



**City of East Bethel
Park Commission Agenda**

6:30 PM

Date: January 13, 2016

Location: City Hall

Meeting Room: Council Chambers

Item

- 6:30 PM 1.0 Call to Order
- 6:31 PM 2.0 Adopt Agenda
- 6:32 PM 3.0 Approve – October 14, 2015 Minutes
- 6:33 PM 4.0 Park Financial Information
- 6:40 PM 5.0 2016 Ballfield Requests
- 7:00 PM 6.0 Shade Tree Ordinance
- 7:20 PM 7.0 Parks, Trails, and Open Space Comprehensive Plan
- 7:30 PM 8.0 Council Report and Other Business
- 7:30 PM 9.0 Adjourn

EAST BETHEL PARK COMMISSION MEETING

October 14, 2015

The East Bethel Park Commission met on October 14th, 2015 at 6:30 P.M at the East Bethel City Hall for their regular monthly meeting.

MEMBERS PRESENT: Kenneth Langmade Bill Zimmermann Bonnie Harvey
 Sue Jefferson Stacy Voelker Tim Hoffman

MEMBERS EXCUSED: Denise Lachinski

ALSO PRESENT: Nate Ayshford, Public Works Manager
 Tim Harrington, City Council

Adopt Agenda Ms Harvey motioned to adopt the agenda. Ms Voelker seconded; all in favor, motion carried unanimously.

Approve August 12, 2015 Minutes Mr Zimmermann made a motion to approve the minutes as submitted. Ms Jefferson seconded; all in favor, motion carried unanimously.

Park Financial Information & Capital Funds Summary Mr Ayshford presented the current fiscal year Park Maintenance financial status for the member's review (Attachment 4.1). He stated that nothing has been taken out of capital funds yet, but the Public Works staff is close to completing the outdoor ice rink. The total project cost will be around \$15,000. Staff has decided to rent a warming house for the upcoming skating season. The total cost for the three month period will be approximately \$1,500. Depending on how well it works, the city will decide how to proceed in future years with regards to renting or building a permanent warming house.

The parks operational fund is on track to complete 2015 as budgeted.

Public Forum Alissa Carlson, an East Bethel resident, came before the Park Commission as part of a school project to discuss some of the City Parks. Alissa stated a need for more parks and to upgrade the playground equipment in some of the older parks. She offered some insight into city parks from a user's perspective that included the more enjoyable pieces of equipment and how choosing lighter colors for the slides will help them to stay cooler on hot days.

Parks, Trails, and Open Space Comprehensive Plan The current Parks, Trails, and Open Space Plan was developed for the City of East Bethel in 2007. Regular reviews and update of the plan are necessary to see if goals are being met and what park projects still need to be completed along with any changes in the City's priorities.

One item of note with the current plan is that although the plan provides a broad planning framework, the scope may be too large for what the City can actually reasonably accomplish. Also, a number of assumptions were used while developing the comprehensive plan that did not take into account the economic downturn and stagnation of growth that

occurred in the last 7 years. With that, the plan overestimated projected populations, park needs, and revenue streams for the proposed projects.

Staff would like to update the plan so that it would be more representative of reasonable expectations and prioritize what projects are most essential and can be implemented.

Exert from the City's Comprehensive Plan:

Planning for the Future of East Bethel: An Update to the Comprehensive Plan

Chapter VI VI - 21 10/17/2007

Goals:

Create and protect an interconnected system of athletic areas, parks, trails, and green spaces throughout the City.

Policies:

1. Research amount of existing park area and current uses against future needs based on increasing populations.
2. Incorporate parks and open space into community center planning efforts and all development/redevelopment plans and designs.
3. Promote existing parks and pursue strategies to connect parks through trail systems; identify potential "corridors" for trails.
4. Coordinate planning activities with Anoka County based on park uses; pursue opportunities to incorporate sports-related and other community activities.
5. Protect and promote recreational activities within the community and identify opportunities to enhance infrastructure to support these activities such as snowmobile trails, lake activities, etc.
6. Design and maintain parks with proper lighting, shelter, and landscaping to ensure public and property safety.
7. Provide recreational facilities and programs to serve the varied recreational needs of all age groups within the City.
8. Encourage the acquisition of all forfeited and/or donated land in areas with potential recreational development opportunities.
9. Require dedication of park land or cash in lieu of land in conjunction with the subdivision of all properties.
10. Develop land use regulations compatible with adjacent parks, recreation areas, and natural features.

- 11. Identify the potential for trail and wildlife corridors in the City, and coordinate regional trail development opportunities with Anoka County and adjacent communities.
- 12. Provide convenient active and passive recreation opportunities to the residents of East Bethel. Enhance the existing park and recreation areas in the City.
- 13. Provide alternative forms of transportation that include walking trails, bicycle paths, and other surfaced media where motorized traffic is not permitted.

The Commission discussed the current Comp Plan and what future projects are feasible and should be prioritized. The commissioners focused on connecting major parks and natural features within the city including Booster Park, the Sandhill Crane Natural Area, Cedar Creek Ecosystem Science Reserve, and new development that may occur in the area served by the municipal utilities. The commission also talked about possible future park locations. A lot of those decisions will be dependent upon when and where development occurs. The commission also discussed the possible expansion of Booster Park or other community parks.

Staff will prepare an updated map showing these potential connection corridors and potential future park locations for discussion and review at future Park Commission meetings.

Council Report Staff and the Parks Commission will continue discussions on the future direction of the City’s Parks and projects with the City Council liaison Tim Harrington. The purpose of this discussion will be to formulate goals and objectives for the park development program and to update the commission on issues currently before the City Council.

Mr Harrington updated the commission on the proposed tax levy and informed them that the council has until December to adopt it as is or reduce it. It cannot be increased. Mr Harrington also informed the commission about the November 19th Town Hall meeting which will have local, county, state, and congressional representatives available to answer questions and discuss issues facing our area.

Adjournment **Mr Hoffman made a motion to adjourn the meeting at 7:45 p.m. Mr Zimmermann seconded the motion; all in favor, motion carried unanimously.**

Respectfully submitted by:

Nate Ayshford
Public Works Manager

**PARK CAPITAL FUNDS SUMMARY
DECEMBER 2015**

| PARK ACQUISITION AND DEVELOPMENT FUND | | | |
|--|--------------------------------|-----------------|----------------------|
| Account # | Description | 2015 YTD | Remaining Balance |
| REVENUES: | | | |
| R 404-34791 | Park Dedication Fees | 4,000.00 | |
| R 404-36210 | Interest Earnings | 39.03 | |
| Total Revenues | | <u>4,039.03</u> | |
| EXPENSES: | | | |
| E 404-40400-201 | Office Supplies | - | |
| E 404-40400-223 | Bldg/Facility Repair Supplies | - | |
| E 404-40400-224 | Street Maint Materials | - | |
| E 404-40400-225 | Park/Landscaping Materials | - | |
| E 404-40400-302 | Architect/Engineering Fees | - | |
| E 404-40400-303 | Legal Fees | - | |
| E 404-40400-307 | Professional Services Fees | - | |
| E 404-40400-322 | Postage/Delivery | - | |
| E 404-40400-342 | Legal Notices | - | |
| E 404-40400-351 | Printing and Duplicating | - | |
| E 404-40400-403 | Bldg/Facilities Repair/Maint | - | |
| E 404-40400-405 | Park & Landscape Services | - | |
| E 404-40400-416 | Machinery Rentals | - | |
| E 404-40400-422 | Auto/Misc Licensing Fees/Taxes | - | |
| E 404-40400-530 | Improvements Other Than Bldgs | - | |
| Total Expenses | | <u>-</u> | |
| December 31, 2014 Balance | | 26,082.08 | |
| Current Balance | | | 30,121.11 |

