



Inver Grove Heights City Council
Monday, May 1, 2023 at 6:00 PM
8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Rebecca Kiernan (rkiernan@ighmn.gov). Comments received prior to 4:00 p.m. on Monday, May 1, 2023, will be provided to the Council at or before the May 1, 2023 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Discussion Items**
 - A. Veterans Memorial Greenway Project Design Update
 - B. Review of Interfund Loans
 - C. EAB Workplan & Tree Replacement Plan
4. **Adjourn**

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Rebecca Kiernan, City Clerk, at 651.450.2513 or rkiernan@ighmn.gov.



Request for Council Action

SUBJECT: Veterans Memorial Greenway Project Design Update

MEETING DATE: May 1, 2023

ITEM TYPE: Discussion Items

CONTACT: Brian Connolly, Public Works Director, 651.450.2571
Adam Lares, Parks & Recreation Director, 651.450.2587

ACTION REQUESTED

The Council is asked to receive an update from Dakota County staff regarding the Veterans Memorial Greenway Project.

BACKGROUND

In 2017, the Inver Grove Heights City Council adopted Resolution 17-133, supporting Dakota County's master plan for the Rich Valley Greenway. The Dakota County Board adopted the Rich Valley Greenway Master Plan in September of 2017 and then undertook a preliminary engineering study from 2018-2020, to explore alignment options and identify a preferred alignment. At the conclusion of the preliminary engineering study, the Rich Valley Greenway was renamed the Veterans Memorial Greenway.

Preliminary design and engineering on the Veterans Memorial Greenway commenced in September, 2020, and has been ongoing ever since. Two open houses have been hosted (February, 2022 and June, 2022), with a focus on identifying the preferred trail location and design (on-road, off-road, etc.) and the key components of the memorial interpretive nodes proposed along the trail. The June 2022 open house was attended by approximately 30-35 property owners and residents from Inver Grove Heights, most of whom live along or adjacent to 105th Street, which is a proposed alignment for the Greenway from Barnes Ave. to US 52. Many of these residents expressed concerns about the trail location, easement and right of way needs, and potential paving of 105th Street. As a result, the County paused design efforts on this segment of the Greenway in order to allow time to take the comments received under further advisement.

Presently, the Veterans Memorial Greenway construction is scheduled to be phased over the next three years:

- 2024 - Middle Segment (Alameda Path to Rich Valley Park, parallel to Cliff Road/Rich Valley Blvd, all within Inver Grove Heights)
- 2025 - West Segment (Dodd Road in Eagan to Alameda Path in Inver Grove Heights, through easements located north of Southern Hills Park)
- 2026 - East Segment (Rich Valley Park to US 52, mainly along 105th Street, all within Inver Grove Heights)

Dakota County has developed a project website for the Veterans Memorial Greenway, where information regarding open house materials and past study data is available for view: <https://www.co.dakota.mn.us/Transportation/PlannedConstruction/VeteransGreenway/Pages/default.aspx>

Dakota County staff wish to provide an update to the City Council regarding the current design progress, and gain feedback from the Council on several key design and implementation items associated with the Veterans Memorial Greenway, including:

1. What questions does the Council have, and what additional information would be necessary, to gain formal support from the City of Inver Grove Heights to provide for the Veterans Memorial Greenway alignment as proposed along 105th Street?
2. Does the Council have an opinion on the paving and/or urbanization of 105th Street to accommodate the proposed Veterans Memorial Greenway? What additional information would be needed for the Council to consider road upgrades along 105th Street?
3. Does the Council have any opinion about how the County engages with property owners along 105th Street, and does the Council and/or City staff desire to be involved in the process (and if so, to what degree)?

As this is a worksession, this presentation is to facilitate open conversation and discussion, and not to finalize any preferred design or coordination efforts. It is intended to help provide guidance to Dakota County staff for further design and planning/coordination efforts, and to provide the Council and City staff with a better understanding of the next steps needed, and if necessary, what decisions regarding formalizing the City's continued support for the project will be needed in the near future.

