

REQUEST FOR COUNCIL ACTION

Date: August 10, 2015
Item No.: 15.a

Department Approval

City Manager Approval



Item Description: Discussion on a Draft Ordinance Regarding Wildlife Management in Roseville

BACKGROUND

For the past couple of years, residents have brought forward concerns about the deer population within Roseville. After receiving input, the City Council tasked the Parks and Recreation Commission to review the situation and come forward with recommendations on addressing the deer population.

On March 9, 2015, the Parks and Recreation Commission presented their information and provided several recommendations for the City Council to consider, including instituting a wildlife feed ban. (Attachment A)

The City Council discussed the issue again at the April 13 meeting and received testimony from many residents of the community regarding potential next steps. Minutes of the April 13 meeting are included as Attachment B.

As a result of the City Council discussion, staff was directed to draft an ordinance that would institute a feeding ban of all wildlife including deer and address the creation of a wildlife management plan. After reviewing other municipalities' ordinances and consulting with the City Attorney, staff has drafted an ordinance for the City Council's consideration. (Attachment C).

The ordinance will prohibit the feeding of wildlife by property owners with the exception of bird feeders. The ordinance would be enforced by the Community Development Department and be considered an administrative fine for those found in violation. The ordinance instructs the Community Development Department to create policies and procedures for the enforcement of this ordinance. While specifics have not been worked out presently, it is the intention to have a strong educational component that would be disseminated to the general public. In addition, as part of the enforcement staff would intend to provide violators with notice of the ordinance prohibiting the feeding of wildlife and asking them to refrain from feeding the wildlife. Continued and proven feeding of wildlife would lead to the issuance of an administrative ticket.

As part of the discussion on April 13, the City Council discussed the potential of a wildlife management plan. As a wildlife management plan can be crafted in many different ways and there has been strong feelings on how best to manage the wildlife in Roseville, this proposed ordinance only mentions that a wildlife ban shall be adopted by the city. Staff suggests adopting the ordinance and discuss a wildlife management plan at a future meeting.

POLICY OBJECTIVE

The intent of the proposed ordinance is to limit the concentration of wild animals that can cause damage to gardens and landscaping and create a public safety danger for the traveling public.

FINANCIAL IMPACTS

The enforcement of the ordinance will require an undetermined amount of additional staff time to enforce and communicate the wildlife feeding ban. Communication about the wildlife feeding ban will be included in existing public outreach tools and materials.

STAFF RECOMMENDATION

Staff recommends that the City Council review and provide feedback on the proposed draft ordinance. After review and making any desired changes, the City Council should schedule consideration of adoption of the ordinance at a future meeting.

REQUESTED COUNCIL ACTION

Will be based on discussion.

Prepared by: Patrick Trudgeon, City Manager, (651) 792-7021 pat.trudgeon@cityofroseville.com

Attachments:

- A. Roseville Parks and Recreation Commission Recommendations Regarding the Deer Population
- B. April 13, 2015 City Council Minutes
- C. Draft Ordinance Banning the Feeding of Wildlife

ROSEVILLE DEER POPULATION REPORT AND RECOMMENDATION TO THE CITY COUNCIL
ROSEVILLE PARKS AND RECREATION COMMISSION
3/9/15

BACKGROUND

On average, until 2014, there have been less than 10 calls per year documented by Parks and Recreation.

In 2014, there have been raised concerns, specifically in the Owasso area. The concerns have primarily been complaints regarding damage to gardens and vegetation in resident's yards as well as the tameness of deer and health concerns.

There have also been calls in support of deer indicating the population is fine and feel that there are mechanisms to live with deer, i.e. fencing, types of plants that are planted, control feeding, etc.

In 2004 the City began working with Ramsey County to monitor the deer population. The method used by the County is a helicopter "fly over" after a fresh snowfall counting the number of deer seen.

On November 17, 2014 at the joint meeting of the Parks and Recreation Commission and City Council, it was determined that the Commission and staff will provide further study regarding the Roseville deer population with an eventual recommendation back to the City Council. This study would include what others in the area are doing.

Attachments to review include:

- A. 2014 Ramsey County Map, including Roseville, showing the location where deer were counted
- B. Highlighted Map of the .77 sq. miles of habitat in Roseville
- C. Ramsey County Deer Management Study, including a survey conducted in 2012
- D. Survey of Ramsey County Cities updated in December 2014
- E. Ramsey County Natural Resource Management Plan - Wildlife Section
- F. A sample comprehensive ordinance from the City of Shoreview
- G. Summary presentation made in February 2015 to the Parks and Recreation Commission
- H. A spreadsheet of deer population related comments received over the last year

Public Process

There has been a significant amount of public input through written corresponded and at the Commission meetings in January, February and March 2015. If the City Council decides to move forward with regulations and/or control mechanisms, we recommend that a public hearing be well advertised and conducted.

Monitoring, Tracking and Inventorying

Following is a history of Roseville indicating deer numbers spotted in Roseville each year since 2004 as well as numbers supplied by Roseville Police Department and the MN Department of Public Safety listing the number of auto vs. deer crashes where an accident report was filed and the number of dead deer picked up in Roseville reported by Roseville Public Works.

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
# of Deer	36	lack snow	15	34	44	51	44	50	lack snow	57	61
# of cars hit Roseville PD	-	-	-	-	3	3	2	0	0	3	1
# of cars hit – State patrol	-	-	-	-	0	11*	16*	16*	15*	9*	0
# of dead deer picked Roseville - Public Works	-	2	3	3	5	6	3	5	6	6	10

* These figures are inclusive of all animals hit by vehicles, including deer, but not exclusively deer.

