

City of Falcon Heights Environment Commission

City Hall
2077 Larpenteur Avenue West

AGENDA

Monday, July 14, 2025
6:30 p.m.

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

B. ROLL CALL: Beth Mercer-Taylor (Chair) ____ Georgiana May ____
 John Pellegrini (Vice-Chair) ____ VACANT
 Adam Keester ____ VACANT
 VACANT

 Staff Liaison Lynch ____
 Council Liaison Mielke ____
 GreenCorps Member Siebert ____

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. June 9, 2025

E. NEW BUSINESS

1. Green-To-Go - Noelle Bakken & Ness Carda, City of Roseville
2. Lawn & Garden Tour Updates
3. Boulevard Tree Discussion / City Code Updates
4. Community Park Landscaping Updates

F. INFORMATION AND ANNOUNCEMENTS

1. Staff Liaison Report
2. Council Liaison Report

G. ADJOURN

Next regular meeting date: August 11, 2025

City of Falcon Heights Environment Commission

City Hall
2077 Larpenteur Avenue West

Minutes

Monday, June 9, 2025
6:30 p.m.

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

B. ROLL CALL:

Beth Mercer-Taylor (Chair)	<u>X</u>	Georgiana May	<u>X</u>
John Pellegrini (Vice-Chair)	<u>X</u>	VACANT	
Adam Keester	<u>X</u>	VACANT	
Sophie Nagel	<u>X</u>		
Staff Liaison Lynch	<u>X</u>		
Council Liaison Mielke	<u>A</u>		
GreenCorps Member Siebert	<u>A</u>		

C. APPROVAL OF AGENDA

Commissioner Nagel made a motion to approve the agenda. Motion passed by consent.

D. APPROVAL OF MINUTES

1. May 12, 2025

Commissioner Nagel made a motion to approve the May 12, 2025 minutes. Motion passed by consent.

E. NEW BUSINESS

1. CamerAn Bailey – Urban Agriculture Coordinator, Ramsey County

CamerAn Bailey from Ramsey County was in attendance to discuss Ramsey County's strategic priority and plan for advancing food security and urban agriculture, resources the County currently has available, and share the work plan for the year. Bailey stated the main priorities are to support food safety net systems, increase access to public benefits, build urban agriculture, and expand food availability and affordability.

Resources provided by Ramsey County for starting or expanding community gardens and urban farms include free compost, mulch, and soil, technical help, education, and volunteer support, grant funding opportunities and land access resources, and excess produce donation sites. The Urban Agriculture department is also in the process of developing a Municipal Code Review Tool which will allow different cities to look

through their city code to determine if they are allowing their residents to create these gardening spaces.

Bailey and the Commissioners discussed foraging, looking to Vadnais Heights and their foraging ordinance, and the possibility of allowing this in the City of Falcon Heights.

2. Community Park Landscaping

Staff Liaison Lynch presented the landscaping plan for the Community Park renovation and requested Commissioners look through the plants and trees proposed and provide feedback to her no later than noon on Friday, June 13. She explained GreenCorps Member Siebert included an overview of the plants being proposed which is in their packets for easier reference.

3. Garden Tours

Commissioner Keester spoke about the upcoming Lawn and Garden Tours he and Council Liaison Mielke have arranged. They will take place on July 19 from 9 AM to 12 PM which is the same date as the Lawns to Legumes Garden Tours. Staff will assist with collecting host sign-ups, creating a map of the tour, and creating lawn signs. Staff Liaison Lynch mentioned adding the City Hall rain garden to the tour and including a QR code on the sign for people to access information on it. It was discussed that this could also be an option for hosts who would like to participate in the tour and would like to not be at home.

F. Information and Announcements

1. Staff Liaison Report – *Staff Liaison Lynch spoke about the potential sale of the proposed Amber Flats property, explained the City was awarded the Solar on Public Buildings grant, discussed paying commissioners, reminded commissioners of the upcoming Ice Cream Social on July 17 from 5-7 PM, discussed the golf course sale, and reminded commissioners of the resident tree map.*

2. Council Liaison Report – *None.*

G. Adjourn

Meeting was adjourned at 8:16 p.m.

Next regular meeting date: July 14, 2025



ITEM FOR DISCUSSION

Meeting Date	July 14, 2025
Agenda Item	E-1
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Green-To-Go – Noelle Bakken & Ness Carda, City of Roseville
Description	Commissioner Pellegrini contacted staff about potentially looking at an ordinance similar to the City of Roseville Green-To-Go initiative. Noelle Bakken, Sustainability Specialist with the City of Roseville, and Ness Carda, Sustainability Intern, are presenting tonight on Roseville’s program.
Budget Impact	None.
Attachment(s)	- Green-To-Go Flyer – City of Roseville - City of Roseville – Ordinance No. 1681 Creating Title 4, Chapter 412 “Green To Go Packaging” to Require Food Establishments to Provide Recyclable, Compostable, or Reusable Packaging
Action(s) Requested	Staff requests the Commission discuss the Roseville program and potential ways to adapt this to the needs of Falcon Heights.



What is Required?

Any food and beverages prepared for immediate consumption and meant to be carried out must be in packaging that is:

- Compostable (certified BPI) or
- Recyclable or
- Returnable or reusable

Who is Affected?

Businesses that provide take-out food packaging/containers or utensils. This includes restaurants, but also organizations providing to-go food or beverages (free or paid) at events that require a permit or license, including:

- Restaurants
- Gas Stations
- Food Trucks
- Grocery Stores
- Convenience Stores
- Schools

Who is Exempt?

- Hospitals and nursing homes
- Manufacturers, distributors, or other businesses with no retail food or beverage business
- Caterers

Why an Ordinance?

- Reduce non-recyclable single use plastic
- Eliminate the use of Styrofoam
- Increase awareness and usage of recycling and composting programs.
- Promote Ramsey County's upcoming food scraps pickup program.
- Decrease the volume of landfill waste and toxic byproducts of incineration
- Achieve a 75% recycling rate as laid out by Minnesota State Statute by 2030.



CONTACT

Noelle Bakken

Sustainability Specialist

noelle.bakken@cityofroseville.com
651-792-7057

MATERIALS EXPLAINED

Allowed

- Recyclable plastics:
 - #1 (PET or PETE)
 - #2 (HDPE)
 - #5 (PP)
- Compostable plastics, paper, or fiber products that meet BPI or ASTM D6400/D6868 standards
- Aluminum products



Not Allowed

- Black plastic (even if it's labeled #5 - it's not recyclable!)
- Styrofoam
- Any other plastics (#4, #6, etc.)