FISCAL IMPACT

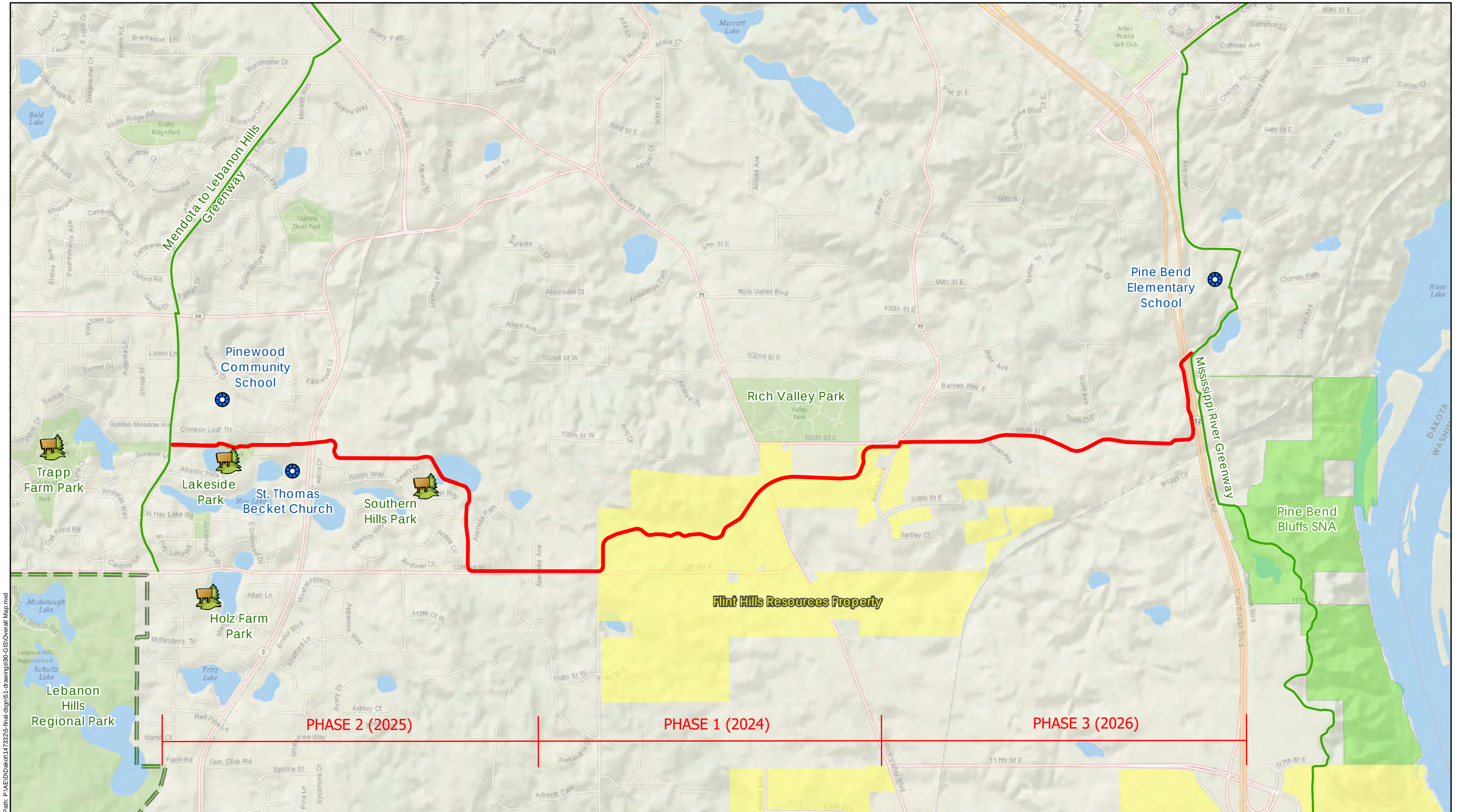
N/A

RECOMMENDATION

N/A

ATTACHMENTS

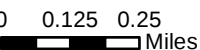
1. Veterans Memorial Greenway - Location Map



Path: P:\AEC\DDakota\147332\5-final-dsgn\51-drawings\90-GIS\Overall Map.mxd



0 0.125 0.25 Miles



Project: DAKOT 147332
Print Date: 1/2/2020

User Name: msteuernagel
Projection: NAD 1983 HARN Adj MN Dakota Feet
Source:

LOCATION MAP
VETERANS MEMORIAL GREENWAY
DAKOTA COUNTY, MINNESOTA

Figure
1

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



Request for Council Action

SUBJECT: Review of Interfund Loans**MEETING DATE:** May 1, 2023**ITEM TYPE:** Discussion Items**CONTACT:** Amy Hove, Finance Director, 651.450.2521

ACTION REQUESTED

The Council is asked to receive an overview of the City's current interfund loans and consider staff recommendations for certain modifications.

