

**CITY OF HANOVER
PLANNING COMMISSION MEETING
FEBRUARY 11, 2013 – OFFICIAL MINUTES**

Call to Order/ Pledge of Allegiance

Dawn Spraugel called the February 11, 2013 Planning Commission Meeting to order at 7:01 p.m. Members present were Jim Schendel, Julie Smola, Dawn Spraugel, Reid Rabon, and Liaison Doug Hammerseng. Member Chris Zanetti was absent. Also present were City Accountant/Deputy Clerk Annita Smythe, Administrative Intern Brian Hagen, City Planner Cindy Nash, City Attorney representative John Edison, representatives from Plug Technologies, Raymond and Lynne Ploetz, former Mayor Martin Waters, additional associates of the Ploetz's, and other City of Hanover residents,

Election of Officers

Schendel nominated Dawn Spraugel for Chair of the Planning Commission. All of the members agreed. Schendel motioned to nominate Zanetti for Vice Chair of the Planning Commission, Smola seconded. Motion carried unanimously.

Approval of Agenda

MOTION by Schendel, seconded by Rabon to approve the agenda as presented. Motion carried unanimously.

Approval of Minutes

MOTION by Schendel, seconded by Smola to approve the Minutes of December 10, 2012 Planning Commission meeting as submitted. Motion carried unanimously.

Citizen's Forum:

Brenda Gunther expressed concern about hunting in the Jonquil Lane area. She explained how there are many houses in the area, and resident safety is at risk. She asked for guidance on how to ban hunting in the area. Cindy Nash responded this would be an issue for Council to pass an ordinance to prevent hunting in that area. She also said city staff could pass the concern on to the City Administrator for further information.

Public Hearings:

Chair Spraugel closed the regular meeting and opened the Public Hearing at 7:05 p.m.

Conditional Use Permit Application for 11099 Lamont Avenue NE

Cindy Nash introduced the topic by explaining that Plug Technologies is seeking a conditional use permit to manufacture inflatable pipe plugs. The current ordinance do not allow the type of work to be completed on the property that Plug Technologies performs. Nash proposed a conditional use permit allowing light manufacturing be given to the property. This would allow Plug Technologies and other future land owners flexibility so the city would not have to revisit the issue at a future date. Nash also informed the board that the EDA members support the plan.

A representative from Plug Technologies explained their product in greater detail. He also assured the board members the company likes Hanover as a future location for their business. Plug Technologies predicts they will have 10-12 employees after 2 years of starting the operation.

Chair Spraugel closed the Public Hearing at 7:10 p.m.

MOTION by Schendel, seconded by Smola to approve a light manufacturing conditional use permit for 11099 Lamont Avenue NE. Motion carried unanimously.

Chair Spraugel opened the Public Hearing at 7:12 p.m.

Interim Use Permit Application for 10733 Crow Hassan Park Road

Cindy Nash provided an overview on the history of this topic. After multiple meetings with both parties a recommendation for the Interim Use Permit was drafted and sent to the Ploetz's attorney, Eric Kaardal. Mr. Kaardal then revised the recommendations to what he felt were fairer requirements for the Ploetz's. Nash then made verbal changes to the revised recommendations. Members were informed of a letter given to city hall staff which opposed the permit. A petition was also brought to the meeting by neighbors opposing the permit.

Ploetz's Attorney Erick Kaardal responded that the Ploetz's do not want a traditional kennel. They operate a rescue for small dogs. The dogs are kept inside for the majority of the day. The only times the dogs are outside are for bathroom breaks which only last a few minutes each time. He explained how the ordinances for Hanover discuss the nuisances by dogs mainly being the barking. The dogs are mainly inside, and for the outside concerns a privacy fence was constructed. Kaardal then addressed the conditions of the permit. He stated that most of the conditions focus on nuisances and the Ploetz's have no objection. One concern was how the wording was stated for inspections. They feel the wording means they could be inspected more often than a yearly inspection.