Exemptions

- Foods prepackaged by manufacturer or distributor
- Plastic films
- Paper food wraps and liners

Collection Bins

Food businesses must provide collection bins for each type of material used.

- Recyclable materials must be recycled
- Compostable plastics must be collected as organics and sent for composting



Utensils

- Utensils, straws, and condiments should be given only when asked for.
- Single use utensils (including forks, knives, and spoons) must be compostable

**City of Roseville
ORDINANCE NO. 1681**

AN ORDINANCE AMENDING

TITLE 4, CHAPTER 412

**AN ORDINANCE CREATING TITLE 4 CHAPTER 412 “GREEN TO GO
PACKAGING” TO REQUIRE FOOD ESTABLISHMENTS TO PROVIDE
RECYCLABLE, COMPOSTABLE, OR REUSABLE PACKAGING.**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 4, Chapter 412 of the Roseville City Code, entitled “Green to Go Packaging” is hereby created to read as follows:

**CHAPTER 412
GREEN TO GO PACKAGING**

SECTION:

412.01	Purpose
412.02	Definitions
412.03	Regulations
412.04	Exclusions and Exceptions
412.05	Enforcement

412.01. PURPOSE.

It is the intent of the City Council, by means of this Chapter, to:

- A. Promote waste reduction in order to:
 - 1. Lower the amount of greenhouse gases emitted during the incineration and landfilling of non-recyclable and compostable food and beverage packaging and non-packaging items.
 - 2. Assist the City in reaching the waste reduction goals established by the State of Minnesota and Ramsey County.
- B. Promote waste prevention by:
 - 1. Encouraging the use of reusable food and beverage packaging when possible.
 - 2. Reducing or eliminating products that create waste such as single-use, disposable food and beverage packaging and non-packaging items that cannot be recycled or composted and must be disposed of by incinerating or landfill.
- C. Promote waste recycling by maximizing the amount of single-use food and beverage packaging and non-packaging items that can be recycled or composted.
- D. Minimize contamination in organics and recycling.

412.02. DEFINITIONS.

The following words have the meaning ascribed to them, unless the context clearly indicates a different meaning:

CERTIFIED COMPOSTABLE means that a material or product will biodegrade without leaving a residue or any toxicity in the soil. Any compostable plastic or lined paper must meet the ASTM standards for compostable products, as certified by the Biodegradable Products Institute or other similar independent certification bodies.

COMMERCIALLY COMPOSTABLE means that certified compostable materials will biodegrade at a commercial site used to compost organic materials where the environment is carefully controlled and regulated to facilitate optimal degradation.

FOOD AND BEVERAGE PACKAGING means packaging used to serve food and beverage products intended for immediate consumption including cups, plates, bowls, serving trays, to-go containers, clamshells, wrappers, and lids.

FOOD ESTABLISHMENT means a retail operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.

GREEN TO GO PACKAGING means and includes any of the following:

1. **COMPOSTABLE PACKAGING:** packaging that is separable from solid waste by the generator or prior to collection for the purpose of composting. Compostable packaging must be made of unlined paper (unless lining is certified compostable), certified compostable plastic that meets ASTM standards that are acceptable at the Ramsey County composting facility or other cellulose-based packaging capable of being decomposed through composting or anaerobic digestion.
2. **RECYCLABLE PACKAGING:** food or beverage packaging that is separable from solid waste prior to collection for the purpose of recycling. Recyclable packaging must be accepted by the local material recovery facilities (MRF) receiving and processing the materials and have existing robust recycling markets as determined by Ramsey County. This includes glass bottles, aluminum cans and plastic food and beverage packaging. Plastic food and beverage packaging must be acceptable as determined by Ramsey County.
3. **REUSABLE PACKAGING** means food or beverage packaging that is capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage.

MOBILE FOOD UNIT means a food establishment that is inside, on or otherwise attached to a vehicle.

NON-PACKAGING FOOD SERVICE ITEMS means items that are not packaging, but are used to consume food, including straws and utensils.

SINGLE-USE means an item designed and intended for a single use.

412.03. REGULATIONS.

- A. No person owning, operating, or conducting a food establishment or any person or organization providing free food or beverage products within the City of Roseville in a manner which would require a permit or license from the City or State of Minnesota, may provide any food and beverage packaging which is not Green to Go. Presence of food and beverage packaging other than Green to Go will be presumed to be non-compliant with this Chapter.
- B. To reduce contamination in recycling and organics, all food establishments must implement the following:
 - 1. Single-use cups and containers that are utilized with lids must have lids of the same category of packaging.
 - 2. Recyclable packaging must only have recyclable lids.
 - 3. Compostable packaging must only have compostable lids.
- C. Compostable cups must be labeled to clearly indicate to the consumer that the cup is compostable. Labeling must include at least one of the following:
 - 1. The words "certified compostable," "commercially compostable" or other language which meet ASTM standards. "Made from plants," "bio-based," or "biodegradable" are not acceptable alternatives on their own.
 - 2. The logo of a third-party certification or testing body indicating the cup meets commercially compostable standards, as approved by the City of Roseville.
- D. All food establishments must implement the following in relation to non-packaging food service items:
 - 1. Single-use utensils including, but not limited to, forks, spoons, and knives must be compostable.
 - 2. Single-use straws of any kind will only be provided to consumers upon request. Front-of-house straw dispensers, which allow customers to self-serve, meet this requirement.
- E. A food establishment which utilizes single-use compostable and/or recyclable food packaging to serve consumers on-site must have on-site collection for Green to Go packaging.
 - 1. A food establishment that does not utilize single-use packaging to serve consumers on-site is exempt from the requirement to have on-site collection for Green to Go packaging.
 - 2. A food establishment that does not have dine-in seating for consumers is exempt from the requirement to have on-site collection for Green to Go packaging.
 - 3. If a mobile food unit or other food establishment is being hosted by an entity as part of an event or regular business, the hosting entity must provide on-site collection for Green to Go packaging.
- F. Containers for the on-site collection of Green to Go packaging must be co-located with garbage containers.

