



**City of East Bethel  
Park Commission Agenda**

**6:30 PM**

**Date: February 10, 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 Oath of Office
- 6:33 PM 4.0 Election of Chair and Co-Chairperson
- 6:40 PM 5.0 Approve – January 13, 2016 Minutes
- 6:50 PM 6.0 Park Financial Information
- 6:55 PM 7.0 Dog Park Request
- 7:20 PM 8.0 Tree Ordinance
- 7:30 PM 9.0 Council Report and Other Business
- 7:45 PM 10.0 Adjourn



Oath of Office

City of East Bethel  
East Bethel, Minnesota

Please raise your right hand and read aloud:

I, \_\_\_\_\_, do solemnly swear or affirm that I will support the  
Constitution of the United States of America and the State of Minnesota,  
and faithfully discharge the duties as a member of the City of East  
Bethel Park Commission in the County of Anoka and the State of  
Minnesota to the best of my ability. So help me God.



# City of East Bethel Park Commission Agenda Information

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**Date:**

February 10, 2106

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**Agenda Item Number:**

Item 4.0

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**Agenda Item:**

Election of Officers

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**Requested Action:**

Select the Chairperson and Vice-Chairperson for the 2016 Parks Commission

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**Background Information:**

**Attachments**

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**Fiscal Impact:**

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**Recommendation(s):**

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**Park Commission Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

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Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

EAST BETHEL PARK COMMISSION MEETING

January 13, 2016

The commission met at 6:30 pm at the East Bethel City Hall for the regular monthly meeting.

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

ALSO PRESENT:              Nate Ayshford, Public Works Manager  
                                 Tom Ronning, City Council Liaison

- Adopt Agenda      **Mr. Hoffman moved and Mr. Zimmermann seconded to approve the agenda as presented. Motion carried.**
- Approve Minutes      **Mr. Zimmermann moved and Mr. Hoffman seconded to approve the October 14, 2015 minutes as written. Motion carried.**
- Park Financial Information      Mr. Ayshford reported a Park Acquisition and Development Fund balance of \$30,121.11, and a Park Capital Fund balance of \$125,001.03 as of 12/31/15. The Public Works – Park Maintenance final balance was 94% of the total budget.
- 2016 Ballfield Requests      Soderville/Blaine Athletic Association submitted a request for reserving 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.
- St. Francis Youth Baseball Association (SFYBA) submitted an application to reserve Booster West #1 with electricity for June 4 & 5. Mr. Hoffman noted that this organization has not requested electricity in the past. City staff will check with SFYBA for clarification on the need for electricity.
- Mr. Hoffman moved and Ms. Harvey seconded to approve the 2016 ballfield request from SBAA and the application from SFYBA as submitted. In the past, the City has given SBAA a 20% discount based on the number of players from East Bethel. The commission consensus was to apply the 20% discount in 2016. Motion carried.**
- Shade Tree Ordinance      As part of the requirements for applying for the annual Tree City USA award, the DNR and Arbor Day Council would like the City to update a couple key components to the tree preservation ordinance, to have a stand-alone actual Shade Tree Ordinance, and to designate the Park Commission as the Tree Board. The Shade Tree Ordinance would be a new chapter to the City Code. Mr. Ayshford recommended to go with a general Shade Tree Ordinance to start and will draft a general ordinance which will meet the requirements for the Tree City USA award.

Mr. Ayshford further recommended the Park Commission be designated as the Tree Board.

Parks, Trails,  
Open Space  
Comp Plan

Mr. Ayshford presented an updated map showing potential trail connection corridors and potential future park locations for discussion and review. Commissioners discussed the location of the proposed trails, type of trail, and whether there is city property available for the trails.

For the record, Ms. Harvey asked if the City Council has any plans to return the trail money that was used to pay down the bond payment to the Park budget. Mr. Ronning said he would address this question at the next council meeting.

Mr. Langmade gets calls from people who would like to be able to ride their bikes to Fish Lake and then use the pavilion.

Discussed needing to decide on a trail segment to get started; the John Anderson segment was suggested as a good starting trail.

Sayer Payne, 2557 225<sup>th</sup> Ave NE, who lives at the corner of 225<sup>th</sup> and Xylite spoke against having a trail put through the “backyards” of neighboring homeowners. He is in favor of trails, however, he does not believe it's a good choice on the City's part to put trails in where residents are opposed to having public access trails. Mr. Payne would like to see the City adopt a better model for this specific trail segment and suggested 222<sup>nd</sup> as a better option for the trail proposed north of Booster Park.

The City tries to plan for trails in developments prior to houses being built. Unfortunately, it is harder to install a trail where residential areas are already established.

Mr. Ayshford will include the new trail segment north of Booster Park for capital improvement planning for 2016.

The commissioners expressed their disappointment in having half of the Park budget used to pay down the bond payment with no money being put back into the budget. Commissioners would like the Park budget increased.

Council  
Report &  
Other  
Business

Mr. Ronning reported an administrative appeal for the sale of a home. The septic tank inspection came back non-compliant; City Council was unable to help.

MnDOT brought a proposed superstreet design for Hwy 65 before the Road Commission. A brief overview of the superstreet was reviewed.

There are two openings on the Road Commission.

Currently, the Met Council proposed Comp Plan reads 1 home/10 acres. City staff met with Met Council and now has a Letter of Understanding stating that the City of East Bethel can go with 1 home/2.5 acres, instead of 10 acres as written.

Meeting video indexing is available on the City website, along with agendas and minutes for all council and commission meetings.

Ingress and egress on 187<sup>th</sup> has been discussed. The State is requesting traffic be rerouted. Council passed a resolution that a new road be installed from 187th north to Viking Blvd. The road will be located behind Our Saviour's Church. The project be funded through the Mutual Aid Program and with some HRA balance to cover the cost for the new road.

The Verizon tower is out for bid, no results have been received. A tower is expected to be installed next to the public works building within the couple months.

Adjourn

**Mr. Hoffman moved and Mr. Zimmerman seconded to adjourn the meeting at 7:47 pm. Motion carried.**

Respectfully submitted,

Gail Gessner  
Recording Secretary  
Submitted 1/17/16

**PARK CAPITAL FUNDS SUMMARY  
JANUARY 2016**

<b>PARK ACQUISITION AND DEVELOPMENT FUND</b>			
Account #	Description	2015 YTD	Remaining Balance
<b>REVENUES:</b>			
R 404-34791	Park Dedication Fees	-	
R 404-36210	Interest Earnings	10.62	
Total Revenues		<u>10.62</u>	
<b>EXPENSES:</b>			
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, 2015 Balance		30,121.11	
<b>Current Balance</b>			<b>30,131.73</b>

<b>PARK CAPITAL FUND</b>			
<b>REVENUES:</b>			
R 407-36210	Interest Earning	53.75	
R 407-36230	Contributions and Donations	-	
R 407-39201	Transfer from General Fund	55,000.00	
Total Revenues		<u>55,053.75</u>	
<b>EXPENSES:</b>			
E 407-40700-219	General Operating Supplies	-	
E 407-40700-223	Bldg/Facility Repair Supplies	-	
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	-	
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>-</u>	
December 31, 2015 Balance		125,001.03	
<b>Current Balance</b>			<b>180,054.78</b>