Lynne Ploetz stated they moved to Hanover approximately two and a half years ago. They enjoy the area because it quiet. When they asked the previous city administrator what the limitations Hanover had on pets they were informed there were no limitations for properties south of 109th Avenue. Mrs. Ploetz stated if they were informed properly of the ordinance they would have never bought a house in Hanover. She went on to explain they did not receive a complaint for the first 740 days they lived in Hanover. Once they received the complaint, they built a privacy fence that went along the outside of their property towards the back with the back side left as a chain link fence. At this time a book of their dogs was passed out and pictures of the fence were given to the members. Mrs. Ploetz then explained their organization. Happy Hounds Rescue is a nonprofit organization that takes in dogs from kennels. They rescue mistreated dogs in order to prevent euthanizing them. She is against kennels because of the way they treat animals. These dogs have become their family. They are not in the business of breeding or boarding animals; therefore she does not feel they represent a kennel. She believes her organization is needed because she receives multiple emails a day requesting rescue help. Commission member Spraugel asked Mrs. Ploetz to clarify the number of dogs they had currently. Lynne stated they recently adopted out 2 dogs, and they personally own seven Chihuahuas and one large dog. Every dog is between two and six years of age.

Councilor Hammerseng asked how many years did the Ploetz's live in Maple Grove, and when did they start fostering dogs. Mrs. Ploetz responded with fifteen years, and they started in August of 2007. He also asked for clarity on the number of dogs at the Ploetz's home because the handouts provided by the Ploetz's show more dogs than listed on the Interim Use Permit. Mrs. Ploetz stated they have a personal limit of their seven Chihuahuas and their one large dog. They also are comfortable with housing two temporary foster dogs while those dogs are being brought back to a healthy status. It is usually less than a month's time.

Commission member Rabon noted the Ploetz's had numerous dogs while living in Maple Grove. He wanted to know how that city responded to them. A representative from the Humane Society was present on the Ploetz's behalf and responded to this question. She stated that when the humane society investigates animal living conditions they focus on them being well fed and proper living conditions. They do not worry about the ordinance, but they do use it when the animals are not being cared for. In the Ploetz's situation the Humane Society has not seen a better organized foster home for dogs. She stated the house was neat and did not resemble a hoarding situation.

Veterinarian Dr. Deb Bryant was also present on behalf of the Ploetz's. She stated she is not the regular vet for the dog's checkups, but she has been in the home. When she was there she noticed the dogs were well taken care of. The house remained clean with no attempt to hide anything. She stated a foster home is utilized to prevent a shelter setting where diseases are easier spread. She did not feel this was an attempt by the Ploetz's to take in additional dogs.

Commission member Reid Rabon clarified that Dr. Bryant was not the regular vet.

Ploetz's also had a neighbor from Maple Grove speak about her experience living next to them. The neighbor stated they lived in a duplex directly connected to the Ploetz's. She stated the dogs were never a nuisance and the time spent outside was very minimal. She stated the Ploetz's kept a clean house because her daughter dog sat for them on different occasions. Her daughter was expected to clean the house up after the dogs. She also explained that these dogs are part of the Ploetz family and regular kids would be more of a nuisance. She also stated that because the previous administrator gave false information the Ploetz's should be grandfathered in.

Ray Ploetz spoke about Mrs. Ploetz's health through this Interim Use Permit experience. He explained that her doctor has written a note stating she has aged five years in the last four months because of this. The doctor also states they feel losing these dogs could be detrimental to the point of death for Mrs. Ploetz's health. Mr. Ploetz then went on to explain that in Maple Grove they had six dogs. They now have eight personal dogs and will not have more than two additional foster dogs. He further explained how Interim Administrator Derus is not familiar with the ordinances and had to read the ordinance to him. Mr. Ploetz also wanted to point out that visiting dogs and show dogs do not need to be registered. This would mean their foster dogs should not need to be registered. Mr. Ploetz corrected his wife and stated they had lived in Hanover for 790 days before a complaint was filed asked them. He felt the kennel wording was inflammatory and meant to upset neighbors so they would speak out against the permit. He then asked for a reclassification of the wording.