| PARK CAPITAL FUND | | | |
|---------------------------|-------------------------------|------------------|-------------------|
| REVENUES: | | | |
| R 407-36210 | Interest Earning | 190.09 | |
| R 407-36230 | Contributions and Donations | 869.53 | |
| R 407-39201 | Transfer from General Fund | 50,000.00 | |
| Total Revenues | | <u>51,059.62</u> | |
| EXPENSES: | | | |
| E 407-40700-219 | General Operating Supplies | - | |
| E 407-40700-223 | Bldg/Facility Repair Supplies | 6,888.13 | |
| E 407-40700-225 | Park/Landscaping Materials | - | |
| E 407-40700-226 | Street & Lot Restriping | - | |
| E 407-40700-231 | Small Tools and Minor Equip | - | |
| E 407-40700-302 | Architect/Engineering Fees | - | |
| E 407-40700-303 | Legal Fees | - | |
| E 407-40700-403 | Bldgs/Facilities Repair/Maint | 6,150.00 | |
| E 407-40700-405 | Park & Landscape Services | - | |
| E 407-40700-530 | Improvements Other Than Bldgs | - | |
| E 407-40700-550 | Motor Vehicles | - | |
| E 407-40700-935 | Street Capital Transfers | - | |
| E 407-45202-225 | Park/Landscaping CCNH | - | |
| E 407-45202-302 | Architect/Engineering Fees | - | |
| E 407-45202-342 | Legal Notices | - | |
| E 407-45202-409 | Other Repair/Maintenance | - | |
| E 407-45202-520 | Buildings and Structures | - | |
| Total Expenses | | <u>13,038.13</u> | |
| December 31, 2014 Balance | | 86,979.54 | |
| Current Balance | | | 125,001.03 |

City of East Bethel
Revenue / Expense Statement
Fiscal Year 2015
1/1/15 to 12/31/15

| Account Description | 1/1/15 to 12/31/15 Actual | FY 2015 Budget | YTD as a % of Budget |
|--|------------------------------|-------------------|-------------------------|
| Public Works - Park Maintenance | | | |
| E 101-43201-101 Full-Time Employees Regular | 184,596.14 | 203,400.00 | 91% |
| E 101-43201-102 Full-Time Employees Overtime | 937.64 | 1,000.00 | 94% |
| E 101-43201-103 Part-Time Employees | 4,098.75 | 6,000.00 | 68% |
| E 101-43201-104 Part-Time Employees Overtime | 74.46 | - | N/A |
| E 101-43201-105 Employee On Call/Standby Pay | 6,963.27 | 3,100.00 | 225% |
| E 101-43201-107 Commissions and Boards | 600.00 | 1,700.00 | 35% |
| E 101-43201-122 PERA-Coordinated Plan | 14,402.80 | 15,300.00 | 94% |
| E 101-43201-125 FICA/Medicare | 18,502.92 | 20,200.00 | 92% |
| E 101-43201-126 Deferred Compensation | 6,060.70 | 6,100.00 | 99% |
| E 101-43201-131 Cafeteria Contribution | 44,016.00 | 44,000.00 | 100% |
| E 101-43201-151 Worker s Comp Insurance Prem | 9,278.61 | 8,400.00 | 110% |
| E 101-43201-201 Office Supplies | 110.65 | 100.00 | 111% |
| E 101-43201-211 Cleaning Supplies | 138.73 | 500.00 | 28% |
| E 101-43201-212 Motor Fuels | 11,447.71 | 18,000.00 | 64% |
| E 101-43201-213 Lubricants and Additives | 268.93 | 500.00 | 54% |
| E 101-43201-214 Clothing & Personal Equipment | 1,396.35 | 2,000.00 | 70% |
| E 101-43201-215 Shop Supplies | 109.87 | 400.00 | 27% |
| E 101-43201-216 Chemicals and Chem Products | 4,151.98 | 3,000.00 | 138% |
| E 101-43201-217 Safety Supplies | 149.96 | 700.00 | 21% |
| E 101-43201-218 Welding Supplies | - | 100.00 | 0% |
| E 101-43201-219 General Operating Supplies | 1,341.11 | 1,200.00 | 112% |
| E 101-43201-221 Motor Vehicles Parts | 474.05 | 2,100.00 | 23% |
| E 101-43201-222 Tires | 1,163.74 | 1,000.00 | 116% |
| E 101-43201-223 Bldg/Facility Repair Supplies | 11,808.23 | 2,500.00 | 472% |
| E 101-43201-225 Park/Landscaping Materials | 4,850.83 | 7,000.00 | 69% |
| E 101-43201-226 Sign/Striping Repair Materials | 109.18 | 1,500.00 | 7% |
| E 101-43201-229 Equipment Parts | 4,838.47 | 2,000.00 | 242% |
| E 101-43201-231 Small Tools and Minor Equip | 5,104.97 | 1,500.00 | 340% |
| E 101-43201-306 Personnel/Labor Relations | 310.20 | 300.00 | 103% |
| E 101-43201-307 Professional Services Fees | 232.00 | 600.00 | 39% |
| E 101-43201-321 Telephone | 1,348.16 | 2,000.00 | 67% |
| E 101-43201-341 Personnel Advertising | 264.00 | 200.00 | 132% |
| E 101-43201-342 Legal Notices | - | 100.00 | 0% |
| E 101-43201-381 Electric Utilities | 3,902.09 | 5,000.00 | 78% |
| E 101-43201-384 Sewer Utilities | - | 300.00 | 0% |
| E 101-43201-385 Refuse Removal | 241.50 | 1,200.00 | 20% |
| E 101-43201-387 Heating Fuels/Propane | - | 300.00 | 0% |
| E 101-43201-401 Motor Vehicle Services (Lic d) | 1,415.59 | 2,200.00 | 64% |
| E 101-43201-402 Repairs/Maint Machinery/Equip | 3,823.54 | 2,500.00 | 153% |
| E 101-43201-403 Bldgs/Facilities Repair/Maint | 2,351.17 | 3,500.00 | 67% |
| E 101-43201-405 Park & Landscape Services | 323.00 | 2,000.00 | 16% |
| E 101-43201-415 Other Equipment Rentals | 9,092.36 | 8,000.00 | 114% |
| E 101-43201-422 Auto/Misc Licensing Fees/Taxes | 205.53 | 1,000.00 | 21% |
| E 101-43201-431 Equipment Replacement Chgs | 16,700.00 | 16,700.00 | 100% |
| E 101-43201-434 Conferences/Meetings | - | 400.00 | 0% |
| | 377,205.19 | 399,600.00 | 94% |



City of East Bethel Park Commission Agenda Information

Date:

January 13, 2016

Agenda Item Number:

Item 5.0

Agenda Item:

2016 Ballfield Requests

Requested Action:

Consider approval of field reservations for 2016

Background Information:

Soderville/Blaine Athletic Association has submitted a request for reserving the softball/baseball fields for the 2016 season. SBAA is requesting the use of fields 1-8 at Booster West and East from April 18 to July 21 four nights a week (M-Th). Weekend use would be limited to six Fridays and three Saturdays at Booster West.

At this time the City has received no other requests for weeknight use of ball fields and no conflicting weekend requests. The requested fields are consistent with the use approved for in previous years.

Attachments:

- 1) SBAA 2016 Field Request Application
- 2) St Francis Youth Baseball Field Request Application

Fiscal Impact:

The maintenance and field preparation costs typically incurred by the Public Works Department averages \$6,500 annually. The current fee schedule reflects these costs in the reservation fees.

Recommendation(s):

Staff recommends that the Parks Commission consider the rental of the Booster West and East Fields to SBAA for weekday and weekend use as requested in their application at the rate set forth in the City fee schedule less 20%. It is also recommended SBAA coordinate and cooperate with other organizations that schedule weekend tournaments at the Booster facilities.

Park Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



December 21, 2015

City of East Bethel

Attn: Karen White

Re: Field use request from SBAA for 2016

This letter is being sent to officially request the use of the East Bethel fields for the 2016 Baseball/Fastpitch season. Following are the fields and dates we are requesting:

Booster Park (1-5)

April 18-21, 25-28

May 2-5, 9-13, 16-20, 23-26, 31

June 1-3, June 6-9, 13-16, 20-25, 27-30

July 5-9, 12-14, 18-24

Booster Park (6-8)

April 18-21, 25-28

May 2-5, 9-12, 16-19, 23-26, 31

June 1-2, June 6-9, 13-16, 20-23, 27-30

July 5-7, 12-14, 18-21

I am assuming 1-4 are still \$20 per day, 5-8 are no cost and the concession stand is \$1000 for the season, let me know if this has changed.

