CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: August 15, 2022

ITEM: Resolution – Approval of WDM Deer Management Zone – 3140 SE 22nd Street

FINANCIAL IMPACT: None

BACKGROUND: The owner of property located just to the east of 3140 SE 22nd Street, Mr. Tim Alexander, has requested the establishment of a West Des Moines Deer Management Zone (WDMDMZ) on his private property so that controlled bowhunting can occur. A map showing the location is attached.

The hunting ordinance (Title 5, Chapter 2, Offenses, Section 30, "Hunting") allows for the City to designate West Des Moines Deer Management Zones (WDMDMZ) on private property within the city limits by a resolution of the City Council. Hunting within these zones must take place according to the regulations established in Section C of the hunting ordinance.

All surrounding property owners within 370 feet of the proposed WDMDMZ were noticed by mail (see attached notice dated 7/14/22) and invited to provide comments. One call and one email were received, none in opposition to the WDMDMZ. Copy of the email is attached along with staff's response.

If approved, staff will be working closely with the property owner and the designated hunter to ensure that all qualifications of the City Controlled Bowhunt are met and to issue City hunting permits. Hunting could start as early as September 15, 2022 with the season ending on January 29, 2023. An orientation will take place with the hunter to ensure they are knowledgeable of the City Controlled Bowhunt rules and regulations prior to any hunting.

This matter was taken to the Public Safety Council Committee on August 5 where Councilman Hudson approved the establishment of the zone. Councilwoman Hardman was not in attendance.

OUTSTANDING ISSUES: None

RECOMMENDATION: That the Council approve the Resolution.

Lead Staff Member: David Sadler, Superintendent of Parks

STAFF REVIEWS

Department Director	Sally Ortgies, Director of Parks & Recreation
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Safety		
Date Reviewed	August 5, 2022		
Recommendation	**Yes**	No	Split

RESOLUTION
DESIGNATING A WEST DES MOINES DEER MANAGEMENT ZONE

WHEREAS, Section 5-2-30 of the West Des Moines City Code (1999) provides that the City Council may designate by resolution areas within the City as a West Des Moines Deer Management Zone to allow the controlled bowhunting of deer within such a zone under the rules of that section to control the deer population within the City; and

WHEREAS, said designation may occur on private property; and

WHEREAS, there is currently a need to control the deer population in and around the properties designated in the attached exhibit "A"; and

WHEREAS, the owner of the designated property has voluntarily requested to have their property included in the West Des Moines Deer Management Zone.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT the private property as designated in the attached exhibit "A" is declared a West Des Moines Deer Management Zone pursuant to Section 5-2-30 of the West Des Moines City Code (1999), and shall be subject to the rules provided therein and any additional regulations promulgated pursuant to the West Des Moines City Code.

PASSED AND ADOPTED this 15th day of August, 2022.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

VICINITY MAP

Legend

- Existing Building
- Existing Street
- 200' Building Setback
- 75' Road Setback
- Identified Parcel
- Deer Management Zone Area

0 75 150 300 Feet

THE CITY OF WEST DES MOINES

CITY OF WEST DES MOINES
DEPARTMENT OF PARKS AND RECREATION
PARKS DIVISION

4200 MILLS CIVIC PKWY (515) 222-3444
WEST DES MOINES, IOWA 50265
FAX. NO. (515) 222-3459

PROJECT:	DEER MANAGEMENT ZONE - SETBACK MAP			
LOCATION:	SE 22ND ST AND SE ARMY POST RD			
AUTHOR: maa	DATE: 4/25/2022	SCALE: -	SHEET: 1 of 1	

TO:	Property Owner
FROM:	David Sadler, Superintendent of Parks
DATE:	July 14, 2022
RE:	West Des Moines Deer Management Zone

A property owner adjacent to or near your property has approached the City about establishing a private property West Des Moines Deer Management Zone (WDMDMZ). I would like to notify you about the City's possible intention to establish this zone just to the east of **3140 SE 22nd Street** for the purposes of a controlled bowhunting. The enclosed map shows the proposed zone.

Impacts from deer overpopulation in West Des Moines include car/deer accidents, ecological damage, declining deer health, and impact to private property. The goal of the City's controlled bowhunt program is to ***safely*** stabilize or decrease deer populations over time to more ecologically acceptable levels.

The City of West Des Moines has managed a controlled bowhunt program for nearly 20 years on City-owned property beginning at Southwoods Park. This park has remained open to the public at all times during the hunting season. A total of 224 deer have been harvested from the park since the program was started in 2004 with ***no safety-related issues*** reported by residents, park users or hunters during this time. Deer numbers in Southwoods Park have declined significantly since the program began. Residents have reported less damage to their property, and the deer herd in the park has gradually gotten closer to a more ecologically acceptable level.

