket list one day when I visit the states. They are just an amazing place and I just wanted to put that out there and say there are quite a few people who follow their lives from Australia. So, thank you to them for what they do.

Helen O'Connell (*via Zoom*) - *Naples, Florida* - I know that everybody has been hopping on the phone for probably over 2 hours, so I appreciate all of you on the Planning Commission for spending so much time and listening to comments. I am calling from Florida. I found Furball Farm through YouTube a few months ago. I am a life-long cat lover; I have taken in abandoned cats over the years in Florida. There is no room at any rescues or shelters for cats, so I commend Furball Farm Cat Sanctuary for what they are doing. I think that it's amazing that they're willing to put in finances and the time and the compassion to take care of cats. What everybody has said, I echo. They need that service to spay and neuter cats. It's a worldwide problem and I really hope that people on the commission will approve their clinic. Thank you for your time.

Lilly Ortiz (*via Zoom*) - *Puffer Ct, Kissimmee, Florida* - Todd had mentioned coyotes. They know their cats, and we know their cats, and we love those cats, whether we see them in person or we see them online. I had the opportunity to go visit them and these cats and the volunteers are absolutely amazing. Not only do they help these cats, they save their lives and the cat that I want to mention is Chase, who was bitten by a coyote. He was a feral cat, and they saved the life of this cat. Imagine all the other cats that they have the opportunity to help and save and show their love for all these cats. So, I just want to say that it is a wonderful place. It changed my life when I went there. I plan to continue to go there, and it just touched my heart in so many ways.

Melissa Sudduth (*via Zoom*) - *North Port, Alabama* - I am also one of those people who found Furball Farm through social media. And I watch them multiple times a day. You know, for the last two hours, something to have on while you're doing all the other stuff. One thing that I want to point out that I don't know if anybody else has mentioned yet is that they are asking for permission, not for funding. The fact they can do that is amazing. As I wrote in my letter, I am proud to wear my Furball Farm t-shirts everywhere, it makes people smile. And we as their followers, we buy into this and we financially support them. So, the fact that they're not having to ask the government for funding or they are not having to put any type of financial drain on the county. And that everything that they are doing is a benefit to the county. So, if we took a cost benefit analysis look at it right here, you know, this is nothing but benefit for the county's humane society, animal shelter, animal control cost that the county would somehow have to absorb or just have lots of dead animals all over the place. So again, the fact that they have the passion to stir up the passion in other people to be able to fund this entire place without asking the government for any money, all they have to ask for is the permission to do the things that they are capable of doing. I think that says a lot about what they're doing and how well they are doing it and what a big impact that they are making. So, again, they are asking for permission, not for funds and I think that that is amazing. That's all I have to say, thank you for letting me speak.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP – I have a few questions. Could the applicants come back up? I would like to clear some things up with the vet clinic. Hours? Are you looking at one day a week?

JM – My goal is two days a week so we can do 60 cats.

CP – From 1pm-5pm?

JM – For the vet clinic, typically we would have the cats dropped off by 8am or 9am. Then picked back up at 3pm. It's a they fill out paperwork, drop off, go, and then come pick up.

CP – That evening?

JM – Yes, same day. I want to stress that our goal is to help the farmers. We are not talking one cat per vehicle. History shows us that people have 20 and we cannot accommodate. We are not going to do the one cat per car. They can go save up their money and go to a normal vet. That's not what we are here for.

CP – Volunteers, what are their typical hours?

JM – I think we have over 100. The teammates that we count as volunteers, generally they come one day a week. A lot of them come from 9am and then leave after lunch. They eat and they go home. There are some volunteers that drive an hour or more. They stay longer. They get there at 9am and leave around 3pm or 4pm. Basically volunteers hours are from 9am to 9pm. We call it closing. If you are a closer, you are generally there from 6pm-9:30pm or 10pm and that is 7 days a week.

CP – Are there a lot that are there until 10p?

JM – We usually have 2 or 3 and when I say 2, it's like a mother and daughter or mother and son.

CG – There are maybe 10 there in the morning.

JM – Yes, 10 is perfect.

CP – 500 is over twice what you are approved for now. I would like that number be more like 350 cats. I know you are going to have variation and that you are hoping that goes down. The cats that can roam outside, I would like that to stay down at 6. Dust control, I think we should put a condition in there. I also think you should talk with Walcott Township since it is their road.

KE – Most of the Townships have a program for it. Property owners have to get involved in the program.

CP – The short-term rental isn't allowed until the county passes something on that. Then you can come in for another CUP or whatever they decide the process is for that. I do like the spay/neuter clinic. I just want to make sure it's controlled. Not 5-days a week and that it is done clinically appropriately.