We are also requesting use of the Concession Stand for all of these dates. Please let me know if there is anything else you need from me or if I missed anything.

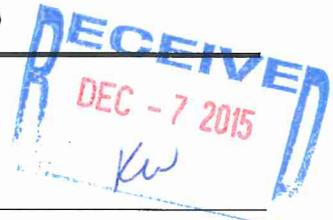
Sincerely,

Corryn Anderson Operations Manager



2016

APPLICATION FORM FOR THE USE OF
CITY PARK FACILITIES AND
WHISPERING ASPEN COMMUNITY CENTER
2241 221st Ave NE ~ East Bethel, MN 55011
763-367-7840 • 763-434-9578 (fax)



Date of Application: 12/7/15

Name of Applicant: CHRIS JOHNSON

Address of Applicant: 2906 235 AV NW, ST FRANCIS MN 55070

Telephone Home: (763) 954-1683 Email: ACSO151@GMAIL.COM

Organization: ST. FRANCIS YOUTH BASEBALL Type of Event: TOURNAMENT (BASEBALL)

Date/Dates Requested JUNE 4-5 2016 Approximate # of participants 300

If this event will require more than 150 parking spaces (over 500 participants and spectators) a parking plan will need to be filed as part of this application. The parking plan shall at a minimum obtain approvals for offsite parking and address security and traffic control issues to the satisfaction of the Parks Committee.

Hours Requested 7 AM to: 9 PM Special requests or needs: _____

List all amusement activities (Moon Bounce, Dunk Tank): _____

Park and Facility Requested (also indicate below) _____

The City of East Bethel reserves the right to charge the reservation applicant for additional sanitation facilities if the number of participants is projected to exceed 600. This number includes both participants and spectators.

Types of Facilities, Fees and Deposits

| Pavilion/Shelter | Select Location | Non-resident/Per day | Resident | Key/Damage deposit |
|-------------------------------|---|----------------------|----------|--------------------|
| Pavilions with Electricity | <input checked="" type="checkbox"/> Booster West - #1 | \$50.00 + tax | No fee | \$100.00 |
| | <input type="checkbox"/> Booster East - #3 | \$50.00 + tax | No fee | \$100.00 |
| Pavilions without Electricity | <input type="checkbox"/> Booster East - #2 | \$50.00 + tax | No fee | \$100.00 |
| | <input type="checkbox"/> Booster East - #4 | \$50.00 + tax | No fee | \$100.00 |
| | <input type="checkbox"/> Bonde Park - #1 | \$50.00 + tax | No fee | \$100.00 |
| | <input type="checkbox"/> John E. Anderson | \$50.00 + tax | No fee | \$100.00 |
| | <input type="checkbox"/> Cedar Creek | \$50.00 + tax | No fee | \$100.00 |
| | <input type="checkbox"/> Firewood (Cedar Creek Only) | TBD | TBD | |

| Building/Rooms | Specify With (X) | Location | <input type="checkbox"/> Profit <input type="checkbox"/> Non-Resident | <input type="checkbox"/> Non-Profit <input type="checkbox"/> Resident | Key/Damage deposit |
|---|--------------------------|------------------|--|--|--------------------|
| Whispering Aspen Community Center 24225 Pierce Path, East Bethel | <input type="checkbox"/> | Whispering Aspen | \$50.00 + tax | No fee | \$100.00 |

| Ballfields | Specify Which Field #(s) | Location | Non-Resident Per field/Per day | Resident Per field/Per day | Key/Damage deposit | Tournament at any location |
|---|--------------------------|-------------------|--------------------------------|----------------------------|--------------------|--------------------------------------|
| <input checked="" type="checkbox"/> Irrigated: Field #s 1-4 | | Booster West | \$20.00 + tax | \$20.00 + tax | \$100.00 | \$350+ tax + \$200 deposit* |
| <input type="checkbox"/> Non-irrigated: Field #s 5-8 | | Booster East | \$10.00 + tax | No fee | \$100.00 | \$50.00/field* + tax + \$100 deposit |
| Field #1 &/or #2 | | Bonde Park | \$10.00 + tax | No fee | \$100.00 | N/A |
| Field #1 | <input type="checkbox"/> | Maynard Peterson | \$10.00 + tax | No fee | \$100.00 | N/A |
| Field #1 | <input type="checkbox"/> | Anderson Lake | \$10.00 + tax | No fee | \$100.00 | N/A |
| Field #1 | <input type="checkbox"/> | Norseland Manor | \$10.00 + tax | No fee | \$100.00 | N/A |
| Field #1 | <input type="checkbox"/> | Rod & Norma Smith | \$10.00 + tax | No fee | \$100.00 | N/A |
| Field #1 | <input type="checkbox"/> | Deer Haven | \$10.00 + tax | No fee | \$100.00 | N/A |

| Soccer Fields | Specify Field# (s) | Location | Price/Day | Key/Damage deposit | Tournament |
|--|--------------------|--------------|---------------------|--------------------|-----------------------------------|
| <input type="checkbox"/> Irrigated Field #1 & 2 | | Booster West | \$10.00 + tax | \$100.00 | \$200.00 + tax + \$200.00 Deposit |
| <input type="checkbox"/> Non-Irrigated Fields #1 - 4 | | Bonde | No fee with Deposit | \$100.00 | No fee with \$100.00 Deposit |

| Horseshoe Pits | # of Pits | Location | League-Season | Tournament | Key/Damage deposit |
|----------------|-----------|--------------|----------------|------------|--------------------|
| | | Booster East | \$100.00 + tax | \$50.00 | \$100.00 |

| Concession Stand | Specify with (X) | Location | Price | Deposit |
|------------------------------|-------------------------------------|--------------|------------------------|------------|
| SBAA Season, Monday-Friday | | Booster West | \$1,000.00/per season | No deposit |
| Weekend Tournament | <input checked="" type="checkbox"/> | Booster West | \$300.00 + tax/weekend | \$300.00 |
| One Day Fee – Non-Tournament | | Booster West | \$50.00 + tax | No deposit |

*Other tournament fees—If requested or required costs for field maintenance, rest room cleaning or garbage removal performed on a Saturday or Sunday of a reserved tournament event will be charged to the reservation holder on a time and materials basis. If additional sanitation facilities are required for a tournament this cost will be billed to the reservation holder.

RULES FOR USE

1. The approved applicant shall submit a key/damage deposit* or payments, if applicable, to the City Hall prior to the event. Key and damage deposit fee may be in the form of a personal or cashier's check. A deposit receipt will be issued. The amount of the deposit returned will be based on an inspection of the facilities. Full deposits will be returned as the un-cashed check as soon an inspection of the area occurs and the key is returned to City Hall. Keys must be signed out at the City Hall, during normal work hours (Monday–Friday 8:00 a.m. to 4:00 p.m.), located at 2241 221st Ave. NE, and is to be returned the next working day immediately following the activity.
2. Facilities are to be left in good condition. **Excessive refuse may subject the permit holder to additional cleanup or maintenance charges as determined by the City. The permit holder waives his/her rights to appeal any additional charges by accepting the permit for facility usage.**
3. The individual requesting the permit must be at **least 21 years of age** and will be responsible for activities for park and other facilities provided for in the permit.



City of East Bethel Park Commission Agenda Information

Date:

January 13, 2016

Agenda Item Number:

Item 6.0

Agenda Item:

Shade Tree Ordinance

Requested Action:

Consider updates and revisions to the Tree Preservation Ordinance

Background Information:

As part of the requirements for applying for the annual Tree City USA award, the DNR and Arbor Day Council would like our City to update a couple key components to our tree preservation ordinance as noted below.

Standard 2) A Tree Care Ordinance

A basic public tree care ordinance forms the foundation of a city's tree care program. It provides an opportunity to set good policy and back it with the force of law when necessary.

A key section of a qualifying ordinance is one that establishes the tree board or forestry department—or both—and gives one of them the responsibility for public tree care. It should also assign the task of crafting and implementing a plan of work or for documenting annual tree care activities.

Ideally, the ordinance will also provide clear guidance for planting, maintaining and removing trees from streets, parks and other public spaces as well as activities that are required or prohibited. Beyond that, the ordinance should be flexible enough to fit the needs and circumstances of the particular community.