1. If garbage receptacles are available to consumers, then receptacles for separating Green to Go packaging must also be made available to consumers in the same location.
 2. If garbage receptacles are not available to consumers and are instead placed in areas for use by staff only, then receptacles for separating Green to Go packaging are only required in those locations.
- G. A food establishment must arrange for the collection of Green to Go packaging by a licensed solid waste collector for delivery to an appropriate transfer station or processing facility.

412.04. EXCLUSIONS AND EXCEPTIONS.

Notwithstanding any other provisions to the contrary, this Chapter does not apply to:

- A. Manufacturers, brokers, distributors, or warehouse operators who conduct or transact no retail food or beverage business;
- B. Food and beverage service provided through patient care at hospitals and nursing homes;
- C. Food and beverage service provided through licensed caterers;
- D. Food packaging pre-packaged by a manufacturer, producer, or distributor;
- E. Plastic films less than ten mils in thickness;
- F. Any packaging, which is not considered Green To Go packaging, but for which there is not a commercially available or economically practical alternative as determined by the City of Roseville. The city of Roseville will maintain a list of types of packaging exempted under this paragraph which will be available from the Public Works department.

412.05. ENFORCEMENT.

- A. A violation of this ordinance is punishable as an administrative offense pursuant to City Code Section 102.01.
- B. The administrative offenses provided for in this Chapter are in addition to any other legal or equitable remedy available to the City for violation of the City Code.
- C. At the time a violation occurs, a warning notice will be given in writing. The food establishment will be given 60 calendar days to take corrective action prior to any enforcement action under this Chapter.

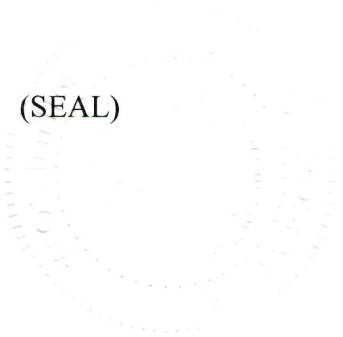
SECTION 2: Effective date. Upon its passage and publication, this ordinance shall take effect on January 1, 2025, with the exception of Section 412.05, which shall take effect on January 1, 2026.

Passed by the City Council of the City of Roseville this 21st day of October, 2024.

Signatures as follows on separate page:

***Ordinance – AN ORDINANCE CREATING TITLE 4 CHAPTER 412 “GREEN TO GO PACKAGING”
TO REQUIRE FOOD ESTABLISHMENTS TO PROVIDE RECYCLABLE, COMPOSTABLE, OR
REUSABLE PACKAGING.***

(SEAL)



CITY OF ROSEVILLE

BY: _____

Daniel J. Roe, Mayor

A handwritten signature in blue ink, likely of Daniel J. Roe, is written over the line for the Mayor's signature.

ATTEST:

Patrick Trudgeon, City Manager

A handwritten signature in blue ink, likely of Patrick Trudgeon, is written over the line for the City Manager's signature.



ITEM FOR DISCUSSION

Meeting Date	July 14, 2025
Agenda Item	E-2
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Lawn & Garden Tour Updates
Description	The City's first Lawn and Garden Tour will take place on Saturday, July 19 from 9 AM – 12 PM. Signs for the host sites have been ordered and will be delivered this week.
Budget Impact	None.
Attachment(s)	- Link to tour map - Lawn & Garden Tour Map Falcon Heights, MN
Action(s) Requested	Staff requests the Commission consider tabling at the Ice Cream Social on Thursday, July 17 from 5-7 PM at City Hall to not only promote the Environment Commission but also to push for residents to visit the different gardens being featured during the tour.



ITEM FOR DISCUSSION

Meeting Date	July 14, 2025
Agenda Item	E-3
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Boulevard Trees
Description	The City of Falcon Heights is interested in restarting their boulevard tree program, however this needs to be done in a thoughtful manner with updates to City Code to clarify rules and restrictions. Throughout the year, city staff receives many calls from residents requesting boulevard trees, and the answer to this has been one-off plantings which have been largely dependent on when/who/how the call is answered. The City has established priority neighborhoods based on the Climate Action Plan where trees are most necessary. These neighborhoods should be prioritized when discussing replanting boulevard trees.
Budget Impact	None.
Attachment(s)	- City Code – Chapter 54 - Vegetation
Action(s) Requested	Staff requests the Commission discuss the drafted changes to City Code.

Chapter 54 - VEGETATION

Article/Division/Section:

ARTICLE I	<u>IN GENERAL</u>
54-1 – 54-33	<i>Reserved</i>
ARTICLE II	<u>PLANTING, MAINTENANCE AND REMOVAL</u>
54-34	<u>Purpose</u>
54-35	<u>Applicability</u>
54-36	<u>City forester</u>
54-37	<u>Regulations for public property</u>
54-38	<u>Regulations for private property</u>
54-39	<u>Declared shade tree pests, control measures, and control areas</u>

ARTICLE I - IN GENERAL

Secs. 54-1 – 54-33 - Reserved

ARTICLE II - PLANTING, MAINTENANCE AND REMOVAL

Sec. 54-34 - Purpose

- (a) Purpose. It is the purpose of this article to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the city.
- (b) Plant protection. It is the intent of the council to conduct a plant protection and export program pursuant to the authority granted by Minn. Stats. § 18G.
- (c) The provisions of this section are adopted as an effort to control and prevent the spread of shade tree pests and to maintain a healthy urban forest, in addition to and in accordance with Minn. Stats. §§ 89.001, 89.01 and 89.51-64.

(Code 1993, § 8-4.01; Ord. No. 18-09, § 1, 9-26-2018)

Sec. 54-35 - Applicability

This Code provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and public places within the city; and to trees, plants and shrubs located on private property that constitute a hazard as described herein.

(Code 1993, § 8-4.02)

Sec. 54-36 - City forester

The city forester shall be under the direction of the city administrator at all times. The authority and duties of the city forester are as follows:

- (1) The forester shall have jurisdiction and supervision over all trees, shrubs, and other plants growing within the city.
- (2) The forester may order the trimming, treatment or removal of any trees or plants on public or private property that constitute a nuisance or hazard, or whenever necessary to prevent the spread of disease or harmful insects.
- (3) The forester shall act as the city tree inspector and shall coordinate all activities between the state department of agriculture and the council.

(Code 1993, § 8-4.03; Ord. No. 18-09, § 2, 9-26-2018)

Sec. 54-37 - Regulations for public property

(a) Planting.

