

CITY OF APPLE VALLEY
URBAN AFFAIRS ADVISORY COMMITTEE MINUTES
APRIL 30, 2013

1. CALL TO ORDER

The City of Apple Valley Urban Affairs Advisory Committee meeting was called to order by Planner Margaret Dykes at 7:03 p.m.

Members Present: Barry Berg, Sandy Breuer, Edwin Holmes, Sharon Schwartz and Earl Wilson.

Members Absent: Pamela Sohlberg

Staff Present: Community Development Director Bruce Nordquist, Planner Margaret Dykes, Code Compliance Specialist Ben Pierson and Department Assistant Joan Murphy.

2. APPOINTMENT OF ACTING CHAIR TO CONDUCT MEETING

Ms. Dykes inquired if the Committee would like to appoint an Acting Chair to conduct the meeting or proceed directly to the election of chair and secretary.

MOTION: Barry Berg moved, seconded by Sharon Schwartz, moving directly to nominate a chair and secretary. Ayes - 5- Nays - 0.

3. APPROVAL OF AGENDA

Ms. Dykes asked if there were any changes to the agenda. Hearing none she called for a motion.

MOTION: Earl Wilson moved, seconded by Barry Berg, approving the agenda. Ayes - 5 - Nays - 0.

4. NOMINATION AND ELECTION OF CHAIR AND SECRETARY

Sharon Schwartz nominated herself to serve as Chair.

Sandy Breuer nominated herself to serve as Chair.

Ballots were prepared by Department Assistant Joan Murphy passed out to the Committee for voting. Ballots were tallied and Sharon Schwartz was selected as Chair of the Urban Affairs Advisory Committee.

The Committee voted unanimously to appoint Sandy Breuer to the Secretary position.

5. APPROVAL OF MINUTES MAY 4, 2009.

Chair Schwartz asked if there were any changes to the minutes. Hearing none she called for a motion.

MOTION: Sandy Breuer moved, seconded by Edwin Holmes, approving the minutes of the meeting of May 4, 2009. Ayes - 5 - Nays – 0.

6. DISCUSSION ITEMS

A. Animal Ordinance Review

Planner Margaret Dykes stated the City Council directed the Urban Affairs Advisory Committee to review the City's existing animal ordinances. She said residents in single-family residential neighborhoods asked City Council to review ordinances in order to keep animals other than "house pets" on their property and that they are interested in keeping chickens and goats. She stated that the City Attorney advised that the current standards are open to interpretation and review is needed. She added that current ordinance pertains primarily to cats and dogs and does not address other animals.

Earl Wilson asked about the number of calls the City received from people that either want to keep chickens or have complaints about chickens or goats. Dykes stated about a dozen calls a year.

Community Development Director Bruce Nordquist stated one location was identified in Fall 2012 that had 9 – 10 chickens and two different coops plus two Nigerian goats. He said the residents are about evenly split between those who want chickens and those who do not. He added the City refers to them as livestock.

Code Compliance Specialist Ben Pierson stated at the recent Home and Garden Show, he had residents inquire if the City allowed chickens. His comment to them was it would be under review by the Urban Affairs Advisory Committee. He stated schoolchildren bring chicks home as class projects and complaints he received in the past had been about chickens running free.

Barry Berg asked Pierson if he had training in animal husbandry. He said he believed there would be an expense to the City to provide that type of training. He added that costs need to be done in inspections and possibly the owner of the chickens would need to compensate the City in costs. He noted there used to be two code enforcers but now the City has one. He also commented that very few of these animals are kept as pets but more for the food source.

Chair Schwartz reminded the committee that it needed to review if chickens should even be kept in Apple Valley. She asked Nordquist if the City Attorney thought a more specific ordinance was needed. Nordquist answered yes.

Sandy Breuer inquired at what point did the chicken concern come to the City Council and was it as a complaint.

Nordquist answered that in Fall 2012, goats and chickens came in as an active complaint. He stated that residents wanted to take the concern to City Council and plead their case. He explained that the process was to go to the Urban Affairs Advisory Committee first and the City would be looking for more definition.

Barry Berg stated that a 50/50 split is a significant number of people for and against raising chickens. He suggested leveraging a fee of \$100 to \$200 and residents would evaluate if it is really worth the cost to have chickens.