BACKGROUND

Local governments will often utilize interfund loans - which provide funds from one city fund to another, as an alternative to bonding or other forms of borrowing. The receiving fund may be experiencing a temporary cash shortage or be seeking to fund the purchase of equipment or to make improvements that the fund couldn't otherwise afford. The City currently has six outstanding interfund loans between city funds, which are as follows:

Payable Fund	Receivable Fund	Loan Balance 12/31/2022	Loan Description
Community Center	Central Equipment	\$ 324,613.77	2016 Energy Improvements
Community Center	Central Equipment	726,026.24	2016 Roof Project
Community Center	Central Equipment	343,313.86	2018 East Rink Replacement
Community Center	Central Equipment	465,175.50	2018 West Rink Replacement
Golf Course	Central Equipment	1,638,160.00	2016 Course Improvements
EDA	Host Community Fund	<u>1,000,000.00</u>	2012 Golf Course Land Purchase
		\$ 4,497,289.37	

Staff have reviewed the status of those loans, including each borrowing fund's ability for repayment, and have developed a series of recommendations for the Council's consideration.

In summary, there are three loans that staff recommend forgiveness, one that staff recommend a revised/accelerated repayment plan for, and two that staff recommend leaving "as is". The attached presentation provides additional details of the recommendations that will be presented during the work session.

FISCAL IMPACT

The fiscal impact is unique for each loan and will be outlined in the presentation.

RECOMMENDATION

Staff asks the Council to consider the unique recommendation for each loan and provide any feedback on those recommendations. As this is a work session agenda, any formal action would take place at a future Council Meeting.

ATTACHMENTS

1. Presentation

Interfund Loans (City Loans Between Funds)

City Council Work Session

*Amy Hove, Finance Director
May 1, 2023*



Interfund Loan Definition

- One fund loans or advances money to another fund with a requirement for repayment

Current City Interfund Loans (6)

Payable Fund	Receivable Fund	Loan Balance 12/31/2022	Loan Description
Community Center	Central Equipment	\$ 324,613.77	2016 Energy Improvements
Community Center	Central Equipment	726,026.24	2016 Roof Project
Community Center	Central Equipment	343,313.86	2018 East Rink Replacement
Community Center	Central Equipment	465,175.50	2018 West Rink Replacement
Golf Course	Central Equipment	1,638,160.00	2016 Course Improvements
EDA	Host Community Fund	<u>1,000,000.00</u>	Golf Course Land Purchase
		\$ 4,497,289.37	

Community Center – 2016 Loans

- 2016 Roof Repair & Replacement Project
- 2016 Energy Improvements
 - Solar panels installed on roof tops (1,700 single panels)

Payable Fund	Receivable Fund	Loan Balance 12/31/2022	Loan Description
Community Center	Central Equipment	\$ 324,613.77	2016 Energy Improvements
Community Center	Central Equipment	726,026.24	2016 Roof Project
		\$1,050,640.01	

Community Center – 2016 Loans

Annual Repayments

- Repayment amount is determined by netting Xcel's credit for solar panels against cost to solar panel company
- 50% of the energy savings is applied to the Roof Project Loan and 50% applied to the Energy Improvement Loan
 - 2022 Savings = \$23,490.70 (\$11,745.35 to each loan)
 - 2021 Savings = \$14,284.44 (\$7,142.22 to each loan)
 - Based on the 2022 repayment, loans wouldn't be paid off for 27 year and 61 years, respectively
- Community Center receives an annual transfer from the Host Community Fund for operations – therefore, any savings to electric usage essentially reduces the Host Community Funds operating transfer.

Community Center – 2016 Loans

Staff Recommendation

- Since the Community Center does not generate excess revenues for these internal loan payments, and;
- Since the Central Equipment Fund is the Receivable Fund and has a healthy fund balance, and;
- Staff have determined the repayment of these loans are not needed to meet ongoing capital needs within the Central Equipment Fund
- Therefore, staff recommendation is to forgive the balance of these two loans (\$1,050,640.01)
 - Alternate recommendation: identify another funding source to pay off loan
- If Council agrees, staff will request formal action at a future meeting.