- (1) No trees, shrubs or herbaceous plant materials, including annual or perennial flowers, may be planted in a public right-of-way except by authorized city personnel.
- (2) No tree shall be planted on a public right-of-way, except to replace a tree that has been removed or that has been identified as a new location for a tree by the city administrator.
- (3) The city administrator or designee shall determine the specific location of any tree to be planted on a public right-of-way.
- (4) Any tree to be planted on a public right-of-way must be of cultivated nursery stock, and must be at least 1½ inches in diameter, measured at a point two feet above the ground.

(5) Any tree to be planted on a public right-of-way must be planted in soil adequate to ~~insure~~ ensure growth, in accordance with standards set by the forester.

(5)(6) Areas currently vacant of trees in the public right-of-way are eligible for a tree according to the schedule set by the city administrator or designee. Property owners abutting the same right-of-way will be contacted by city staff before the tree is planted to allow for feedback regarding type of tree, placement, and other similar concerns. If city staff has not received feedback from the property owner within 10 days of the dated letter, city staff will move forward with planting at their discretion.

(b) Maintenance of trees.

- (1) Public trees will be trimmed according to a schedule established by the forester and approved by the city administrator.
- (2) Only persons authorized by the city administrator may trim boulevard trees.

Commented [HL1]: Thoughts on this? We want to do an "opt-in" program, but this should not be a free for all for boulevard trees. This needs to be based off a careful schedule which should be set based on the Climate Action Plan.

(3) The forester may chemically vaccinate boulevard trees against disease whenever necessary.

(c) *Removal of trees.*

(1) The city administrator has sole authority to order removal of any tree on a public right-of-way.

(2) Trees will be removed by city staff or contracted firms.

~~(2)~~(3) Trees removed by city staff or contracted firms will be replaced by another suitable tree within one year of removal. If a tree cannot be replanted on site, a new tree must be planted within in a nearby public space within one year of removal of the original tree.

Commented [HL2]: Timing?

Commented [HL3]: This is coming from our Climate Action Plan.

(d) *Miscellaneous.* No person shall:

(1) Damage, cut, trim, carve, kill or injure any tree or plant on public property;

(2) Attach any rope, wire or other contrivance to any tree or plant on public property unless authorized by the forester;

(3) In any way injure or impair the natural beauty or usefulness of any area of public property; nor

(4) Cause or permit any wire charged with electricity or any harmful gaseous, liquid or solid substances to come into contact with any tree or plant on public property.

(e) *Care and maintenance of boulevards and adjacent property.* Owners of property abutting the right-of-way of a public street or alley shall properly maintain the grass on the property and on the public right-of-way to the curbline or traveled portion of the street or alley. Proper maintenance shall include sodding, planting, mowing or weed abatement whenever necessary.

(Code 1993, § 8-4.04; Ord. No. 0-95-03, § 1, 1-25-1995; Ord. No. 20-02, § 1, 2-12-2020)

Sec. 54-38 - Regulations for private property

Commented [HL4]: @John Pellegrini or @Beth Mercer-Taylor - Were either of you on the EC when this section was developed?

(a) *Purpose and application.* It is the purpose of this section to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping which promotes resiliency, diversity and a richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not maintained may threaten public health, safety, order, and may decrease adjacent property values. It is also in the public's interests to encourage diverse landscaping, particularly that which restores native vegetation. Native vegetation requires fewer inputs of water, fertilizers, and herbicides. It also supports pollinators and birds. The city enacts this section to balance these competing interests.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly

indicates a different meaning:

Edible landscaping means the intentional planting, caring for, or otherwise cultivating plants that could produce food that is consumed by people. These plants include fruit and nut trees, berry bushes, vegetables, herbs, or edible flowers.

Native plants are those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), rushes, forbs (flowering broadleaf plants), vines, trees and shrubs that are plant species native to the state of Minnesota prior to European settlement.

Noxious weeds are annual, biennial, or perennial plants that the Commissioner of Agriculture designated to be injurious to public health, the environment, public roads, crops, livestock, or other property (Minnesota Noxious Weed Law, Minn. Stat. Sec. 18.75-18.91).

Ornamental plants means grasses, flowering annual, biennial, and perennial plants, shrubs, trees, and vines that may not be native to Minnesota, but are adapted. Ornamental grasses do not include turfgrasses.

Turf grass means commercially available cultured turf grass varieties, including bluegrass, fescue and ryegrass blends, commonly used in regularly cut lawn areas.

Planned landscape area means an area where ornamental plants, or native plants are planted pursuant to a plan.

Rain garden means a shallow excavated depression (typically no more than 18 inches deep) with loosened sub-soils in which ornamental or native plants that are adapted to moist conditions and have deep roots are planted for the purpose of infiltrating and filtering rain water and reducing storm water runoff. Temporary ponding of water in rain gardens typically occurs for no more than 48 hours after rainfall assuming no subsequent rainfall.

Residential garden means an area of edible landscaping on a lot that is conducted by the property owners or residents of that lot.

Restoration area means an area where native plants are being, or have been, intentionally re-established.

Weeds are (i) prohibited noxious weeds or (ii) any volunteer plant, except trees and other woody vegetation, which is not customarily or intentionally planted. For the purposes of this definition, weeds do not include dandelions or clover.

- (c) *Location of restoration areas, planned landscape areas, and edible landscaping areas.*

- (1) *Setback.* A restoration area, planned landscape area, or residential garden must provide the following minimum setbacks:

- a. Front lot line, corner side lot line, or rear lot line abutting a street or alley: two feet,

Commented [HL5]: This section is incredibly hard to enforce.

and two feet from publicly maintained pavement or sidewalk.

b. Interior side lot line or rear lot line not abutting a street or alley: two feet; provided, however, for the exception in the required side yard or rear yard setback, as described in [section 54-38\(c\)\(2\)](#).

(2) *Mitigations for reductions in side or rear yard setback.* A required interior side yard or rear yard (not abutting a street or alley) setback may be reduced to zero feet for a restoration area, planned landscape area, or residential garden if:

a. A fence at least three feet in height is installed on the lot line adjoining the restoration area, planned landscape area, or residential garden; or

b. The restoration area, planned landscape area, or residential garden abuts:

1. A restoration area, planned landscape area, or residential garden on any adjoining lot;

2. A public park or open space;

3. A wetland, pond, lake or stream;

4. Natural area; or

c. The restoration area or planned landscape area is located on slopes equal to, or greater than, three feet horizontal to one foot vertical (3:1).