An example of the Tree Commission establishment could include;

The City Council hereby establishes a Tree Commission. The composition and duties of the Tree Commission may be established and changed from time to time by resolution of the City Council. Until and unless such a resolution is adopted, the Tree Commission shall consist of the members of the City's Park Commission. The Tree Commission shall

advise the City Council on matters affecting the urban forest, in addition to such other duties as may be established by resolution.

Our ordinance would also have to address the care of public trees (parks, public right of way, etc.) and dealing with disease and insect hazards as well.

The attachments include sample and example ordinances that may be helpful in drafting an updated East Bethel ordinance.

Attachments:

- 1) East Bethel Tree Preservation Ordinance
- 2) Tree Ordinance Check List
- 3) Apple Valley Shade Tree Ordinance
- 4) City of Blaine Sample Ordinance

Fiscal Impact: None

Recommendation(s):

Staff recommends *****

Park Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required:_____

ARTICLE VIII. TREE PRESERVATION

ARTICLE VIII. TREE PRESERVATION

[Sec. 66-214. Purpose.](#)

[Sec. 66-215. Scope of application.](#)

[Sec. 66-216. Tree preservation for subdivisions.](#)

[Sec. 66-217. Custom graded lots/home builders requirements.](#)

[Sec. 66-218. Tree replacement.](#)

[Sec. 66-219. Review process.](#)

[Sec. 66-220. Removal of diseased trees required.](#)

[Sec. 66-221. Compliance with plan.](#)

[Secs. 66-222—66-250. Reserved.](#)

Sec. 66-214. Purpose.

The city finds it is in the best interest of the public to protect, preserve, and enhance the natural environment and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the city has established the tree preservation regulations herein.

(Ord. of 10-17-2007, § 9(9-1))

Sec. 66-215. Scope of application.

A tree preservation plan shall be submitted to and approved by the city and implemented in accordance with all subdivisions of five or more lots. If no significant trees or woodlands are present on the site, a tree preservation plan will not be required.

(Ord. of 10-17-2007, § 9(9-2))

Sec. 66-216. Tree preservation for subdivisions.

(a) *Required actions.* Applicants shall:

- (1) Incorporate the preservation of trees into the overall design of the plat.
- (2) Prepare a tree preservation plan superimposed on the grading plan as described in this article.
- (3) Ensure the tree preservation plan is followed during the plan development (mass grading).
- (4) Provide a financial guarantee as part of the development agreement to guarantee the preparation and implementation of the preservation plan and the replacement of all significant trees which were to be saved but were actually destroyed or damaged. The financial security in an amount determined by city council and adopted by resolution shall be provided for:
 - a. Each mass graded lot with at least one significant tree to be saved;
 - b. Each custom graded lot with at least one significant tree on the lot; and

- CODE OF ORDINANCES
Chapter 66 - SUBDIVISIONS

ARTICLE VIII. TREE PRESERVATION

- c. Each outlot with at least one significant tree.
 - (5) Install snow fencing or polyethylene laminar safety netting at the drip line or critical root zones (CRZs) of trees to be saved.
 - (6) Install signage at all tree protection areas that instructs workers to stay out.
 - (7) Install erosion control measures.
 - (8) Keep tree protection measures in place and in good condition until all grading and construction activity is terminated.
 - (9) Prevent change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
- (b) *Prohibited actions.*
- (1) No soil disturbance shall occur within the subdivision until the tree preservation plan is approved, financial securities have been submitted and development agreement approved, and tree protection measures are in place on site.
 - (2) Construction staging areas and areas for the storage of equipment and stockpiling of materials shall not be within tree protection areas.
 - (3) Fill shall not be placed against tree trunks, under the drip line, or in CRZs of trees to be saved.
 - (4) Pruning of oak trees shall not take place from April 1 through July 15. If wounding of oak trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators shall have a nontoxic tree wound dressing with them on the development site.
- (c) *Tree preservation plan.* The tree preservation plan shall be submitted by a forester or landscape architect retained by the applicant and shall consist of the following items:
- (1) Tree inventory that includes the size, species, tag numbers, and locations of all significant trees, specimen trees, and significant tree stands on the property being platted.
 - (2) Mass graded areas and proposed grades. Changes in grades should be well planned with the objective of preserving significant trees.
 - (3) Custom graded lot.
 - (4) All significant trees proposed to be saved and significant trees proposed to be removed in soil disturbance areas.
 - (5) The plan shall designate tree save zones for:
 - a. Areas not in soil disturbance areas or within 50 feet of such areas;
 - b. All specimen trees to be saved; and
 - c. All significant tree stands to be saved.
 - (6) Measures proposed to protect significant trees, including, but not limited to:
 - a. Tree removal procedures including directional felling away from existing trees to be saved and trenching to separate root systems prior to bulldozing trees or stumps.
 - b. Installation of signage at all tree protection areas that instructs workers to stay out.
 - c. Installation of snow fencing or polyethylene laminar safety netting at the drip line or CRZs of trees to be saved.
 - d. Installation of erosion control measures.

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- e. Designation of a construction staging area along with a designated area for the storage of equipment and stockpiling of materials that is not within tree save zones.
 - f. Construction access locations.
 - g. Overlay of the subdivision utility plan on the tree preservation plan to strategically lay out utility locations and trenches in a manner that protects trees to be saved. Individual utility stubs to home sites shall be reviewed for compliance with tree preservation plans.
- (d) *Certification of plan implementation.* After mass grading has been completed and streets and utilities installed, the subdivider's forester or landscape architect shall:
- (1) Certify in writing to the city the status of all trees indicated as trees to be saved in the approved plan.
 - (2) Certify in writing to the city whether tree protection measures were installed.
 - (3) Certify the status of any remove-designated trees that were saved.
- (e) *Damaged trees.* If a significant tree indicated to be saved on the tree preservation plan is destroyed or damaged, the applicant shall replace in accordance with the tree replacement requirements of [section 66-218](#)
- (f) *Release of financial security.* The financial security will be released upon:
- (1) Certification in writing by the forester or landscape architect indicating that the tree protection measures were installed on mass graded lots and tree replacement is completed, if necessary. These must be confirmed by the city.
 - (2) The home builders having posted a security for the custom graded lots.
- (Ord. of 10-17-2007, § 9(9-3))

Sec. 66-217. Custom graded lots/home builders requirements.

- (a) *Required actions.* Home builders shall:
- (1) Furnish the following items for tree preservation at the time the building permit application is submitted for all lots with at least one significant tree identified for preservation in a subdivision tree preservation plan.
 - a. A tree preservation plan with the elements described in subsection (c) of this section. The individual lot tree preservation plan shall be certified by a forester or landscape architect and signed by the home builder or homeowner.
 - b. A financial security in an amount determined by city council, and adopted by ordinance, shall be required for tree protection requirements for each lot or outlot with at least one significant tree to be saved and each lot that is a custom graded lot.
 - (2) Builders shall be liable for their subcontractors that destroy or damage significant trees that were indicated to be saved on the individual lot tree preservation plan.
 - (3) Tree protection measures shall remain in place until all grading and construction activity is terminated.
 - (4) Site grading for individual lots shall comply with the final grading plan of the plat and shall not result in the flooding of tree preservation areas.
- (b) *Prohibited actions.*