**City of East Bethel**  
**Revenue / Expense Statement**  
**Fiscal Year 2016**  
**1/1/16 to 1/31/16**

Public Works - Park Maintenance

Account Description	2016 Activity 1/1/16 to 1/31/16	2016 Budget	YTD as a % of Budget
E 101-43201-101 Full-Time Employees Regular	12,734.72	211,600.00	6%
E 101-43201-102 Full-Time Employees Overtime	-	1,000.00	0%
E 101-43201-103 Part-Time Employees	-	6,100.00	0%
E 101-43201-105 Employee On Call/Standby Pay	492.73	3,200.00	15%
E 101-43201-107 Commissions and Boards	-	1,700.00	0%
E 101-43201-122 PERA-Coordinated Plan	992.05	15,900.00	6%
E 101-43201-125 FICA/Medicare	1,299.41	21,000.00	6%
E 101-43201-126 Deferred Compensation	396.83	6,300.00	6%
E 101-43201-131 Cafeteria Contribution	3,800.00	45,600.00	8%
E 101-43201-151 Worker s Comp Insurance Prem	-	9,300.00	0%
E 101-43201-201 Office Supplies	-	100.00	0%
E 101-43201-211 Cleaning Supplies	-	500.00	0%
E 101-43201-212 Motor Fuels	-	18,000.00	0%
E 101-43201-213 Lubricants and Additives	-	500.00	0%
E 101-43201-214 Clothing & Personal Equipment	-	2,000.00	0%
E 101-43201-215 Shop Supplies	-	400.00	0%
E 101-43201-216 Chemicals and Chem Products	-	2,000.00	0%
E 101-43201-217 Safety Supplies	-	700.00	0%
E 101-43201-218 Welding Supplies	-	100.00	0%
E 101-43201-219 General Operating Supplies	3.31	1,200.00	0%
E 101-43201-221 Motor Vehicles Parts	67.86	2,100.00	3%
E 101-43201-222 Tires	-	1,000.00	0%
E 101-43201-223 Bldg/Facility Repair Supplies	-	2,500.00	0%
E 101-43201-225 Park/Landscaping Materials	-	7,000.00	0%
E 101-43201-226 Sign/Striping Repair Materials	-	1,500.00	0%
E 101-43201-229 Equipment Parts	-	2,000.00	0%
E 101-43201-231 Small Tools and Minor Equip	-	1,500.00	0%
E 101-43201-306 Personnel/Labor Relations	-	300.00	0%
E 101-43201-307 Professional Services Fees	-	600.00	0%
E 101-43201-321 Telephone	47.66	1,500.00	3%
E 101-43201-341 Personnel Advertising	-	200.00	0%
E 101-43201-342 Legal Notices	-	100.00	0%
E 101-43201-381 Electric Utilities	-	5,000.00	0%
E 101-43201-384 Sewer Utilities	-	300.00	0%
E 101-43201-385 Refuse Removal	-	1,000.00	0%
E 101-43201-387 Heating Fuels/Propane	-	300.00	0%
E 101-43201-401 Motor Vehicle Services (Lic d)	-	2,000.00	0%
E 101-43201-402 Repairs/Maint Machinery/Equip	-	2,500.00	0%
E 101-43201-403 Bldgs/Facilities Repair/Maint	-	3,500.00	0%
E 101-43201-405 Park & Landscape Services	-	1,500.00	0%
E 101-43201-415 Other Equipment Rentals	-	8,000.00	0%
E 101-43201-422 Auto/Misc Licensing Fees/Taxes	-	1,000.00	0%
E 101-43201-431 Equipment Replacement Chgs	16,700.00	16,700.00	100%
E 101-43201-434 Conferences/Meetings	-	400.00	0%
	<b>36,534.57</b>	<b>409,700.00</b>	<b>9%</b>



# City of East Bethel Park Commission Agenda Information

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**Date:**

February 10, 2016

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**Agenda Item Number:**

Item 7.0

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**Agenda Item:**

Dog Park Request

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**Requested Action:**

Consider request for a City Dog Park

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**Background Information:**

City staff have received an inquiry about developing a dog park in East Bethel or northern Anoka County. A dog park is a public area where dogs are allowed to run off-leash and provides a place where dogs and owners can socialize without interfering with other conventional park users. In Anoka County there are currently 5 dog parks, all located in the southern portion of the county where open space is harder to find and home density is higher. The closest dog park to East Bethel is located in Bunker Hills Park off of Hanson Blvd (see attach #2).

Anoka County has partnered with the Cities of Coon Rapids and Andover on the construction of a dog park at Bunker Hills Regional Park. Located off 133rd Avenue near the existing compost site, the 6.5 acre dog park has a separated small dog area, an open play area and a short trail for those that want to walk with their dog.

Dog parks typically require a minimum of 1 acre and are surrounded by fencing. Dog owners are required to clean up after their pets and maintenance can be provided by a public agency or sometimes a local kennel group. Costs vary for development but typically are \$100,000 to \$400,000. Anoka County, the City of Coon Rapids, and the City of Andover were able to build the Bunker Hills Dog Park with donated land and in-kind labor with a budget of \$45,000.

Some items to consider if East Bethel were looking to move forward with this idea:

- 1 Location
- 2 Maintenance Responsibility
- 3 Local Partners (Kennel/Dog Group, Anoka County Parks Department)
- 4 Budget
- 5 Liability

**Attachments:**

1. AKC Dog Park Brochure

2. Dog Park Map

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**Fiscal Impact:** To be determined

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**Recommendation(s):**

None at this time

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**Park Commission Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

