

# City of Falcon Heights Environment Commission

City Hall  
2077 Larpenteur Avenue W.

Monday, August 10, 2020  
6:30 p.m.

## A G E N D A

**Note: This meeting will be held by web conference.\***

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL: Jim Wassenberg \_\_\_\_ Nick Olson \_\_\_\_  
Martin McCleery \_\_\_\_ Patrick Mathwig \_\_\_\_  
Jordyn Bucholtz \_\_\_\_ Esha Seth \_\_\_\_  
Pedro De Filippo Vannucci \_\_\_\_  
Council Liaison Andrews \_\_\_\_ Staff Liaison Markon \_\_\_\_

C. APPROVAL OF MINUTES: July 13, 2020

D. AGENDA

1. Discuss beekeeping ordinance

E. NEWS AND ANNOUNCEMENTS

- Shredding event at Roseville City Hall - Sat, Sept 12 - 9:00 am - 12:00 pm

F. ADJOURN

Next Meeting: September 14, 2020 - possible date change

*If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.*

\* To view the virtual meeting, visit this [Zoom link](#). You can also listen to the meeting by calling 312-626-6799 and enter the Webinar ID 842 7764 9461.

*City of Falcon Heights*  
*Environment Commission*

City Hall

2077 Larpenteur Avenue W.

Monday, July 13, 2020

6:30 p.m.

MINUTES

A. CALL TO ORDER: Chair Wassenberg called the meeting to order at 6:43 p.m.

B. ROLL CALL:

Members present: Mathwig, Seth, Wassenberg, McCleery, and Bucholtz, Olson

Also present: Council Liaison Andrews, Staff Liaison Markon

Members absent: De Filippo Vannucci

C. APPROVAL OF MINUTES: June 8, 2020

**Marty moved, seconded by Seth to approve minutes for June 8, 2020**

D. AGENDA

a. Discuss Bee Ordinance

- i. Gary Reuter from the University of Minnesota Bee Lab gave a presentation regarding beekeeping and answered questions from commissioners in order to inform further discussion regarding a bee ordinance. Mr. Reuter discussed many of the misconceptions as well as best practices for backyard beekeeping.
- ii. Mr. Reuter opened the discussion to questions from the commissioners or public.
  1. Q: Is Falcon Heights already pollinated by bees from the lab/would it be beneficial to have additional hives?
    - a. A: A lot of pollination is done by native bees and bees on campus, so Falcon Heights is covered pretty well. The bees would still improve pollination.
  2. Q: It is true that it is not good to have hives too close?
    - a. A: Not really. The University has had 20-40 colonies on campus. Long as there is enough forage, food, and water for them in one location.
  3. Q: Why did this bee ordinance not pass in 2012?
    - a. A: Liaison Markon answered that the chicken ordinance and bee ordinance were being reviewed at the same time and bee resulted in more community hesitation than chickens. There was a lot of worry from citizens about children being stung. There was less urgency/press/understanding about threat to pollinators.