Bob Roman, immediate neighbor to the north, stated he had talked to Mrs. Ploetz about the noise of their dogs. The Ploetz's put a fence up shortly after the conversation. He is unsure on how the noise will be in the summer. He does have concern that the dogs will be outside more once the weather is nicer. He feels that would be a potential case of more barking. He is also concern about how this permit will affect his property value. He does not want the kennel wording to lower his property value, or have a realtor say his house is worth less because of the neighbor having a kennel. He suggested having this permit revisited in the summer if the barking becomes an issue.

Brad Blackhawk, immediate neighbor to the south, is opposed to the permit. He stated the dogs bark when they are outside. This happens sometimes for longer than five minutes. Also the dogs are not outside for short periods all the time because Mrs. Ploetz has to gather the dogs up. He has been asked by the Ploetz's to not play with his dog outside because it stimulates theirs.

Former Mayor Martin Waters spoke on behalf of the Ploetz's. He stated that he feels the city has bigger issues to worry about. He believes it is possible the former administrator could have made the claim of no limit on dogs. He also feels a resolution should be passed in order for the Ploetz's to keep their rescue. He believes an Interim Use Permit with strict conditions would address concerns for this situation.

Two additional neighbors spoke and opposed the permit. The first person stated a dog is a dog and the Ploetz's did not receive 100% conformation they could have unlimited number of dogs. The property sizes do not play a factor in the situation because the houses are all right in a line. He feels there are enough dogs in the neighborhood. The privacy fence does not eliminate the noise created by the dogs. The second person to speak against the permit stated it only takes one of the dogs to start barking for a

chain reaction to start. He also expressed concern for his property value dropping with the additional number of dogs allowed.

Commission member Schendel stated he could not see the previous administrator saying there was no limit. Commission member Smola then asked if it is possible that a town would not have a limit on the number of dogs. Cindy Nash responded that no one is familiar with everyone's ordinances. Dawn Sprauangel asked if the State Board of Animal Health requires a license. Mrs. Ploetz responded they do not require a license.

Cindy Nash then revisited staff recommendations for the permit. Councilor Hammerseng asked if the recommendations had clarity on whether the dogs were fosters or pets. Cindy explained the way the recommendations are written the Ploetz's are allowed eight dogs of any nature. When a dog leaves the home for any reason they cannot be replaced until the Ploetz's have less than three dogs in their possession. At this time they would have to conform to the City Ordinance and have no more than three dogs and they must be registered with the city. Nash then went on to explain that inspections would be determined by a citizen complaint on the property.

Chair Sprauangel closed the Public Hearing at 8:46 p.m.

MOTION to approve the application for the Interim Use Permit with the recommendations as per attached exhibit A by Schendel, seconded by Smola. Motion carried Schendel, Smola, Sprauangel approved, and Rabon opposed.

Unfinished Business:

None

New Business:

Building Eligibilities

Cindy Nash stated we need to review the ordinances further to confirm what we are finding. It may be an issue where to make it more clear an ordinance could be passed outlining the requirements.

Change Planning Commission Meeting time

Cindy Nash suggested the Planning Commission should meet the fourth Monday of the month. This proposed change is because the Council has changed their second meeting of the month to a work session, which would delay any approvals by Council on Planning Commission topics. She would check to see if an ordinance would need to be passed in order to change the meeting times.

MOTION to change meeting time to the fourth Monday of each month by Schendel, seconded by Rabon. Motion carried unanimously.

Reports of Commission Members and Staff

Jim Schendel suggested a book of the Ploetz's dogs be kept for reference.

Julie Smola informed everyone her baby is due in June.

Reid Rabon felt a good discussion was held tonight.

Dawn Sprauangel commented that the minutes do not seem to be up to date, and the public notices are not on the website.

Councilor Doug Hammerseng thanked everyone for the welcoming as Liaison to Planning Commission Board.

John Edison introduced himself as a representative in place of Jay Squires the City Attorney.

Annita Smythe stated that Lynne Ploetz has asked if people could return the books she handed out if they do not need them.

Adjournment

MOTION to Adjourn by Schendel, seconded by Smola. Motion carried unanimously. Adjourned at 9:40 p.m.

APPROVED BY:

Dawn Sprangel, Chair

ATTEST:

Annita Smythe, Accountant/Deputy Clerk