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- (1) No soil disturbance shall occur within the lot until the tree preservation plan is approved and tree protection measures are in place.
 - (2) Pruning or removal of oak trees shall not take place from April 1 through July 15 unless an approved tree management plan is submitted by a certified forester or landscape architect. If wounding of oak trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators shall have a nontoxic tree wound dressing with them on the development site.
 - (3) Builders, contractors, or others working on site shall not fill, stockpile materials, or store equipment or vehicles against the trunk of the tree in the CRZ or under the drip line of a tree to be saved.
- (c) *Tree preservation plan.*
- (1) On mass graded lots with at least one significant tree to be saved, home builders are required to follow the tree preservation plan for the plat.
 - (2) For each custom graded lot with at least one significant tree, the home builder shall submit an individual lot tree preservation plan. The plan shall be consistent with the original tree preservation plan for the plat. The homeowner and/or home builder, forester, or landscape architect shall meet with city staff prior to the development of the individual lot tree preservation plan to determine the placement of the home where the fewest significant trees would be destroyed or damaged. The home builder shall be responsible for ensuring the tree preservation plan is followed during building construction.
 - (3) The tree preservation plan shall be prepared and incorporated on the certificate of survey for a building permit and shall include the following:
 - a. Size, species, and location of all significant trees, specimen trees, and significant tree stands, including significant trees with drip lines or CRZs extending over the lot line of an adjoining lot.
 - b. Identification of all significant trees proposed to be saved and significant trees proposed to be removed, including significant trees with drip lines or CRZs extending over the lot line of an adjoining lot.
 - c. Location of snow fencing or polyethylene laminar safety netting placed at the drip line or CRZs.
 - d. Installation of signage at all tree protection areas that instructs workers to stay out.
 - e. Erosion control methods.
 - f. Measures proposed to protect significant trees, including, but not limited to:
 1. Tree removal procedures including directional felling away from existing trees to be saved and trenching to separate root system prior to bulldozing trees or stumps.
 2. Coordination of utility planning with tree preservation plan to strategically extend utility connections from the street to the house in a manner that protects trees intended to be saved.
 3. Measures for preventing changes in soil chemistry due to concrete wash out and leakage or spillage of toxic materials such as fuels or paints.
 - g. Creation of a temporary access road when temporary site access through a significant tree stand or a CRZ of a significant tree to be saved is necessary that meets the following standards:
 1. The temporary access road shall be routed in a manner that is least disruptive to the significant tree stand per the approval of the zoning administrator.

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2. Temporary access roads shall not exceed 25 feet in width and shall be delineated by snow fencing or safety fencing.
3. An eight-inch-deep cover of wood chip mulch shall be placed over the temporary access road to cushion the CRZs from compaction.
- (4) The zoning administrator shall monitor the tree protection measures at the time of routing inspections.
- (5) If tree replacement is required on the individual lot because the builder destroyed or damaged a tree that was to be saved, the forester or landscape architect in conjunction with the property owner shall determine where the replacement trees shall be installed. Tree replacement shall be consistent with [section 66-218](#)
- (6) Prior to the issuance of a certificate of occupancy and release of tree preservation security, the forester or landscape architect shall certify to the city in writing the final disposition of saved trees on the lot and that all the tree protection measures identified on the tree preservation plan were installed from the start of construction to the end of construction and tree replacement is completed, if necessary.

(Ord. of 10-17-2007, § 9(9-4))

Sec. 66-218. Tree replacement.

- (a) *Trees required.* Subdividers and/or home builders shall be required to replace significant trees which were indicated on the tree preservation plan to be saved but ultimately were destroyed or damaged on a two to one basis as measured by caliper inches. Specimen trees will be replaced on a four to one ratio as measured by caliper inches. Trees cleared on housing pad, driveway, and septic areas are not required to be replaced.
- (b) *Size requirements.* Replacement trees shall consist of nursery stock and be no less than the following sizes:
 - (1) *Deciduous trees.* Deciduous trees shall be no less than 2.5 caliper inches in diameter.
 - (2) *Coniferous trees.* Coniferous trees shall be no less than six feet high.
- (c) *Species requirements.* Replacement trees shall be species similar to the trees that were destroyed or damaged and can include those species shown on the following table:

| | |
|-------------------|---------------------------------------|
| Deciduous trees: | |
| | Ash |
| | Linden |
| | Birch |
| Coniferous trees: | |
| | Black Hills, Norway, and White Spruce |

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| | |
|--|-------------------|
| | Eastern Red Cedar |
|--|-------------------|

- (d) *Limited use trees.* The following trees should be limited and used with caution because of susceptibility to disease or structural instability.

| | |
|-------------------|-----------------------|
| Deciduous trees: | |
| | Maple |
| | Elm |
| | Oak |
| Coniferous trees: | |
| | White and Norway Pine |
| | Colorado Blue Spruce |

- (e) *Placement restrictions.* Replacement trees shall not be placed on easements or street rights-of-way. The zoning administrator shall determine the locations of tree replacement for subdividers' tree plans.
- (f) *Removal of dead or unhealthy trees.* Any replacement tree that is not alive or healthy, as determined by the zoning administrator, or that subsequently dies due to construction activity within one year after the date of project closure, shall be removed by the applicant and replaced with a new healthy tree meeting the same minimum size requirements within eight months of removal.

(Ord. of 10-17-2007, § 9(9-5))

Sec. 66-219. Review process.

The tree preservation plan shall be reviewed by city staff to assess the best possible layout to preserve significant trees and significant woodlands. The preservation plan will be designed to enhance the efforts to minimize damage to significant trees or woodlands. The applicant shall meet with the city prior to submittal of the subdivision application or prior to application for the grading permit, whichever is sooner, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage, and other physical features, in order that the fewest significant trees and significant tree stands are destroyed or damaged. The subdivision tree preservation plan shall follow the preliminary plat/final plat review process. Individual lot tree preservation plans shall be processed with the building permit.

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(Ord. of 10-17-2007, § 9(9-6))

Sec. 66-220. Removal of diseased trees required.

Prior to any grading, all diseased and hazardous trees on the subject property shall be removed from the property without replacement.

(Ord. of 10-17-2007, § 9(9-7))

Sec. 66-221. Compliance with plan.

The applicant shall implement the tree preservation plan prior to and during any construction or improvements. The tree protection measures of the plan shall remain in place until all grading and construction activity is terminated, or until a request is made to and approved by the city. The city shall have the right to inspect the development and/or building site in order to determine compliance with the approved tree preservation plan. The city shall determine whether compliance with the tree preservation plan has been met.

(Ord. of 10-17-2007, § 9(9-8))

Secs. 66-222—66-250. Reserved.

Sample City Tree Ordinance Check List

- Section 1: Definitions
- Section 2: Creation and Establishment of City Tree Board
- Section 3: Term of Office
- Section 4: Compensation
- Section 5: Duties and Responsibilities
- Section 6: Operation
- Section 7: Street Tree Species to be Planted
- Section 8: Spacing
- Section 9: Distance from Curb and Sidewalk
- Section 10: Distance from Street Corners and Fireplugs
- Section 11: Utilities
- Section 12: Public Tree Care
- Section 13: Tree Topping
- Section 14: Pruning, Corner Clearance
- Section 15: Dead or Diseased Tree Removal on Private Property
- Section 16: Removal of Stumps
- Section 17: Interference with City Tree Board
- Section 18: Arborists License and Bond
- Section 19: Review by City Commission
- Section 20: Penalty

or other like material. The city's costs and expenses shall include any engineering, legal or administrative expenses. This section shall not apply to an applicant who is performing new construction or any project activities, which this chapter regulates and disturbs an area of less than one acre in size on an existing individual lot or parcel on which a one-family or two-family residential use is permitted and the construction or activity is not in connection with a new development. This security exemption shall not apply if it is determined that there is a strong potential for environmental degradation.

(B) *Amount of security.* The amount of security shall be 125% of the estimated cost to accomplish compliance with the approved natural resources management plan or \$2,000, whichever is greater, in addition to any other security performance required by any other regulation in this code. The estimated cost shall be subject to approval by the city.

(C) *Release of security.* The security may be retained by the city until all conditions and requirements of the NRMP have been met and permanent stabilization has been installed and confirmed by the city to be effectively in place. No security or any portion thereof will be released if the project is not substantially completed. If noncompliance is found, the city may retain that portion of the security equal to the cost of bringing the project into compliance with the approved natural resources management plan.

(D) *City remedy.* If compliance with the approved natural resources management plan is not accomplished within the allowable time period, the city may bring the project into compliance by use of the security.

(E) *Exemptions.* The city shall be exempt from the requirements of this section.

(Ord. 633, passed 10-9-97; Am. Ord. 864, passed 6-11-09)

§ 152.25 VARIANCES AND ALTERNATIVE PROTECTIVE METHODS.

(A) *Variances.* A request for a variance from the application of any requirement or provision of this chapter shall be made to and considered by the city pursuant to the provisions for variances as set forth in the zoning regulations in this code.

(B) *Violation.* If a variance is granted, any violation of any condition to which the variance is subject shall be a violation of this chapter and shall automatically terminate the variance, subject to any enforcement procedures consistent with a finding of noncompliance.