(d) *Maintenance Standards.* Every owner of property shall maintain the vegetation growing thereon according to the minimum standards set forth in this subsection:

(1) The setback area required by [section 54-38\(c\)](#) shall be composed of a soil retention cover such as mulch, regularly mowed turf grasses or groundcovers maintained at six inches or less, native or ornamental plants maintained at ten inches or less, trees or shrubs, or as may be required by the city administrator to protect the soil and aesthetic values on the lot and adjacent property.

(2) Non-woody vegetation in a planned landscape area shall be cut at least once annually between April 15 and July 15 to a height no greater than 10 inches.

(3) It is unlawful to plant any tree or shrub within five feet of a property lot line abutting a right-of-way of a public street or alley.

(4) Property owners shall prune trees and shrubs located on private property so they will not obstruct pedestrian sidewalk traffic, nor obstruct the view of any traffic sign, street, alley, or intersection. Overhanging portions of trees and shrubs must be pruned to maintain a minimum clearance of eight feet over all sidewalks, and 16 feet over all streets.

(5) Properties shall be free of blight and blighting factors, as described in [section 22-19](#).

(6) Properties shall be free of public nuisances, as described in [section 22-47](#).

- (7) The city may require the owner or occupant who has planted, or has allowed to be planted, native plants or other vegetation within a drainage or utility easement to remove the native plants or other vegetation from the drainage and utility easement at no expense to the city if the city determines the native plants or vegetation interferes with the utility easement. The city will not be responsible for damage to turfgrass and/or any landscaped areas resulting from public works improvements or snow removal activities within drainage and utility easements.
- (8) Retail sales of produce from edible landscaping activities shall not occur on the property.
- (e) *Trees.* Persons responsible for growing any trees, shrubs or other plants on private property must comply with the following regulations:
- (1) *Planting.*
- a. It is unlawful to plant any of the following trees:
1. Box elder, *Acer negundo*;
 2. Silver maple, *Acer saccharinum*;
 3. Female ginkgo, *Ginkgo biloba*;
 4. Eastern cottonwood, *Populus deltoides*;
 5. Lombardy poplar, *Populus nigra italica*; or
 6. Chinese elm, *Ulmus pumila*.
- b. It is unlawful to plant any tree within five feet of a property lot line abutting a right-of-way of a public street.
- (2) *Inspection and investigation of hazards and nuisances.*
- a. The city administrator or duly authorized agents shall inspect all premises as often as practicable, to determine whether any declared hazards or public nuisances exist. The city administrator or duly authorized agents shall investigate all reported incidents of infection.
- b. The city administrator or duly authorized agents may enter private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this section.
- c. It is unlawful for any person to prevent, delay, or interfere with the city administrator, forester, or duly authorized agents while in the performance of official duties related to this chapter.
- (3) *Abatement of hazards and nuisances on private property.*
- a. *Order procedure.* If the city administrator determines that trimming, treatment, or removal of a tree or plant on private property is necessary to abate a public hazard or nuisance, the city shall serve a written order upon the responsible property owner or occupant to correct the condition.

- b. *Abatement of disease.* The city administrator shall order the treatment or removal of any infected tree or wood constituting a nuisance as described in [section 54-39](#). Removal and abatement shall be in accordance with the technical opinion of the forester or the department of agriculture. Trees impacted by a shade tree pest shall be removed or effectively treated so as to destroy and prevent as fully possible the spread of the shade tree pest.
- c. *Time limit.* The order or notification shall set a time limit for compliance, depending on the urgency of the hazard or nuisance.
- d. *Authority to abate.* If, after notification, the responsible person fails to correct the condition within the time prescribed, the city administrator may order city staff or a contracted firm to abate the hazardous or nuisance condition.
- e. *Cost of abatement.* The responsible person shall be billed for the full cost of the abatement plus any additional administrative costs. If the bill is unpaid, the cost shall be certified to the county auditor as a special assessment against the property.

(Code 1993, § 8-4.05; Ord. No. 18-09, § 3, 9-26-2018; Ord. No. 20-02, § 2, 2-12-2020; Ord. No. 20-04, § 3, 5-13-2020; Ord. No. 20-07, § 1, 12-09-2020)

Sec. 54-39 - Declared shade tree pests, control measures, and control areas

Declaration of a shade tree pest. The council may by ordinance declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community tree, as defined by Minn. Stats. § 89.001, to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest, including necessary timelines for action. The following are considered public nuisances whenever they may be found within the city:

(1) Oak wilt disease

- a. Oak wilt disease is a shade tree pest and is defined as any living or dead tree, log, firewood, limb, branch, stump, or other portion of a tree from any species of the genus *Quercus* existing within the control area defined that has bark attached and that exceeds three inches in diameter or ten inches in circumference and contains to any degree any spore or reproductive structures of the fungus *Ceratocystis fagacearum*.

- b. *Control measures.*

Installation of a root graft barrier. A root graft barrier can be ordered installed to prevent the underground spread of oak wilt disease. The city will mark the location of the root graft barrier. The barrier disrupts transmission of the fungus within the shared vascular systems of root drafted trees. The barrier is created by excavating or vibratory plowing a line at least 42 inches deep between any oak tree infected with oak wilt disease and each nearby and apparently healthy oak tree within 50 feet of the infected tree.

c. *Removal and disposal of trees.*

1. *On property zoned for residential and commercial use.* On property that is zoned residential and commercial the city may mark for removal of trees that have the potential to produce spores of the fungus *Ceratocystis fagacearum*. After, and in no case before, the installation of the root graft barrier and no later than May 1 of the year following infection, all marked trees must be felled. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

If, however, after the city prescribes the location for a root graft barrier, the city determines that installation of the barrier is impossible because of the presence of pavement or obstructions such as a septic system or utility line, the city may mark for removal all oak trees whether living or dead, infected or not and located between an infected tree and marked barrier location. These marked trees must be felled and disposed of no later than May 1 of the year following infection. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

2. *On all other property.* On all other property, the city may mark for removal all oak trees whether living or infected or not and located between and infected tree and marked barrier location. These marked trees must be felled and disposed of no later than May 1 of the year following infection. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

All wood more than three inches in diameter or ten inches in circumference from such felled trees must be disposed of by burying, debarking, chipping or sawing into wane-free lumber, or by splitting into firewood, stacking the firewood, and immediately covering the woodpile with unbroken four-mill or thicker plastic sheeting that is sealed into the ground until October 1 of the calendar year following the calendar year in which the tree was felled, or by burning before May 1 of the year following infection. Wood chips from infected trees may be stockpiled or immediately used in the landscape.