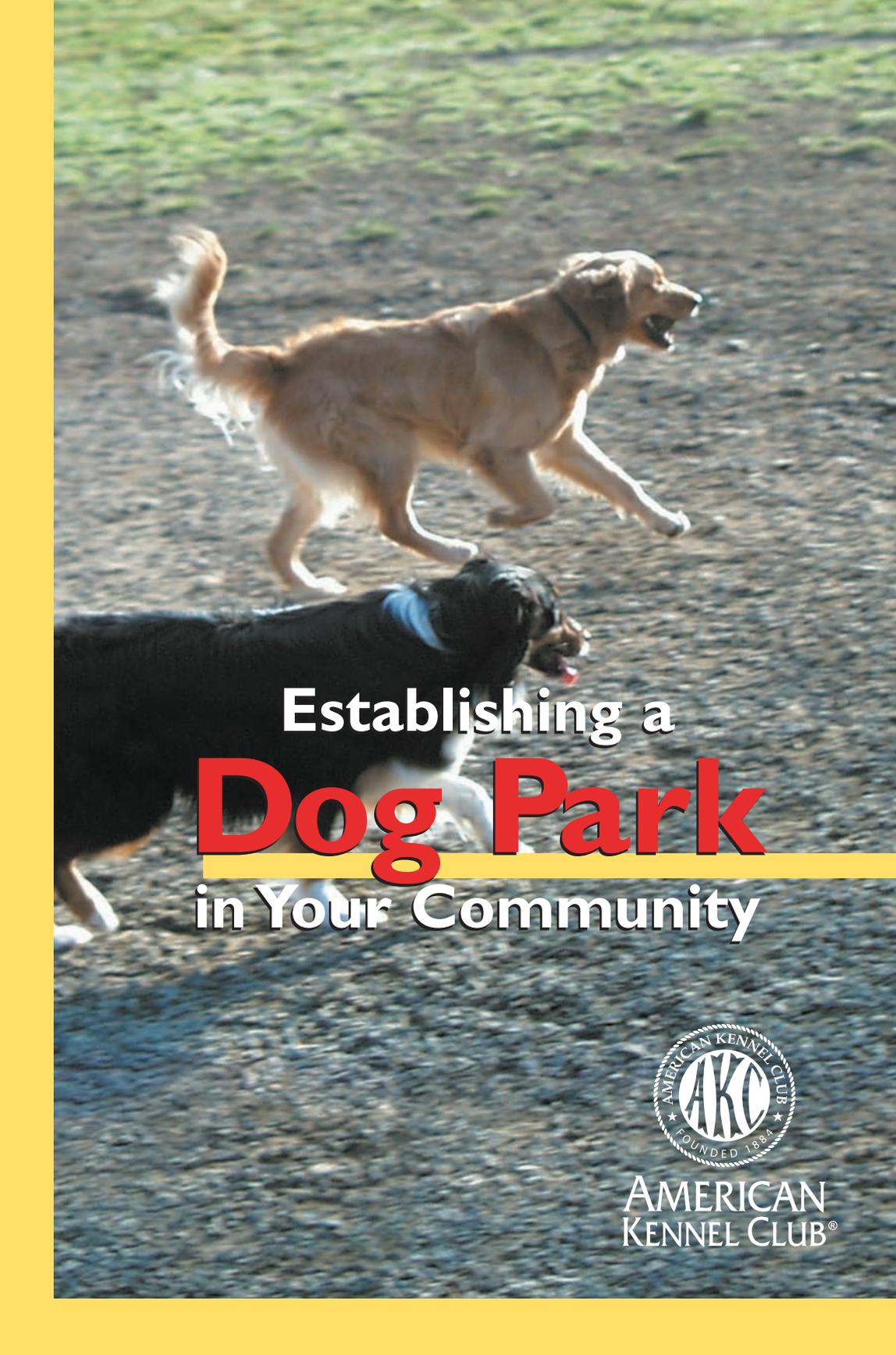
\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

A photograph of two dogs running on a gravel path. In the foreground, a black and white dog is running towards the right. In the background, a golden retriever is running towards the right. The background is a grassy area.

Establishing a  
**Dog Park**  
in Your Community



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# What Is a Dog Park and How Does It Benefit the Community?

With cities becoming more and more crowded and leash laws becoming more restrictive, many concerned dog owners are looking to the creation of dog parks as a solution to their need for a place to spend quality time with their pets. But just what is a “dog park,” and what benefits can one bring to your city or town?

A dog park is a public park, typically fenced, where people and their dogs can play together. Similarly, a dog run is a smaller fenced area, created for the same use, that is often located within an existing park. As the names imply, these places offer dogs off-leash play areas where their owners can enjoy a park-like setting and the chance to socialize with other canines and their owners. Dog parks, which are sometimes managed by park users in conjunction with city or town officials, are being established all over the country and offer a wealth of benefits to dogs, dog owners and the community as a whole.



## *More than just “room to roam,” the creation of a dog park . . .*

***Allows dogs to exercise and socialize safely.*** Puppies and adult dogs need room to run, and enclosed play areas permit them to do so while preventing them from endangering themselves and others (for example, by running into the path of an oncoming vehicle). In addition, dogs who are accustomed to playing with animals and people other than their owners are more likely to be well-socialized and react well toward strangers.

***Promotes responsible dog ownership.*** Dog parks prevent off-leash animals from infringing on the rights of other community residents and park users such as joggers, small children, and those who may be fearful of dogs. Parks also make it easier for a city to enforce its leash laws, as resident dog owners with



Enclosed play areas for exercise make dogs better-adjusted neighbors.

park access have no reason to allow their canine companions off-leash when outside of the park.

***Provides an outlet for dog owners to socialize.*** Dog parks are a great place for owners to meet other people with common interests. The love people share for their dogs reaches beyond economic and social barriers and helps foster a sense of community. Park users also benefit from the opportunity to ask questions of other owners and find solutions to problems they might be having with their pet.

***Makes for a better community by promoting public health and safety.*** Well-exercised dogs are better neighbors who are less likely to create a nuisance, bark excessively, and destroy property. Their presence in the park, along with their owners, also may help deter crime.



# How to **Build** a Dog Park in Your Community

By now you've recognized the need for a dog park in your area, and you're eager to see one established. But how do you get started? The following are some strategies for a successful campaign:

## ***The First Steps . . .***

***Start with a core group of committed dog park activists.*** Talk with a half dozen other individuals who are concerned about the lack of off-leash spaces. These may be people you already know, or you may want to put a notice in the local paper. This group may form a park association and will be responsible for meeting with public officials, making presentations, maintaining the park and defusing any problems that arise.

***Hold a public meeting.*** Once the core group is in place, a larger community meeting will help you get the word out to supporters and solicit input and suggestions. Contact other dog owners, dog-related clubs, veterinarians, and humane society and animal control officials to gather interest and support. Do so by posting, mailing, or distributing notices in areas such as neighborhood bulletin boards, pet supply stores, animals hospitals, and shelters. Encourage people to write letters of support to public officials and the media, and to make presentations to community groups whose backing would be valuable.

***Educate your fellow dog owners on the need to be responsible.*** The owner who neglects to pick up after his dog or who allows an aggressive or unsocialized dog to run loose can do a lot of damage to your cause and undermine your chances of success.

***Write a clear mission statement that details the need and purpose of the park, stressing the benefits to dog owners, their canine companions, and the greater community.*** The Redwood City [California] Responsible Dog Owners' statement says it all: "To establish a fenced-in, off-leash dog park where well-behaved canine citizens can exercise in a clean, safe environment without endangering or annoying people, property or wildlife. To



**Dog owners who neglect to pick up after their dogs can damage your cause.**



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develop a beautiful, well-maintained space open to all dog lovers and friends who are willing to uphold the park's rules and restrictions. To view this park as a community project, in partnership with the City of Redwood City, designed to satisfy the needs of dog-owners and non-dog owners alike.”

**Choose a site.** The ideal area will be a safe, accessible location that takes into account the needs of park users as well as the effect the park will have on neighbors and the environment. Please refer to “Dog Park Design” on page 15 for additional recommendations.

**Create a budget.** Determine how much it will cost to construct and maintain the park – costs for grass, fences, garbage removal, lawn maintenance, drinking water, field drainage, lighting, benches, and a pooper-scooper station. Some cities are willing and able to finance a dog park; others would rather share the cost with a group committed to maintaining the park and ensuring that park rules are followed. Keep in mind that, if it is within your budget to do so,

## SUCCESS STORY #1

### Monmouth County, New Jersey

In the summer of 1999, a newly organized group of Monmouth County dog owners petitioned the county park system and several local municipalities to establish an off-leash dog park. The Bay Shore Companion Dog Club and New Jersey D. O. G. (Dog Owners Group) helped recruit members and collect signatures from owners of the nearly 40,000 licensed dogs living in the county.