JM – Minnesota Board of Animal Health will be directly involved because I have a kennel license. I have 3 licensed veterinarians that want to spearhead this. I don't want this to consume any of our lives any more than it already has. I feel that 2-days a week for Rice County and what we want to accomplish is enough. That is what we have been doing for the past two years is 2-days a week. That's a lot of work. It's a lot of driving, getting up early. I like 2-days a week.

CP – I think it's a good idea.

MP – Let's look at #7.

KE – They are asking for 1pm-5pm or 1pm-7pm?

JM – Can I touch on the visitors? We have noticed that in the summertime we have visitors and our parking lot can be full, not like when we have an event where people are parking all crazy. But this past week we felt like orphans, it has been crickets because school started. So, we know we are busier in the summer, yeah dust, but hopefully it rains a lot. I assume we will have more over Christmas and spring break. I think we will have our most visitors in the summer.

Applicants went back to seats.

GJ – I think the spay/neuter clinic is a good addition and the merchandise sales. I agree with CP, for the number of cats, I wouldn't be opposed to a small increase but I don't think going up to 500 is the right answer either. It does seem like this comes up all the time and it's always they are way over. A small increase to get some of that under control. I can understand not wanting to say no, but I think controlling it first and then asking for more would be the better way of doing it.

MP – I am all for the clinic. I think it's great. As far as the number of cats, and the number of cats outside, 6-10 cats outside doesn't push the deal too much for me. The total number of cats allowed is at 150 right now. I kind of agree, maybe 500 is a stretch. They even said that's a stretch, that's with fosters, it's going to ebb and flow. With this type of business, it is understandable that that happens. I think we have to increase the number. My happy medium is 400 to try and keep a lid on it somehow. I don't want to open up the floodgates. My big sticking point is for the neighbors. I was counting the number of houses and I think there are 7 houses between this and the next tar road, which would be a 1.5-mile to the west. There needs to be some sort of dust control, especially with the clinic if we are talking 30 spay/neuters a day. I know the goal is to have large groups come in, but who knows if it will be 1 or 2

cats two years down the road. I think there needs to be some sort of dust control. I was going to propose, and it's totally flexible, but in front of those 7 houses, maybe once a month some sort of dust treatment system.

GJ – Once a month is excessive. I think at most it's usually twice a year.

CP – And if they have to grade it because of the condition of the road from the traffic, then they would have to reapply.

KE – With the numbers, I don't think we need to go to 500 and I am a feral cat owner myself. A kitten came to our door two years ago.

GJ – It seems like we may need to split some conditions to set different hours for the clinic verses visiting hours. For condition #7, it sounds like visitors are 1pm-5pm, 7-days a week. Is that what the old permit read?

CP – That sounds fair to me for visitors.

MP – We need to set the clinic hours too.

GJ – I think we should add that as a separate condition since they want it to start earlier in the morning.

MP – For 2-days a week.

TM – With condition #7, we could say “between the hours of 1p and 5p”. If it's 7-days a week, we don't need to list that. They did also discuss wanting 6:30pm-8:30pm on holidays. Not sure if you want to address that.

MP – If they are already saying that they are going to have later visitors, we should probably put it in here as a condition.

TM – So that condition would say “between the hours of 1pm and 5pm with the additional hours of 6:30pm to 8:30pm on Federal and State holidays.

CP – For #3, I think we are all in agreement for 400 domestic cats and keep it at 6 domestic pets for the homeowner.

MP – The door was the only other thing we had discussion about.

KE – For the farm cats.

CP – So it should just be 6 of them. #9 with the special event, one special event.

KE – We should add the hours.

MP – 1pm-6pm and 1pm-5pm is what they asked for.

KE – 2-day event.

GJ – I would just say 1pm-6pm for both days.

MP – Number of persons onsite would be 200.

TM – So the wording for condition #9 would be “The operation may have one special 2-day event for visitors per calendar year, between the hours of 1pm and 6pm including up to 200 persons onsite”. You also talked about condition #6, regarding the cat door. That was added from the discussion at the meeting for the last CUP. There was quite a bit of concern about outdoor feeding. Feeding inside a cat door is still kind of outdoor feeding, but that is why it is in there for discussion. If you want that eliminated, I can cross that out. I just wanted to explain how that came about.

CP – I believe I remember last time they had feral cats coming in from outside. They must have had more feral cats outside, but if it's just the 6. It could still attract others.

MP – In my opinion, they are farm cats and they should be able to have shelter inside too. They have stated that the 400 feral cats are not getting out of the structures. That door is essentially for their own cats and strays that get dropped off.

AA – Director JR mentioned if they are going to have 200 people onsite, they will have to have a parking plan.

JD – I was just going to ask the same question. How are they planning to park 200 people?

CP – We will have to add that as another condition. They indicate that they do have a parking plan.

KE – Does that fall into #9?