50 **Criteria**

51 The general acceptable number of deer criteria used by Ramsey County and guided by the MN DNR is 20-
52 25 deer per square mile of habitat. The habitat area in Roseville is considered to be .77 sq. miles (see
53 yellow highlighted areas on map) of wetland and park areas. According to the guidelines, Roseville's
54 population is considered to be over the optimal carrying capacity of 15-19 deer and the deer appear
55 concentrated in particular areas.

56 **Authorization and Control Requirements**

57 The decision to control deer is up to individual cities. To authorize a hunt, in all cases, the City i.e. City
58 Council, City Manager, Police Chief would need to approve a cooperative agreement subject to all
59 requirements.

60 If a hunt is desired on private land, all land owners would need to sign an agreement.

61 For any type of control by hunting, an amendment of the City weapons ordinance would be required.

62 A framework for a Wildlife Management Ordinance should be considered. Deer are the issue at this time
63 however; other wildlife control areas have previously been requested by residents including goose, turkey
64 and most recently coyotes.

65 **Control Options**

66 The options for control include feeding restrictions, repellents, introducing predators, relocation,
67 contraceptive, sharp shooting or bow hunting. Based on research of other communities including Ramsey
68 County and the DNR, the most common, successful and preferred types of control are sharp shooting or
69 bow hunting. Relocation and contraceptive control have been unsuccessful, expensive and are not used in
70 Ramsey County or in the metro areas. More specifics on each control method are as follows:

71 1. Feeding restrictions/ban

- 72 ■ To include all wild animals including deer, geese, coyote with exceptions and
73 penalties for violations

74 2. Options for repelling deer from property

- 75 ■ Organic repellents are marketed across the country, with anecdotal evidence to their
76 efficacy: compounds using garlic, rotten eggs, blood-meal, and capsaicin (the heat in
77 hot peppers) appear to be the most effective.
- 78 ■ Adequate fences around property or vegetation.
- 79 ■ Presence of —predatory animals: e.g., dogs.

3. Introducing predators - reintroducing predators would not be feasible in an urban setting for three reasons:
 - There is no suitable habitat for deer predators.
 - There is a potential for these predators to kill non-deer targets.
 - Close proximity to humans would negatively impact public safety.
4. Relocation

Relocating deer is costly, impractical, and ineffective. Relocation is also very stressful to deer, and high mortality rates are associated with relocation. The spread of deer diseases is another concern. The Minnesota Department of Natural Resources does not allow this technique.
5. Contraceptive

While effective for the individual deer, contraceptives are not an efficient means of overall deer population control because they must be applied to nearly every female in the herd. A booster would also have to be applied annually. This process is estimated to cost \$800-\$1000 per doe, with \$200-\$300 per year maintenance. The Minnesota Department of Natural Resources does not allow this technique.
6. Sharp Shooting

Sharp shooting is another method which has proven successful. Specially-trained deer sharp shooters are hired to come into a community with the purpose of removing a large amount of deer at one time. They are trained to shoot as efficiently and effectively as possible to minimize the possibility of the herd scattering, and to quickly dispatch deer and maintain safety to surrounding residents. This is done cooperatively with the USDA (United States Department of Agriculture).
7. Bow Hunting

Through the Metro Bow Hunters Resource Base (MBRB) individual citizens can participate in urban archery hunts. During these hunts, hunters emphasize shooting antlerless deer in the hopes of reducing the number of does in the deer population. Deer populations are more quickly reduced when the number of does is reduced.

Costs

The cost of this new program would be the responsibility of the City.

There is no direct cost associated with an archery hunt. For sharp shooting, the direct cost is estimated at \$215-\$270 per deer removed.

The annual monitoring and inventory costs are approximately \$800.

There is an indirect cost for such items as staff time, organization, supplies and materials, enforcement, etc. of administering a program. Current capacity for Parks and Recreation staff is limited.

Partnerships

Ramsey County would be involved and help guide Roseville through a control process if desired.

Ramsey County and other cities in the County have allowed controlled deer hunts on private property and/or public property, either by bow hunters or sharp shooters.

Comprehensive Deer Management Plan Components

Currently there is not a full and active coordinated effort between Ramsey County and the cities in Ramsey County. All efforts are up to each individual jurisdiction.

The potential components of a Comprehensive Deer Management Plan may include topics outlined in this report, a plan for coordinated efforts with and between the County and surrounding cities, as well as identifying the goals, objectives and policies of a city specific program.

Possible Locations for Control

Ramsey County and the United States Department of Agriculture (USDA) and/or the Minnesota Bow Hunters Resource Base (MBRB) would provide a site review and work with individual cities on recommended areas.

Areas recommended would include the highly populated areas per the last aerial count.

- USDA (sharp shooting) - most likely would be the areas by Lake Owasso
- MBRB (bow hunting) - most likely would include larger areas such as Reservoir Woods and the area by Lake Josephine.