After collecting 12,000 signatures, the group presented its proposal to the county park system's Board of Recreation Commissioners and municipal park system officials. Officials agreed that a dog park would offer many benefits to residents. They talked to other counties with successful parks about liability issues, rules, and regulations, before voting to approve funding for the estab-

lishment of an off-leash area in Monmouth County. The Thompson Park Dog Run opened on October 30, 1999, to enormous popularity.

Now that the park has opened, area dog owners will concentrate on forming a core group to help keep up the site and prevent potential problems. Just because dogs are allowed to run free does not mean that owners will not be responsible for their animals' actions. There are rules to be followed, guidelines to be maintained. “Public education for dog owners will be critical to the park's success,” notes one of the organizers. The park itself provides a terrific venue for teaching people to be responsible dog owners. Members of the local dog community have already held a “Park Do's and Don'ts” seminar and plan to host future programs there.



sharing expenses with the city can be a great public relations tool. It shows officials that you are committed to the project, will help foster good community relations and may increase your chance for the park's approval.

Depending on your situation, you will have to determine how you will generate revenue for your budget. One possibility to consider is user fees – requiring all park users to pay an annual or daily fee. Permits could be obtained from the city or town or through the park association. Fund-raisers such as a dog wash or concession sale at a local dog show can also help to generate money to cover expenses and maintenance costs. Finally, consider soliciting town and city sources. By convincing elected officials that there is wide support for a dog park among taxpayers and voters, you may help encourage funding for the park.

***Solicit the input and seek the approval of significant organizations in your community.*** Meet with the proposed park's neighbors before talking to city hall. As soon as someone brings up a concern, address it and try to come up with a solution. With a little good will and cooperation, neighborhood differences can usually be resolved.



## **OK, you've gathered your resources. Where do you go from here?**

**Create a proposal.** Your well-prepared presentation will include your mission statement and goals, and should address issues such as location, funding, maintenance and enforcement. Committee members will be expected to establish and enforce reasonable health and safety rules for the park, and these should be included in the proposal as well. Suggestions for these guidelines can be found in the “Rules and Regulations” section of this brochure. A good proposal will also do the following:

**Demonstrate need.** Do this by gathering statistics on the dogs and the people in your community.

- How many dogs would use a dog park?
- What are the demographics of the people in your city?
- Who currently uses city parks – and who doesn't? Downplay the “dog factor” and emphasize people issues. Dogs don't pay taxes or vote.





***Demonstrate support.*** In many communities, organizers found that a simply worded request, circulated on a petition, helped convince city officials that there was indeed both a need and widespread public support for a responsibly run dog park.

- Place petition gatherers at supermarkets, pet-supply stores and other high-traffic areas.

## SUCCESS STORY #2

### **Sarasota County, Florida**

Sarasota County is the proud home to two successful “paw parks,” thanks in part to some active AKC®-affiliated dog club members.

One long-time club member chaired the Animal Welfare Advisory Committee that approved the opening of the 17th Street Paw Park last year. The chairman and his rescued Greyhound participated in a ribbon-cutting ceremony that attracted the attention of enthusiastic dog owners, media and city officials alike. The overwhelming success of the 17th Street Paw Park led to the creation of a second

off-leash area at Woodmere Park in Venice, Florida. In support of the move, the Greater Venice Florida Dog Club donated a decorative sign to mark the new paw park’s location.

In the last year, county officials from across the nation have contacted the Sarasota County Parks and Recreation Department regarding their success in developing and maintaining paw parks. Based on the positive response community residents have had to the parks, both off-leash areas will continue to serve as models for dog groups in the future.



- Enlist the support of local veterinarians, groomers, dog walkers, and others who have a real interest in seeing a community filled with healthy, well-socialized dogs. Involve them in gathering petitions, writing letters to the editor of local papers and generally spreading the word.
- Organize local residents to contact their community representatives, parks department officials, and media in the form of letters, e-mails, and phone calls, asking for their support.
- Consider sending press releases to local media, explaining how the community will benefit from a dog park and providing information about the success of existing parks in other areas.
- You'll need to get the neighbors' approval, too. Explain your proposal to them, as well as the ways that a dog park will benefit them, and ask them to sign a separate petition stating that they are willing to have the park in their neighborhood.

***Get to know local officials – your city council members and the director of your department of parks and recreation.*** Attend meetings, join them at fund-raisers. Find out what they need from you to move the dog park forward. To help you get started, the AKC's Government Relations Department can provide you with brochures offering tips on working with government officials.



***When you're ready, request a hearing with city government to discuss your proposal.*** Have two or three carefully selected, knowledgeable and articulate members of your group present your plan, clearly expressing its many benefits to the community and calmly addressing any concerns. Be prepared to deal with a range of concerns, including the risk of dog fights, dog bites, noise level, parking and traffic needs, liability issues, and maintenance. Explain why some of these are nonissues – the park's dogs, for example, will be well-socialized and therefore less likely to fight, bite, and cause accidents in the community. Have a plan to address legitimate issues, like traffic and noise.

***Be patient and flexible.*** Dealing with city government is rarely a quick process, but don't give up! Follow through with continued letters and e-mails, and be willing to work toward compromise.

## SUCCESS STORY #3

### **Sausalito, California**

In early 1991, the City of Sausalito passed a law requiring dogs to be leashed at all times within the city limits. After receiving a citation and fine for walking her dog Remington without a leash, one owner led a citizen group that worked with the city council, the parks and recreation department and the Marin Humane Society to establish a dedicated enclosed area where the dogs of Sausalito could be off leash.

During that summer volunteers raised funds to fence a 1.3 acre area in the Martin Luther King School area, located on the north side of Sausalito, to be used as a dedicated dog park. In November 1991, the "Remington Dog Park" was officially opened with a gala ribbon cutting attended by city council members, local citizens, and their dog companions.

Although the city provides utilities, including water, electricity, and garbage removal, the park has been maintained by its users since the opening. Regularly scheduled work parties cut the grass as

well as maintain and improve the grounds.

Improvements to the park in excess of \$36,000 to date have been made through donations solely from park users. In addition to original fencing the park now has lighting, a storage shed, a riding lawnmower, picnic tables, benches, a dog drinking-water area, and a "scooper" cleaning station.

The park is the home of champion show dogs as well as mixed breeds. Dog owners have adopted over 30 "rescue" dogs. Many owners now have two dogs as a result of this program.

Having received the highest rating of "4 Paws" in The California Dog Lover's Companion, the Sausalito Dog Park is now used by over 300 dogs per day. From sunup to sundown, dogs of all ages, sizes, and types can be seen romping in the park, chasing a never ending supply of tennis balls, simply lying at their masters' feet under a picnic table or on top of the picnic table demanding face-to-face attention.

(See also [www.dogpark-sausalito.com](http://www.dogpark-sausalito.com).)