Community Center – 2018 Loans

- 2018 East Rink Replacement Project
- 2018 West Rink Replacement Project

Payable Fund	Receivable Fund	Loan Balance 12/31/2022	Loan Description
Community Center	Central Equipment	\$ 343,313.86	2018 East Rink Replacement
Community Center	Central Equipment	465,175.50	2018 West Rink Replacement
		\$ 808,489.36	

Community Center – 2018 Loans

Annual Repayments

- East Rink Replacement Project
 - 10 Year Loan (2018-2027) at 0% Interest
 - Annual payments of \$68,662.77
 - Funded from Community Center balances – which are derived from Host Community Fund transfers
- West Rink Replacement Project
 - 10 Year Loan (2018-2027) at 0% Interest
 - Annual payments of \$93,035.10
 - JPA with City of Rosemount
 - Secures 550 hours/year of peak ice time over 10-year period
 - Rosemount covers 69% of the loan payment plus 6.326% interest
 - Balance of loan payment is funded from Community Center balances which are derived from Host Community Fund transfers

Community Center – 2018 East Rink Loan Staff Recommendation

- Since the Community Center does not generate excess revenues for this internal loan payment, and;
- Since the Central Equipment Fund is the Receivable Fund and has a healthy fund balance, and;
- Staff have determined the repayment of this loan is not necessary to meet ongoing capital needs within the Central Equipment Fund
- Therefore, staff recommendation is to forgive the balance of this loan (\$343,313.86)
 - Alternate recommendation: identify another funding source to pay off loan
- If Council agrees, staff will request formal action at a future meeting.

Community Center – 2018 West Rink Loan Staff Recommendation

- Since the City of Rosemount covers 69% of the loan payment plus 6.326% interest, and;
- Since the Community Center has residual cash available to cover the remaining balance of this loan payment
- Therefore, staff recommendation is to keep this loan in place “as is” and make no alterations to the loan schedule (\$465,175.50)
- If Council agrees, there is no further action required at this time. The final loan payment will be made in 2027.

Golf Course Interfund Loans

- 2016 Improvements for \$2,047,700
- 25-Year Loan (2018-2042) at 0% Interest
- Annual payments of \$81,908

Payable Fund	Receivable Fund	Loan Balance 12/31/2022	Loan Description
Golf Course	Central Equipment	\$ 1,638,160.00	2016 Course Improvements

- Previous Interfund Loans
 - 2019 Equipment - issued but then later paid off as it was determined there was sufficient cash on hand to cover the expense (\$282,003.09)
 - 2018 Equipment - originally a 3-year loan but was paid off in 2019 as there was sufficient cash on hand to pay off the \$75,368.29 balance.

Golf Course

Cash Position & Future Activities

- Over the past three years, the Golf Course has steadily improved its cash position
 - Increased activity at course after 2016 improvements
 - Increased interest in outdoor activities during COVID
 - 3-Year Membership Drive in 2020 (2021-2023 seasons)
- Cash reserves as of 12/31/2022 = \$2,061,841
- 2023 Membership Drive (2024-2025 seasons) so potential for cash reserves in excess of \$3 million by year-end 2023
- Upcoming 5-year capital needs estimated at \$781,000

Golf Course – Interfund Loans

Staff Recommendation

- Staff recommendation is to restructure the repayment schedule to a 3-year repayment (2023-2025)
- Keep interest rate at 0%
- Set annual payments at \$546,053
- Future cash balances for the Golf Course fund are estimated at \$2 million and higher (2024-2028)
 - Even after this accelerated repayment schedule
 - Even after considering future capital needs
 - This still provides the fund with a healthy operating reserve
- If Council agrees, staff will request formal action at a future meeting.



EDA Interfund Loan

- The EDA purchased land from the Golf Course for redevelopment at a cost of \$1,352,000
- The EDA borrowed \$1 million from the Host Community Fund for that purchase
- There are no repayments scheduled at this time – it was anticipated that future proceeds from a sale of this property would be used to pay off this advance

EDA - Interfund Loans

Payable Fund	Receivable Fund	Loan Balance 12/31/2022	Loan Description
EDA	Host Community Fund	1,000,000.00	Golf Course Land Purchase

- Staff recommendation is to leave this loan/advance on the books until such a time as the property can be marketed and sold,
- Staff recommend future discussion regarding sale proceeds and loan repayment when the property is ready to market and sell
 - Including an analysis of fund balances and future needs for the Host Community Fund and EDA Acquisitions Fund.