- d. *Control area.* The control area for oak wilt disease is defined as all lands within the boundaries of the city.

(2) Emerald ash borer.

- a. Emerald ash borer is a shade tree pest and is defined as an insect that attacks and kills ash trees. The adults are small, iridescent green beetles that live outside of trees during the summer months. The larvae are grub- or worm-like and live underneath the bark of ash trees.
- b. Control measures that may be taken to abate emerald ash borer are those state statute.

- c. *Control area.* The control area for emerald ash borer is defined as all lands within the boundaries of the city.
- (3) Dutch elm disease.
- a. Dutch elm disease is a shade tree pest and is defined as a disease of elm trees caused by the fungus *Ophiostoma ulmi* or *Ophiostoma nova-ulmi*, and includes any living dead tree, log, firewood, limb branch, stump, or other portion of a tree from any species of the genus *Ulmus* existing within the control area defined that has bark attached and that exceeds three inches in diameter or ten inches in circumference and could contain bark beetles or any spore or reproductive structures of the fungus *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*. Any tree infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles (*Scolytus multistratus*, *S. schevyrewi*, or *Hylurgopinus rufipes*) or any other pest capable of producing an epidemic, and any dead elm tree or part, including logs, branches, stumps, firewood or other material that contains elm bark are considered nuisances.
 - b. Control measures that may be taken to abate Dutch elm disease are:
 - 1. *Use of fungicide.* Fungicides may be effective in prevent Dutch elm disease when injected into living trees that do not already show symptoms of Dutch elm disease. Fungicide injections on private lands are optional and, if performed, are at the landowner's expense. Treating with fungicide on public lands requires the approval of the city administrator or their designee.
 - 2. *Removal and disposal of trees.* Prompt removal of diseased trees or branches reduces breeding sites for elm bark beetles and eliminates the source of Dutch elm disease fungus. Trees that wilt before July 15 must be moved by April 1 of the following year. Diseased trees not promptly removed will be removed by the city at the landowner's expense. Wood may be retained for use as firewood or saw logs if it is debarked or covered from April 15 to October 15 with four mill plastic. The edges of the cover must be buried and sealed to the ground.
 - c. *Control area.* The control area for oak wilt disease is defined as all lands within the boundaries of the city.
 - d. *Unlawful storage, transporting and disposing of elm wood.* It is unlawful for any person other than licensed tree services to transport, store or dispose of any bark- bearing elm wood between April 15 and September 1 of each year.

(Ord. No. 18-09, § 4, 9-26-2018; Ord. No. 20-02, § 5, 2-12-2020)



ITEM FOR DISCUSSION

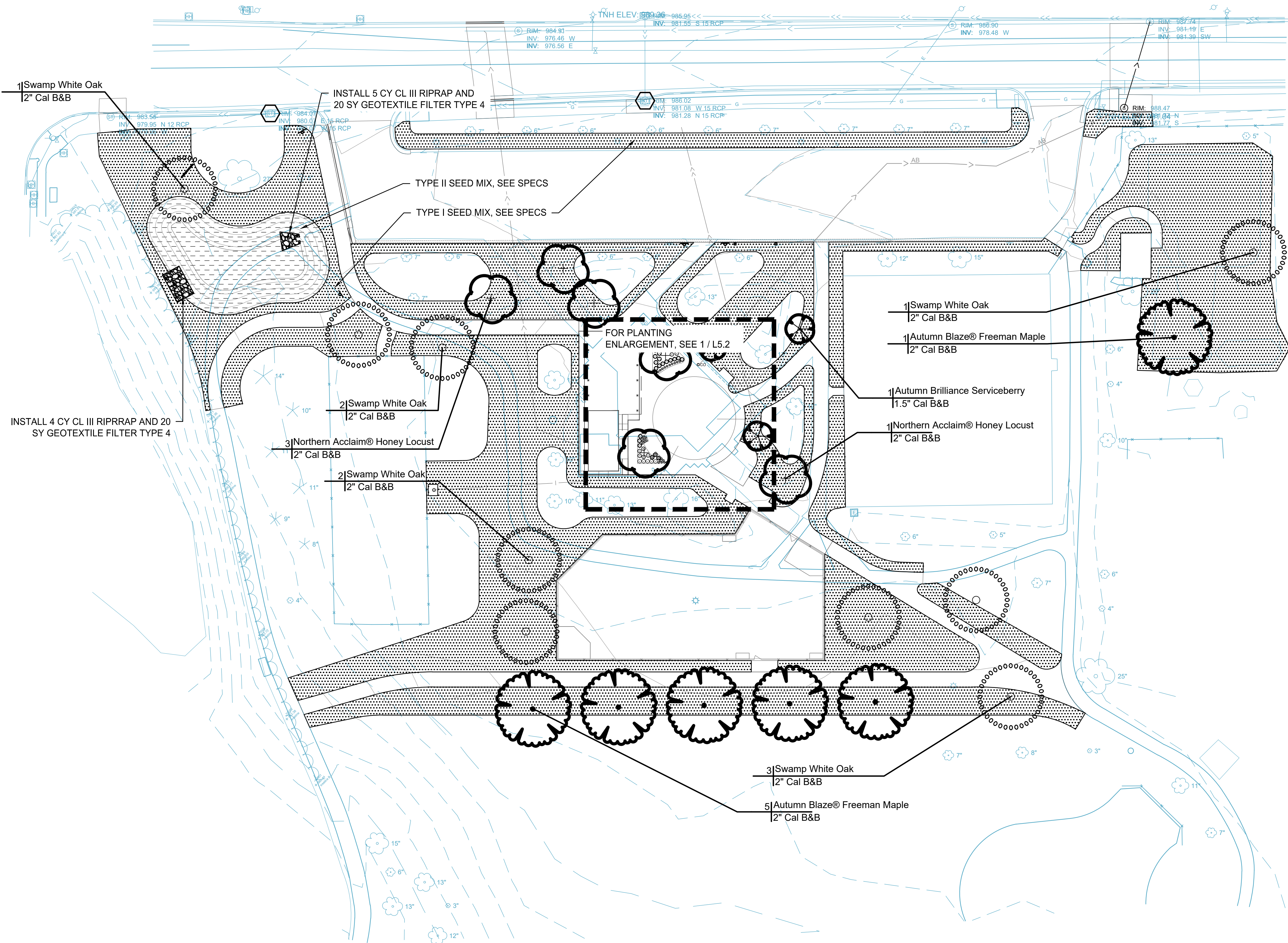
Meeting Date	July 14, 2025
Agenda Item	E-4
Attachment	Community Park Planting Plan
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Community Park Landscaping Updates
Description	City staff shared the feedback regarding the landscaping choices for the Community Park remodel. The comments were received by WSB and responses have been included below: I think we covered a few of these before the project went out to bid. The attached is the most current planting plan that was used for bidding. Seems like there comments may have been from an old set of plans so I just want to make sure they are looking at the most recent plans. We also know that maintenance was a large topic of conversation so we focused on this as we selected plants with emphasis on hardy plants with low maintenance and good performance. Certainly can adjust and look more at native plants if that is more desirable, I will just need to develop a list sooner than later and share with the contractor to see how that may impact pricing as some species of plants are more/less costly so we just need to verify this. Otherwise here are some follow up responses to the comments shared. Trees Ginkgo – It doesn't provide a lot of shade and is non-native. We wonder about something like a sugar maple. We removed the Ginkgo and Lilac trees and replaced them with Swamp White Oaks (could look at other oak species if seeking more diversity). We do also have some Autumn Blaze Maples at locations where we are trying to get shade so we used this faster growing tree for these areas. Based on comments for more natives, we could look at other Red or Sugar Maple varieties like Northwood or Green Mountain to stay in line with local native varieties. Honey Locust - they have a seedless variety, so it is true that it would not drop seed pods. I wondered if it is a good choice near the splash pad, as the small leaflets might clog up any drains. Another commissioner questioned this tree above the splash but feels seeded (though still thornless) varieties would be great in other areas. We have found that Honeylocust actually performs well in these splash pad locations as larger leaf trees (Maples, etc.) are more prone to plug the drain in the fall but the smaller Honeylocust leaves are less impactful and pass through the storm grate with greater ease and the larger smooth wall storm pipe should not have any clogging issues. Most of the small leaves actually are blown away in the fall and light shade is more desirable over the dense shade of larger leaf trees. We can look at other tree species though if overall preference is for a different tree type at this location but we feel this should perform well like we have seen on other past projects.