4. Q: Can you talk about being stung?
  - a. A: My wife is allergic to honeybee stings and hasn't been stung in decades of bee keeping. The University has kept bees for 30 years on campus without anyone passing by getting stung.
5. Q: If allergic to bee sting, is it a specific type of bee?
  - a. A: There are five types of bee stings that they test for: honey, bumble, yellow jackets, hornets. The number of people allergic to honeybees is actually very small. If an immediate neighbor is very allergic, I would be reluctant to bee keep, but if it is the next neighbor down, it should be fine. It is possible to put a restriction in the ordinance stating that bees cannot be kept where an adjacent property owner is certified by a doctor to be allergic.
6. Q: Is there any difference in terms of the number of bees you have contact with between keeping bees and the natural bee population?
  - a. A: If your neighbor has bees, it is only a slight increase in chance. Part of it is what you have in your backyard. If you have flowers, bees will come. They won't bother you unless you step on them or grab them.
7. Q: How is the number of colonies per size of land generated in ordinances?
  - a. A: Keeping two colonies is recommended, especially for new beekeepers because you can compare and understand if one isn't doing well. If you have more than two in a small area, you need to separate them by 2-3 feet.
8. Q: Can an ordinance have limitation on number of colonies?
  - a. A: Yes, most are two colonies up to a half acre and four colonies up to an acre and after 10 acres there is no limit.
9. Q: Regarding enforcement from the city's perspective, what lessons have been learned from what other cities have done?
  - a. A: Some cities have permits you must apply for. That would mean a staff member would need to be assignment to ensuring compliance.
10. Q: How many bees in a colony?
  - a. A: At peak season, a solid, healthy colony has about 50,000 bees. I don't usually bring it up because it freaks people out. Most stay in the hive and about 1/4 of them are out foraging at any one time.
11. Q: How often to replenish hives generally speaking?
  - a. A: Hopefully never. Unfortunately, seeing about 50% winter loss. Bees make honey for their winter food. They make more than they need, which is why keepers get some of it. Leave them 100 pounds of honey to get them through the winter and wrap them up. Even with all of that, there is about 50% loss every year. So if you have two colonies, chances are one of them would die. Then, next spring your colony that made it is usually strong enough that you can make a second one.
12. Q: What is the most important advice you give prospective beekeepers?
  - a. Take a bee class held at the University or other reputable class. Let them know how much it is going to cost. If their main goal is to save the bee community, we discourage them because planting flowers can help that issues. Beekeeping is unlike taking care of

any other animal and they must be willing to learn how to properly care for them.

- iii. Q: What designs are discouraged?
  - 1. We like people to stick to standard beehives here in Minnesota
- iv. Q: What do you do with the extra honey at the University?
  - 1. A: We sell it, the food service at the university uses it for their restaurants and dining facilities. Sold to public through the meat store.
- v. Q: Is it possible to require education to obtain a permit in the ordinance?
  - 1. The commission discussed possibilities for this idea.
  - 2. A: Be careful how it is written. Couple cities said it had to be from an accredited institution which limited to the U. Other classes out there qualify. Good to say it is an approved class and have list of approved classes. If you need assistance with that, a class that wants to get on list, and get an opinion on it you can ask me or Marla.
  - 3. The commission discussed the possibility of a permit renewal requirement.
- b. Discuss Sustainability Speaker Series
  - i. The commissioners decided to table the Sustainability Speaker Series for a couple months due to lack of communication with Blue Thumb, the pandemic, and recent focus on ordinances.
- c. Discuss Garden Subcommittee
  - i. Wassenberg and Olson will be part of the Garden Subcommittee to discuss and recommend to the council for a more permanent gardening ordinance. The first meeting will be held on Wednesday. Liaison Markon will try to find recordings and meeting minutes to inform the commissions on the prior discussions and concerns of the ordinance.

#### E. NEWS AND ANNOUNCEMENTS

- a. The annual ice cream social event is cancelled.
- b. The electric vehicle group, spearheaded by former commissioner Patti Holmes, Cities Charging Ahead, will be focusing on the request for proposals (RFP) for level two chargers to help with applications.
- c. The city of Falcon Heights has met the qualifications for step four and five city in the GreenStep Cities program.
- d. The compost site has been highly trafficked with many citizens dropping off food waste throughout the day.

#### F. ADJOURN

- a. Meeting was adjourned at approximately 8:06 p.m.



*The City That Soars!*

## ENVIRONMENT COMMISSION MEMO

<b>Meeting Date</b>	August 10, 2020
<b>Agenda Item</b>	Agenda D1
<b>Submitted By</b>	Justin Markon, Community Development Coordinator

<b>Item</b>	Discuss Beekeeping Ordinance
<b>Description</b>	Following discussion with Mr. Gary Reuter from the University of Minnesota Bee Lab, staff have made some changes to the draft ordinance that would allow beekeeping in the City. The draft ordinance has also been reviewed by the City Attorney.
<b>Action(s) Requested</b>	Staff request a discussion on the draft ordinance and any further changes. Staff anticipate that the topic could be discussed at the September City Council workshop, followed by a vote to recommend the ordinance at the September Environment Commission meeting. This would be followed by a Public Hearing in late September or early October.