City Interfund Loans Recommendation Summary

Payable Fund	Receivable Fund	Loan Balance 12/31/2022	Loan Description
Community Center	Central Equipment	\$ 324,613.77	2016 Energy Improvements
Community Center	Central Equipment	726,026.24	2016 Roof Project
Community Center	Central Equipment	343,313.86	2018 East Rink
Community Center	Central Equipment	465,175.50	2018 West Rink
Golf Course	Central Equipment	1,638,160.00 (546,053.00) 1,092,107.00	2016 Course Improvements Proposed 2023 Payment
EDA	Host Community Fund	<u>1,000,000.00</u>	Golf Course Land Purchase
		\$ 4,497,289.37 \$ 2,557,282.50	Balance 12/31/2023



Request for Council Action

SUBJECT: EAB Workplan & Tree Replacement Plan

MEETING DATE: May 1, 2023

ITEM TYPE: Discussion Items

CONTACT: Brian Swoboda, Parks Superintendent, 651.450.2582
Adam Lares, Parks & Recreation Director, 651.450.2587
Amy Hove, Finance Director, 651.450.2521

ACTION REQUESTED

The Council is asked to receive an update . . .

BACKGROUND

Since 2002, Emerald Ash Borer (EAB) has killed tens of millions of ash trees in neighboring states. With the second largest concentration of ash trees in the country, Minnesota has had much to be concerned about. EAB attacks all species of ash trees and causes tree death in two to three years.

What is Emerald Ash Borer? EAB is an exotic beetle that was discovered in southeastern Michigan near Detroit in the summer of 2002. It is believed to have arrived in the US on cargo ships or airplanes originating from its native Asia.

- EAB attacks all species of ash trees and can cause tree death in 2-3 years.
- Adult beetles nibble on ash foliage but cause little damage.
- The larvae feed on the inner bark of ash trees, disrupting the tree's ability to transport water and nutrients.
- The impact of EAB could surpass that of Dutch Elm Disease.
- EAB is difficult to detect and can be present for years before significant signs and symptoms of infestation are seen.

The City manages EAB through code and policy to control and eliminate it within the City. Chapter 8 of Title 5 of the City Code addresses the management of the diseased trees of Dutch Elm, Oak Wilt, and EAB. (see attached code)

Chapter 8 of Title 5 of City Code: Diseased Trees & Forester Duties

- Coordinate all activities relating to control and prevention of Dutch elm disease, oak wilt, and emerald ash borer.
- Provide program recommendations to the City Council on how to address the health of trees within the city limits.
- As often as practical, staff will annually inspect all premises and places within established control zones.

- Investigate all reported incidents of infestations of Dutch elm disease, oak wilt, the elm bark beetles, and emerald ash borers.
- Oversee abatement processes related to removal and/or treatment of infected trees.

Emerald Ash Borer Management Plan

In June 2010, the City adopted the Emerald Ash Borer Management Plan Policy (see attached) to mitigate the impact of EAB on the city's tree canopy. The plan addresses how ash trees on public property, right-of-way, and private property will be managed. It outlines how the City took a proactive approach and spread the physical and fiscal costs associated with the outbreak of Emerald Ash Borer over a 10-year timeframe.

Other notable items related to the plan:

- An inventory was created for ash trees on public properties. The ROW inventory was a partial inventory.
- It is unknown how many ash trees were or are on private property or located in public wooded areas of the city.
- The plan included funding of \$33,000/year with the remaining funds to carryover to future years.

The table below is the original ash tree inventory from 2010.

Location	Good Trees	Fair Trees	Poor Trees	Total Trees
Parks (mowed area)	368	33	11	412
Inver Wood Golf Course	39	2	0	41
City Facilities	61	17	1	79
Right of Way	439	109	33	581
Total Trees	907	161	45	1,113
% of Total Trees	81.5%	14.5%	4%	100%

The plan addresses how ash trees will be managed on public property, right-of-way (ROW), and private property as follows:

Public Property

- The City will not plant any new ash trees on public property, and begin to remove any poor-quality trees or trees in fair condition with major defects.
- Ash trees in natural areas that were potential targets and are dead, dying, or hazardous will be removed. However, in mowed areas, ash trees will be replaced.
- The City will cooperate with MN Dept of Agriculture & MN DNR to establish EAB detection trees as needed on City property.

