



# CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

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ENVIRONMENTAL COMMITTEE MEETING  
FEBRUARY, 3 2021 AT 6:00PM  
CITY COUNCIL CHAMBERS - HYBRID

1. Call To Order

2. New Business

2.A. Approve January 6, 2021 Minutes

Documents:

[01-06-21.PDF](#)

3. Old Business

3.A. Boulevard Tree List Review

Documents:

[BOULEVARD TREE LIST - EDITED.PDF](#)  
[BOULEVARD TREE ORDINANCE.PDF](#)

3.B. Landscape Ordinance Revision Discussion

Documents:

[WSP LANDSCAPE AND NEW DEVELOPMENT ORDINANCE IDEAS.PDF](#)

4. Updates

4.A. GreenStep Cities Updates

4.B. City Council

4.C. Staff

4.D. Park & Recreation Committee

4.E. Planning Commission

5. Other

6. Adjourn

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*If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at  
651-552-4100, TDD 651-322-2323 at least 5 business days prior to the meeting  
[www.wspmn.gov](http://www.wspmn.gov) EOE/AA*

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**West St. Paul Environmental Committee**  
**Environmental Committee January 6, 2021**  
**West St. Paul Municipal Center-City Council Chambers/Virtual Meeting**

**1. CALL TO ORDER**

The meeting was called to order at 6:00 pm.

Committee members in attendance: Laura Zanmiller, Tara Wright, Jonathan Wagner, Kristy Otte, Rebecca McCarty, Polly Saatzer, Jade Pennig

Non-voting in attendance: Robert Gausman, Samantha Green, Lisa Eng-Sarne, Robyn Gulley, Dave Schletty

**2. NEW BUSINESS**

**a. Minutes-** The December 2, 2020 minutes were approved.

**b. Committee Bylaws and Election of Chair/Vice-Chair**

Schletty collected and tabulated the “super-secret” ballots ahead of the meeting for this year’s Chair and Vice-Chair. The Chair for this year will continue to be Otte; Vice-Chair is Wright. Schletty bid them congratulations and the members applauded. Schletty asked members if there were any questions regarding the Bylaws and the Committee Member Expectations. It is the same as last year. Schletty reminded them that appointments are made by Council; it is a two-year term. Members officially start on March 1 of the year that they are appointed. There are three members that are up for reappointment; two members have chosen not to be reappointed. Wagner and Saatzer will be finished after February’s meeting.

**A motion was made by Pennig to approve the Bylaws and to approve the election of Otte and Wright as Chair and Vice-Chair. The motion carried. All Ayes.**

**c. Site Plan Approval -1949 Robert Street**

Schletty related that this site plan was the vacant Baker’s Square building. The tenant would like to build a brand new car wash building. The car wash will be known as Crew Carwash. The submitted plans call for a removal of 3 trees, totaling 54 caliper tree inches. Per code, 30 percent of the total caliper inches of quality trees removed must be replaced. This would be 16.2 inches. The applicant proposes to plant 15 deciduous trees (37.5 caliper inches), 109 shrubs, and 86 different grasses. Per City code, 1 tree is required for every 20 feet of lineal property. The subject property has 1,055 linear feet which equates to 53 trees. This is quite a difference from the proposed number of trees. The plan falls short of the minimum. City staff would like to see at least 11 more trees planted for a total of 26 trees. This would be accomplished by planting trees on the north and west side, (continuing the pattern started on the south and the east.) City staff feel that this spacing and pattern would work. City staff also would like the applicant to offset the effects of the site being automobile-oriented, (the large impervious surface,) with more landscaping. Schletty added that the City Planner is requesting a fence on the north and west to help shield residents from vacuum cleaner noise.

Regarding stormwater management, when a plan disturbs an area more than one acre in size, water quality and rate control measures must be demonstrated. The site is 1.37 acres. Modeling rates must ensure compliance with 10-year and 100-year storm events and 50 percent of the phosphorus must be removed from runoff. Crew Carwash said that their average carwash uses 46 gallons of water. Forty percent of the water is recycled. They will use LED lighting both inside and outside of the building.