**ORDINANCE NO. 20-XX**

**CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTERS 10 AND 113  
OF THE FALCON HEIGHTS CITY CODE**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

**SECTION 1** That the findings contained in the preamble to this Ordinance are as follows:

WHEREAS, honey bees (*apis mellifera*) are of benefit to humankind, and to Minnesota in particular, by providing agriculture, fruit and garden pollination services and by furnishing honey, and other useful products; and

WHEREAS, Minnesota is among the leading states in honey production and agricultural by products associated with beekeeping throughout the United States; and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed; and

WHEREAS, honeybees are bioindicators of environmental pollution and polinators for food crops and other ative and non-native plant communities; and

WHEREAS, home beekeeping enhances food security, provides a source of pure honey with known origin and composition and contributes to the environmental and food production knowledge of our citizenry

NOW THEREFORE, be it ordained and enacted by the City of Falcon Heights:

**SECTION 2** In Chapter 10 – Animals of the City Code of Falcon Heights, Article V – Beekeeping and Section 10-37 – Beekeeping are added as follows:

**ARTICLE V – BEEKEEPING**

***Section 10-37 – Beekeeping***

(a) *Definitions.* As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.

Apiary means the assembly of one or more colonies of bees at a single location.

Beekeeper means a person who owns or has charge of one or more colonies of bees.

Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Colony means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

Hive means the receptacle inhabited by a colony that is manufactured for that purpose.

Honey bee means all life stages of the common domestic honey bee, *apis mellifera* species.

Lot means a contiguous parcel of land under common ownership.

Nucleus colony means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(b) *Purpose of Ordinance.* The purpose of this ordinance is to establish certain requirements for beekeeping within the City and to avoid issues which might otherwise be associated with beekeeping in populated areas. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of the beekeeper's efforts to abate any proven nuisance. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper's compliance with acceptable standards of practice among hobby beekeepers in the State of Minnesota.

(c) *Standards of practice.*

- (1) Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (2) Each beekeeper shall ensure that a convenient source of water is available on the lot so long as colonies remain active outside of the hive.
- (3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.

- (4) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.
- (5) Each beekeeper shall maintain their beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

(d) *Colony density.*

- (1) Colonies must be located in a rear yard and must meet setback and building separations as established in city zoning and building codes, except that colonies must maintain a 20-foot separation from dwellings on adjacent properties.
- (2) Except as otherwise provided in this ordinance, in each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be 4 feet in height, so long as the vegetation normally reaches 6 feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height.
- (3) A flyway barrier is not required if the property adjoining the apiary lot line is
  - a. undeveloped, or,
  - b. a wildlife management area or naturalistic park land with no horse or foot trails located within 25 feet of the apiary lot line.
- (4) No person is permitted to keep more than the following numbers of colonies on any lot within the City, based upon the size or configuration of the apiary lot:
  - a. One half acre or smaller lot, 2 colonies
  - b. Larger than 1/2 acre but smaller than 3/4 acre lot, 4 colonies
  - c. Larger than 3/4 acre lot but smaller than 1 acre lot, 6 colonies
  - d. Larger than one acre lot, 8 colonies
- (5) If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if they temporarily



house the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.

