

City of Falcon Heights Environment Commission

City Hall
2077 Larpenteur Avenue W.

Monday, March 9, 2020
6:30 p.m.

A G E N D A

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: January 13, 2020

D. AGENDA

1. Bee keeping ordinance

E. NEWS AND ANNOUNCEMENTS

1. Home Energy Squad update
2. Potential Minnesota GreenCorps member partnership
3. Upcoming events/meetings
 - March 21 - Breakfast with the Council
 - April 4 - 2020 EC conference - Hennepin Ave UMC
 - April 22 - Earth Day - <https://www.earthday.org/earth-day-2020/>
 - June 6 - Spring Together

F. ADJOURN

Next Meeting: April 13, 2020

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.

*City of Falcon Heights
Environment Commission*

City Hall
2077 Larpenteur Avenue W.

Monday, January 13, 2020
6:30 p.m.

MINUTES

A. CALL TO ORDER: Chair Wassenberg called the meeting to order at 6:30 p.m.

B. ROLL CALL:

Members present: Wassenberg, Olson, McCleery, and Seth

Also present: Council Liaison Andrews, Staff Liaison Markon

Members absent: Mathwig and Bucholtz

C. APPROVAL OF MINUTES: December 9, 2019

Changes were offered pertaining to the schedule for Environment Corner posts for 2020. **McCleery moved, seconded by Seth to approved revised minutes for December 9, 2019; motion carried.**

D. AGENDA

Markon suggested an item be added to the top of the agenda to elect officers.

1. Election of 2020 Officers
 - i. Upon nomination and a unanimous vote of approval, the following officers were elected for 2020:
Chair – Jim Wassenberg
Vice Chair – Nick Olson
Secretary – Jordyn Bucholtz

2. Finalize 2020 work plan
 - i. Members discussed individual projects, the project lead, and possible timeline, as indicated in the 2020 calendar document.
 - ii. McCleery will plan to lead a bee keeping ordinance for spring 2020 adoption.
 - iii. Mathwig will be lead on the Sustainability Fair, and Wassenberg and Seth will also be on the FHEC subcommittee.
 - iv. Earth Day events were removed from the calendar in favor of participating in other events.
 - v. A raingarden ordinance will wait, possibly until 2021.
 - vi. Seth will take the lead on plastic bag disposal/elimination.
 - vii. Wassenberg added development of Lawns to Legumes program, in partnership with other stakeholders.
 - viii. McCleery added a thermal imagery flight project, to be discussed toward the end of 2020.

E. NEWS AND ANNOUNCEMENTS

1. Native landscaping update
 - i. Markon shared that through the public comment process, the city has received approximately 50 responses, overwhelmingly positive. The Planning Commission will hold the public hearing on January 28.
2. Resilient Roseville updates
 - i. Wassenberg attended the recent Resilient Roseville meetings, and shared information on their proposed projects for 2020.
3. Upcoming events/meetings
 - i. February 13 - Environmental Commissions gathering - RV library
 - ii. April 18 - 2020 EC conference - Hennepin Ave UMC
 - iii. April 22 - Earth Day - 50th anniversary!

F. ADJOURN

The meeting was adjourned at 8:13 p.m.



The City That Soars!

ENVIRONMENT COMMISSION MEMO

Meeting Date	March 9, 2020
Agenda Item	Agenda D1
Submitted By	Justin Markon, Community Development Coordinator

Item	Bee Keeping Ordinance
Description	<p>Many cities around the state have adopted ordinances allowing for the keeping of bees. In Falcon Heights, bees are classified as farm animals, which are not allowed to be harbored within the city. The bee keeping topic has been raised a few times over the past number of years. Adopting an ordinance for bee keeping was a goal of the Commission for 2020. Below is the link to the UMN Bee Lab's information on ordinances. Staff request a discussion on what the city should prioritize in a bee keeping ordinance and what regulations should be adopted. Commissioner McCleery has also including information related to the ordinance. Finally, a draft ordinance was created in 2012, which could serve as a guide, but it should also be updated.</p> <p>UMN Bee Lab: https://www.beelab.umn.edu/resources-beekeepers/ordinances</p>