Otte commented about putting in new sidewalk on Crusader Avenue and if the new sidewalk would require removing the trees. She also asked about increasing the number of trees required for approval

of the plan; there will be a lot of cars idling in the new establishment. This will cause a lot of emissions. She asked about other possible areas in the site for stormwater and waste water retention. Schletty said that there is an onsite underground storage tank that will initially filter stormwater. He thinks it will be in the northwest corner. The tank will store the water and then it will run off into the stormwater system. Schletty has suggested making the planter bed [southeast corner] into a stormwater retention pond. The Committee can recommend this. Schletty said it may be possible to plant smaller variety trees in the corners of the landscaping. Regarding the new sidewalk on Crusader Avenue, the trees would shift to the north toward the parking lot. Zanmiller asked about the enforcement of landscape plans. Schletty said the plans were enforced by the inspectors onsite. It is a final walkthrough piece. Schletty explained that a big chunk of the applicant's fees is escrowed and they may also have to submit a bond. Fees are not released back until final sign-off is done. The City can hold the money indefinitely; Schletty would need to speak to the City Planner to get the statistics on it. The City is working toward tree dedication fees if applicant cannot fit trees on plan. Wagner suggested adding arborvitae trees. Because of their size, a "ton of them" could be planted. Schletty suggested spruce trees on the west side to help with noise. Wagner said if the required trees were not planted onsite, they should be planted elsewhere. Schletty said that the City can request this but does not "have teeth" in enforcing it. Otte asked about the size of the trees on the site plan and if it represented their growth at full size. She wondered if there were room for more trees. Schletty said that he would need to study the landscaping and the tree varieties. On the south side along Crusader Avenue are maple trees. At full size, the trees would probably grow into each other's canopies eventually. The Serviceberry and Boxelder are a smaller variety. The Ivory Silk will get bigger as well. Schletty added that if the Committee Members wanted a specific tree, the City could request it. Gausman commented that in these developments, the applicants are assessed park dedication monies. Schletty said this was true when a property is replatted. However, no fees will be collected from this application because it will not be replatted. Most developments usually are charged the dedication fee.

**A motion was made by Wagner to approve the site plan with the following recommendations:**

- The number of trees planted be doubled;**
- A sound barrier be created to shield neighboring residents from vacuum noise;**
- The applicant address expanding the water retention system;**
- The applicant plant arborvitae or larger trees that are green all year round to screen the building from the street;**
- The applicant purchase plants from a neonicotinoid-free supplier.**

**The motion was seconded by Otte. The motion carried. All Ayes.**

Schletty said that he will work with the City Planner on tree spacing and see if the City can get a higher number for the required trees.

**d. Review Boulevard Tree Planting List**

Schletty said that the City does have a boulevard tree ordinance and that it was developed by this committee. Residents were concerned with current policy of boulevard tree replacement. The ordinance speaks to tree preservation in the City as well. There is a list of trees that are available to be planted; the list was created by members of the committee in about 2007-2008. The list consists of MN native trees. They are of small, medium and large variety. When the list was created, the Committee

did not worry about planting ash trees. There was no Emerald Ash Borer, (EAB). Since that time, the City has not planted any ash trees. The City uses the list for developers. Schletty asked if there were any comments from the Committee, and if they wanted to add or delete anything. An updated list would be forwarded to Council for approval. A Committee Member asked if residents know there is a list. Schletty replied that they do know. If someone wants a boulevard tree, the City first inspects the site. There are very specific instructions regarding where a tree can be planted and what type of tree can be planted. The tree should not block sight lines and should not be planted over utilities. Ultimately, if a tree is in the boulevard, it is on City property. It is the City's tree. The City allows residents to purchase and plant the tree; they can still call the City and the City Street Maintenance Department will plant the trees when schedule permits. Part of the EAB plan was to plant a better variety of trees. Right now the City has 40 percent Ash trees and 15 percent Maple trees on the boulevards. Ideally the City does not want more than 10-15 percent of one variety. A major disease can come along and wipe out all the trees of a specific variety. Residents can contact Code Compliance anonymously, if they suspect that a boulevard tree has been planted that violates the ordinance. Schletty recalled one case in which an apple tree was planted on the boulevard. Otte wondered if the trees on the list were 100 percent native trees. Schletty said that one of the former members of the Committee, Steve Cook, developed the list. He was a certified arborist. It is possible that there were a few trees are not MN native. There might be a variety of Elm that is not native to Minnesota, but is resistant to Dutch Elm disease. That is the reason why he may have put it on the list. Schletty said that Committee Members could take a month to review the list and come back to discuss it. Wagner said it would be helpful to put in red the Minnesotan native species. Pennig suggested adding the tree specie's water tolerance. Otte proposed requiring a percentage of native and non-native species into the Landscape Ordinance. Gausman has a catalog from a nursery that plants native flowers and grasses. These plants attract pollinators. Zannmiller said she had pesky overhead power lines on her boulevard; planting trees on her boulevard would be prohibited. She was wondering if an alternative could be found. Schletty said that it would be good to generate ideas for that type of problem.