(C) *Alternative protective methods authorized.* The city may permit an alternative protective treatment or management method upon the city's determination that the proposed alternative method, with such further conditions as the city may impose, will achieve an equal or greater degree of natural resource protection than would strict compliance with the provisions herein.

(Ord. 864, passed 6-11-09)

FORESTRY

§ 152.40 CITY FORESTER POSITION CREATED; DUTIES.

(A) *Position created.* The city's Public Works Director shall be the Forester. The powers and duties as set forth in this subchapter are hereby conferred upon the Forester or his or her duly authorized agent.

(B) *Duties.* It is the duty of the City Forester to coordinate, under the direction and control of the Council, all activities of the city relating to the control and prevention of insect-infested and diseased trees, including but not limited to, emerald ash borer, Dutch elm, and oak wilt diseases. The Forester shall recommend to the Council the details of a program for the control of insect-infested and diseased trees, and perform the duties incidental to a program adopted by the Council, and other duties as provided by this chapter.

(Ord. 633, passed 10-9-97; Am. Ord. 818, passed 7-12-07; Am. Ord. 864, passed 6-11-09)

§ 152.41 FORESTRY PROGRAM.

The forestry program shall provide for inspection of trees on public and private property for the purposes of enforcement of applicable sections of this code.

(Ord. 633, passed 10-9-97; Am. Ord. 864, passed 6-11-09)

§ 152.42 MAINTENANCE AND REMOVAL OF TREES.

(A) *Duties.* The city shall have the right to maintain and/or remove trees while performing maintenance duties within any public right-of-way or easement. Maintenance duties shall include, but are not limited to, sidewalk, path, utility and street maintenance and/or repair. The city shall notify property owners adjacent to trees that may be impacted by the performing of maintenance duties. In cases of emergency maintenance within a public right-of-way or easement, the city shall attempt to contact adjacent property owners when trees may have to be maintained and/or removed, but shall also consider the general health, safety and welfare of the community with respect to hazards that may exist.

(B) *Charges for services.* The city may charge the abutting property owner or legal possessor the cost incurred by the city for maintenance and/or removal of trees located within any right-of-way or easement. Any charges not paid within 30 days of the due date stated on the city's invoice shall be deemed delinquent and subject to collection as a special assessment to be collected in accordance with M.S. § 429.101.

(C) *Removal of hazard tree.* Any hazard tree on any private property, which if it fell may land within any public right-of-way or property owned by another person or entity, shall be removed immediately and in no case more than 15 days after being served notice by the city to remove the tree. Any such tree shall be deemed a public safety hazard and public nuisance and subject to the provisions for special charges assessment as set forth in division (B) herein.

(Ord. 633, passed 10-9-97; Am. Ord. 864, passed 6-11-09)

§ 152.43 TREE WORK LICENSE.

(A) *License required.* It shall be unlawful for any person to conduct as a business the cutting, trimming, pruning, removal, spraying or otherwise treating of trees in the city without first having secured a license from the city to conduct the business.

(B) *Application; fee and expiration.*

- (1) Application for a license shall be made at the office of the City Clerk.
- (2) The application for a license shall be made at the office of the City Clerk.
- (3) The annual fee for the license shall be in the amount specified in the appendix to Chapter 35.
- (4) All licenses issued under the provisions of this chapter shall expire on December 31 following the date of issue.

(C) *Liability insurance.* No license or renewal shall be granted, nor be effective, until the applicant files with the City Clerk proof of a public liability insurance policy covering all operations of the applicant hereunder for the sum of at least \$300,000 combined single limit coverage. The policy shall provide that it may not be canceled by the insurer, except after ten days written notice to the city, and if the insurance is so canceled and the licensee fails to replace the same with another policy conforming to the provisions of this section, the license shall be automatically suspended until the insurance shall have been replaced.

(D) *Conformance required.* All contractors licensed under the requirements of this section shall conform with the abatement methods as prescribed by this subchapter, as they relate to emerald ash borer infestation, and Dutch elm and oak wilt diseases.

(E) *Revocation of license.* Failure to comply with any part of the tree treating license shall be grounds for revocation of the license by the City Council, following a public hearing. Written notice of the public hearing shall be mailed at least ten days prior to the hearing to the current holder of the license. The notice should outline the violation(s) considered by the city to be grounds for revocation and inform the current holder of the license of the opportunity to be heard at the public hearing.

(F) *Chemical treatment requirements.* Applicants, who propose to use chemical substances in any activity related to treatment or control of insect-infested and diseased trees, shall file with the City Clerk proof that the applicant or employee of the applicant administering treatment has been certified by the Agronomy Division of the state department of agriculture as a "commercial pesticide applicator." Certification shall include knowledge of tree disease or insect infestation chemical treatment.

(Ord. 633, passed 10-9-97; Am. Ord. 818, passed 7-12-07; Am. Ord. 864, passed 6-11-09)

§ 152.44 MINIMUM HEIGHT OF TREE LIMBS.

All limbs of trees or portions of limbs which overhang public streets, sidewalks or paths and are less than ten feet above the surface

of any public sidewalk or path or are less than 13 feet above the surface of any public street constitute a nuisance and are prohibited. When limbs of a tree overhang both a public sidewalk and a public street, they shall be trimmed to a height of 13 feet above the surface of the street. This section shall not apply to any tree to which pruning or trimming would endanger the tree's health as determined by the city, unless a public nuisance exists.

(Ord. 633, passed 10-9-97; Am. Ord. 752, passed 6-10-04; Am. Ord. 864, passed 6-11-09)

§ 152.45 SHADE TREE DISEASE REGULATION.

(A) *Declaration of policy.* The Council has determined that the health of ash, elm and oak trees within the municipal limits are threatened by insect infestation known as emerald ash borer, and fatal diseases known as Dutch elm and oak wilt. It has further been determined that the loss of ash, elm and oak trees growing upon public and private property would substantially depreciate the value of property within the city, and may impair the health, safety and general welfare of the public. It is declared to be the intention of the Council to control the spread of insect infestation and diseases affecting trees, and this section is enacted for that purpose.

(B) *Insect and disease control programs; coordinator.* It is the intention of the Council to conduct a program of plant pest and disease control pursuant to the authority granted by M.S. § 18G.13, as amended. The program is directed specifically at the control and elimination of the emerald ash borer, Dutch elm disease fungus, elm bark beetles and oak wilt fungus, and is undertaken at the recommendation of the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources and the University of Minnesota Extension.

(C) *Nuisance declared.* The following shall constitute a public nuisance:

- (1) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Ophiostoma Ulmi*, or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hyluigopinus Rufipes* (Marsh);
- (2) Any living or standing red oak tree or part thereof infected to any degree with the oak wilt fungus *Ceratocystis Fagacearum*;
- (3) Any dead elm or red oak tree or part thereof, including logs, branches, stumps, firewood or other elm or oak material from which the bark has not been removed or sprayed with an effective elm bark beetle insecticide or oak wilt fungus deterrent; or
- (4) Any living or standing ash tree, or any part thereof, harboring or infested with emerald ash borer beetles or larvae or eggs thereof (*Agilus planipennis*); or any dead ash tree or part thereof, including logs, branches, stumps, firewood, or other ash tree material from which the bark has not been removed or sprayed with effective emerald ash borer insecticide.

(D) *Inspection and investigation.*

- (1) *Annual inspection.* The City Forester or assignee shall inspect all premises within the city, annually or as often as practicable, to determine whether any condition exists which is in violation of this chapter. The Forester shall investigate all repeated incidents of tree disease.
- (2) *Entry on private premises.* The Forester or assignee may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned.
- (3) *Diagnosis.* In determining tree disease or insect infestation, the Forester shall use current technical procedures.

(E) *Nuisance abatement methods.* In abating any public nuisance as defined in this section, the Forester shall cause the infected tree or wood to be sprayed, removed or otherwise effectively treated so as to destroy and prevent the spread of emerald ash borer, Dutch elm disease fungus, elm bark beetles, oak wilt fungus or other regulated tree disease. Any abatement shall be carried out in the following manner:

- (1) In trees infected with Dutch elm disease (1) that have the potential to spread the disease, any portion of the tree larger than two inches in diameter shall have the bark removed, chipped or covered with at least four mil plastic, making a tight seal to the ground, until the bark falls off.
- (2) Pre-sporulating red oak wood, infected with oak wilt fungus, that is larger than two inches in diameter shall have the bark removed, chipped or covered with at least four mil plastic, making a tight seal to the ground, until the bark falls off.
- (3) All ash tree wood must be chipped into pieces no larger than one inch diameter.
- (4) Other current technical procedures which are accepted by such agencies as the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources or the University of Minnesota may be utilized with city approval.