Right-of-Way (ROW)

- City Code - Title 7, Chapter 1 states:
 - No trees, bushes or shrubs shall be planted or placed within the public ROW or within 5 feet of the public ROW or within the side strip or boulevard. No trees, bushes or shrubs shall be planted within 30 feet of the intersection of curb lines on corner lots.
- Recommend citizens and businesses discontinue the use of ash trees in new plantings.
- The City will remove any boulevard ash tree at citizen request. Based on city ordinance, a new tree cannot be placed in the ROW.
- If a resident wishes to treat for EAB, the City will permit residents to chemically treat an ash tree in the public ROW under conditions (licensed tree service, State of MN approved applicator, state approved chemicals).
- In order to accomplish ash removal, the City will hire a contractor to remove ash trees each year, beginning with poor and fair quality trees which were requested for removal.

Private Property

- Chapter 8 of the City Ordinance on Diseased Trees was updated to reflect the Emerald Ash Borer threat specifically to address ash trees on private property. There are many thousands of ash trees, large and small, on private property in the city. No reliable inventory exists, and ash densities vary by neighborhood.
- Property owners are urged to monitor for EAB. The City directs residents to an ISA Certified Arborist in the event they wish for ash evaluation or removal of their private property tree.
- Residents are encouraged to replace trees lost to EAB with species appropriate for the site, or plant new trees in advance of EAB infestation and ash removal as a way of protecting the tree canopy cover.
- The City will not treat or dispose of any trees found on private property, and it is the sole responsibility of private property owners to remove dead and dying ash trees.

The City's development plan approval process was also updated to address future trees on private property. It called for future development approvals to include a condition stating that no ash trees shall be allowed as a condition of approval.

Below is the current EAB inventory as a result of the 2010 EAB management plan efforts on public property throughout the city.

	Public Properties	Right-of-Way	Total Trees
2010 Inventory	532	581	1,113
New EAB Trees Identified	28	0	1,141
Total Trees Identified	560	581	1,141
Trees Removed 2011-2022	-560	-426	-986
Balance of Inventory		155	155
*NEW EAB Trees (estimate)	Unknown	Unknown	800-1000

Overall, the City has removed a total of 986 ash trees inventoried in the ROW, parks, Inverwood Golf Course, and other city-owned properties. There are 155 trees remaining to be removed from the

inventoried list. However, over the last 2 years, EAB has dramatically increased and there are additional dead and dying ash trees throughout the city that were not part of the 2010 inventory. The city's forester anticipates over the next 5 years we will need to remove a minimum of 800-1000 infected, dying, dead, and potential target ash trees on city-owned property and enforce removal of thousands on private property.

As indicated above, the EAB plan funding included a \$33,000 annual allocation over 10 years. In addition, in 2010, the parks division utilized their operating budget to address some immediate EAB concerns. The City also received \$50,000 in DNR Grants to address EAB from 2010 - 2012. Originally, the fund was identified as the Community Projects Fund (Fund 450). However, it was renamed the Emerald Ash Borer Fund in 2021 as it was determined that the only project and dollars remaining in the fund were for EAB.

	Year(s)	Total
DNR-2 Forest Bonding Grants	2010-2012	\$ 50,000
Parks Operating Budget	2010	12,900
Community Projects-available funds	2010-2019	<u>330,000</u>
		\$ 392,900

Since the plan began in 2010, 986 ash trees have been removed from city property. Over that time, the City has expended \$267,897 of the allocated \$330,000 in the fund, leaving the current balance of the EAB Fund at approximately \$62,000.

2023 Ongoing Policy Recommendations

- Staff recommends the removal of the remaining 155 ash trees as identified in the original 2010 EAB plan.
- Annually identify and inventory diseased trees.
- Monitor ash trees in unmanaged public property, typically wooded areas for EAB infiltration; and un-inventoried ROW areas that were not included in the original 2010 inventory.
- As remaining ash trees on public property deteriorate, they will be removed by the City. The City would contract out this work.
- Continued outreach to property owners with ash trees in the ROW.