Schletty introduced the new Council liaison to the Committee, Robyn Gulley. She is excited to work with the Committee. She would like the chance to speak with every member. She asked if they were interested in a half hour conversation, to please email or text her.

### **3. Old Business**

#### **a. Zoning Code Updates**

Otte related that trying to work from actual ordinance and embedding the Committee's ideas is not the right approach. The Committee will not be the one writing the actual ordinance. She put together bulleted points and ideas for the Landscape and New Development ordinance. She broke down the items between landscape and buildings. The first thing was trees; the City does a lot of razing of trees in new developments. She wondered if the Committee could come up with language around only cutting down existing trees that are invasive, non-quality, or absolutely necessary to the design plan. With new trees, (following the caliper inches replacement plan), Otte suggested requiring a percentage of trees put forth by the U of MN Extension list to be included in any new plans. Otte listed other items which the Committee recommended for ordinance. The items included fulfilling tree planting requirements elsewhere in West St. Paul because of site restrictions or the funding for future tree plantings; requirement to use suppliers that are neonicotinoid-free and pollinator safe, rain gardens, bio retention solar panels and Dark Sky compliance. Otte asked if there were feedback. Schletty said that the City Planner, Melissa Sonnek, has commented on the list. Sonnek said that the Committee must specify

what sites they would like to affect, i.e. new developments or sites that have been rezoned or remodeled. The City Planner said that certain things will trigger site plan reviews. Regarding the trees, she liked having recommended trees, but was hesitant to require them in actual ordinance. If any changes were made, the City would have to amend ordinance. It would involve, two different Council meetings and also public meetings. In the case of required trees not being planted because of site restrictions, she likes the dedication fee for future tree planting. She was not a big fan of saying, "Go plant them somewhere else." The trees would be planted on park land and eventually be the City's responsibility. There is also limited space to plant trees on park land. The City cannot guarantee that staff has the time to plant especially with a year like this, (with a lot of developments.) It might be cleaner to only have the tree dedication fee. The Committee may need to do more research on the commercial requirement of one tree per 20 feet and the one tree per 40 feet for residential. Because sites in West St. Paul are small, almost every square foot of them are being developed. There is not a lot of green space. Developers are already building smaller buildings to fit into our sites. The Committee may need to investigate this and look at what other cities are doing as well. Wagner talked about contacting NSP or Xcel for other program like street lights replacement at a discounted rate. The City could work on some issues with them such as Dark Sky compliance. They may have some programs that promote solar power usage as well. There are tax incentives for this. Schletty said the City can do this; it is not a sustainable initiative however. It would be hard to put into ordinance.

Schletty said that the City Planner thought a certain percentage of Minnesota native plants could definitely be incorporated into developments. She is hesitant to require that developers use suppliers that are neonicotinoid-free. She does not know the legalities of using specific suppliers. Sonnek needs to talk to the City Attorney about this. Some developers will come from out of state and they may not have the same requirements elsewhere. Regarding the site plan requirements, the City Planner is hesitant to put things into ordinance if there is no incentive to do the things. Schletty said, "It would be kind of a stretch." Sonnek suggested instead to require a developer with a planned development (P.D.) or any type of variance to meet a certain number of requirements. Sonnek would prefer a point system. For example, putting in a rain garden or a solar power system would count toward a certain number of points. Dark Sky compliancy or LED lighting could also be counted in the point system. The applicant would need to meet the point threshold in order for their variance to be approved. Otte said this system makes sense, but it sounds like the system would combine landscape with outdoor and indoor [requirements.] Schletty said that it would not necessarily combine the requirements; he is generalizing site plan requirements. The City Planner is researching how the City can ensure plants are neonicotinoid-free. It is tough to put into ordinance. Wagner mentioned an article he read. The article was about architecture that uses plantings as part of the buildings. One of the unexpected problems are insects, especially with potted plants and mosquitoes. Cities have to figure out how to deal with this, especially with the increase in number of plantings.

Schletty talked about the building standards, specifically the SB2030 energy standards. The City Planner has some hesitation about this. Sonnek researched and discovered at the state level, the energy standards are only required if the applicant is using state bonding money. This is the only time it is required to meet these standards. To make this a requirement and not incentivize the requirement would be a stretch per Sonnek. It would hinder development. The City could incorporate this into a requirement of a variance or it could be tied to a TIF district.

