

## EAST BETHEL CITY COUNCIL WORK MEETING

AUGUST 13, 2014

The East Bethel City Council met on August 13, 2014, at 6:45 p.m. for the City Council Work Meeting at City Hall.

MEMBERS PRESENT:      Bob DeRoche              Ron Koller              Tim Harrington  
   Heidi Moegerle              Tom Ronning

ALSO PRESENT:              Jack Davis, City Administrator

**1.0**                      The August 13, 2014, City Council Work Meeting was called to order by Mayor DeRoche  
**Call to Order**      at 6:45 p.m.

**2.0**                      **Harrington made a motion to adopt the August 13, 2014, City Council Work Meeting**  
**Adopt**                      **agenda. Ronning seconded; all in favor, motion carried.**  
**Agenda**

**3.0**                      Davis presented the staff report, noting that the purpose of tonight's meeting is to continue  
**City**                      the discussion of the possibility of amending City Ordinance, Chapter 10, Article V, Farm  
**Ordinance,**              Animals as it relates to the keeping of chickens on lots of less than three acres.  
**Chapter 10,**  
**Article V,**  
**Farm**  
**Animals**

City Council has been considering amending City Code as it relates to the keeping of chickens. The following is a timeline of meetings that have discussed this subject:

- June 4, 2014, City Council Meeting - Council directed Staff to survey the policies of other cities in regard to the keeping of chickens;
- June 18, 2014, City Council Meeting - Staff presented a report to City Council as to the policies of other Cities in regards to the keeping of chickens. As a result of this meeting and discussion, Council scheduled a work meeting for June 25, 2014 for further consideration of this matter;
- June 25, 2014, City Council Work Meeting - This matter was discussed and Council was requested to forward recommendations to the City Administrator for inclusion in a revised draft ordinance to be presented to Council at a later date.
- August 6, 2014, City Council Meeting- Council scheduled a work meeting for August 13, 2014 to continue discussion of this matter.

The current City Ordinance is presented in your package for reference and as the option for 'No Change' in the requirements for the keeping of chickens. Our Ordinance addresses most of the concerns that Council has discussed and deals in more detail with setback requirements than the other ordinances presented for comparison. The primary difference between the ordinances is that ours is more restrictive as lot size for permitting the use and less detailed in regard to coop and pen standards.

Should there be a decision to change the Ordinance, the main issue appears to be determination of the minimum lot size for keeping of chickens. It would appear, if this is the approach, that Council may want to consider a tiered set of requirements that increases the restrictions and conditions as approved lot areas decrease in size. For example, lots of 2-3 acres would have less restrictions than those of 1-1.99 acres. It would also be appropriate to consider continuing the prohibition of the keeping of chickens in platted subdivisions.

While arguments can be made in favor of relaxing our current standards for keeping

chickens, keep in mind that on certain lots this could have unintended consequences, primarily with neighbors, the creation of a disturbance and devaluation of the residential character of certain neighborhoods, and a potential increase in the attraction of predatory animals and rodents.

Other considerations that should be addressed if the ordinance is to be changed include but are not limited to the following:

- Slaughtering
- Standards for coop and pen construction and size
- Location on the lot
- Number of chickens that can be kept
- Fees for permit or IUPs-one time or annual
- Seeking approval of surrounding neighbors
- Waste control and management

Davis, "Attached is the current City ordinance, the Forest Lake ordinance, an ordinance from Norwood Young America, requirements from surrounding cities we surveyed that describes the practices of cities on the keeping of chickens, and the Council's comments from our last meeting as to what they would like to see in the ordinance. Staff is seeking direction from the Council as to how to proceed on this matter. At this time, we're open to what suggestions and direction you have to give us."

DeRoche, "I guess, just to start the thing off, doing a little research, or having someone research, since 1992, there have been ten permits requested, or issued. There has been one chicken complaint. So, over the weekend, I went out, polled a bunch of people, asked them what they thought. A lot of them just said, 'No comment, why are you spending so much time on a chicken ordinance?' If we already have one, why bother to change it? Has it been a big problem that we've been getting a lot of complaints? We have bigger issues that we've got to deal with. That being said, I'll open it up."

Harrington, "I'd say with one complaint, I'd leave it alone. I wouldn't change anything."

Moegerle, "With regard to the ten requests, have they been for lots smaller than one acre?"