Tree Preservation

Looking at trees more broadly than just responding to the EAB crisis, the city manages tree preservation through codes and policies to maintain a healthy tree canopy. The first is Title 10 Zoning Regulations, Chapter 15 Performance Standards, Article D Tree Protection and Preservation During Land Alteration, and the second is the Tree Preservation Fund – Tree Replacement Plan Policy. (see attached code and policy)

Article D

The purpose of Article D is to provide for minimal tree loss and mitigation of tree removal in wooded areas of the city by way of land alteration. The ordinance establishes allowable removal thresholds; based on zoning district. If alteration results in woodland removal that is less than the percentage threshold, then applicants shall be given, for each percent under threshold, a credit of 1% up to a

maximum of 10% towards their park dedication fees. If land alteration results in woodland removal beyond the removal threshold, the applicant shall be required to submit a reforestation plan.

The reforestation plan is based on the total diameter inches of significant and heritage trees removed beyond threshold limits. Actual replacement quantities are adjusted based on the type of woodland removed. Species replacement must meet site landscaping requirements. Where heritage trees have been removed, replacement trees should consist of the same species as the removed heritage tree, or a tree that has the same potential value as the removed heritage tree. Required replacement trees shall be planted on the site being developed in areas such as yard setbacks and outlets.

Should the development not have sufficient room on the site to allow for all required reforestation, the balance may, at the City Council's discretion, either be:

- Planted upon public property in locations approved by the city; or
- A cash payment to the City in an amount equivalent to the cost of the plantings, said payment to be used by the city for future plantings on public property.

The reforestation plan must be reviewed by the City Planner and considered by the City Council as part of final plat approval.

Tree Replacement Plan - Tree Preservation Fund Policy

The tree preservation fund policy was approved by the City Council on February 10, 2003. The policy provides criteria for expenditure of funds received when a development does not have sufficient room on its site to allow for all required reforestation and the City Council approves a payment in lieu of planting. In addition, the policy calls for an annual tree replacement plan, prepared by the Parks Division, submitted to Park & Recreation Advisory Commission for review, and to the City Council for approval. However, the most recent tree replacement plan was approved on March 28, 2016.

Under the current policy, the Tree Preservation Fund may be used for:

- City's Reforestation Program – Cost may include tree purchase, planting, and a maintenance period (i.e. irrigation , tree stacking , fertilization, pruning, etc.) until the tree(s) becomes established.
- Special Needs – in the event of a natural disaster or other identifiable special needs

Expenditures each year cannot exceed 50% of the balance in the fund, or lower the balance below \$10,000, unless specifically approved by the Council.

As noted, the most recent tree replacement plan was approved in 2016 to use tree preservation funds. Since then, developers have deposited \$825,100 into the fund. Below is a summary of those deposits.

Year	Development	Amount
2017	Winwood 2 nd Addition	\$ 99,600
2018	Commercial Partners Exchange	16,800
2020	Settlers Ridge North	171,900
2022	Highlands at Settlers Ridge	<u>536,800</u>
		\$ 825,100

The balance in the Tree Preservation Fund (Fund 443) as of December 31, 2022 is \$851,028.

2023 Tree Replacement Plan Recommendations

- Staff have identified several policy/ordinance updates that are needed.
 - Add the City Forester to the reforestation plan review. Currently, the City Planner is the only city staff that reviews the plan.
 - Policy code reference needs to be updated to 2008 code.

- Focus on replacement efforts in the northwest area. The plan would focus on public parks and/or outlots near the recent developments in the NWA.

At the April 12, 2023 Park and Recreation Advisory Commission (PRAC) meeting, the city forester presented the 2023 Tree Preservation Plan below, requesting that they recommend Council approval of the plan using the Tree Preservation Fund. The plan focuses on planting trees in the northwest area public parks and in stormwater areas.