	Japanese lilac – It isn't native - what about the lilacs that everyone loves in MN? Those are bushier, but they could be trimmed appropriately. Or choose another small flowering tree like a serviceberry or buckeye. We removed the Lilac trees and replaced them with Serviceberry (could look at other flowering species if desired) Swamp White Oak - seems like a good choice. It is a native tree and State Special Concern species, feeds some wildlife through acorns, and is recommended as a boulevard/park tree https://www.minnesotawildflowers.info/tree/swamp-white-oak Comment received Plants- Suggest focusing on native plants! Purple coneflower, prairie dropseed - these are native, have pollinator and habitat benefit, and I'm supportive Comment received 'Goldsturm' - I suggest this hybrid is swapped out for the very similar and native black-eyed susan We can look at native specie like Rudbeckia hirta or subtomentosa Powwow wildberry coneflower – Not as hardy as other varieties. I suggest replacing these with the native purple coneflower or another option. We can revise so all coneflower is purple coneflower unless there is interest to have multiple varieties for color, height, texture differences Catmint - could be replaced with the similar looking and native self-heal (which is also a popular bee lawn option) https://www.minnesotawildflowers.info/flower/self-heal Overall, we can look at replacement of plants (including Gaillardia) with more native species like spiderwort, goldenrod, aster, liatris, etc. if that is the desire Daisy - an okay choice, but why these hybrids? No Daisy in the project <i>We could make this a demonstration garden for native plants! Could we consult with a native plant gardener for MN? Landscape Alternatives and Prairie Restorations are fairly big companies and there are lots of small local companies (e.g. Mother Earth Gardens). The commission's recommendations may not look as great initially if planted in the late summer or fall but would be more consistent with our CAP and resident interests. The two areas we have perennials called out are around the splash pad. We could develop a planting plan for these two areas which could be installed by the contractor with greater focus on native plants in a natural mixed configuration. Again, key question is level of maintenance desired and overall look and appearance of these two beds. Would the desire be to set the stage for more future plantings or will this be the only planting beds in the foreseeable future?</i>
Budget Impact	None.
Attachment(s)	- Community Park Planting Plan - Updated

Action(s) Requested	Staff requests the Commission discuss comments and whether to focus on native plants or low-maintenance plants.
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LEGEND

- CONSTRUCTION LIMITS
- EXISTING CONTOUR
- EXISTING DECIDUOUS TREE
- EXISTING CONIFER TREE
- PROPOSED CONTOUR
- TYPE I SEED MIX
- TYPE II SEED MIX WITH EROSION MAT

wsb

SCALE: AS SHOWN
PLAN BY: KMP

DESIGN BY: KMP
CHECK BY: RAS

ELECTRICAL:

emanuelson-podas
consulting engineers

REVISIONS	
NO.	DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert A. Sufka III
ROBERT A. SUFKA
DATE: APRIL 28, 2025 LIC. NO: 44337