Otte said that SB2030 standard is stated outright in the GreenSteps Plan. A lot of things on the list would hit the GreenSteps plan. To move forward in the GreenSteps city program, not everything is comfortable, or easy. The City may want to attract development that are attracted to green cities. Schletty agreed; there is a fine line between what is too much and how far the City should push [requirements.] He has to do more research and see what other cities are doing. He is interested to see if council has any comments. Gulley said she is absorbing a lot now. She did advise that the Committee be the Environmental Committee and that Council will think about the bigger things. It is totally fine for the Committee to recommend something and not spend a lot of time on what developers are going to think. Council will interact with the developers. The Environmental Committee will be the advocates [for their cause.]

Eng-Sarne said that she will commit to contacting some council members outside of the city who have made great progress in this area. She has made contact with Angie Craig and Climate Action folks; they were talking about some really cool things.

Zanmiller suggested adding the Soil Water Conservation District as a resource (with the U of MN) under the natural buffer wetland shoreline bullet item. They are a resource for developers as well. Otte said she will meet with Schletty and the City Planner to develop the final list. It is still in the building process. Even if the City Planner does not think it is a good idea, it does not mean the Committee cannot put it forward. Even if the recommendations do not become ordinance, it does not mean that the Environmental Committee cannot recommend them every time. Otte would like to connect before the next meeting; she is intrigued by the point system.

#### 4. UPDATES

**a. Subcommittee updates-NA**

**b. City Council Update-** Gully is on day three; she had no real updates. Eng-Sarne said that the City has received Lift Station funding from the state. It is \$2.2 million. (It is a \$3.8 million project for Lift Stations 1 & 2.) The City received grant money from Met Council for I/I inspections. Eng-Sarne was on a call on December 10 with Congresswoman Craig and the Climate Action folks. They talked about the Energy Innovation and Carbon Dividend Act and the City's Climate Resolution. They want to show that there is a non-partisan movement for this cause. Eng-Sarne is impressed with Craig's knowledge on the topic. This is the last meeting for Eng-Sarne. She said that the League of MN Cities award for the City's GreenSteps work is one of the highlights of her tenure. She will go onto the Public Safety Committee and be vice president of the EDA. She related that she is a graduate of Peace Studies. She said that the work the Committee does is good stuff, and that there are many things we can move the dial to move forward. Wright thanked Eng-Sarne for her work.

Gulley said that Rick Hansen is working on getting money for the next two Lift Stations in this year's bonding bill.

**c. Staff Update-** Schletty said the application is in for the Tree City USA certificate; it is different this year. Most things had been shut down. The City could not have the Arbor Day celebration. The Tree City USA program is letting it slide this year. The City did still qualify for the Tree City USA rating. The Committee should start planning for the Arbor Day event soon. It will take a little more planning this year without Garlough School participation. Hopefully by April or May, restrictions will be lifted and the City will be able to have the event.

- d. Parks and Recreation Committee-** Gausman reported that there is a significant new sculpture in the Art Park now. There is a new effort to have more public arts in the parks.
- e. Planning Commission-** Green said that the last Planning Commission meeting was 4 ½ hours long. She told Committee Members, if they want to follow the City's politics or fall asleep, watch the meeting. She said that the Commission follows all the Environmental Committee's recommendations, and she is excited to see the new ordinance from the Committee and to get it to Council.

**5. OTHER-NA**

**6. ADJOURN**

With no other business before the Committee and no objections, the Environmental Committee meeting was adjourned at approximately 7:24 pm.