Davis, "No. I went back and looked. The IUPs we've issued for the keeping of chickens, these go back go 1992, these are all for three acres or greater, those that meet the standards and requirements of the ordinance."

Moegerle, "Was the most recent request, and the people were here when it first came up, did they have an acre? They're inquiring. I guess my question is, how did we end up going 'down this road' if there wasn't a request for chickens to be on a property of less than one acre?" Davis, "Staff didn't receive a request, per se. I think Mr. Koller had received some inquiries about the keeping of chickens and brought this matter to our attention."

Ronning, "If I recall, the keeping of chickens wasn't identified with any particular size. It was just the question about having chickens. Was it?" Davis, "Occasionally, I think, we've had inquiries, 'Can we have chickens, and the answer to those people, 'Yes you can if it's lots larger than three acres and not in a platted subdivision.' A lot of the people who had called have lots less than three acres. I don't have any record of how many numbers that was. It wasn't an overwhelming number but we've had a few requests in the past on that. But, our ordinance says 'three acres or more,' and that was the standard."

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Moegerle, "And here's what I read in our ordinance and a closer review at 10-151, Sub. 2, and that's the area that was highlighted in what we received. It says, 'Domestic farm animals with an animal unit of .01 or less, and that's a chicken, are permitted without an IUP with the following conditions: A maximum of ten animals may be kept on a parcel of a minimum of one acre pasture land without an IUP so long as the other requirements are met.' Then, as I read further down, in Section 10-157, it indicates that keeping of any domestic farm animals requires an IUP. So, there's an inconsistency there that I thought we might be able to correct. Either we're going to require an IUP for folks who have one acre of pasture land that they can set aside for the ten domestic farm animals (i.e., chickens) at .01 units, just to clarify our ordinances. I think, at a minimum, we should do that."

Davis, "Is that because in the first one you read, that's exceptions to the ordinance? And, there is an exception, and these relate to, the others don't relate to the exceptions. I'm not sure if..." Moegerle, "Well, I think the way 10-157 is written, is that every person having domestic farm animals shall have an IUP."

DeRoche, "There's another statement I heard from someone that was pretty good, is, so you have chickens. If there's an issue, your neighbor comes up and says, 'Hey, you have this problem, fix it.' 'No.' Well, then you go to the City. But if it's not something that people are all over it, I mean I'm sure there's quite a few people that probably have chickens in the City, but I would rather not become the 'chicken police' and going and try to track them all down if there's issues with the neighbors and they just can't seem to get it resolved. I think it's something."

Koller, "I know there's a few places around town with small acreage that have chickens and they're not on this list. I think people probably didn't know there was an ordinance against them."

DeRoche, "I would have no problem fixing what Heidi had said because if it says one thing in this part of the ordinance and something different in the other ones, well, we either have to go one way or the other."

Davis, "In answer to both questions, and Ron's, I'm sure there's probably a lot of people that don't realize there's an ordinance. There's probably some people that do and say, 'Well do it and if there's a problem then we'll address that later.' As far as Bob's comment and Heidi's, if there's an inconsistency, we definitely need to correct that. Since I've been here, we've had one complaint about the keeping of chickens. Actually, that happened about a month ago. There's a gentleman that has a two-acre lot in a platted subdivision and his neighbor was complaining about the odor and also complaining that the guy had an "Eggs For Sale" sign in his yard and at the intersection of the City's streets. I'm not so sure that the complaint was more about the egg selling than it was about the odor."

Koller, "How many chickens did he have?" Davis, "I think he has about 20." Koller, "That's quite a few." Moegerle, "That sounds like it's more than what our ordinance provides." Koller, "That sounds like a business." Moegerle, "Yes. And, did he have a Home Occupation Permit?" Davis, "He had neither."

Moegerle, "I'm sure we're working on that, right?" Davis, "Yes, the signs are down. My directions to him were that we'd advise him what we're going to do on the chicken ordinance and then he could proceed based on that information. If there were a change,

then we'd see how it affected him. If there's not, then we'll notify him of the fact that he is in violation."

DeRoche, "Well, I would, I guess, recommend that we make the ordinance the same in both parts. Leave the rest of it alone and if it becomes an issue, then we address it. If it's not a big issue right now, I think we're just spending a lot of time."