Process

The general process will include:

- Roseville decides whether or not a control is warranted
- Roseville decides whether or not a feeding restriction is warranted
- Roseville pursues an ordinance change
- Roseville enforces ordinance with violation
- Roseville works with Ramsey County to determine control type and location
- Roseville works directly with the Minnesota Bow Hunters Resource Base (MBRB) &/or United States Department of Agriculture (USDA) depending on method desired

Suggested Roseville Ordinance Components

1. Feeding Restriction/Ban
 - a. To include all wild animals including deer, geese, coyote,
2. Exceptions to feeding restrictions to include:
 - a. Songbirds
 - b. Use of Deer resistant feeders, i.e. enclosures accessible to birds only
 - c. Food/garden plots
3. Penalties
 - a. Violations enforced – who does it and how?
 - b. Penalty to include meaningful consequences
4. Include control mechanisms as warranted, i.e. hunts
 - a. Weapon use
 - b. Permitting process

Recommendation

The Parks and Recreation Commission recommends to:

1. Continue to inventory and monitor
2. Develop an ordinance structure to include:
 - a. Wildlife feeding restriction
 - b. Exceptions
 - c. Enforcement and penalties for violations
 - d. Options for as needed control mechanisms based upon survey numbers and criteria defined by Ramsey County and the Department of Natural Resources (DNR)
3. Immediately pursue a wildlife feeding restriction with exceptions
4. Establish a feeding enforcement method with a penalty
5. Include an option in the ordinance for a controlled hunt based upon the following:
 - a. Reassessment after two years of feeding ban and subsequent surveying to determine deer numbers and location
 - b. Proposal to pursue a hunt would be based on the established DNR carrying capacity criteria
 - c. A return to the City Council for approval
6. Conduct a well publicized public hearing for the proposed ordinance
7. Create a City comprehensive Deer Management Plan

Prepared by Lonnie Brokke, Director of Parks and Recreation

Attachments:

- A. 2014 Ramsey County Map, including Roseville, showing the location where deer were counted
- B. Highlighted Map of the .77 sq. miles of habitat in Roseville
- C. Ramsey County Deer Management Study, including a survey conducted in 2012
- D. Survey of Ramsey County Cities updated in December 2014
- E. Ramsey County Natural Resource Management Plan - Wildlife Section
- F. A sample comprehensive ordinance from the City of Shoreview
- G. Summary presentation made in February 2015 to the Parks and Recreation Commission
- H. A spreadsheet of deer population related comments received over the last year

Request for Council Action (RCA) and related attachments, dated March 23, 2015.

Willmus moved, Etten seconded, adoption of Resolution No. 11216 (Attachment A) entitled, "Resolution Governing an Appeal by G & G Management, LLC, Regarding Rental License Classification Pursuant to Chapter 908 of City Code;" denying the appeal of staff's administrative ruling for rental licenses issued for 175, 195, 221 Larpenteur Avenue W; 1722, 1725, 1735, 1736 Woodbridge Court; and 1720, 1735, 1740, 1745 and 1750 Marion Street.

Roll Call

Ayes: McGehee, Willmus, Laliberte, Etten and Roe.

Nays: None.

9. **Consider Items Removed from Consent**
10. **General Ordinances for Adoption**
11. **Presentations**
12. **Public Hearings**
13. **Budget Items**
14. **Business Items (Action Items)**
15. **Business Items – Presentations/Discussions**

a. Roseville Deer Population Discussion

At the request of Mayor Roe, Parks & Recreation Director Lonnie Brokke briefly summarized this topic as previously presented to the City Council and public testimony heard at that time, with a recommendation by the Park & Recreation Commission on March 9, 2015 for a wildlife management plan/ordinance for Roseville. Mr. Brokke provided a brief presentation on the history of the deer population issue and deer inventory and previous discussion as detailed in the attachments to the RCA dated April 13, 2015. Mr. Brokke advised that Ramsey County had a deer population inventory for the last decade; noted varying opinions about whether or not to control the deer population or reviewed other mitigation options.

Councilmember Laliberte sought clarification as to the DNR's rationale in their carrying capacity criteria for a 9-15 count deer herd.

Mr. Brokke responded that this was based on a standard habitat criteria guide used by the DNR.

Mayor Roe noted that base criteria would be considered as part of any ordinance in determining whether or not to pursue a hunt.

At the request of Councilmember Willmus, Mr. Brokke identified those neighboring communities with or without a controlled hunt of some type in place. Mr. Brokke advised that the Cities of New Brighton, St. Anthony, Falcon Heights, Lauderdale, and Arden Hills did not have an ordinance; while the Cities of St. Paul, Little Canada, Shoreview and Maplewood did have an ordinance. Mr. Brokke further clarified that the City of New Brighton was currently studying the situation similar to the process for Roseville; and while the City of Arden Hills did not have an ordinance, they were under the auspices of Ramsey County through their ownership of the TCAAP property, but not a specific City policy.

In terms of surrounding communities and how they participate in conjunction with Ramsey County, Mayor Roe questioned how they functioned in managing their deer inventories within Ramsey County.

Mr. Brokke responded that all or most of Ramsey County communities participate in the deer inventory and other communities were coming on board if not previously involved in the inventory process. If there is a Ramsey County park within a community providing a mechanism to do so, Mr. Brokke advised that Ramsey County would handle herd management, otherwise it was up to individual city jurisdictions.

Public Comment

Preliminary to his review of protocol for public testimony, Mayor Roe noted that previous public input had been received by the City Council in the recent past, as well as formally at a public hearing at the Parks & Recreation Commission level. However, Mayor Roe advised that he did not want to discourage additional comments tonight, but clarified that previous comments had been provided to the City Council as part of their review process as well.