## SUCCESS STORY #4

### **Tallahassee, Florida**

Members of the Ochlockonee River Kennel Club are always looking for ways to give back to their community, so when the opportunity came to help with the establishment of a dog park in Tallahassee, they jumped at the chance.

The group had long realized how important it was for dog owners to have a place where they could socialize with others and let their dogs run or play Frisbee. At the same time, their community was facing problems at a nearby city park where owners were permitting their dogs to illegally roam off-leash. The solution seemed simple -build a dog park! A public committee was formed, and an ORKC board member volunteered to serve on behalf of the dog community.

While the city of Tallahassee was

receptive to the idea, it was clear that little could be done without funds for fencing, pooper-scoopers, and the like. ORKC, which donates to various organizations every year, soon agreed to give the city the \$4,000 that would be needed to fence the two-acre park. Other clubs and fanciers followed suit, donating money for watering holes, cleanup facilities, shade trees, and benches. The city even donated old fire hydrants to add to the fun.

The park has been extremely popular since its opening in the summer of 1999, and city officials, who originally agreed to open the park on a trial basis only, are now enthusiastic about developing more. Members of the ORKC are pleased to have had a helping hand in the park's establishment and see it as a great opportunity to increase awareness of responsible dog ownership.

## ***Congratulations – they approved it! Now what?***

Your efforts have been successful, and development of the dog park is moving forward. Now is the time to thank everyone who helped bring the park to fruition, including volunteers, government officials, and community residents. As a result of everyone’s hard work, many dog owners will soon have a new opportunity to enjoy their canine companions! Be sure to share this good news with the AKC’s Government Relations Department so we can pass it on to others.

The key to future and continued success of the dog park will lie in responsible park-association members and park users who strictly enforce the rules. For the most part, this will mean getting people to clean up after their dogs, quiet excessive barking and curtail any aggressive behavior. Occasionally larger issues may arise, and it will be up to you to help settle disputes in a responsive, flexible manner.

Maintenance will be another important consideration. In some areas, park associations work in conjunction with local kennel clubs and parks department officials to organize volunteer “park cleanup” days. Kennel clubs and other dog organizations may also be willing to donate funds for future supplies of scoopers, trash bags, and cans.

The development of a successful dog park requires a great deal of planning and effort. But your involvement and dedication will hopefully lead to the ultimate reward – the joy of creating and maintaining a special place where dogs and their families can run, romp and socialize.



# **REMINGTON DOG PARK**

## **HOURS**

6:30AM–8PM

DAYLIGHT SAVINGS TIME 6:30AM–9PM

## **BARK–FREE ZONE**

PLEASE BE CONSIDERATE. NOISE FROM THE PARK IS A NUISANCE TO OUR NEIGHBORS. DOGS THAT BARK PERSISTENTLY MUST BE REMOVED FROM THE PREMISES.

## **UNATTENDED DOGS WILL BE IMPOUNDED**

DO NOT LEAVE YOUR PET IN THE DOG PARK WITHOUT SUPERVISION.

CALL THE  
**MARIN HUMANE SOCIETY**  
**883–4621**

TO REPORT A DOG PROBLEM  
OR LOST PET.

# Dog Park Design:

## The Ideal Dog Park Should Include . . .

- One acre or more of land surrounded by a four- to six-foot high chain-link fence. Preferably, the fence should be equipped with a double-gated entry to keep dogs from escaping and to facilitate wheelchair access.
- Cleaning supplies, including covered garbage cans, waste bags, and pooper-scooper stations.
- Shade and water for both dogs and owners, along with benches and tables.
- A safe, accessible location with adequate drainage and a grassy area that is mowed routinely.
- If space allows, it is preferable to provide separate areas for small and large dogs. This will enable large dog owners to allow their pets to run more freely, while protecting smaller dogs who may not be suited to the enthusiastic play of larger breeds.
- Signs that specify park hours and rules.
- Parking close to the site.



**A double-gated entry prevents dogs from escaping.**



# Rules and Regulations

***Members of a dog park committee should establish and enforce reasonable health and safety rules for the park, such as the following:***

- Owners are legally responsible for their dogs and any injuries caused by them.
- Puppies and dogs must be properly licensed, inoculated, and healthy.
- Animals should wear a collar and ID tags at all times.
- Owners must clean up after their dogs.
- Dogs showing aggression toward people or other animals will be removed from the park. Animals who exhibit a history of aggressive behavior will not be permitted to enter.
- Puppies using the park must be at least four months old.
- Owners should not leave their dogs unattended or allowed out of sight. If young children are permitted in the dog park, they too should be under constant supervision.
- Dogs in heat will not be allowed inside the park.
- Owners must carry a leash at all times. Dogs should be leashed before entering and prior to leaving the park.
- Violators will be subject to removal from the park and suspension of park privileges.

# REMINGTON DOG PARK RULES

1. Dogs must NEVER be left unattended.
2. All dogs must wear a current license.
3. Owners are required to clean up after their dogs.
4. Unruly dogs are not allowed.
5. Female dogs "in heat" are not allowed in the Dog Park area.

Marin Humane Society 883-4621



## AMERICAN KENNEL CLUB®

AKC® Web Site: [www.akc.org](http://www.akc.org)

