


MINOT CITY COUNCIL
Special Meeting
Wednesday, January 17, 2018 – 6:00 pm
City Council Chambers

You are hereby notified pursuant to the authority vested in me as City Manager of the City of Minot, North Dakota, under Section 2-27 of the City of Minot Code of Ordinances, that I am calling a special meeting of the Minot City Council to be held in the City Council Chambers in City Hall, Minot, North Dakota, on Wednesday, January 17, 2018 at 6:00 p.m. for the purpose of discussing potential amendments to the City of Minot Code of Ordinances relating to prohibited animals and nuisance animals as recommended by their respective ad hoc committees.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. CITY HALL EMERGENCY HVAC REPAIR AND SOLE-SOURCE PURCHASE

At some point during the previous cold snap (New Year's weekend) the lines leading to the cooling tower outside City Hall froze up. This was discovered when the temperatures warmed up and it began to get very hot in areas of the City Hall/Police Dept. complex. Contractors from Mobray & Sons diagnosed the issue and discovered that the lines from the building had frozen below ground. The system is designed to circulate continuously to prevent freezing. The hypothesis is that another component in the system (valve, sensor, control or pump) failed causing the line to freeze.

It is recommended the City Council approve the installation of a heat exchanger and repair of lines to the cooling tower.

Documents:

[HVAC REPAIR MEMO.PDF](#)
[ORDINANCE NO. 3347.PDF](#)
[BA - CITY HALL HVAC.PDF](#)

4. CONSIDER THE REPORT OF THE NUISANCE ANIMAL AD HOC COMMITTEE

Documents:

[NUISANCE ANIMAL AD HOC REPORT.PDF](#)

4.I. FEEDING OF ANIMALS

Feeding of wildlife has negative consequences including the creation of an animal's dependency on that food source, spread of disease, increased interactions with people, and in geese, the development of a condition known as 'angel wing' which diminishes their ability to survive in the wild.

1. **It is recommended the City Council implement a no feeding ordinance that prohibits the feeding of wildlife within City jurisdiction.**
2. **Undertake a public information campaign informing citizens of the negative effects of feeding animals.**

Documents:

[FEEDING ANIMAL ORDINANCE.PDF](#)

4.III. EGG ADDLING

It is recommended:

1. **The City Council amend Section 7-11 - Killing and molesting certain birds to read: " No person in the city shall shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner, molest or injure any nondomesticated bird, except pigeons; nor in any manner molest or injure the nest eggs or young of any such bird; nor have in his possession the nest eggs, the young or body of such bird unless properly permitted and sanctioned by the City for purposes of wildlife management. "**
2. **City Council adopt the following definitions for "properly permitted" and "sanctioned by the City".**
 - a. **Properly Permitted:** When used in reference to Section 7-11 and ordinances related to hunting within the City of Minot, 'properly permitted' means having proper licenses from North Dakota Game and Fish.
 - b. **Sanctioned by the City:** When used in reference to Section 7-11 and ordinances related to hunting within the City of Minot, 'sanctioned by the City' means having an approved City permit to hunt in the City limits.
 3. **The City apply for an egg addling permit and allow trained staff to participate in the practice in areas where it compliments the Park District's efforts.**

4.III. EXCLUSION FENCING FOR RAINBOW GARDENS

8' exclusion fencing would be effective at keeping Deer from entering the Rainbow Garden site.

It is recommended the City Council explore a partnership with Rainbow Gardens to share the cost of exclusion fencing for the site through use of unallocated or leftover community facility funding.

4.IV. HUNTING/WILDLIFE MANAGEMENT WITHIN CITY LIMITS

It is the recommendation of the Nuisance Animal Ad Hoc Committee that the City Council adopt ordinances changes that allow hunting in Minot to take place in circumstances where it is both permitted by the ND Game & Fish and sanctioned by the City through the issuance of a City permit and develop an administrative program for managing and gathering the most benefit from hunting activity.

Much discussion was given on how to protect opposing citizen interests while maintaining the opportunity to better manage the populations of deer, turkey, and geese.

Recommended Ordinance Revisions

1. **Sec 23-68 - Hunting in City Limits**

a. **No person shall hunt, by archery or crossbow, on City owned lands within city limits unless properly permitted and sanctioned by the City.**

2. **Sec 23-68 - Hunting in City Limits**

City Council adopt the following definitions for "properly permitted" and "sanctioned by the City".

1. **Properly Permitted:** When used in reference to Section 23-68, "properly permitted" means having proper licenses from North Dakota Game and Fish.
2. **Sanctioned by the City:** When used in reference to Section 23-68, "sanctioned by the City" means having an approved City permit to hunt in the City limits.

3. **Sec 23-68 - Hunting in City Limits**

City Council incorporate the language from the 2017 ND Deer Hunting Guide regarding entering posted land to retrieve game and that all hunters should make a good faith effort to notify property owners before entering private land to retrieve game.