Four private property zones have also been established within the city, with most of these located south of the Raccoon River. One hundred (100) deer have been harvested from these zones over the last thirteen (13) years. In addition, controlled bowhunts have taken place on public and private property in cities throughout Polk County and on public property managed by Polk County, the State of Iowa, and Federal agencies since 1998 with ***no safety-related issues***.

Hunting taking place in the proposed zone just to the east of **3140 SE 22nd Street** would be done under rules and requirements specific to the controlled bowhunt program. All hunters will have passed an approved International Bowhunter Education Foundation safety education course, passed an annual archery proficiency test, and received an orientation with City staff on the program rules.

OVER

Controlled bowhunting in the proposed WDMDMZ would be limited to a maximum of one qualified hunter with a permit issued to only that hunter by the City. All hunting must occur within the established zone, and no arrows can be shot onto surrounding property. The hunter would be required to check-in by contacting the City before each day of hunting. A copy of the guidelines and rules for the controlled bowhunt season is enclosed as further information.

The City's hunting ordinance requires the City Council to establish all West Des Moines Deer Management Zones by resolution. Pending feedback from this notice, it is anticipated that the resolution establishing the zone just to the east of **3140 SE 22nd Street** would go before the City Council at their August 15, 2022 meeting. If formally approved, hunting could take place from September 17, 2022 through January 29, 2023 and each year following (with approval of the property owner) during the controlled bowhunt season.

As a neighbor of the proposed zone, you are invited to share your comments or concerns. You are welcome to e-mail me at david.sadler@wdm.iowa.gov or call 515-222-3456. Any comments or concerns shared with me by 5:00 p.m. on Friday, July 29 will be communicated to the City Council to assist them with making their decision.

Address List:

Jesse Linebaugh
2110 SE Army Post Road
West Des Moines, IA 50265

Raymond J. Neubauer
3140 SE 22nd Street
West Des Moines, IA ~~50265~~ 50061

Robert L Bowers Jr.
3220 SE 22nd Street
~~West Des Moines, IA 50265~~ Cumming, IA 50061

Tim Alexander
2366 SE Walnut Woods Ct.
West Des Moines, IA 50265

Linda Juckette
POB 40
Cumming, IA 50061

Sadler, David

From: Sadler, David
Sent: Tuesday, August 9, 2022 2:18 PM
To: Robert L Bowers Jr
Subject: RE: [EXT] West Des Moines Deer Management

Robert,

The map actually did not come through in the Word document you sent. But I'm just going by the Polk County Assessor records for the property boundary being hunted, and access to that property is through the Neubauer property located to the west. Mr. Neubauer is part owner of the property being hunted and he agreed to allow the hunter access through his property to the property being hunted. So sending me a map is not necessary.

Thanks,

David Sadler, Superintendent of Parks
City of West Des Moines
david.sadler@wdm.iowa.gov / (515) 222-3456

From: Robert L Bowers Jr <robertlbowers923@gmail.com>
Sent: Monday, August 8, 2022 5:54 PM
To: Sadler, David <David.Sadler@wdm.iowa.gov>
Subject: Re: [EXT] West Des Moines Deer Management

David.
Thanks for your response, and open conversation.
you did not mention the map. If you need my records
on the property boundaries and easements, let me know.
If they are marked with numbers I will send only the numbers
and you can check them.
BB

On Mon, Aug 8, 2022 at 3:54 PM Sadler, David <David.Sadler@wdm.iowa.gov> wrote:

Robert,

I received your email. As discussed, there will only be one hunter on this property. This hunter will only be allowed to hunt on the noted property and prohibited to cross onto any adjacent property for any reason. Please let me know if you have any further questions.

Sincerely,

David Sadler, Superintendent of Parks

City of West Des Moines

david.sadler@wdm.iowa.gov / (515) 222-3456

From: Robert L Bowers Jr <robertlbowers923@gmail.com>
Sent: Friday, August 5, 2022 10:20 AM
To: Sadler, David <David.Sadler@wdm.iowa.gov>
Subject: [EXT] West Des Moines Deer Management

David, I wrote down from memory what we discussed with the intent to correctly document the conversation. If there are any misunderstandings or errors, please advise and I will correct them..

Two attachments.

Please confirm receipt.

BB

1994_10_22_warrant_right-of-way_purchase_inquiry_to_polk_county_auditor_vandelone_deer_license_sadler.wpd

The above aerial photo is a cropped northern boundary of the Neubauer/Alexander property where I have identified the location of the "common drive" surveyed and described by Shive-Hattery which runs the full east-west direction of the property including the proposed West Des Moines Deer Management Zone.