Respectfully submitted,

Sharon G. Hatfield

# West St. Paul Tree List

Species	Mature Height	Crown Spread	Form	Growth Rate	Utilities	Sun	Hard-ness Zone	Life Expec-tancy	Salt Spray	Salt - Soil	Fall Color	Min. Blvd. Width	Rec. Spacing	Comments
<i>Small</i>														
Amur Maple	20 ft.	20 ft.	Vase	Mod.	Compat.	Full - Partial	3	Med.	Mod.	Mod.	Yellow - Red	3'	15 - 20'	Hardy, bright fall colors. Con-sidered an invasive plant, but wind disseminated.
Spring Snow Crab	25 ft.	15 ft.	Oval	Mod.	Compat.	Full	3	Med.	Sens.	Sens.	Yellow	3'	15'	White flowers, but fruitless. Severely susceptible to apple scab. Low branches may be an issue for traffic.
<i>Medium</i>														
Ironwood	40 ft.	40 ft.	Pyramidal to Round	Slow	Incomp.	Partial to Shade	3	Long	Sens.	Sens.	Yellow	3'	25'	Good medium sized tree.
Japanese Tree Lilac	30 ft.	25 ft.	Round to Oval	Mod.	Incomp.	Full to Shade	3	Long	Tol.	Mod.	Green	3'	25'	Large, creamy-white flowers in spring. Dense, green canopy.
Little-leaf Linden	40 ft.	35 ft.	Pyramidal	Mod.	Incomp.	Full	3	Med.	Sens.	Sens.	Yellow	3'	40'	
Greenspire Linden	40 ft.	30 ft.	Pyramidal	Mod.	Incomp.	Full	3	Med.	Sens.	?	Yellow	3'	30'	Susceptible to developing girdling roots - requiring extra care when planting. Branch habit often develops included bark.
Redmond Linden	40 ft.	30 ft.	Pyramidal	Mod.	Incomp.	Full	4	Med.	Sens.	?	Yellow	3'	30'	Reddish branches in winter. Protect young bark from sunscald.
River Birch	40 ft.	40 ft.	Oval	Fast	Incomp.	Sun to Partial	3	Short	Sens.	Sens.	Yellow	3'	30'	Exfoliating bark, resistant to bronze birch borer. Does well in moist soils. Surface rooting.
<i>Large</i>														
Bur Oak	60 ft.	70 ft.	Round	Slow	Incomp.	Full to Partial	2	Long	Mod.	Tol.	Yellow	4'	35'	Requires little pruning. Fall drop of acorns. Longest living tree in MN.
Swamp White Oak	35-50 ft.		Oval-Round	Mod.	Incomp.	Full to Partial	4	Med.	Mod.		Yellow	4'	30'	May become chlorotic in alkaline soils.

Species	Mature Height	Crown Spread	Form	Growth Rate	Utilities	Sun	Hard-ness Zone	Life Expec-tancy	Salt Spray	Salt - Soil	Fall Color	Min. Blvd. Width	Rec. Spacing	Comments
Sugar Maple	60 ft.	50 ft.	Round	Slow	Incomp.	Full to Shade	3	Long	Sens.	Sens	Yellow-Orange	4'	45'	Site specific for soil. Not a good street tree.
Autumn Blaze Maple	60 ft.	40 ft.	Oval	Fast	Incomp.	Full to Partial	4	Med	Mod.	Mod.	Orange	4'	35'	Cross between red and silver maple.
Red Maple	50 ft.	35 ft.	Oval	Mod.	Incomp.	Full to Partial	3	Short to Med.	Sens.	Sens.	Red to Orange	4'	35'	These do nto seem to do well when exposed to excessive soil salt.
Norway Maple	50 ft.	70 ft.	Round	Fast to Slow	Incomp.	Full to Shade	4	Short	Tol.	Tol.	Yellow	4'	50'	Considered an invasive species. All Norway Maples susceptible to several diseases. Very dense canopy.
Emerald Queen Norway Maple	50 ft.	50 ft.	Round	Fast	Incomp.	Full to Shade	4	Med.	Tol.	Tol.	Yellow	4'	50'	Staight trunk, good branching pattern.
Columnar Norway Maple	50 ft.	20 ft.	Columnar	Mod.	Incomp.	Full to Shade	4	Med.	Tol.	Tol.	Yellow	4'	20'	Commonly used in boulevard spaces with tight site constraints.
Crimson King Norway Maple	35 ft.	35 ft.	Round	Fast to Slow	Incomp.	Full to Shade	4	Short	Tol.	Tol.	Brown	4'	35'	There are several varieties of these maples with the maroon color during the growing season.
Ginko	50 ft.	40 ft.	Pyramidal	Slow	Incomp.	Full	4	Long	Tol.	Tol.	Yellow	4'	35'	Good disease and insect resistance. Plant male only trees.
Skyline Honeylocust	50 ft.	35 ft.	Round	Fast	Incomp.	Full	4	Med.	Tol.	Tol.	Yellow	4'	35'	Bright, golden fall color, drought tolerant.
Shademaster Honeylocust	60 ft.	40 ft.	Round	Fast	Somewhat	Full	4	Med.	Tol.	Tol.	Yellow	4'	30'	Light textured foliage.
Boulevard Linden	60 ft.	30 ft.	Oval	Mod.	Incomp.	Full to Shade	3	Med.	Sens.		Yellow	4'	30'	Narrower, shorter Linden.
American Linden	80 ft.	45 ft.	Oval	Fast	Incomp.	Full to Shade	3	Med.	Sens.	Sens.	Yellow	4'	40'	Keep from developing multiple stems.
Hackberry	60 ft.	40 ft.	Oval	Fast	Incomp.	Full to Partial	3	Long	Sens.	Mod.	Yellow	4'	35'	Good boulevard tree.
Northern Catalpa	50 ft.	35 ft.	Oval	Mod.	Incomp.	Full	4	Short	Mod.	Mod.	Yellow	4'	30'	Large seed pod. Attractive flowers.
Accolade Elm	60ft.	50 ft.	Vase	Fast	Incomp.	Full	4	Med.	Mod.	Mod.	Yellow	4'	50'	Rapid growth. Appears similar to the American Elm
New Horizon Elm	60ft.	40 ft.	Oval	Fast	Incomp.	Full	4	Med.	Mod.	Mod.	Yellow	4'	40'	Adaptable to a wide range of soils.