For more information, contact  
the Government Relations Department

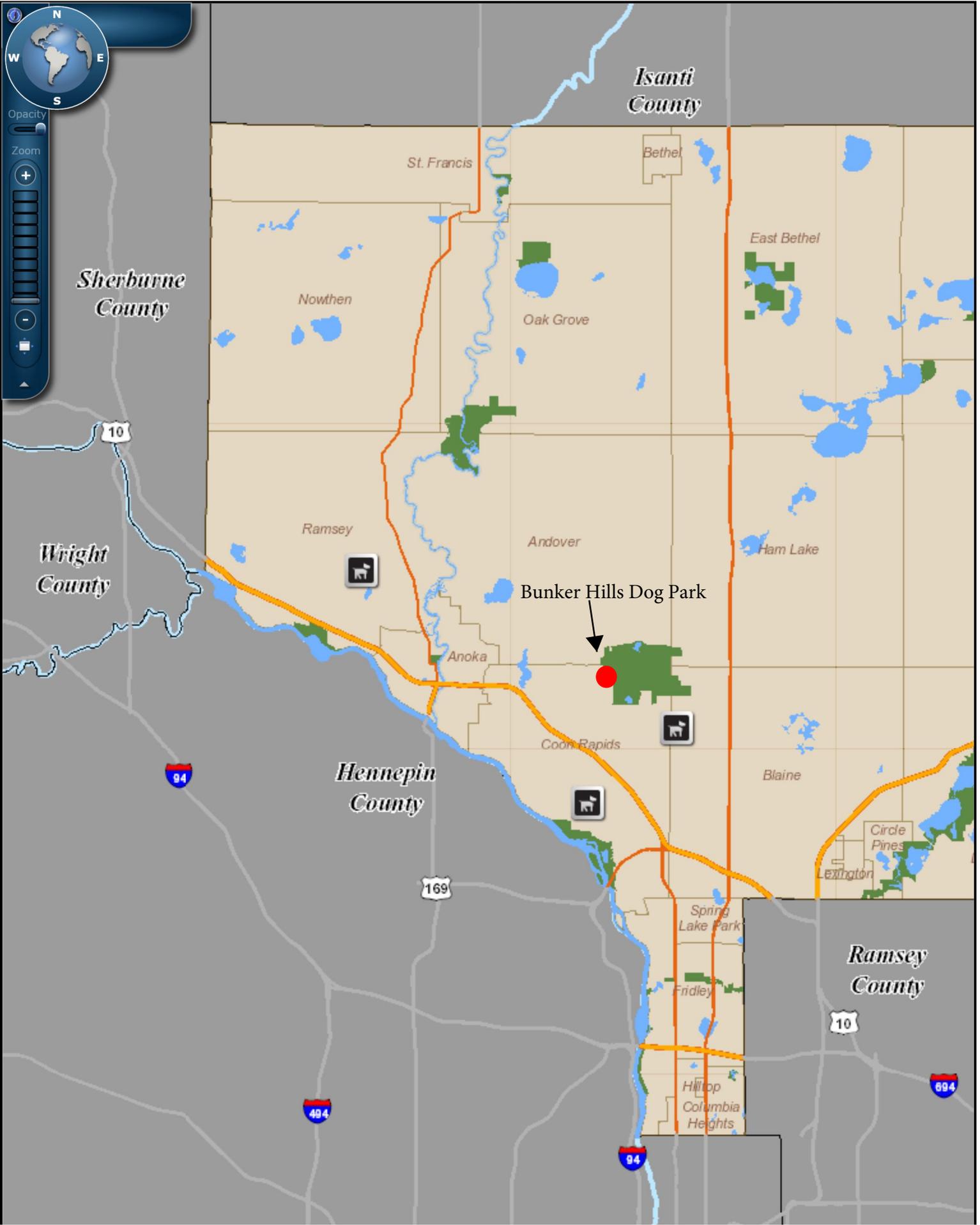
Phone: 919-816-3720

Fax: 919-816-4275

E-Mail: [doglaw@akc.org](mailto:doglaw@akc.org)

Photos of Remington Dog Park, Sausalito, CA, by Vicky Cook

Map navigation controls including a globe with cardinal directions (N, S, E, W), an opacity slider, and a zoom control with plus and minus buttons.





# City of East Bethel Park Commission Agenda Information

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**Date:**

February 10, 2016

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0

\*\*\*\*\*

**Agenda Item:**

Tree Ordinance

\*\*\*\*\*

**Requested Action:**

Review and provide comments for Draft Tree 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.

Attached is a draft tree ordinance and a sample tree ordinance from the League of Minnesota Cities (LMNC). The LMNC sample ordinance goes into greater detail with regard to specific tree pests and their control. The Park Commission and City Council will have to decide on how specific the City of East Bethel needs to be with its tree ordinance.

**Attachments:**

- 1) Draft East Bethel Tree Ordinance

2) LMNC Sample Tree Ordinance

\*\*\*\*\*

**Fiscal Impact: None**

\*\*\*\*\*

**Recommendation(s):**

Staff recommends \*\*\*\*\*

\*\*\*\*\*

**Park Commission Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required:\_\_\_\_\_

# East Bethel Draft Ordinance

## Article IX Shade Tree Preservation

Division 1. Generally

### Purpose

It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare of the citizens of East Bethel by preserving the City's community forest and significant trees. Trees and woodlands provide numerous environmental, economic and scenic benefits including filtering air pollutants, absorbing stormwater runoff, providing wildlife habitat, moderating temperatures, reducing cooling costs, increasing property value, providing scenic beauty, and providing sound and visual buffers.

### Definitions

TBD

### Tree Commission

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 community forest, in addition to such other duties as may be established by resolution.

### City Forester

The city's Public Works Director shall be the City Forester. The powers and duties set forth in this subchapter are hereby conferred upon the City Forester or his or her duly authorized agent.

It is the duty of the City Forester to coordinate and administer, under the direction and control of the City Administrator, all activities of the city relating to shade tree management and to the control and prevention of Dutch elm disease, oak wilt disease, emerald ash borer, and other epidemic diseases including insect and fungal infestation of shade trees. The City Forester shall coordinate and administer the care and maintenance of public trees in parks and open spaces and along the public right-of-way.

### 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.

### 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.

#### Minimum Height of Tree Limbs

All limbs of trees or portions of limbs which overhang public streets and sidewalks that are less than 14 feet above the surface shall constitute a nuisance and are prohibited. This section shall not apply to any tree to which pruning or trimming would endanger the tree's health as determined by the City Forester, unless a public nuisance exists.

#### Diseased and Hazardous Trees

##### 1) Findings and declaration of purpose

The health of trees in the city is threatened by epidemic shade tree pests. Hazardous trees can cause property damage or personal injury. The loss of trees, ill health of trees, or presence of hazardous trees on public and private property depreciates the value of property within the city and impairs the safety and general welfare of the public. In addition to, and in accordance with, Minnesota Statutes, sections 89.001, 89.01, and 89.51-.64, the provisions of this section are adopted as an effort to control and prevent the spread of these shade tree pests.

##### 2) Declaration of a shade tree pest

The City Council may declare any vertebrate or invertebrate, animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or the community forest to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest as defined by Minnesota Statute, section 89.001.

#### Tree Preservation Requirements

See Chapter 66 Article VIII of East Bethel City Code

#### Penalty

Any person, firm, or corporation that violates any provision of this section shall, upon conviction, be guilty of a misdemeanor. The penalty, which may be imposed for any crime that is a misdemeanor under this section, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days, or a fine of not more than \$1,000, or both.

# LEAGUE OF MINNESOTA CITIES SAMPLE SHADE TREE PEST CONTROL ORDINANCE.

## INTRODUCTION AND INSTRUCTIONS:

This sample ordinance contains a number of provisions a city may adopt. A city wishing to adopt this ordinance should review them with the city attorney to determine which provisions are suited to the city's circumstances. A city can modify this ordinance by eliminating provisions that concern activities it does not seek to regulate. Because many provisions within this ordinance are controlled by statute, the city attorney should review any modifications to ensure they conform to state law. In addition, the city attorney should review the entire ordinance before it is adopted because it establishes rights and responsibilities for the city.

This sample ordinance is drafted in the form prescribed by [Minn. Stat. § 412.191, subd. 4](#) for statutory cities. Home rule charters often contain provisions concerning how the city may enact ordinances. Home rule charter cities should consult their *charter* and city attorney to ensure that the city complies with all charter requirements.

If your city has codified its ordinances, a copy of any ordinance must be furnished to the county law library or its designated depository, pursuant to [Minn. Stat. § 415.021](#).

**SECTION ###.01: SHADE TREE PEST CONTROL.**

**Subd. 1. Declaration of policy.** The health of the trees in the city is threatened by shade tree pests, and the loss or ill health of trees growing upon public and private property substantially depreciates the value of property within the city and impairs the safety, good order, general welfare and convenience of the public. In addition to and in accordance with Minn. Stat. §§ 89.001, 89.01, and 89.51-.64, the provisions of this section are adopted as an effort to control and prevent the spread of these shade tree pests.