(F) *Procedure for removal of infected trees and wood.* Whenever the Forester finds that infestation or disease exists in any tree or wood in any public or private place in the city, the Forester shall proceed as follows:

(1) If the Forester finds that danger of insect infestation or spread of tree disease is imminent, the Forester may order any treatment or tree removal determined to be necessary to abate the nuisance.

(2) In all other cases, prior to any treatment or removal, the Forester shall cause written notice of proposed actions to be sent by regular mail or personally delivered to the occupant or the owner of the premises. Failure to give notice shall not invalidate the city's actions. The Forester may order any treatment or tree removal determined necessary to abate the nuisance.

(G) *Payment for abatement.* Any costs incurred by the city in connection with the city's abatement of any diseased tree, as permitted in this section, shall be the responsibility of the property owner. The city may charge the property owner or legal possessor the cost incurred by the city in connection with the abatement of any diseased tree. Any charges not paid by the property owner or legal possessor within 30 days of the due date stated on the city's invoice shall be deemed delinquent and subject to collection as a special assessment, which shall be collected in accordance with M.S. § 429.101.

(H) *Transporting of infected ash, elm or oak wood.* It is unlawful for any person to transport within the city any infected, bark-bearing ash, elm or oak wood determined to be a nuisance by the Forester. The Forester shall grant permission for the transportation of the wood only when the purpose of this chapter is served.

(I) *Unlawful acts.* A violation of this section is declared to be a public nuisance and it is unlawful for any person to permit the public nuisance to remain on any property owned or controlled by the person within the city. All public nuisances may be abated by the city and the costs thereof assessed against the property as prescribed in Chapter 94 of the code.

(Ord. 633, passed 10-9-97; Am. Ord. 712, passed 4-25-02; Am. Ord. 818, passed 7-12-07; Am. Ord. 864, passed 6-11-09; Am. Ord. 930, passed 4-12-12) Penalty, see § 10.99

§ 152.46 TREE PRESERVATION REQUIREMENTS.

(A) *Tree removal and replacement.* Removal or loss of significant trees shall be in accordance with the city-approved tree preservation component of the natural resources management plan. All significant trees on the property, as identified in the tree preservation component of the plan, shall be tagged with the coordinating number as stated in the plan before any project work begins and shall remain tagged until completion of the project. Tree removal and replacement shall be as follows:

(1) For individual lot development for commercial, industrial, and institutional uses, 10% of the total number of diameter inches of significant trees removed must be replaced with caliper inches within the subject lot. Trees replaced under this requirement may be used to satisfy part of the landscape requirement for the lot;

(2) For individual lot development for residential use, when tree removal that occurs within the building footprint, impervious surface areas (such as driveways and sidewalks), or within 20 feet of foundation walls and:

(a) Exceeds six significant trees, replacement shall consist of a maximum of 12 caliper inches, located on the subject lot; or

(b) Consists of six significant trees or less, replacement shall consist of a minimum of two caliper inches for every significant tree removed, located on the subject lot;

(3) When tree removal occurs more than 20 feet outside the foundation walls, replacement shall be a minimum of two caliper inches for every significant tree removed, located on the subject lot; and

(4) For all projects not covered by divisions (1), (2) and (3) above including, but not limited to, subdivision grading, 10% of the total number of diameter inches of significant trees removed must be replaced with caliper inches within the subdivision. Trees replaced under this requirement may be used to satisfy part of any landscape plan requirements under this code.

(B) *Size, types, diversification of replacement trees.* No more than one-third of the replacement trees shall be of the same species of tree, without approval of the city. Box elder, poplar, willow and silver maple are not permitted as replacement trees. Replacement trees must be no less than the following sizes:

(1) Deciduous trees shall be no less than two caliper inches; and

(2) Coniferous trees shall be no less than six feet high.

(C) *Time to perform.* Replacement trees shall be planted prior to the expiration of the permit or within 30 days of completion of all

construction on the property, whichever first occurs, unless otherwise approved by the city for reasons of time of planting season. The applicant shall inform the city when all replacement trees have been planted in order that the city may inspect the subject property for compliance with the tree preservation component.

(D) *Quality of replacement trees.* Replacement trees shall be healthy stock, free of insects and disease and meet the guidelines set by the American Standards of Nursery Stock.

(E) *Violation of natural resources management plan-Tree Preservation Component.* The applicant shall comply with the following requirements if any loss of any significant tree, as defined herein, occurs in violation of the city-approved tree preservation component of the natural resources management plan for the subject property:

(1) Replace the diameter inches of the significant tree lost with equal caliper inches in accordance with division (B) of this section; and

(2) Any loss of a significant oak tree shall be replaced by an oak tree and the location of the replacement oak tree shall be determined by the city.

(F) The applicant shall comply with the foregoing requirements upon a 30-day written notice by the city of the loss of a significant tree in violation of the city-approved tree preservation component of the natural resources management plan.

(Ord. 864, passed 6-11-09)

WATER RESOURCES

§ 152.55 STORM AND SURFACE WATER REGULATIONS.

(A) *Conformance with operational plans.* All construction, land-disturbing activity, and new development shall comply with any applicable operational plan.

(B) *Maintenance agreement.* The property owner of the land for which a project is proposed and an NRMP is required shall enter into an agreement with the city which shall be approved by the city and shall provide for design specifications, the maintenance and inspection requirements and right of access, for any permanent stormwater management device, facility, or structure for infiltration and filtration as required by this chapter. The agreement shall apply to the current property owner and to any assigns, heirs or subsequent owners of the property. The duly executed agreement, and any amendment thereto, shall be recorded against the property with the Dakota County Recorder's Office.

(C) *Temporary erosion and sediment control standards.*

(1) All projects requiring an NRMP, regardless of disturbance size, shall, at a minimum, meet the construction activity requirements specified in the Minnesota Pollution Control Agency NPDES Permit for construction activity. Such minimum standard shall not prohibit the city from requiring further protection measures as deemed necessary to prevent pollution or protect human health, welfare, or safety as set forth in this chapter.

(2) No land disturbing activity shall commence without first properly installing BMPs, unless written permission is granted otherwise by the city.

(3) Temporary erosion and sediment controls shall be installed and maintained while any disturbance of land is undertaken so as to prevent and reduce pollution entering any water body or stormwater facility. Temporary erosion and sediment controls are required even if an NRMP is not required for the activity and said controls shall be as required herein for any activity for which an NRMP is required.

(D) No person shall deposit or permit the deposit of any illicit discharge into the city's stormwater system.

(Ord. 633, passed 10-9-97; Am. Ord. 712, passed 4-25-02; Am. Ord. 864, passed 6-11-09) Penalty, see § 10.99

§ 152.56 WETLAND CONSERVATION REGULATIONS.

(A) Except as otherwise provided in this code, the Minnesota Wetland Conservation statutes and regulations (commonly referred to collectively as the Minnesota Wetland Conservation Act), as amended, are hereby incorporated herein and adopted by reference,

City of Blaine Sample

- **Sec. 90-72. - Finding of fact; intent; coordinator.**

(a)Findings. The council has determined that the urban forest both planted and existing woodlands are a vital component of the city infrastructure. It is further determined the urban forest within the city is threatened by fatal tree diseases including Dutch elm and oak wilt diseases. It has further determined that the loss of trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and quality of life of the public.

(b)*Intent.* It is the intention of the council to control the spread of epidemic diseases and insects in the urban forest and ensure that the urban forest is safeguarded from both natural and human hazards.

(c)*Coordinator.* The city forester shall act as coordinator between the commissioner of agriculture and the council in the conduct of this program.