## CHAPTER 97: TREES

### Section

#### *Plantings and Landscaping on Boulevards*

- 97.01 Purpose
- 97.02 Definitions
- 97.03 Permitted trees
- 97.04 Size and location of permitted trees
- 97.05 Removal of boulevard trees
- 97.06 Public works and utilities
- 97.07 Time for trimming of trees
- 97.08 Permitted plantings and landscaping
- 97.09 Size and location of permitted plantings and landscaping

#### *Tree Diseases and Shade Tree Pest Control*

- 97.20 Tree Diseases and Shade Tree Pest Control

### ***PLANTINGS AND LANDSCAPING ON BOULEVARDS***

**§ 97.01 PURPOSE.** It is the purpose of this Section to protect and promote the public health, safety and general welfare by allowing property owners to plant and maintain the Boulevard areas adjoining their property in a manner that enhances and improves the aesthetic appearance of City streets, avenues and alleys, as well as prevent and abate hazardous and nuisance conditions within the City.

**§ 97.02 DEFINITIONS.** For purposes of this Section, the terms defined have the following meanings:

(A) "Boulevard" means the public right-of-way lying between the property line and sidewalk, and between the sidewalk and the roadway, or where no sidewalk exists, between the property line and the roadway.

(B) "Landscaped Area" means the area within which Plantings and Landscaping Materials are placed.

(C) "Landscaping Materials" means dirt, rock, pavers, stepping stones, wood or similar materials.

(D) "Noxious weeds" means the annual, biennial and perennial plants that are deemed by the Minnesota Commissioner of Agriculture to be injurious to public health, environment, public roads, crops, livestock and other property.

(E) "Plantings" means trees, flowers, grass and other plants.

### **§ 97.03 PERMITTED TREES**

A list of approved trees that may be planted on the boulevard portion of a public right of way is on file in the office of the Public Works Director.

### **§ 97.04 SIZE AND LOCATION OF PERMITTED TREES**

All trees planted must be at least one inch in diameter at six inches above the ground. Trees must be cultivated nursery stock with straight trunks not less than six feet high. No trees shall be placed so as to cause a traffic hazard. Specific measurement regulations are as follows:

(A) *Spacing*. Required spacing guidelines will be provided by the Public Works Director on the approved list of trees.

(B) *Curb Returns and Intersections*. Trees must not be planted closer than 30 feet from future or existing curb returns at intersections.

(C) *Driveways*. Trees must be planted at least five feet from driveways.

(D) *Boulevards*. Except where special permit is obtained from the Public Works Director, no tree may be planted on any boulevard where the distance between the nearest edge of the sidewalk and curb is less than (3) three feet.

(E) *Sidewalks and Curbs*. Trees must be a maximum of one and a half (1.5) feet from the nearest public street pavement, curb, sidewalk or trail. All trees must be planted equally distant from the nearest edge of the proposed or existing sidewalk and curb, except when the Public Works Director may direct otherwise.

(F) *Assistance*. The Public Works Director will assist in staking out the location of the tree planting.

### **§ 97.05 REMOVAL OF BOULEVARD TREES**

(A) *City Removal*. The City can remove trees that are determined by the Public Works Director to be diseased, dangerous or a public nuisance according to the following rules:

- (1) Removal of trees will not leave the stump above boulevard level.
- (2) Removal of any tree is to be approved by the Public Works Director before removal.