Roger Toogood, 601 Terrace Court

Mr. Toogood noted that he had the opportunity and privilege to testify before the Parks & Recreation Commission, as well as the City Council, and expressed appreciation for the thorough job done by staff, the Commission and City Council in researching this issue.

While having no new information to offer, Mr. Toogood advised that he served as the volunteer point person for his neighborhood and had just today received two contacts from residents about the deer population. Mr. Toogood opined that there appeared to be continued support for the City Council to act on the Commission's recommendation. Mr. Toogood stated that he was here to represent a large group of those residents hoping the City Council would adopt two ordinances: one outlawing the feeding of deer and another indicating if the ratio of deer exceeds a

certain point after a two year monitoring period, steps be taken to harvest a portion of that herd.

Mr. Toogood underlined his unique position that he liked deer and enjoyed seeing them, while also recognizing concerns of many of residents who had spoken to him, testified or written to the City Council voicing various aspects and their many concerns.

Lisa McCormick, 2612 North Wheeler Street

Ms. McCormick expressed appreciation for Mr. Brokke's presentation; and sought clarification on how the DNR established .77 acres to determine carrying capacity for deer habitat for Roseville. Ms. McCormick also questioned the map showing areas of deer populations at Langton Lake Park and Reservoir woods acreage, and only representing less than one square mile, seeming inaccurate from her perspective. Ms. McCormick asked who established the carrying capacity, and suggested a joint effort of the Parks & Recreation and Public Works, Environment and Transportation Commission would be helpful.

Jim Bull, 3061 Woodbridge Street

Mr. Bull advised that he enjoyed deer, with his property backing up to Lady Slipper Park, and would not dispute the actual deer population. However, Mr. Bull expressed concern in language for the proposed ordinance, especially the carrying capacity per square mile. In his review of nine years of statistics, Mr. Bull noted he had observed an average of 45 deer, with no complaints documented until 2014; and asked that the City Council take those numbers into consideration at the higher capacity of 45 versus reducing carrying capacity to 9 – 15 deer.

Mr. Bull stated that his biggest concern was the definition of wildlife and feeding restrictions as indicated in the model ordinance, and what impacts that may have on feeding song birds, hummingbirds, and/or koi fish. Mr. Bull asked that any future ordinance restricting necessary management do so without impacting other areas not needing that management, opining that feeding deer by some residents was creating the actual problem in this area.

As a bow hunter for over forty years, Mr. Bull expressed concern that a deer could be shot with a clean shot and still wander off, and he did not want to see wounded deer wandering into residential yards. If a decision is made down the line to authorize a hunt, Mr. Bull recommended it be done with a sharp shooter versus a bow hunt to avoid these issues.

Timothy Callaghan, 3062 Shorewood Lane

Mr. Callaghan opined that while some people fed deer directly, others did so inadvertently from the overflow to the ground from their bird feeders. When short of food, Mr. Callaghan stated this was very attractive to deer, and while we ask

residents not to feed deer corn, deer were just as happy with bird seed, but that was not discouraged.

In his personal review of the City of Shoreview ordinance offered as a model ordinance for Roseville to consider, Mr. Callaghan expressed his shock that no one had yet taken that to court, as he observed many legal issues with it and suggested a careful review of that language by the City Attorney. As examples, Mr. Callaghan noted there was no definition of wild animals, where bow hunters can hunt deer and how to protect private property and trespass concerns.

Even though the City may discourage feeding deer, Mr. Callaghan opined that the City was not good at enforcing its ordinances or appeared to him to be very selective about who received enforcement. Mr. Callaghan opined that the Community Development Department appeared to already be overworked and couldn't handle enforcement of its current ordinance due to a shortage of personnel, and questioned how they could enforce additional ordinance.

Mr. Callaghan stated that he would not recommend this ordinance.

Since the City Council made a decision last year that someone didn't have to follow a current ordinance because they were grandfathered in, Mr. Callaghan suggested that everyone in Roseville should be considered grandfathered in to this particular ordinance and not need to comply if that rationale was to be consistent. If there was a distinction, Mr. Callaghan suggested the City provide a distinction if there was one since that City Council decision of a year ago.

Bill Frank, 3141 Sandyhook Drive

Mr. Frank stated that they had deer going through their yard on an almost daily basis, a herd of approximately five deer. As fifteen year residents, Mr. Frank noted that this was not the case during the first ten years, but all of a sudden in the last five years, there was a regular path for the deer.

Mr. Frank expressed concern for a new family with a two and four year old child having recently moved into their cul-de-sac, who when playing outdoors would be no match for large deer, and who could potentially be in real danger and without protection from the deer. While not considering deer wild animals and not anticipating that they would hurt anyone, Mr. Frank noted how tame the deer appeared to be to people in their neighborhood, showing little if any fear.

Peter Rhode, 3161 Sandyhook Drive

Mr. Rhodes agreed with the previous speaker's comments about the rarity of seeing deer in the past compared to his observation of groups of them from 5 – 13 in the park across the way, and observing a group of five crossing Owasso Boulevard just this afternoon. Mr. Rhode supported the position provided by Mr. Toogood for getting an ordinance in place to provide management in the future. Mr.

Rhode addressed deer hunts by adjacent communities, as well as the Ramsey County Grass Lake Park, posted annually for a hunt each fall. As some of the surrounding communities began thinning the herd in their areas, Mr. Rhode suggested the deer are relocating elsewhere.