**Subd. 2. Jurisdiction.** The city shall have control of all street trees, shrubs, and other plantings now or hereafter in any street, park, public right-of-way or easement, or other public place within the city limits, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs, and other plantings. [*Note: This may already be provided in another city ordinance.*]

**Subd. 3. Declaration of a shade tree pest.** The Council may by ordinance declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest, as defined by Minn. Stat. § 89.001, to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest, including necessary timelines for action.

**Subd. 4. Public nuisances defined.** A shade tree pest, as defined by section XXX.02, occurring within a defined control zone is a public nuisance.

**Subd. 5. Shade tree pest nuisances are unlawful.** It is unlawful for any person to permit any public nuisance as defined in this section to remain on any premises the person owns or controls within the city. The nuisance may be abated as provided in this section.

**Subd. 6. Tree inspector.** The Council may appoint a tree inspector to coordinate the activities of the city relating to the control and prevention of damage by shade tree pests. The tree inspector will recommend to the Council the details of any program for the declaration, control, and prevention of shade tree pests. The tree inspector is authorized to enforce or cause to be enforced the tasks incident to such a program adopted by the Council. The term “tree inspector” includes any person designated by Council or the tree inspector to carry out activities authorized in this section.

**Subd. 7. Abatement of shade tree pest nuisances.** In abating a nuisance, defined by ordinance under section XXX.01, subdivision 3, the organism, condition, plant, tree, wood, or material identified as injurious to the health of shade trees shall be removed or effectively treated so as to destroy and prevent as fully as possible the spread of the shade tree pest. Such abatement procedures shall be carried out in accordance with the control measures and areas prescribed by section XXX.02.

**Subd. 8. Reporting discovery of shade tree pest.** Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a public nuisance caused by a shade tree pest as defined under subdivision 3 shall report the same to the city.

**Subd. 9. Registration of tree care firms.** Any person, firm, or corporation that provides tree care, tree trimming, or removal of trees, limbs, branches, brush, or shrubs for hire must be registered with the Minnesota commissioner of Agriculture under Minn. Stat. § 18G.07.

**Subd. 10. Inspection and application of control measures.**

(A) The tree inspector is authorized to inspect premises and places within the city to determine whether shade tree pests exist thereon and to investigate all reported incidents of shade tree pests. The tree inspector is authorized to take all reasonable measures to prevent the maintenance of public nuisances and may enforce the provisions relating to abatement in this section. Diagnosis of shade tree pests may be by the presence of commonly recognized symptoms; by tests as may be recommended by the commissioner of the Minnesota Department of Agriculture or the commissioner of the Minnesota Department of Natural Resources; or other reliable means.

(B) Except in situations of imminent danger to human life and safety, the tree inspector shall not enter private property for the purpose of inspecting or preventing maintenance of public nuisances without the permission of the owner, resident, or other person in control of the property, unless the tree inspector has obtained a warrant or order from a court of competent jurisdiction authorizing the entry.

(C) No person, firm, or corporation shall interfere with the tree inspector or with anyone acting under the tree inspector's authority while engaged in activities authorized by this section.

**Subd. 11. Standard abatement procedure.** Except as provided in subdivisions 12 and 14, whenever a tree inspector determines with reasonable certainty that a public nuisance, as described by this ordinance, is being maintained or exists on premises in the city, the tree inspector is authorized to abate a public nuisance according to the procedures in this subdivision.

(A) The tree inspector will notify in writing the owner of record or occupant of the premises that a public nuisance exists and order that the nuisance be terminated or abated. The notice may be given in person or by mail. Failure of any party to receive the mail does not invalidate the service of the notice. A copy of the notice shall be filed with the city clerk.

(B) The notice of abatement shall state that unless the public nuisance is abated by the owner or occupant, it will be abated by the city at the expense of the owner or occupant. The notice shall specify the control measures to be taken to abate the nuisance, and provide a reasonable amount of time to abate the nuisance. The notice will also state that the owner or occupant has the right to appeal the determination that a public nuisance exists by submitting a request in writing to the city clerk within seven (7) days after service of the notice, or before the date by which abatement must be completed, whichever comes first.

(C) If no timely appeal is submitted, and the control measures prescribed in the notice of abatement are not complied with within the time provided by the notice or any additional time granted, the tree inspector or designated person shall have the authority to obtain permission or an administrative search warrant, enter the property, and carry out abatement in accordance with the notice of abatement.

**Subd. 12. High-cost abatement.** If the tree inspector determines that the cost of abating a nuisance will exceed \$5,000 based on a reasonable, good faith estimate, the written notice referred to in subdivision 11 must provide that if the nuisance is not abated within the reasonable amount of time provided, the matter will be referred to the City Council for a hearing. The date, time, and location of the hearing must be provided in the notice.

**Subd. 13. Appeal procedure.** If the city clerk receives a written request for a hearing on the question of whether a public nuisance exists, the City Council shall hold a hearing within seven (7) calendar days following receipt by the clerk of the written request. At least three (3) days notice of the hearing shall be given to the individual who made the written request for the hearing. The Council may modify the abatement notice or extend the time by which abatement must be completed. Each owner, agent of the owner, occupant, and lienholder of the subject property or properties in attendance, if any, shall be given the opportunity to present evidence at the hearing. After holding the hearing, the City Council may issue an order requiring abatement of the nuisance.

**Subd. 14. Abatement procedure in event of imminent danger.**

(A) If the tree inspector determines that the danger of infestation to other shade trees is imminent, and delay in control measures may put public health, safety, or welfare in immediate danger, the tree inspector may provide for abatement without following subdivision 11 or 12. The tree inspector must reasonably attempt to notify the owner or occupant of the affected property of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting.

(B) Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

**Subd. 15. Recovery of cost of abatement; liability and assessment.**

(A) The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

(B) After notice and hearing, as provided in Minn. Stat. § 429.061 (which may be amended from time to time), the city clerk shall, on or before Sept. 1 next following abatement of the nuisance, list the total unpaid charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then certify the charges against the property to the county auditor for collection along with current taxes the following year or in annual installments as the city council may determine in each case.

**Subd. 16. Penalty.**

(A) Any person, firm, or corporation that violates any provision of this section shall, upon conviction, be guilty of a misdemeanor. The penalty, which may be imposed for any crime that is a misdemeanor under this section, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days, or a fine of not more than \$1,000, or both.

(B) Upon conviction of a misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(C) The failure of any officer or employee of the city to perform any official duty imposed by this section shall not subject the officer or employee to the penalty imposed for a violation.

(D) In addition to any penalties provided for in this section, if any person, firm, or corporation fails to comply with any provision of this section, the City Council or any official designated by it may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

**Subd. 17. Severability.** Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

## **SECTION ###.02: DECLARED SHADE TREE PESTS, CONTROL MEASURES, AND CONTROL AREAS**

### **Subd. 1. Oak Wilt.**

(A) **Oak wilt disease** is a shade tree pest and is defined as any living or dead tree, log, firewood, limb, branch, stump, or other portion of a tree from any species of the genus *Quercus* existing within the control area defined that has bark attached and that exceeds three (3) inches in diameter or ten (10) inches in circumference and contains to any degree any spore or reproductive structures of the fungus *Ceratocystis fagacearum*.