Moegerle, "Is it a bigger issue than that Ron?" Koller, "All I know is I have a couple people call me up and ask for chickens on smaller lots. So, I brought it to the Council. I don't think it's a major, where we're going to have everybody having chickens. I would say probably 1 out of 30 houses might have chickens."

Ronning, "I was surprised to have somebody, must have watched the video, ask, 'When are you going to resolve this chicken thing?'" Koller, "It's been going on for a while." Ronning, "Just for general reference, if everything in the world were 'square' or 'round' like we want it, one acre is a piece of land 208.71 feet times 208.71. Two acres is 295.16 times 295.16. Three acres is 361.5 by 361.5. So, why'd I do that? To kind of put a visual picture to it, sort of. I don't have a pet problem with chickens myself and I don't have a problem with leaving it alone or giving it consideration. Is three acres too much? Is it something to move down a little bit? Or, leave it alone or raise it?"

Davis, "And, again, I don't have an answer to that question. I don't know where the science or 'magic' is, whichever one you want to pick." Ronning, "I'm looking at you because you're right there. The question is to all of us."

Moegerle, "I'm quite willing to go ahead and allow chickens on smaller acreage without any 'chicken police' but I do think that they need to request an IUP, particularly on the smaller lands. The smaller lots really will affect the neighbors. The neighbors should have input and agree and almost have veto power on it. If the neighbor doesn't want it and they're going to be within 50 feet of either the chickens themselves or the manure pile, they should have some right of veto and certainly some input. To that extent, since there is no one here fighting to get chickens on their quarter acre lot, I think maybe we just table this until such time someone comes up and raises it. Pick it up from where we are."

Koller, "I think we should just get it done one way or another." DeRoche, "One concern I have is we are talking about going down to 2.5 acre lots. I think if all of a sudden now you can have chickens on 2 acres, what's that going to do to somebody that's trying to do a development with 2.5 acres? And, you can have chickens on 2.5 acres or 2 acres? I think just make the one change, make it concise, and leave it alone."

Moegerle, "The current ordinance allows ten chickens if you have 1 acre of pasture. So if the lots go down to 2.5 acres, you can have chickens."

DeRoche, "But, it hasn't been a problem and until it becomes one, it's kind of like changing the ATV and Dirt Bike Ordinance. I have been in touch with Mrs. Niseley and said, 'Hey, you have any complaints? Have you had them racing around anymore?' 'No, I haven't but if I do, I'll call and definitely report it.'"

Ronning, "And for the remote participants, there's nobody here to advocate for or against this one way or another. I don't know how or if people knew what the agenda was. It's available, certainly. It's no secret or anything but, the fact remains that nobody's here. It

3.0

isn't a huge problem."

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Davis, "In 10-151 where it says, 'a maximum of ten animals may be kept on a parcel with a minimum of one acre of land without an IUP...'" Moegerle, "Pasture land." Davis, "But it says, '...so long as all other requirements set forth in the Code are met.' So, the Code says you've got to have three acres and not be in a platted subdivision. All this is saying is if you're outside of those parameters, you don't have to have an IUP for keeping ten chickens or less. But, you still have to meet the three-acre requirement and be outside of a platted subdivision."

**DeRoche made a motion to approve the one change to make the ordinance language concise and leave the rest alone until we have problems. Ronning seconded for discussion.**

Moegerle, "Well, I just think that if you're saying that we correct the 10-157 so that it allows for what's in 10-151, I would agree." Davis, "Just not...except this from 10-157. In fact, the youth development and this right here is an exception to this." Moegerle, "No, I disagree. That is an exception to what proceeds in 10-151. I'm sure Mark will have an opinion. But, the exceptions that are listed at .2 of 10-51.2 are the exceptions to 10-51. That's the way I read it."

DeRoche, "And, for the record, we can't vote on it anyway." Moegerle, "Right, so if we could just have that checked."

**DeRoche noted as this is a Work Meeting, a motion cannot be voted upon. Ronning withdrew his second to the motion.**

DeRoche, "We can get an opinion before next Wednesday, right Jack?" Davis, "Yes."  
DeRoche, "Great."

Ronning, "I also think that the comments made about closure are shared by everybody."

**4.0  
Adjourn**

**Moegerle made a motion to adjourn at 7:03 p.m. Koller seconded. All in favor, motion carried unanimously.**

Submitted by:

Carla Wirth

*TimeSaver Off Site Secretarial, Inc.*