(e) *Permit*

- (1) No person shall keep, maintain or allow to be kept any hive or other facility for the housing of honeybees on or in any private property in the City without a permit.
- (2) Any person desiring a permit for the keeping of honeybees shall make written application to the City Administrator on a form provided, accompanied by a site plan of the real property upon which bees are to be kept, showing the number and location of hives and the provision for flyway barriers, water supply and any other conditions required by this section. The application shall include a statement that the applicant will at all times keep the bees in accordance with the provisions of this ordinance and any additional restrictions, limitation conditions or prohibitions specified in the permit as necessary to safeguard public health and general welfare.
- (3) The City Administrator may grant a permit pursuant to this section only after the applicant has met approved educational requirement as established by the City Administrator.
- (4) The applicant for a beekeeping permit must inform 100% of the owners or occupants of properties immediately adjacent to the real property described in the application and at least 80% of the owners or occupant of properties within 100 feet. If any notified owner or occupant has a medically documented allergy to bees, the permit may be denied. The medical documentation must be submitted to the City Administrator for consideration of denial of the permit.
- (5) All beekeeping permits shall expire on December 31 of the year following issuance unless sooner revoked. The application fee for such permit shall be an amount established by the City Council. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by the City.
- (6) Permits are non-transferable and do not run with the land.
- (7) A permit is a license granted to the beekeeper by the city and does not create a vested zoning right.

(f) *Inspection.* The City Administrator or designated official shall have the right to inspect any apiary for the purpose of ensuring compliance with this Ordinance once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

(g) *Presumed Colony/Hive Value.* For the purpose of enforcing City ordinances against destruction of property, each colony/hive shall be presumed to have a value of \$275.

(h) *Compliance.*

- (1) Upon receipt of credible information that any colony located within the City is not being kept in compliance with this ordinance, the City Administrator shall cause an investigation to be conducted. If the investigation shows that a violation may exist and will continue, the City Administrator shall cause a written notice of hearing to be issued to the beekeeper, which notice shall set forth:
  - a. The date, the time and the place that the hearing will be held, which date shall be not less than 30 days' from the date of the notice;
  - b. The violation alleged;
  - c. That the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses and request a court reporter, and
- (2) Notices may be served personally, or by mailing to the last known address of the owner and if the premises are occupied, to the premises. However, if the beekeeper cannot be located, then notice may be given by publication in a legal newspaper for the county in which the apiary property is located, at least seven days before the hearing.
- (3) The hearing shall be conducted by the City Council. The burden shall be on the City to demonstrate by a preponderance of evidence that the colony or colonies have been kept in violation of this ordinance. If the City Council finds a violation, then they may order that the bees be removed from the City or such other action as may address the violation, and that the apiary lot be disqualified for permitting under this ordinance for a period of two years from the date of the order, the apiary lot ownership changes, in which case the prohibition shall terminate. If the order has not been complied with within 20 days of the order, the City may remove or destroy the bees and charge the beekeeper with the cost thereof.
- (4) No hearing and no order shall be required for the destruction of honey bees not residing in a hive structure that is intended for beekeeping.

(i) *Savings Clause.* In the event any part of this ordinance or its application to any person or property is held to be unenforceable for any reason, the unenforceability thereof will not affect the enforceability and application of the remainder of this ordinance, which will remain in full force and effect.

**SECTION 2** Section 113-174(d) is amended as follows. Additions are shown with an underline.

***Sec. 113-174 - One-family R-1 residential district***

(d) Permitted accessory uses. No accessory structures or use of land shall be permitted except for one or more of the following uses:

(14) Beekeeping as regulated by the Code

**SECTION 3** Section 113-181(d) is amended as follows. Additions are shown with an underline.

***Sec. 113-181 - R-4 high density multiple-family residential district-apartment buildings***

(d) Permitted accessory uses. The following uses shall be permitted accessory uses:

(3) All accessory uses as permitted in the R-1 and R-2 districts except that the keeping of chickens and bees, as regulated by the Code, is only allowed as accessory to a single-family or two-family home.

**SECTION 4** This ordinance shall be effective upon its passage and a summary published in the official newspaper.

**ADOPTED** this X day of XX, 2020, by the City Council of the City of Falcon Heights, Minnesota.

Moved by:

Approved by: \_\_\_\_\_

Randall Gustafson  
Mayor

GUSTAFSON  
LEEHY  
MIAZGA  
WEHYEE  
ANDREWS

\_\_\_\_ In Favor  
\_\_\_\_ Against

Attested by: \_\_\_\_\_

Sack Thongvanh  
City Administrator