Bumble Bee House



Mason Bee Houses



Honey Bee Houses

This ordinance applies to all bees (Solitary bees, native bees, wild bees and pollen bees)

Honey Bee House's Ordinance: no parcel shall have more than one hive or colony housing structure not to exceed three (3) feet in size in any dimension unless it is an agriculture use. All hives shall be of the removable frame type. A person may keep honey bee colonies on any premise after first obtaining a license. No license shall be issued except in compliance with the following: 1-lot size will be a minimum of ½ acre, 2-no more than two honey bee colonies will be allowed, 3-hive will be set back from property line a minimum of 25 feet. 4-Applicant must document at least 16 hours of training in beekeeping, 5-the colony shall be maintained in good order and not be a nuisance to any members of the public.

All remaining bee houses ordinance

Bee houses vary in location, size, shape, purpose and regulation. The above non-honey bee styles of houses are available commercially: simplest type of bee house is the bundle of sticks model. A slightly more advanced type of bee house is the wood block model. Many areas have natural bee habitat to include: cavity-nesting, bee's nests, use a host, and underground burrows. Investigate their existence and maintain them as long as they shall not be a nuisance.

All bee houses shall be maintained and shall not be a nuisance.

Minneapolis: Owners of bees, shall have at least one acre per bee hive not exceeding twenty-four (24) cubic feet in size. Farm poultry, farm animals and bees are not allowed on properties with three or more dwelling units.

Carver County & Circle Pines: Honey bees are allowed as long as they are not a nuisance. Centerville: a person may keep honey bee colonies on any premise after first obtaining a license. No license shall be issued except in compliance with the following: 1-lot size will be a minimum of ½ acre, 2-no more than two honey bee colonies will be allowed, 3-hive will be set back from property line a minimum of 25 feet.4-Applicant must document at least 16 hours of training in beekeeping, 5-the colony shall be maintained in good order and not be a nuisance to any members of the public.

Saint Francis: no parcel shall have more than one hive or colony housing structure not to exceed three (3) feet in size in any dimension unless it is an agriculture use. All hives shall be of the removable frame type.

Only Mason Bee Houses are allowed in Falcon Heights per City Ordinance!

City of Falcon Heights
Beekeeping Ordinance
Draft for Environment Commission
October 8, 2012

WHEREAS, honey bees (*apis mellifera*) are of benefit to mankind, 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 1. Preamble Adopted.

That the findings contained in the preamble of this ordinance are hereby adopted as a part of this ordinance.

Section 2. 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.

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

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

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

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

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

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

2.7 “Lot” means a contiguous parcel of land under common ownership.

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

2.9 “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.

Section 3. Purpose of Ordinance.

3.1 The purpose of this ordinance is to establish certain requirements for beekeeping within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.

3.2 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.

3.3 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.

Section 4. Standards of Practice.

4.1 Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

4.2 Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.

4.3 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 insectproof container.

4.4 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.

4.5 Each beekeeper shall maintain his 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.

Section 5 Colony Density.

5.1 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. A flyway barrier is not required if the property adjoining the apiary lot line (1) is undeveloped, or (2) is zoned agricultural, industrial or is outside of the City limits, or (3) is a wildlife management area or naturalistic park land with no horse or foot trails located within 25 feet of the apiary lot line.

5.2 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. One acre but smaller than 5 acres 8 colonies
- e. ~~Larger than 5 acres no restriction~~

~~5.3 Regardless of lot size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the front of the hive, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this subsection.~~

5.4 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 he temporarily houses 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.

Section 6. Permit.

6.1 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 of Falcon Heights without a permit.

6.2 Any person desiring a permit for the keeping of honeybees shall make written application to the City Clerk 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.

6.3 The City Clerk may grant a permit pursuant to this section only after the applicant has met any educational requirement as established by the City Council.

6.4 Consent. The applicant for a beekeeping permit must obtain and provide with the application written consent of 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.

6.5 All beekeeping permits shall expire on January thirty-first 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.

Section 7. Inspection.

A designated City official shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

Section 8. 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.

Section 9. Compliance.