Earl Wilson stated the City needs to establish whether chickens should be allowed in the backyard first and then determine what fees are needed.

Chair Schwartz asked if they were to revisit the entire ordinance. Dykes answered that the committee needs to define what a house pet is and could review the entire Chapter 91 or just a couple sections.

Chair Schwartz asked Pierson what other animals he runs into; he answered goats and parrots.

Earl Wilson inquired about exotic animals. Dykes stated exotic animals are governed by Minnesota Statutes and she would get a list.

Chair Schwartz asked if they needed a motion to study chickens, goats, and exotic animals, and how they want to proceed.

Earl Wilson suggested they should review the current definition of house hold pets and bring a draft definition to the next meeting.

Barry Berg recommended keeping it simple such as to dogs, cats, parrots, and turtles.

Earl Wilson stated that house pet by definition is thought of as a dog or cat. Dykes suggested the Committee may want to define house pets.

MOTION: Edwin Holmes moved, seconded by Earl Wilson to define house pets.

Barry Berg questioned that if by this motion they were redefining house pets for the City Council. He commented he was deeply conflicted on this whole subject and questioned what was fair to the residents who want the chickens and goats.

Chair Schwartz stated there was a motion on the floor and that the Committee should look at the definition of house pets.

Voted: Ayes - 5 - Nays - 0.

Barry Berg suggested the terminology of residential animal opposed to house pets. Dykes stated she would consult with the City Attorney for definition.

Edwin Holmes suggested asking farmers what problems they have raising chickens. We need to assemble the problems then get solutions.

Edwin Holmes recommended researching a metro city that has chickens and inviting that city's staff to come in and talk to the Committee. Dykes said she would provide information from other cities that have approved ordinances allowing chickens.

Barry Berg said he would like information on waste matters and how it affects the aquifers and storm sewers. Nordquist said that Apple Valley now has strict sewer infiltration and are in a well head protection area.

Edwin Holmes commented that in the past local governments had more available spending and that has changed. If the City allows for chicken and goats, that could require monitoring, licensing, and enforcement.

Chair Schwartz proposed having a public hearing.

Sandy Breuer said she worried the Committee would only hear from people who want chickens and not hear the other side. A public hearing on the topic would need to be publicized to hear both sides of the issue.

Chair Schwartz asked about the public hearing process and timeframe for public notice. Nordquist stated that a public hearing notice needs to be in the paper more than 10 days before the hearing. Dykes added that a public hearing notice would be publicized in the local paper, the City's newsletter and on the City's website.

Chair Schwartz commented there may be a need for two meetings. She questioned how to guarantee the same people are not heard. Dykes answered that you cannot guarantee that.

Barry Berg commented if the purpose of the public hearing is to vent then there is not much purpose. But if the purpose is to educate them, the Committee would need to have the information available like a program addressing the discussion of issues.

Nordquist stated the purpose of the public hearing would be for a draft decision on what the Committee has prepared and not for the public to react to chickens.

Edwin Holmes asked if the Committee could take advantage of the work done by other cities. Dykes answered yes, there is no reason to re-write everything and there are a number of articles out there for review.

MOTION: Edwin Holmes moved, seconded by Earl Wilson to look into the process other cities have used and what other major cities and other city staff have done. Ayes - 5 -
Nays - 0.

Sandy Breuer asked if the League of Minnesota Cities provides guidance for these issues. Dykes answered yes, and would provide information at the next meeting.

Chair Schwartz asked which cities would be contacted. Dykes answered Eagan, Burnsville, Rosemount, and Farmington. She said she'd also obtain information from groups take chickens that are abandoned.

Chair Schwartz inquired if there were predator issues in other cities and asked if Dykes could also check on that too. She also asked if potbellied pigs could be addressed.

Barry Berg asked for a list of exotic animals from the State of Minnesota.

7. OTHER BUSINESS

A. Review of upcoming meeting.

Planner Margaret Dykes stated that the next Urban Affairs Committee meeting would take place Tuesday, May 28, 2013, at 7:00 p.m.

8. ADJOURNMENT

Hearing no further comments from the Urban Affairs Advisory Committee, Chair Schwartz asked for a motion to adjourn.

MOTION: Earl Wilson moved, seconded by Edwin Holmes to adjourn the meeting at 8:37 p.m.
Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Urban Affairs Advisory Committee on 5/28/13.