Jane Wilson, 2430 N St. Albans

Ms. Wilson stated that she loved feeding and seeing deer and saw no bad effects from them at all; and while there may be getting to be too many, she still enjoyed it and could see no reason not to continue feeding them.

Pat Carline (Jane's husband)

Mr. Carline noted that the reason they started feeding deer was to give them an option other than their garden produce and landscape plants, with spraying those plants not working. While thinning the herd may be needed, Mr. Carline noted that many residents moved here because of the wildlife, opining that it was neat to have them feed at their house, even with the security light coming on whenever they arrived in the yard. Mr. Carline stated that he would have no problem if the City chose to thin the herd, but he didn't plan to quit feeding them, as they did many wildlife species in their yard. Even though they could be forced to put a stop to all of it, Mr. Carline opined that he didn't think that was necessary and was actually a plus for Roseville. Through feeding the deer, Mr. Carline estimated that it had reduced the loss of their plants by about 95%.

Laura Sigler, 1857 Huron Avenue

Ms. Sigler thanked the City for doing so much research and listening to residents; and spoke in opposition to any hunt. If the issue was one of public safety with a documented number or increase in deer/automobile accidents, Ms. Sigler stated she would not oppose a hunt, but there had been no such issue found therefore negating a hunt. Ms. Sigler opined that the majority of the community did not have a problem with deer, and noted the less than ten complaints received annually before 2014, and only 14 received in 2014, all within two weeks of each other. Ms. Sigler noted that deer are seeking food about the same time people are planting vegetation.

Ms. Sigler also expressed concern with the carrying capacity, questioning the method in estimating whether or not it was time for a hunt or not within a two year timeframe. In reviewing the entire Ramsey County map, Ms. Sigler noted the heaviest deer population appeared to be bordering within a mile, and noted areas where there was deer habitat prior to 2014 but no longer evident. Therefore, Ms. Sigler questioned the logic in using the city limits to determine deer habitat ratios, since it was a broader county issue between the I-604 and I-35W loop.

Ms. Sigler stated that a lot of residents disagreed about what to do about deer, but everyone cared about their natural resources; and asked, as the City made decisions for the future of the City, that it be cognizant of that concern for natural

spaces and cautioned them to not create additional problems for residents and/or wildlife as it pursued development projects.

Tim Eckert, 2653 Matilda Street

Mr. Eckert noted that this was Minnesota, not someplace defunct of wildlife, and opined deer were not a major problem, referencing recent Horticulture Society information by Mr. Callaghan in his comments at a previous meeting. Mr. Eckert suggested trying to address and eliminate problems on an individual basis without violence or killing, suggesting that the course to follow, similar to the teachings for children to deal with their problems more productively, as well as in this case in dealing with the deer.

Mayor Roe thanked those providing comments.

Mayor Roe clarified that the City was not intending to adopt an ordinance tonight, as it was in no position to do so yet as language had not been developed for adoption. Mayor Roe advised that possible Council action tonight may be directing staff and advisory commissions to create draft language for Council consideration for a non-feeding ordinance, or something related to a wildlife management plan in either or both cases, or to recommend consideration of a hunt concept as one option. Mayor Roe advised that the City Council, during tonight's discussion, may provide guidance as to what they wanted or did not want to see in any ordinance they requested.

Mayor Roe asked for a staff response to those questions brought forward during public comment.

Carrying capacity and how acreage was established for Roseville at .77 acres how and which commissions were involved

Mr. Brokke advised that the carrying capacity had been established in working with the DNR and Ramsey County as they reviewed the community and identified specific areas. While Roseville could add to that, Mr. Brokke noted that this was the DNR's identification.

At the request of Mayor Roe, Mr. Brokke advised that the habitat identified for potential for carrying capacity was all public space, and not private property.

At the request of Councilmember Laliberte, Mr. Brokke noted the location included in RCA materials from March 9, 2015 that identified the number and type of calls tracked over the years, and increased scrutiny as calls escalated in 2014. Councilmember Laliberte questioned if complaints escalated after public meetings with those coming forward in support of that public awareness or whether they were natural complaints rather than duplicate in nature from the same people.

From 2004 to 2013, Mr. Brokke advised that many times the complaints were generated by the same people reminding staff to address the deer population, but in 2014, staff had begun to better monitor the number and types of calls parallel to their tracking of deer inventory and more sharing of information from residents with staff.

Councilmember McGehee opined that 2014 was probably an unusual year for wildlife due to the heavy snow and snow cover. Councilmember McGehee noted that the DNR had actually asked people to feed deer that winter, and increased deer populations could also figure into the picture as it did for all wildlife. Compared to the overall population of Roseville, Councilmember McGehee opined that she didn't view fourteen complaints as indicating a major problem.

Feeding

Councilmember Willmus opined that the framework provided by the Parks & Recreation Commission was a good one, and suggested using that to pursue this recommendation. As for feeding restrictions, Councilmember Willmus stated that he supported doing so with a further definition or exception for target species. Councilmember Willmus advised that one thing he struggled with during past discussions included the regional issue, not just specific to Roseville, and measures being taken by other communities to the north, south and east, and the need to be cooperative in controlling or reducing numbers throughout the region.

