

City of Falcon Heights Environment Commission

City Hall
2077 Larpenteur Avenue W.

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

A G E N D A

Note: This meeting will be held via 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: June 8, 2020

D. AGENDA

1. Discuss bee ordinance
2. Discuss Sustainable Speaker Series
3. Discuss Garden Subcommittee

E. NEWS AND ANNOUNCEMENTS

F. ADJOURN

Next Meeting: August 10, 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.

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City of Falcon Heights
Environment Commission
City Hall
2077 Larpenteur Avenue W.
Monday, June 8, 2020
6:30 p.m.

MINUTES

A. CALL TO ORDER: Chair Wassenberg called the meeting to order at 6:35 p.m.

B. ROLL CALL:

Members present: Mathwig, Seth, and De Filippo Vanncci, Wassenberg, McCleery, and Bucholtz

Also present: Council Liaison Andrews, Staff Liaison Markon

Members absent: Olson

C. APPROVAL OF MINUTES: March 9, 2020 and May 11, 2020

McCleery moved, seconded by Mathwig to approve minutes for March 9, 2020 and May 11, 2020

D. AGENDA

a. Discuss Sustainable Speaker Series

- i. The commission members discussed the possibility of holding a yard ordinance workshop.
- ii. The commission members discussed having a member attend a Lawns to Legumes workshop this Thursday supported by the City of Shoreview to gauge interest and determine if Falcon Heights should host one for their city. The Commission determined the benefit to hosting a workshop is that the presenters from Board of Soil and Water Resources (BWSR) can discuss the yard ordinance specific to Falcon Heights. The Commission members discussed the possibility of a workshop series depending on how the first event goes.

- b. Discuss garden ordinance process
 - i. Commission members discussed the recently approved interim ordinance prohibiting front yard vegetable gardens. The commission members were informed that a new ordinance that addresses front yard and community gardens would need to be developed. A subcommittee with members from Environment and Planning Commission will work diligently to write a new ordinance. The Commission decided the new ordinance would need to address the following: volume of gardens, number of things allowed in garden, use restrictions, location restrictions, and space restrictions. Commissioner Wassenberg volunteered to be on the subcommittee, and Mathwig and Olson are tentatively on the subcommittee.

E. NEWS AND ANNOUNCEMENTS

- a. Annual Ice Cream Social event is planned to take place in person in Community Park on Thursday July 23 from 5:00-7:00 p.m.
 - i. Plan to have tables for all commissions like usual
- b. MPCA grant process for EV stations requests for proposals will be in the Summer and Fall of 2020 for rapid charging along highways and level, 2 respectively.
- c. Bee keeping ordinance updates
 - i. Markon said that he can ask Gary from University of Minnesota to attend July meeting in order to review and discuss a beekeeping ordinance.
- d. Starting in July, Commission meetings will resume in person.
- e. Environment Corner updates
 - i. Seth posted about biking last Friday.
 - ii. McCleery's post on rainfall and climate change is next.

F. ADJOURN

- a. Meeting was adjourned at approximately 7:45p.m.



The City That Soars!

ENVIRONMENT COMMISSION MEMO

Meeting Date	July 13, 2020
Agenda Item	Agenda D1
Submitted By	Justin Markon, Community Development Coordinator

Item	Bee Ordinance
Description	Consideration of a beekeeping ordinance is on the Commission's agenda for 2020. After a brief discussion in March, the Commission asked for feedback from a subject matter expert. Gary Reuter from the University of Minnesota Bee Lab will join us to share his thoughts on residential beekeeping and our ordinance. This topic was last discussed in 2012, and a draft ordinance from that time is included here. Mr. Reuter has a 15 minute presentation, which will be followed by Q and A.

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_____.



The City That Soars!

ENVIRONMENT COMMISSION MEMO

Meeting Date	July 13, 2020
Agenda Item	Agenda D2
Submitted By	Justin Markon, Community Development Coordinator

Item	Sustainable Speaker Series
Description	<p>During the May 2020 meeting, the Commission voiced support for a continued effort to bring educational presentations to community members with topics that are similar to those planned for our Sustainable Actions Fair, which was to be held this fall.</p> <p>One of the initial ideas was for a presentation on native landscaping, given the recent approval of the native landscaping ordinance in February 2020. The idea was that this presentation would be held via Zoom or another online platform. Depending on the amount of participation and further interest, more presentations could be scheduled.</p> <p>Staff will provide an update on the Metro Blooms Lawns to Legumes workshops and recommend considering other presentation topics.</p>



The City That Soars!

ENVIRONMENT COMMISSION MEMO

Meeting Date	July 13, 2020
Agenda Item	Agenda D3
Submitted By	Justin Markon, Community Development Coordinator

Item	Garden Subcommittee
Description	<p>Following the June meetings for both Environment and Planning Commissions, a subcommittee has been formed to discuss a garden ordinance. The subcommittee members are as follows:</p> <p>Randy Gustafson – Mayor, Planning Commission Council Liaison Kay Andrews – Council Member, Environment Commission Council Liaison Jim Wassenberg – Environment Commission Chair Nick Olson – Environment Commission Member Scott Wilson – Planning Commission Vice Chair Joel Gerich – Planning Commission Member</p> <p>The subcommittee will meet virtually on Wednesday, July 15. The main topics for this meeting will be introductions, discussion of our timeline goals, and begin discussion on what a new ordinance could look like.</p>