(3) When the City removes trees in connection with public improvements, new trees may be planted if the City determines it is practical.

(B) *Resident Requests.* The owner of property abutting a boulevard may request the removal of a boulevard tree from in front of the owner's property. If deemed necessary by the Public Works Director, the tree will be removed by the City at no cost to the property owner.

#### **§ 97.06 PUBLIC WORKS AND UTILITIES**

Notwithstanding the foregoing, all such Boulevards remain public property and subject to the right of the City to perform necessary work, to plant, trim and otherwise maintain trees, to access, maintain, install and repair utilities and to store excess snow. In the event the City interferes with or damages any Boulevard Plantings or Landscaping Materials in the course of such work, the City is responsible only to restore the Boulevard to the original grassy state by use of black dirt and grass seed. The City shall not be liable for any damage to, disruption of or removal of Plantings or Landscaping Materials, either direct or indirect, as a result of the City, its employees, agents or contractors performing any snow plowing, street sweeping, or installation, maintenance or repairs within the Boulevard. Further, the City has the right to remove or restrict any Plantings or landscaping that are deemed to interfere with the safety of pedestrians or motorists. The property owner shall be liable for and shall indemnify the City for the costs of any damage to City property caused by the Plantings or Landscaping Materials during the course of performing any snow plowing, street sweeping, or installation, maintenance or repairs in the Boulevard, unless such damage was caused by the City's negligence.

#### **§ 97.07 TIME FOR TRIMMING OF TREES**

The normal period for tree trimming will be in late fall through early spring.

#### **§ 97.08 PERMITTED PLANTINGS AND LANDSCAPING**

In addition to planting Boulevard trees as permitted in this Section, property owners are permitted to plant, care for and maintain Plantings and Landscaping on the Boulevards adjacent to their property, subject to the restrictions set forth herein.

#### **§ 97.09 SIZE AND LOCATION OF PERMITTED PLANTINGS AND LANDSCAPING**

(A) Plantings and Landscaping Materials in the Boulevard may not exceed 36 inches in height. However, Plantings and Landscaping Materials in the Boulevard may not exceed 18 inches in height when located:

- (1) Within 30 feet of any intersection as measured from the property line; or
- (2) Within 5 feet of any alley or driveway; or
- (3) Within 5 feet of any public utility fixture.

(B) Where no sidewalks exist, the Landscaped Area must provide for the passage of pedestrian traffic.

(C) Plantings and Landscaping Materials must be maintained in such a way that there is no overhang or encroachment onto the sidewalk, curb, street, or alley. They must be contained within the Landscaped Area.

(D) No Noxious Weeds may be planted, maintained or allowed to proliferate within the Landscaped Area.

(E) No fences, berms, or retaining walls may be constructed within the Landscaped Area.

(F) Property owners may not alter the grade of the Boulevards within the Landscaped Area.

(G) The Landscaped Area must not be maintained as dirt exclusively. At a minimum, the Landscaped Area must be seeded for and maintained as grass.

### ***TREE DISEASES AND SHADE TREE PEST CONTROL***

#### **§ 97.20 TREE DISEASES AND SHADE TREE PEST CONTROL.**

(A) *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 M.S. §§ 89.001, 89.01 and 89.51 through 89.64, as those sections may be amended from time to time, the provisions of this section are adopted to attempt to control and prevent the spread of these shade tree pests.

(B) *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.

(C) *Declaration of a shade tree pest.* The City may declare any vertebrate or invertebrate animal, plant pathogen, or plant threatening to cause significant damage to a shade tree or community forest in the community, 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.

(D) *Public nuisances declared.* A shade tree pest occurring within a declared control zone is

a public nuisance.

(E) *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 § 95.15.

(F) *Definition of control areas.* Upon declaring a shade tree pest, the City may define one or more locations within the geographic boundaries of the city to be within a shade tree pest control area, provided the locations are characterized by biologic, composition, environmental and size factors favorable to successful application of the control measures prescribed by the City.

(G) *Tree Inspector.* The City may appoint a Tree Inspector. 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 duties incident to such a program adopted by the Council.

(H) *Abatement of shade tree pest nuisances.*

(1) In abating a nuisance declared by ordinance under divisions (B) and (C) above, the organism, condition or plant and any 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. The abatement procedures shall be carried out in accordance with the control measures and areas prescribed by ordinance according to divisions (C) above and (K) and (O) below.