Specific to feeding, Councilmember McGehee advised that she had a problem with the ordinance in general, opining it was premature and that any targeted feeding ordinance would be hard to enforce as deer herds and any wildlife were typically and continually on the move between and among communities. While the City of Roseville may have an inordinate deer population now due to crowding in other communities, if the City of Maplewood as an example thinned their deer herd by 200 as per their budget, it may also impact the Roseville deer population. Councilmember McGehee suggested a better approach would be to undertake an aggressive educational program encouraging residents, even though they like feeding deer, in order to keep the herd at a reasonable number and not need to authorize a hunt to thin the herd, it should provide individual incentives for residents to take care of their own properties, whether or not they favored a hunt. Councilmember McGehee stated that she had made several mistakes herself with wildlife and plantings on her own property, and had suffered the consequences accordingly. With the value placed by this community on natural areas and wildlife as evidenced in several community surveys, Councilmember McGehee reiterated her support for an aggressive educational program to alert residents to options available with motion sensors, sprinkler systems, or other options that would serve to address this problem. Councilmember McGehee agreed with the speaker tonight addressing personal responsibilities and non-violent intervention, opining that this would prove a perfect place to use that opportunity. Councilmember McGehee opined that this was a rather minor problem affecting a small area of the

community and could easily be alleviated by encouraging them to make their neighborhoods less friendly for the deer population, ultimately dispersing them to other communities.

Councilmember Etten stated he would be in favor of a feeding ban, and while taking people's comments to heart, he continued to support a ban, whether deer, raccoons, or other wildlife, it affected neighbors as well. Councilmember Etten noted the need to clearly and reasonably define wildlife through adjustments to model ordinance language and Ramsey County ordinance information as well, providing rationale for why such a feeding ban was in the long-term interest of deer and the natural park system balances for all animal species within that system. Councilmember Etten opined that the carrying capacity limited to 15 – 19 may be too severe and need adjustment from DNR defined areas, but still indicate some thinning of the herd. Councilmember Etten spoke in favor of the two-year study proposed by the Parks & Recreation Commission before any thinning and allowing time to determine how a feeding ban may impact that population, as well as providing time for the City to make a thoughtful decision for the benefit of all.

Councilmember Laliberte expressed her appreciation of the work of the advisory commissions and public input in making these decisions. Councilmember Laliberte opined that one of the problems in considering this ordinance was how specific it should be without getting out of control, noting her concern with the enforcement aspect and how to punish those not complying without establishing a tattletale based mentality, opining that was not where she wanted to go as a community. Councilmember Laliberte noted her preference for personal responsibility to ensure the quality of life was maintained for residents holding either position; and suggested addressing specific problem areas rather than the entire city. Councilmember Laliberte asked staff to provide deer habitat maps and information from surrounding communities, and how or if Roseville's infiltration of deer may or may not be affected by those communities having hunts. Councilmember Laliberte reiterated that her main concern was in how to write an ordinance that was enforceable while not causing one neighbor to tattle on another.

In response to Councilmember Laliberte's concerns in drafting the ordinance, Councilmember Willmus noted other communities have drafted such an ordinance, and therefore he had no concerns in that regard. Regarding the logic of the ordinance creating a tattletale scenario, Councilmember Willmus noted that throughout the entire city code, if that was a concern, it would negate and strip the code accordingly. Councilmember Willmus opined that the framework and schedule laid out and recommended by the Parks & Recreation Commission was a good one, and while he might differ in theory with Councilmember Etten in some areas, he spoke in support of proceeding with the steps for an eventual controlled hunt of some form as a future consideration.

DNR carrying capacity number

Councilmember Laliberte opined that the DNR carrying capacity of between 15 – 19 seemed extreme to her. Councilmember Laliberte, in reviewing the area shaded and making up the .77 square miles for deer habitat in Roseville, found that problematic as well.

Councilmember McGehee seconded the discomfort with such an ordinance as expressed by Councilmember Laliberte and how it would be structured and work in reality. Councilmember McGehee stated that she was fine with the two years of monitoring, but would not be prepared to fast track a program at the end of that timeframe without embarking at that point on further review, and would not support having the guns loaded and ready if and when this ordinance went into effect. Councilmember McGehee agreed that one problem she had with such an ordinance was that it wasn't particularly enforceable, while something could perhaps be brought forward that would better do so. Councilmember McGehee reiterated her support for more education versus law and punishment, opining that people on both sides of the issue could benefit with their individual attention to the issue and community control by those actively feeding deer at this time. Councilmember McGehee further reiterated her preference for the City having an aggressive education campaign and see where things stood in two years based on that campaign and what happened with the City of Maplewood's control efforts. Councilmember McGehee agreed with Councilmember Laliberte in questioning the DNR carrying capacity calculations, noting that since the complaints were only up by four, and resulting in 15-20 deer since those complaints were documented, to her it seemed to result in a tempest in a teapot.

Councilmember Etten asked staff to report to the City Council on how effective neighboring communities were finding their ordinances, and whether they were finding their levels of enforcement appropriate or other findings. Councilmember Etten opined that the City of Roseville was not attempting to go out on a limb, and expressed confidence that an ordinance could be drafted that would work. Councilmember Etten stated that he didn't see this as being a tremendous problem for the City, but also considered having such an enforcement mechanism in place and readily available was important by initiating a feeding ban to determine if that affected the deer herd. Without such a mechanism in place, Councilmember Etten noted that nothing would or could occur if that wasn't evident, while allowing a timeframe to determine if the feeding ban was working, with the hunt available as an option if found necessary.

Councilmember Laliberte spoke in support of a feeding ordinance if it made sense and did not serve as a burden on all members of the community in an attempt to favor only a few. Councilmember Laliberte agreed to the importance of an education component, offering her support to that proposal (page 5) for a deer clinic similar to those held about coyotes as a way to deal with the issue.