TM – For that one, I added “subject to the large gathering ordinance/provisions and creation of a parking plan”. Also, since we eliminated condition #6. Condition #5 also has the no cats outside, so it would be eliminating that. Would you be keeping the other items there? It may be best to eliminate #5 as well.

GJ – Do you want to just eliminate the “including pets” part?

CP – Yes.

MP – I think if you eliminate #5, it might read that sanctuary cats can be outside.

CP – I agree, just to reenforce it.

TM – You want it to read “No sanctuary cats” is that what I heard?

GJ – Yes.

CP – Then cross off domestic in #3.

TM – Condition #3 would say “There should be no more than 400 sanctuary cats on the site at any one time. The only other animals allowed onsite are up to 6 domestic pets for the homeowners”. And #5 would say, “No sanctuary cats” and (including pets) would be removed from that condition. Condition #10, in addition to their decommissioning/closure plan, adding “this plan is to also to identify proposed relocation sites. In addition to having the plan put together, it would specifically say where would that plan lead to. Condition #12, would have an inclusion that states “the surety must be approved by the Rice County Attorney’s office”, that has been fairly standard in our surety approvals.

CP – So they could do the trust?

TM – Yes, anything to cover that. Where it says “other financial surety”, we want to make sure that is approved by our attorney’s office as being appropriate for that use. In condition #14, where the report is to include the number of animals onsite, it would say “the number of current animals onsite and a summary from the past year animals moved in and out of the site”. That is saying that the veterinarian is going to have to put that in the report and that information should be coming from the records of the facility. You talked about splitting the hours out, so condition #21 would say “The spay and neuter clinic shall only operate 2-days per week, between the hours of 8am and 5pm”. I also have a kind of lengthy condition drafted for dust control. Condition #11, “By July 1st of each year, the operation shall provide dust control on 220th Street East for all homes between County Road 19 and their driveway. Dust control shall include an area of 100ft on each side of each of the driveways in front of the homes”.

JD – How long of a stretch is it from Hwy 19 to the site? 1.3 miles.

KE – I suppose if it is already there, they would only have to pick up in front of their own facility then.

GJ – It’s them carrying the cost.

MP – I think if it’s over the top, they would pay for it, but I think it needs something.

GJ – It seems like all the other businesses around a gravel road have to do the same thing.

MP – The gravel pits we permit have to do it too.

GJ – The golf course just down the road has to do it.

CP – 100ft before and after is typical.

JD – I think GJ is referring to the whole stretch.

GJ – TM stated just in front of the homes.

CP – We were talking about the entire 1.3 miles at one point.

GJ – Are you thinking we should do the whole stretch?

JD – The complaint is that the road is falling apart, which I understand a lot of roads do, but I can attest that dust control will firm up the road and just like was mentioned, if you do it year after year, you can actually decrease the amount because the road holds together. You don’t get the wash boarding. We, all of the neighbors, do 1.25 miles on Chester Avenue and it makes a big difference. I’m sure they are not creating all of the traffic, but they are the one with the CUP.

CP – The wedding venues we have out in the county do it.

GJ – Did you want to change it to the whole stretch then?

CP – I think we should explore it.

MP – For a one-time application?

KE – The strawberry field is past them, correct? Do they apply anything? They get a lot of traffic also.

CP – I would strongly suggest working with the township. A lot of times they have contractors that do their stretches and they get better deals. Then they know when they grade, one in the spring, and if they are going to add rock, they prefer no dust control on the road, then they will dust control after.

JD – I would still include the condition.

CP – Yes, we are.

JD – But yes, work with your township.

GJ – I say it should be a minimum in front of the houses, but I would be fine with the whole stretch.

MP – My gut is telling me just in front of the houses. It’s a non-profit at the end of the day.

CP – I am happy with that. It works in a lot of our situations.

TM – So the condition would say, “The operation shall, in coordination with the road authority, provide dust control at least once per year by July 1st for 220th Street East, with control consisting of 100ft on each side of the home driveways in front of all homes between County Road 19 and the site driveway”.

JD – If that’s the minimum, that’s fine, but maybe they should talk to all the neighbors. If the neighbors are paying for their own now, then why not get together and do the whole stretch. That does not have to be in the condition.

GJ – I move to recommend approval with the amended conditions.

KE – I will second that motion.

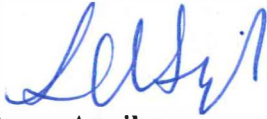
Motion to recommend approval with stated conditions and findings made by GJ, seconded by KE, and approved unanimously.

III. Adjournment

Hearing no other items before the PC, a motion was made by GJ, second by MP, to adjourn the meeting at 10:07 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission



**Anna Aguilar
Administrative Coordinator**



Charlie Peters, Chair