(Code 1980, § 20-20; Ord. No. 98-1701, 3-5-1998)

- **Sec. 90-73. - City forester.**

It is the duty of the city forester to coordinate and administer, under the direction and control of the city manager, all activities of the city relating to shade tree management and to the control and prevention of Dutch elm disease, oak wilt disease, and other epidemic diseases including insect infestation of shade trees. The city forester shall recommend to the city manager the details of a program for the control of such diseases and administer the program. The city forester shall develop and maintain an informational program relating to the control and abatement of epidemic diseases and of shade tree management.

(Code 1980, § 20-21; Ord. No. 98-1701, 3-5-1998)

- **Sec. 90-74. - Designation of tree disease control areas.**

(a)The city forester under the direction of the city council will designate the shade tree disease control areas within the city in which this article must be used.

(b)The oak wilt disease control area will be the entire area within city limits. Efforts to reduce overland transmission of the oak wilt disease will occur within the entire control area. Efforts to control root graft transmission of the oak wilt disease will be mandated on unplatted land and will be voluntary on platted land.

(c)The Dutch elm disease control areas will be designated by the city forester based on incidents of disease.

(Code 1980, § 20-22; Ord. No. 98-1701, 3-5-1998)

- **Sec. 90-82. - Oak wilt protection**

The pruning of oaks must be avoided during the most susceptible period of infection, April 15 to July 1. If wounding is unavoidable during this period, as in the aftermath of a storm or when the tree interferes with utility lines, a tree wound dressing must be applied immediately to the wound.

(Code 1980, § 20-30; Ord. No. 98-1701, 3-5-1998)

- **Sec. 90-83. - Planting.**

All trees planted on public property will conform with location, cultivar or variety, and planting specifications approved by the city forester.

(Code 1980, § 20-31; Ord. No. 98-1701, 3-5-1998)

- **Sec. 90-84. - Public tree care.**

The city has the right to plant, prune, maintain, remove or perform any other arboricultural practices as necessary on all public property including the street right-of-way to ensure public safety and to preserve or enhance the symmetry and beauty of such public grounds.

(Code 1980, § 20-32; Ord. No. 98-1701, 3-5-1998)

- **Sec. 90-85. - Abuse or mutilation of public trees.**

Unless specifically authorized by the city forester, no person shall intentionally damage, cut, carve, transplant, remove any tree, attach any rope, wire, nails, advertising poster, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to come in contact with any tree, or set fire or permit any fire to burn when the heat could injure any portion of any tree, or top a tree by severely cutting back the tree canopy to a stub.



City of East Bethel Park Commission Agenda Information

Date:

January 13, 2016

Agenda Item Number:

Item 7.0

Agenda Item:

Parks, Trails, and Open Space Comprehensive Plan

Requested Action:

Continue Review and Update of Parks Comprehensive Plan

Background Information:

The current Parks, Trails, and Open Space Plan was developed for the City of East Bethel in 2007. Regular reviews and updates of the plan are necessary to see if goals are being met and what park projects still need to be completed along with any changes in the City's priorities.

One item of note with the current plan is that although the plan provides a broad planning framework, the scope may be too large for what the City can actually reasonably accomplish. Also, a number of assumptions were used while developing the comprehensive plan that did not take into account the economic downturn and stagnation of growth that occurred in the last 7 years. With that, the plan overestimated projected populations, park needs, and revenue streams for the proposed projects.

At the October Park Commission meeting, the commission discussed which trails would provide the most benefit to the City and requested an updated map reflecting those changes (Attach #1).

Attachments:

- 1) Current trail system map with proposed trails

Fiscal Impact: None at this time

Recommendation(s): Discussion item

Park Commission Action

Motion by: _____

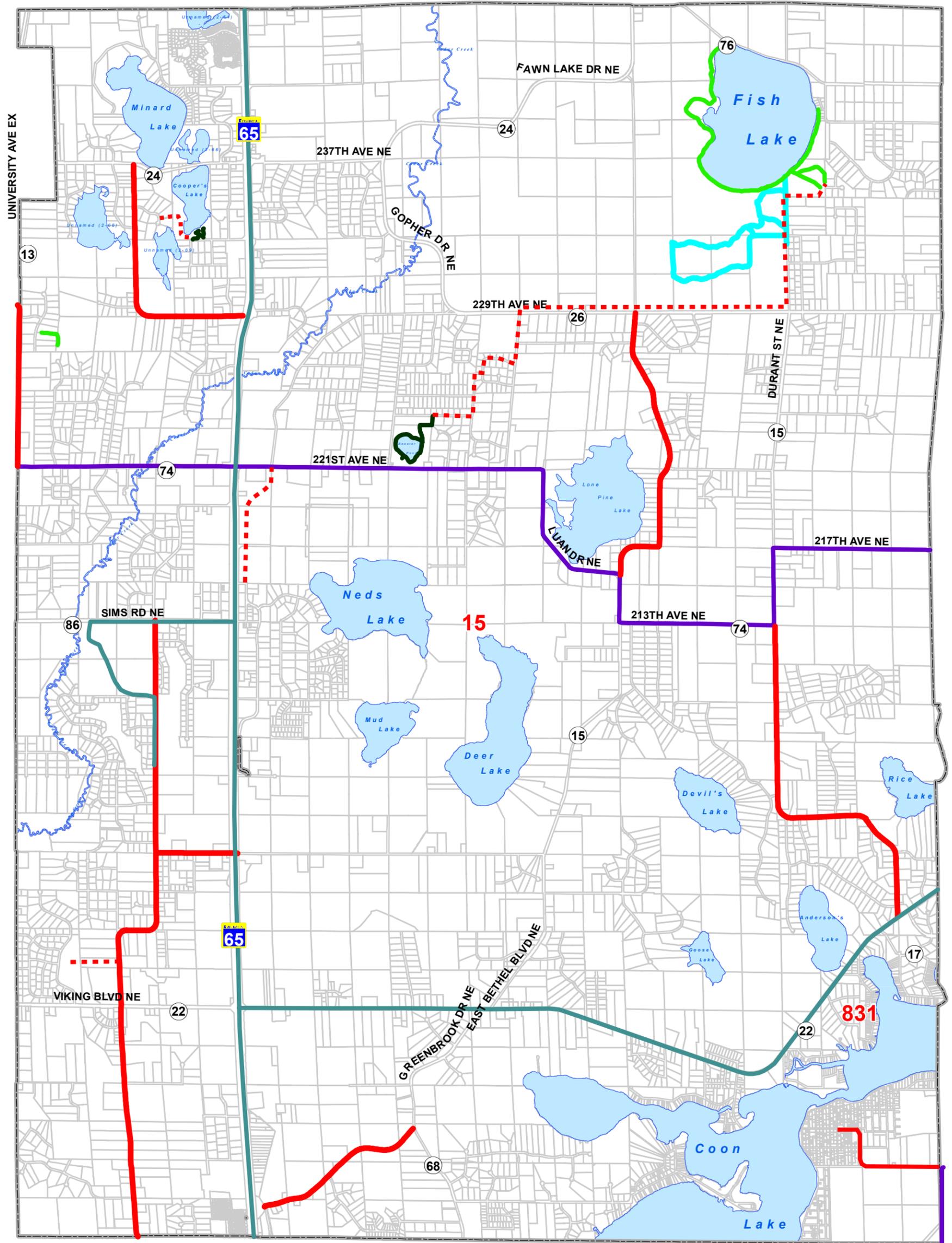
Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

TRAILS



LEGEND

- | | |
|--|--|
| Trails |  Parcel/Lot |
|  On Road |  Water |
|  Off Road - Natural |  City Limits |
|  Off Road - Paved |  Proposed Municipal |
|  Winter Use Only | |
|  Proposed Regional | |
|  State Snowmobile Trail | |

Map Date: January 2014



Sources:
Anoka County
East Bethel Planning Department
East Bethel GIS



City of East Bethel Park Commission Agenda Information

Date:

January 13, 2016

Agenda Item Number:

Item 8.0

Agenda Item:

Council Report and Other Business

Requested Action: Informational

Background Information:

Staff and the Parks Commission will continue discussions on the future direction of the City's Parks and projects with the City Council liaison Tom Ronning. The purpose of this discussion will be to formulate goals and objectives for the park development program and to update the commission on issues currently before the City Council.

Attachments:

Fiscal Impact:

Recommendation(s):

Park Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____