OVERALL
PLANTING PLAN

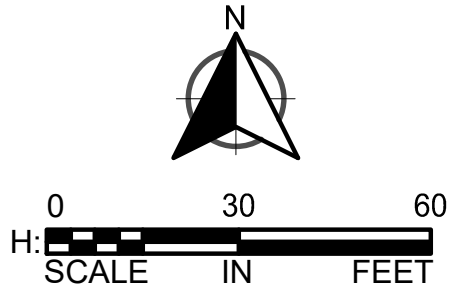
FALCON HEIGHTS
COMMUNITY PARK

CITY OF FALCON
HEIGHTS, MN

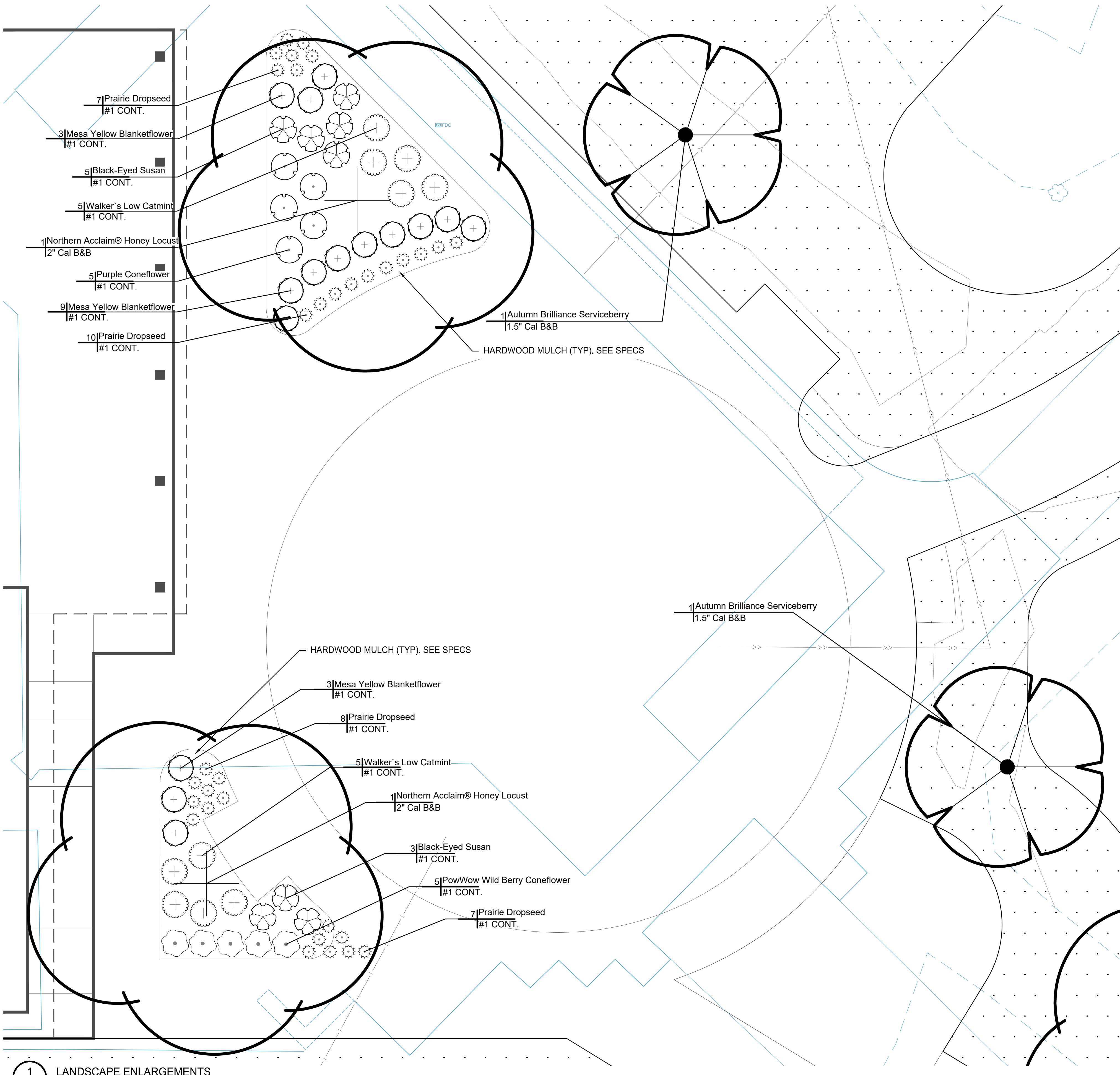
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WSB PROJECT NO.
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LEGEND

CONSTRUCTION LIMITS

EXISTING CONTOUR

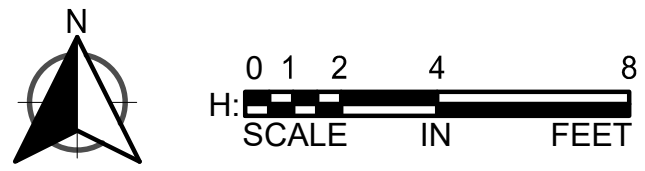
EXISTING DECIDUOUS TREE

EXISTING CONIFER TREE

PROPOSED CONTOUR

TYPE I SEED MIX

TYPE II SEED MIX WITH EROSION MAT



PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT
TREES			
	6	ACER X FREEMANII 'JEFFERSRED' / AUTUMN BLAZE® FREEMAN MAPLE	2.5" CAL B&B
	6	GLEDTISIA TRIACANTHOS INERMIS 'HARVE' / NORTHERN ACCLAIM® HONEY LOCUST	2.5" CAL B&B
	9	QUERCUS BICOLOR / SWAMP WHITE OAK	2.5" CAL B&B
ORNAMENTAL TREES			
	3	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' / AUTUMN BRILLIANCE SERVICEBERRY	1.5" CAL B&B
SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE
PERENNIAL			
	5	ECHINACEA PURPUREA / PURPLE CONEFLOWER	#1 CONT.
	5	ECHINACEA PURPUREA 'PAS702917' TM / POWWOW WILD BERRY CONEFLOWER	#1 CONT.
	15	GAILLARDIA X GRANDIFLORA 'MESA YELLOW' / MESA YELLOW BLANKETFLOWER	#1 CONT.
	10	NEPETA X FAASSENII 'WALKER'S LOW' / WALKER'S LOW CATMINT	#1 CONT.
	8	RUDBECKIA FULGIDA 'GOLDSTRUM' / BLACK-EYED SUSAN	#1 CONT.
GRASSES / SEDGE			
	32	SPOROBOLUS HETEROLEPIS / PRAIRIE DROPSEED	#1 CONT.

wsb

emanuelson-podas
consulting engineers

SCALE: AS SHOWN
PLAN BY: KMP

DESIGN BY: KMP
CHECK BY: RAS

ELECTRICAL:

REVISIONS	
NO.	DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

ROBERT A. SUFLKA
DATE: APRIL 28, 2025
LIC. NO.: 44337

LANDSCAPE ENLARGEMENTS

FALCON HEIGHTS
COMMUNITY PARK
CITY OF FALCON
HEIGHTS, MN

CLIENT PROJECT NO.
FH - 01

WSB PROJECT NO.
023655-000

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