(B) **Control measures** that may be taken to abate oak wilt disease are:

(1) Installation of a root graft barrier.

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

(2) Removal and disposal of trees.

(a) On property zoned for residential and commercial use.

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

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

(b) On all other property.

On all other property, the city may mark for removal all oak trees whether living or dead, infected or not and located between an infected tree and the marked barrier

location. These marked trees must be felled and disposed of no later than May 1 of the year following infection. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

All wood more than three (3) inches in diameter or ten (10) inches in circumference from such felled trees must be disposed of by burying, debarking, chipping, or sawing into wane-free lumber, or by splitting into firewood, stacking the firewood, and immediately covering the woodpile with unbroken four (4)-mill or thicker plastic sheeting that is sealed into the ground until Oct. 1 of the calendar year following the calendar year in which the tree was felled, or by burning before May 1 of the year following infection. Wood chips from infected trees may be stockpiled or immediately used in the landscape.

(C) The **control area** for oak wilt disease is defined as:

All lands within the boundaries of the city.

[OR]

All lands within the city identified on the oak wilt control area map dated **XX XX XXXX** and incorporated into this ordinance.

[OR]

All lands within the city within sections **XXX** and **XXX**.

[OR]

All lands within the area of the city bounded by **XXXX and XXXX and XXXX and XXXX streets**.

[OR]

All portions of the city that contain an average of **XXX** oak trees per acre as determined by an estimated inventory conducted by the city and recorded with the city clerk provided that no such portion shall contain less than one hundred sixty (160) acres.

[OR]

All lands within the city that are zoned for uses other than industrial and agricultural plus a buffer strip extending one-quarter mile beyond such lands into all adjoining lands within the city.

**Subd. 2. Emerald Ash Borer.**

(A) **Emerald ash borer** is a shade tree pest and is defined as an insect that attacks and kills ash trees. The adults are small, iridescent green beetles that live outside of trees during the summer months. The larvae are grub- or worm-like and live underneath the bark of ash trees.

(B) **Control measures** that may be taken to abate emerald ash borer are those provided in the document, *Minnesota Emerald Ash Borer Science Advisory Group Recommendations on Preparing for Emerald Ash Borer in Minnesota*.

[[www.mda.state.mn.us/news/publications/pestsplants/pestmanagement/eab-recommends.pdf](http://www.mda.state.mn.us/news/publications/pestsplants/pestmanagement/eab-recommends.pdf)]

(C) **Definition of control areas.** The control area for emerald ash borer is defined as:

All lands within the boundaries of the city.

[OR]

All lands within the city identified on the emerald ash borer control area map dated XX XX XXXX and incorporated into this ordinance.

[OR]

All lands within the city within sections XXX and XXX.

[OR]

All lands within the area of the city bounded by XXXX and XXXX and XXXX and XXXX streets.

[OR]

All portions of the city that contain an average of XXX ash trees per acre as determined by an estimated inventory conducted by the city and recorded with the city clerk provided that no such portion shall contain less than one-hundred sixty (160) acres.

[OR]

All lands within the city that are zoned for uses other than industrial and agricultural plus a buffer strip extending one-quarter mile beyond such lands into all adjoining lands within the city.

**Subd. 3. Dutch Elm Disease.**

(A) **Dutch elm disease** is a shade tree pest and is defined as a disease of elm trees caused by the fungus *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*, and includes any living or dead tree, log, firewood, limb, branch, stump, or other portion of a tree from any species of the genus *Ulmus* existing within the control area defined that has bark attached and that exceeds three (3) inches in diameter or ten (10) inches in circumference and could contain bark beetles or any spore or reproductive structures of the fungus *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*.

(B) **Control measures** that may be taken to abate Dutch elm disease are:

(1) Use of fungicide.

Fungicides may be effective in preventing Dutch elm disease when injected into living trees that do not already show symptoms of Dutch elm disease. Fungicide injections on private lands are optional and, if performed, are at the landowner's expense.

(2) Removal and disposal of trees.

Prompt removal of diseased trees or branches reduces breeding sites for elm bark beetles and eliminates the source of Dutch elm disease fungus. Trees that wilt before July 15 must be removed within 20 days of detection [alternative: 30 days]. Trees that wilt after July 15 must be removed by April 1 of the following year. Diseased trees not promptly removed will be removed by the city at the landowner's expense. Wood may be retained for use as firewood or saw logs if it is debarked or covered from April 15 to Oct. 15 with four (4)-mill plastic. The edges of the cover must be buried or sealed to the ground.

[Refer to the USDA publication [How to Identify And Manage Dutch Elm Disease](http://www.na.fs.fed.us/spfo/pubs/howtos/ht_ded/ht_ded.htm) ([www.na.fs.fed.us/spfo/pubs/howtos/ht\\_ded/ht\\_ded.htm](http://www.na.fs.fed.us/spfo/pubs/howtos/ht_ded/ht_ded.htm)) for further details on management recommendations.]

(C) **Definition of control areas.** The control area for Dutch elm disease is defined as:

All lands within the boundaries of the city.

[OR]

All lands within the city identified on the Dutch elm disease control area map dated **XX XX XXXX** and incorporated into this ordinance.

[OR]

All lands within the city within sections **XXX** and **XXX**.

**[OR]**

All lands within the area of the city bounded by XXXX and XXXX and XXXX and XXXX streets.

**[OR]**

All portions of the city that contain an average of XXX elm trees per acre as determined by an estimated inventory conducted by the city and recorded with the city clerk provided that no such portion shall contain less than one-hundred sixty (160) acres.

**[OR]**

All lands within the city that are zoned for uses other than industrial and agricultural plus a buffer strip extending one-quarter mile beyond such lands into all adjoining lands within the city.

CITY OF \_\_\_\_\_, MINNESOTA

ORDINANCE # \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE # \_\_\_\_\_, DECLARING \_\_\_\_\_ A TREE PEST AND PRESCRIBING CONTROL MEASURES FOR A DEFINED CONTROL AREA**

The City Council of the City of \_\_\_\_\_, Minnesota, does ordain the following:

- (A) **Declaration of a shade tree pest.** *Here a pest is declared and defined.*
- (B) **Prescribed control measures.** *Here control measures are described.*
- (C) **Definition of control areas.** *Here a control area is defined.*
- (D) **Effective date.** This ordinance shall be effective as of \_\_\_\_\_ [following 30 days publication of the Tree Pest Ordinance, Ordinance # \_\_\_\_\_].

This ordinance was introduced and moved for adoption by Councilmember \_\_\_\_\_. The motion for the adoption of the ordinance was duly seconded by Councilmember \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And the following voted against the same:

\_\_\_\_\_  
\_\_\_\_\_

Whereupon said ordinance was declared duly passed and adopted by the City Council of the City of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.

BY:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator [Clerk][Clerk-Treasurer]



# City of East Bethel Park Commission Agenda Information

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**Date:**

February 10, 2016

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**Agenda Item Number:**

Item 9.0

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**Agenda Item:**

Council Report and Other Business

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**Requested Action:** Informational

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**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:**

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**Fiscal Impact:**

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**Recommendation(s):**

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**Park Commission Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

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Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_