Mayor Roe stated that first, he agreed about the need to be careful on the definition of wildlife related specifically to a feeding ban, which he supported even while noting that although he understood residents may enjoy it, the City Council was tasked with the responsibility for the broader community, and this affected the entire community. On the other side, Mayor Roe noted that he could do everything possible to stop things in his yard, but if the neighbor did not adhere to that same enforcement mechanism, the City had to address it. Mayor Roe opined that it came down to actual language and the definition for pets and wildlife in accordance with city-issued pet license definitions and state statutes as to what could or could not be kept as a pet. Mayor Roe advised that he had been toying with the idea of a ratio for Roseville relative to the surrounding area, but was not sure of how to define those borders, since he had taken into consideration the point raised during public comment that the problem didn't respect city borders. Therefore, Mayor Roe suggested it may be prudent to look at ratios in smaller areas of the community versus the overall city or region, and compare that as part of the trigger calculations for the control method used. Mayor Roe advised that he was supportive of a city wildlife management plan, not necessarily part of the ordinance, but something more detailed in how best to approach this, and referenced as part of a future ordinance. If the City considers looking at a bow hunt, which he had no opinion on at this point, Mayor Roe suggested a review of existing language in the City's bow and arrow ordinance for consistency with what would or would not be allowed. Mayor Roe stated that he would support ordinance language returning to the City Council addressing all of those areas.

Laliberte moved, McGehee seconded directing staff to work to create ordinance language for City Council consideration for a feeding ban and wildlife management plan, including an annual education component and defining the trigger for consequences if the feeding ban was found ineffective, as addressed on page 5 of the March 9, 2015 Parks & Recreation Commission's recommendations to the City Council; ***amended to include involvement with and by Public Works Department and enforcement agency staff in development of the draft ordinance language; and including a community educational component.***

City Manager Trudgeon clarified Councilmember McGehee's intent that the Public Works Department was her preferred department to involve as opposed to the Parks & Recreation Department.

Councilmember McGehee responded that was her intent to provide a broader environmental perspective in addition to parks staff.

Mayor Roe suggested that would not limit review to the Parks & Recreation staff only, but provide a broader staff issue in accordance with language of the motion.

Councilmember Etten noted other recommendations on page 5 that the Parks & Recreation Commission had provided and sought clarification if all or which pieces were considered part of the above-referenced motion.

Councilmember Laliberte clarified that she was not opposed to anything on that list, with the addition of education as a new item; and in recognizing that the creation of a citywide comprehensive deer management plan that may take longer, she would prefer to see this ordinance sooner.

Mayor Roe clarified that an ordinance would require creation of a wildlife management plan.

If he was to support this motion, Councilmember Etten clarified that he would support the complete recommendations of the Parks & Recreation Commission as previously presented on March 9, 2015, and detailed on page 5 of their report, in addition to his support for adding the community educational component.

Councilmember McGehee noted that staff may need some direction from the City Council regarding the hunt, and questioned how they could do so.

Mayor Roe suggested that be part of the discussion and added to their initial recommendations.

Councilmember Etten noted that page 3 of 5 addressed that specifically.

Councilmember Laliberte clarified that her intent was for the motion to include all of the recommendations as a preliminary to moving on to the next step in determining the type of hunt that might be used.

Councilmember Etten noted that most other things were not allowed in the State of Minnesota.

Mayor Roe suggested that fine of detail did not need to be addressed by the body tonight.

Councilmember Etten cautioned this City Council not making presumptions for future City Councils in a few years.

Councilmember Laliberte stated that she could not vote on specific language until she actually had that language in front of the body.

Councilmember Willmus spoke in support of specifically including Parks & Recreation staff as well.

After further discussion, the consensus of the body was that any and all staff should be involved as applicable.

Roll Call

Ayes: Willmus, Laliberte, Etten and Roe.

Nays: McGehee.

Abstentions: None.

Motion carried.

City Manager Trudgeon advised that staff would start working on the draft language, but sought further clarification from the City Council on their expectations for delivering that product. Mr. Trudgeon noted that it would take a considerable amount of time to work through some of these issues, and given current issues being processed as well, advised that staff was taxed in a lot of directions to meet community expectations. Mr. Trudgeon suggested drafting ordinance language, but questioned the process itself and input during that process.

Councilmember Laliberte stated that she was open to receiving draft language and receiving additional public input, and had no timeframe in mind other than addressing the comments of the Parks & Recreation Commission and cycle they referenced in making a decision on feeding bans and/or a hunt. Councilmember Laliberte stated that her only concern was to time things properly to address the issue itself.

Mayor Roe noted that, since ordinances are forever, the timing would eventually catch up with the cycle.

Councilmember McGehee noted that there was no direction being received by staff from the City Council that would affect their other workload this spring (e.g. budget and other pressing issues); and opined that she would leave it to staff to bring things back to the City Council in a timely fashion, understanding that nothing was going to be resolved in the next few months.

Recognizing that this was something that was of heightened interest in the community right now, Councilmember Willmus stated that he would like the City to continue working on it and not set it aside for a few months, but continue to chip away at it, again sooner rather than later.

At the request of Mayor Roe as to whether he considered that timeframe to be one or two months, Councilmember Willmus responded that he could agree to that, emphasizing the sooner rather than later aspect.