This is a 30 foot wide "driveway," and was intended to provide access to the false five building sites which Neubauer claims have been formally identified as "Ironwood" If I can find a more definitive drawing I will replace this drawing with it.

The document, above, was interrupted by a return call from David Sadler regarding my concerns with a proposed West Des Moines Deer Management Zone adjacent and adjoining a property owned by Robert L. Bowers, Jr. And, was left unchanged with the added comments below.

David addressed and clarified the wording in the original letter dated July 14, 2022, whereby there were instances which made reference to "hunters" and "hunter" which left my interpretation of the specific purpose of the letter. David clarified that the number of hunters in this case was hunter, not hunters, and the son of the claimed property owner.

I specifically mentioned that I had no concern if the "hunter" was not "hunters" and the visitors to the site would be a single hunter and a son of the owner of the property assuming that the owner was proven to own the property. That conditions agreed to regarding the existing pond, the existing maintenance easement and other conditions specified in the original and revised real estate purchase contract which specifically provided some conditions to protect the property of Robert L. Bowers, Jr. the owner of the property directly South and adjacent to the Deer Management Zone. I specifically mentioned the maintenance easement surrounding a pond plat any access thereto. The **easement** should be part of the map which, if included, in this project. The current map does not appear to recognize or show the maintenance easement. The inclusion of the existing maintenance easement in the application map should help void any later concerns about use of the easement by Robert L. Bowers, Jr. for pond maintenance, or access by

the single licensed bow hunter.

David specifically identified his area of responsibility as being only that of the Deer Management Zone and those who could access the same. Any other violation, particularly related to the original real estate contract would have to be handled by the city agency who had direct and legal authority to enforce any other agreements, including trespass, access to the pond when it is repaired and any other violation of the original Real Estate Contract.

My stance is that as long as all conditions are adhered to and followed, the applicant has the right to ask for and have the City of West Des Moines provide the appropriate license to bow hunt deer on his property. Access to the adjoining property owned by Robert L. Bowers is prohibited for any reason related or unrelated to Bow Hunting Deer license. David assured me that access, no matter the circumstances of the hunter, was prohibited and action would be taken if such occurred.

David made it clear to me that the hunter would be made aware of the conditions of the bow deer hunting license and he would be the contact if violations of the licensee took place.

Entry, above, made on August 3, 2022 @ 1529

Entry, below, made on August 5, 2022 @ 0835

Question: Will the licensee be allowed to have "other persons', non-licensed, accompany the licensed hunter? If 'yes' will there be limits to the number of persons allowed with the licensed hunter. If the licensed hunter is allowed to bring 'friends' to the bow hunting site while the licensed hunter is hunting? .

The above paragraphs are the interpretation of Robert L. Bowers, Jr. (Property owner on the South boundary of the proposed Deer Management Zone.) of a telephone conversation with David Sadler and is open to any proposed correction by David Sadler, Superintendent of Parks, West Des Moines, Iowa, with consultation with Robert L. Bowers, Jr, author of this communication.

S/ Robert L. Bowers, Jr.

Robert L. Bowers, Jr.

David Sadler, Superintendent of Parks

RE: West Des Moines Deer Management Zone

David,

I am not a big fan of interfering with nature as in most cases the long-term consequences are seldom known. One of the great examples was the disappearance of the Aspen tree in a souther Utah park. Build a dam, get rid of the wolves in the park, which was initiated. Slowly the native Aspen and the fall spectacular color show of the Aspen disappeared.

Prior to the disappearance of the wolf population the deer were fundamentally mobile, moving along the banks of the river below the dam. Aspen is one of the favorite natural food of the deer. Prior to elimination of the wolf population the predator kept the deer moving such that the Aspen were eaten but not to the point of extinction.

The assumption was that maybe the water which flowed freely down the existing river was inhibited to the point where the Aspen could not survive. A major water release from the dam and flooding of the area below the existing dam was undertaken and nothing. The Aspen did not return or survive.

The wolf population was reduced, or in some places eliminated. This was an unrelated step by the park to get the wolves back in the park and, surprise. The Aspen returned.

The deer population was kept on the move whereby only some of the Aspen provided food for the deer, but, because the wolves moved the herds through the valley and the seasonal migration nature prevailed.

Added comment 08.05.2022

With regard to your letter, on page 1 you use “hunters” and on page 2 “one hunter”. As I read that sentenced “maximum of one qualified hunter”. This

suggests that only one person would be approved to hunt on the proposed property. If only one, that could be the owner of the property. "The hunter would be required to check in..." That suggests that the owner could never hunt and the purpose of the designation would be nill.

3220 SE 22nd Street Cumming, IA 50061-7808
robertlbowers923@Gmail.com