9.1 Upon receipt of credible information that any colony located within the City is not being kept in compliance with this ordinance, [the designated City official] shall cause an investigation to be conducted. If the investigation shows that a violation may exist and will continue, [the designated City official] 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

d. That if [the designated City official] finds that they have been kept in violation of this ordinance, and if the violation is not remediated within the time allowed, the bees may be ordered removed and/or destroyed.

Notices shall be given by certified US Mail return receipt requested or personal delivery. 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.

9.2 The hearing shall be conducted by [the designated City official]. 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 designated City official] finds a violation, then he/she 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 2 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. Upon destruction of bees by the City, all equipment shall be returned by the City to the beekeeper, with expenses of transportation to be paid by the beekeeper. The City's destruction of the bees shall be by a method that will not damage or contaminate the equipment, include wax foundation.

9.3 The decision of the hearing officer may be appealed by the beekeeper as provided in the City's rules and procedures. If no provision for appeal exists, then the beekeeper may file a notice of appeal with the City secretary within 15 days of the date the order is placed in US Mail to the beekeeper, or 10 days if the decision is announced at the hearing by [the designated City official]. An appeal shall not stay [the designated City official]'s decision, and the beekeeper shall be required to comply with such order pending the outcome of the appeal.

9.4 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.

Section 10. 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 11. Effective Date.

This ordinance shall become effective on _____, 20_____.

2020 FHEC Calendar and Projects List

January 13
Jan 28: Landscaping Public Hearing with Planning Commission Justin: EC Corner: Food scraps and composting
February 10
Feb 12: City council review/approval of landscaping ordinance Feb 13: East Metro Environment Commission gathering 6:30-8:30 Roseville Library Jim and Justin: Identify Youth Commissioner Nick: EC Corner: Use of Ice Melting Salt Patrick: EC Corner: Home Energy Audit and discount opportunity
March 9
Jim: EC Corner: Workplace Recycling
April 13
April 4: Environmental Commission Conference Hennepin UMC Nick: EC Corner: Native Landscaping
May 11
Marty: EC Corner: Rainfall and Stormwater
June 8
June 6: City wide cleanup at fairgrounds Esha: EC Corner: Bicycling
July 13
TBD: EC Corner: Raingardens Esha: EC Corner: Summer energy efficiency
August 10
Jim: EC Corner: EVs and Hybrids
September 14
Sept 12: Sustainability Fair. Silverwood Park
October 12
November 9
Esha: EC Corner: Winter efficiency
December 14

Project	Lead	Update
Implement a bee keeping ordinance via City Council	Marty	Draft March, Workshop April, Final in April. Permitting? "Farm animal"?
Draft a Planned Urban Development ordinance to encourage developers to implement positive measures in their developments when requesting City funds.	Nick	Part of GreenStep Cities program too
Hold a Sustainability fair in 2020, possibly in cooperation with Roseville and St Anthony CFS groups	Patrick – Lead Jim and Esha also on subcomm	September 12, 2020 Resilient Roseville will participate. Point of contact is Sherry Hood. 651 633 1434 sherryhood@icloud.com
Develop guidelines and resources for landscaping that is native/pollinator friendly/storm water wise.	Nick	Draft Out for Public Comment (12/09/19). Approved by City Council on 02/12/2020.
Sustain outreach to other Environmental Commissions in the Twin Cities	Jim	Plan to attend a Roseville and a St. Anthony CFS meeting in Q1 2020.
Follow up on opportunities for funding for an EV charging station in FH through the MPCA	Jim	Phase 2 funding plan comment period closes Dec 20, 2019. \$3.5M additional planned for EV charging stations in 2020-2023. Including 52 Level II stations. Need to review previous application requirements to be ready when RFPs are opened.
Improve communication to FH residents with a EC "corner" in the City Newsletter and twice monthly online mailer 250 words for a topic on EC corner	Jordyn	
Add a Youth Commissioner to the FHEC.	Jim	
Obtain funding and finance Home Energy Audits for FH Residents and Businesses	Patrick	
Raingarden ordinance		Wait until 2021
Plastic Bag disposal and Elimination in FH	Esha	
Getting a GreenCorp volunteer for the city		
Lawns to Legumes workshop	Jim	
Infrared imagery	Marty	By end of year