Councilmember Etten opined that the Parks & Recreation Commission should see this again before it was returned to the City Council, noting their upcoming meeting schedule and other community events as well as their joint meeting with the

City Council in June that could provide a sufficient timeframe to bring it forward, allowing staff several months to work on it.

At the request of Mayor Roe, Mr. Brokke confirmed that the Commission would also be holding their own meeting in June in addition to the joint meeting with the City Council, allowing another opportunity for their review.

Councilmember Laliberte agreed to that timeframe, expressing her preference that staff have sufficient time to work on it in a well-thought-out manner to leaving citizens with the perception that the City was going down a road but then not actually doing so. Councilmember Laliberte opined that this would provide a good conversation for the joint meeting.

While recognizing the City of Shoreview ordinance was provided as an example, Mayor Roe noted the availability of ordinances from other communities as well, and suggested they be reviewed and their better aspects be used to improve language for the Roseville ordinance.

City Manager Trudgeon duly noted that request.

Mayor Roe thanked the public for their participation in this discussion.

b. Discuss Leaf Collection Program

Mayor Roe recognized soon-to-be-retiring Public Works Director Duane Schwartz, recognizing that this may be his last City Council meeting and therefore taking the opportunity to thank Mr. Schwartz, on behalf of the community and the City Council for his work and years of service to Roseville in various capacities, as well as his well-researched presentations to the body.

As a preliminary to 2016 budget discussions, Mr. Schwartz advised that staff was bringing forward the leaf collection program for consideration and in light of future CIP equipment needs in 2015 and 2016. Details of the program included in Mr. Schwartz' presentation were provided in March 2015 meeting minutes of the Public Works, Environment and Transportation Commission (Attachment A).

Mr. Schwartz noted items for discussion by the City Council included the high impact of this limited-use program on existing resources making it difficult to contract a program of this magnitude to a landscape maintenance contractor, the specialty equipment required, and alternatives available for residents. With expectations for hours of labor required given current typical users of the program estimated at between 500 to 600 hours, Mr. Schwartz reviewed other options now available for residents compared to in the past, including backyard composting, mulching mowers, lawn services, hauling to recycling centers, placing curbside for trash hauler pickup, which may be fee-based, or hauling to a Ramsey County yard waste site.

City of Roseville
ORDINANCE NO. ____

AN ORDINANCE CREATING

TITLE 4, CHAPTER 411

AN ORDINANCE TO RELATING TO THE MANAGEMENT OF WILDLIFE IN THE
CITY

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 1, Chapter 411 of the Roseville City Code is created to read as follows:

411.01: PURPOSE

The City Council finds that the management of wildlife in urban areas is important to the health and safety of residents and wildlife alike. The City Council further finds that intentional feeding of wild animals, which contributes to elevated concentrations of wild animals within the City, results in damage to garden crops and landscaping. Such elevated concentrations of wild animals also results in increased public safety concerns, such as automobile accidents and the spreading of diseases. Therefore, it is the purpose of this Chapter to manage the wildlife within the city and prohibit intentional feeding of wild animals.

411.02: DEFINITIONS

Wild Animal. Any animal, reptile or amphibian which is of a species not usually domesticated; or of a species which, due to size, wild nature or other characteristics, may be dangerous to humans; or would ordinarily be confined in a zoo or found in the wild. The term includes but is not limited to:

- (a) Animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, pheasants, and raptors such as eagles, falcons, hawks, and owls.
- (b) Weasels, wild ferrets, badgers, deer and bison.
- (c) Crossbreeds of wild animals, domesticated animals such as the cross between dogs and coyotes and dogs and wolves.
- (d) All members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, ocelots, cheetahs, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association.

- (e) Any member of the Canidae family, such as foxes, coyotes, dingoes, and jackals, except domesticated dogs.
- (f) Any poisonous animals such as a rattlesnake, coral snake, water moccasin, puff adder, cobra, Gila monster or golden frog.
- (g) Any snake or reptile by which its size, vicious nature or other characteristic may be dangerous to human beings.
- (h) Any skunk, raccoon or fox whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.

411.03: PROHIBITIONS

Except as hereinafter provided in Section 411.04 no person shall intentionally feed wild animals within the City. Intentional feeding means the provision of any grain, fruit, vegetables, nuts, salt licks, or any other food that attracts wild animals. Living food sources such as trees and other live vegetation shall not be considered food for wild animals.

411.04: EXEMPTIONS

The provisions of Section 411.03 shall not apply to the employees or agents of the City, County, State, the Federal government or veterinarians who in the course of their official duties have wild animals in their custody or under their management or to persons feeding any birds using self-enclosed feeding devices or containers.

411.05: PENALTY

Violators of Section 411.03 are subject to an administrative fine of \$100 for the first violation, \$200 for a second violation, and \$300 for each subsequent violation within a 24-month period. This section does not bar the imposition or pursuit of any other additional remedies available at law for any conduct described in Section 411.03 including, but not limited to, nuisance abatement, civil injunction or criminal prosecution.

411.06: ENFORCEMENT

The Community Development Department is authorized to implement and enforce the provisions of this Chapter. The Community Development Director shall promulgate rules, regulations, and/or policies consistent with all provisions herein.

411.07: APPEAL

Any person or persons against whom an administrative fine is imposed under Section 411.05 may appeal such administrative penalty pursuant to Chapter 102 of City Code.

The City shall develop and maintain a wildlife management plan to ensure that the purpose of this ordinance is carried out.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Ordinance – Title of Ordinance _____

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

Patrick Trudgeon, City Manager