(I) *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 public nuisance caused by a shade tree pest as defined under division (C) above shall report the same to the city.

(J) *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 State Commissioner of Agriculture under M.S. § 18G.07, as it may be amended from time to time.

(K) *Inspection and application of control measures.*

(1) The Tree Inspector is authorized to cause premises and places within the city to be inspected to determine whether shade tree pests exist thereon and to investigate all reported incidents of shade tree pests. The Tree Inspector shall have the power to take all reasonable precautions 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 or by tests as may be recommended by the Commissioner of the State Department of Agriculture or the Commissioner of the State Department of Natural Resources.

(2) 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.

(3) No person, firm or corporation shall interfere with the Tree Inspector acting under his authority while engaged in activities authorized by this section.

(L) *Declared shade tree pests, control measures and control areas.*

(1) *Oak wilt.* **OAK WILT** is declared a shade tree pest and is defined as any living or dead tree, log, firewood, limb, branch, stump or other portion of a tree from any species of the genus *Quercus* existing within the control area defined that has bark attached and that exceeds three inches in diameter or ten inches in circumference and contains to any degree any spore or reproductive structures of the fungus *Ceratocystis fagacaarum*. Control measures prescribed for abating Oak Wilt Disease are:

(a) *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 42 inches deep between any oak tree infected with Oak Wilt Disease and each nearby and apparently healthy oak tree within 50 feet of the infected tree;

(b) *Removal and disposal of trees 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;

(c) *Removal and disposal of trees 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;

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

(e) *Control area.* The **CONTROL AREA** for Oak Wilt Disease is defined as all lands within the boundaries of the city.

(2) *Emerald Ash Borer.* **EMERALD ASH BORER** is declared 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.

(a) Control measures prescribed for abating 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.*

(b) *Definition of control areas.* The **CONTROL AREA** for Emerald Ash Borer is defined as all lands within the boundaries of the city.

(3) *Dutch elm disease.* **DUTCH ELM DISEASE** is declared 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 inches in diameter or ten inches in circumference and could contain bark beetles or any spore or reproductive structures of the fungus *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*.

(a) Control measures prescribed for abating 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 sawlogs if it is de-barked or covered from April 15 to October 15 with 4mm plastic. The edges of the cover must be buried or sealed to the ground.

(b) The *CONTROL AREA* for Dutch elm disease is defined as all lands within the boundaries of the city.

Penalty, see § 10.99

Please include the following in the new ordinance(s):

## Landscape:

Trees:

- Only cut down existing trees if invasive, non-quality, or absolutely necessary to design plan
- New Trees- follow existing WSP guidelines regarding caliper inches and number planted;
  - ADD list of **native species trees & shrubs** from [U of MN extension](#) and require percentage to be included in plan
  - ADD requirement of fulfillment of tree planting in other WSP designated site when new planting requirements are restricted due to site OR contribution to a fund for the city to use for future tree planting
  - ADD requirement of using supplier/producer that is neonicotinoid free & pollinator safe
  - ADD consideration of sun, wind, soil, irrigation for plantings on site

Plants:

- ADD requirement of using supplier/producer that is neonicotinoid free & pollinator safe
- ADD list of **native species plants and flowers** from [U of MN extension](#)
- ADD [list of pollinator attracting plants](#)

*Include minimum of 2 on any new development:*

- RainGardens/Bio-retention:
  - Consider for all new & redesigned parking lots
  - Stormwater plan
- Green Rooftops:
  - Consider for all new development
- Solar Panels or other Green Energy:
  - Solar
  - Geothermal
  - Wind
  - Biomass
- Natural buffer on wetland/shoreline:
  - U of MN extension guidance
- Option: offer incentive for using more than 2 on this list

## Lighting:

- Outdoor Lighting is Dark Sky Compliant
  - **ADD resolution for City of WSP to become Dark Sky certified** ([see Dark Sky site](#))
  - Include in ordinance designations for signs, timing of lighting, hoods on lights (shielding)
- Indoor Lighting
  - Require energy efficiency in all city buildings; new development
    - LED
  - Encourage energy efficiency in residential properties

## Buildings:

- Energy Standard: [SB 2030 Energy Standard for all New Buildings and Major Renovations](#)
- Green Building framework requirements (grey water, stormwater, **electric vehicle charging**, renewable energy)
- Consider: adopt ordinance wind energy /biomass/ solar ordinance encouraging use and eliminating barriers

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More notes can be found [here](#).