" Any person may enter upon legally posted land (without a firearm or bow) to recover game shot or killed on land where he/she had a lawful right to hunt. "

It is the recommendation of the Nuisance Animal Ad Hoc Committee develop an in-town hunting program for the purposes of wildlife population management that is administered as follows:

1. An online application shall be developed and required of those wishing to hunt within city limits that captures the information necessary to safely administer the program.
2. Property owner permission shall be required to hunt on any parcel of land within city limits.
3. A proficiency/skill test shall be developed and administered by certified archery instructors and will be required of all hunters seeking a permit to hunt in city limits.
4. Administrative approval shall be required by the Chief of Police. In granting or denying that approval, it is recommended Chief of Police consider factors including but not limited to: terrain, visibility, size of tract, method/shot angle, and public use. The purpose of considering these factors shall be for the purpose of determining whether the requested hunting location is safe for the public.
5. The City should participate in the State's herd reduction program which extends the hunting season for herd reduction deer tags until January 30th.
6. The City should measure population control efficacy through data already being collected including car/deer collisions and nuisance calls.
7. The City should require a administrative and processing fee and develop that fee level based on fees charged in other cities.
8. The City should pass an ordinance declaring all parcels of land as 'posted' under the terms of state law to create the circumstances where any game retrieval on land that was not the land where the hunting took place would require a good faith effort to seek permission from the property owner before entering to retrieve game.
9. Information on the City's 'No Feeding' ordinance shall be included on the application to secure a City hunting permit (if it passes).
10. Field dressing of game should not be allowed.
11. The City should develop a pair up program that connects approved properties and property owners seeking herd reduction with approved hunters.
12. The City should call attention to the currently available request tracker on the City's website so it can be used for the purposes of reporting nuisance animal incidents.
13. The City should initially request 40 herd reduction tags and measure ongoing herd reduction tag requests based on program metrics including car/deer collisions and reported nuisance calls.
14. Violations of the City's hunting ordinance shall be considered a class B misdemeanor, revocation of the current city permit, and the individual become ineligible to receive another city permit for not less than one year.
15. The City make a herd reduction tag request in anticipation of implementing a fall 2018 hunting program prior to the April 1st deadline.
16. The city make available on the city application information about food share programs that may be able to make use of harvested meat. Information about food share programs is available here: <http://www.capnd.org/whatwe-do/statewideprograms/sportsmen-against-hunger/overview.html>
17. The city should explore opportunities for participating in disabled/disadvantaged hunting programs.
18. The City support efforts of the Park District to control populations of geese on Park District property.
19. This hunting program shall apply to deer, turkey, and geese.

Due to the extensive nature of the recommendations of the hunting program, the required creation of an application, determination of fees, and several implementation and logistical challenges, it is my recommendation we pass a motion showing intent to implement this program in time for the 2018 fall hunting season. Such intent would provide direction to staff to begin the following:

1. Take steps to insure the City will be included in the Governor's Hunting Proclamation and that herd reduction tags are requested prior to April 1 as required by the State.
2. Develop the City's hunting application in accordance with information required.
3. Identify any additional logistical and statutory challenges that remain.
4. Re-draft ordinance 23-68 to best capture the intent of the Nuisance Animal Ad Hoc Committee and City Council.
5. Return ordinances and program details for final approval and a first reading at the May 2018 City Council meeting.

5. CONSIDER THE REPORT OF THE PROHIBITED ANIMAL ORDINANCE AD HOC COMMITTEE

5.I. AMEND THE CITY OF MINOT CODE OF ORDINANCES RELATING TO SNAKES

It is recommended the Council amend the ordinance regarding prohibited animals to prohibit all venomous and non-venomous injurious snakes as defined by the U.S. Fish and Wildlife Services.

Documents:

[CURRENT-LIST-OF-INJURIOUS-WILDLIFE.PDF](#)

5.II. AMEND THE CITY OF MINOT CODE OF ORDINANCES RELATING TO BACKYARD HENS

It is recommended the City Council take action on amending the Minot Code of Ordinances to reflect the criteria of the Fargo ordinance relating to backyard hens.

Documents:

[ARTICLE_12_03__DOMESTIC_FOWL__WILD_BIRDS__AND_PETS.PDF](#)

5.III. AMEND THE CITY OF MINOT CODE OF ORDINANCES RELATING TO POTENTIALLY DANGEROUS AND DANGEROUS DOGS

It is recommended the City Council direct staff draft an ordinance to combine Section 7-27 of the City of Minot Code of Ordinances with Fargo's ordinance, found in Section 12-0117, relating to potentially dangerous and dangerous dogs.

Documents:

[12_0117__POTENTIALLY_DANGEROUS_AND_DANGEROUS_DOGS..PDF](#)

6. ADJOURNMENT