Project	Description	Quantity	Cost
NWA - Park (Peltier) Argenta Hills Park	Contract Plant/Install B&B & Container trees w/2 yr warranty, irrigation.	Trees = 25 Irrigation	\$15,000 \$10,000
NWA - Park (Highlands) Overlook Ridge Park	Contract Plant/Install B&B & Container trees w/2 yr. warranty, irrigation.	Trees = 25 Irrigation	\$15,000 \$10,000
NWA – Park Vista Pines Park	Irrigation	Irrigation	\$30,000
Parks – Citywide - Trees	Contract Plant/Install B&B & Container tree w/2 yr. warranty	Trees = 25	\$15,000
Park - South Valley Park	Contract Plant/Install B&B & Container trees w/2 yr. warranty, landscape plants, irrigation.	Trees = 20 Shrubs = 375 Irrigation	\$12,000 \$12,800 \$21,600
Park - Heritage Village Park	Contract Plant/Install B&B & Container Trees, landscape plants w/ 2yr. warranty, irrigation.	Trees = 25 Shrubs = 100 Irrigation	\$15,000 \$3,500 \$30,000
Park - Citywide - Maintenance	Tree and Shrub Maintenance	Mulch = 300 yards Fertilize = 300 Trees Stumps = 50 Trees Prune/Maintenance = 50 Trees	\$7,500 \$3,000 \$4,000 \$7,500
NWA - Stormwater (Blackstone Vista)	Contract Plant/Install B&B & Container trees w/2yr. warranty.	Trees = 25	\$15,000
NWA - Stormwater (Blackstone Ridge)	Contract Plant/Install B&B & Container trees w/2yr. warranty.	Trees = 60	\$36,000
NWA - Stormwater (Argenta Hills)	Contract Plant/Install Landscape Shrubs w/ 2yr. warranty	Shrubs = 25	\$1,250
Fire Station #2 - Stormwater	Contract Plant/Install B&B & Container trees and shrubs w/ 2yr.warranty	Trees = 20 Shrubs - 60	\$12,000 \$3,000
Totals		Trees Planted = 225 Shrubs Planted = 560	\$279,150

The PRAC voted unanimously to approve sending a recommendation to the Council to approve the plan utilizing tree preservation funding.

Next Steps

At future Council meetings, staff will bring forward the following items:

- Closure of EAB Fund, transfer dollars to the General Fund, amend Park Budget
- 2023 Tree Preservation Plan
- Ordinance revisions
- Policy updates

FISCAL IMPACT

Emeral Ash Bore Fund

The Emeral Ash Borer Fund (Fund 450) currently has an approximate balance of \$62,000. Staff recommends closing the EAB Fund (Fund 450) and transferring unspent dollars, estimated at \$62,000 to the General Fund, specifically the Parks budget to pay for 2023 EAB expenses. In addition, each year, the Parks Departmental budget will reflect a request for EAB funding (unique account in the budget for those activities). A total of \$50,000 annually would be requested, of which \$10,000 would go towards removal of EAB impacted trees off city property. Staff would continue monitoring EAB removal needs in preparation for the annual budget development process. The City Forester currently anticipates the need to remove an estimated 100 – 150 ash trees annually. However, it is important to note that not all trees are created equal when it comes to removal cost. Cost will vary based on diameter, season, location, and other varying factors.

Tree Preservation Fund

The PRAC is recommending Council approval of \$279,150 in 2023 expenditures from the 2023 Tree Replacement Fund. If approved by Council, the remaining balance would be approximately \$571,878. This would bring the expenditures under the 50% threshold allowed to spend the fund down.

RECOMMENDATION**ATTACHMENTS**

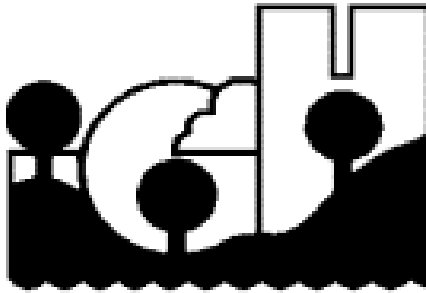
1. Emerald Ash Borer (EAB) Management Plan
2. Tree Preservation Mitigation Fund
3. Article D Tree Protection and Preservation During Land Alteration
4. Chapter 8-Diseased Trees

EMERALD ASH BORER MANANGEMENT PLAN

Emerald Ash Borer Management Plan

City of Inver Grove Heights

June 2010





City of Inver Grove Heights Emerald Ash Borer Management Plan

Purpose:

The City will take a proactive approach and spread the physical and fiscal costs associated with the outbreak of Emerald Ash Borer over a 10-year timeframe. The loss of ash trees in Inver Grove Heights will have a devastating effect on home values, quality of life and the environment. Our goal is to buffer that impact in advance by implementing current best arboricultural management activities.

Introduction:

The Emerald Ash Borer (EAB) is a non-native insect that was introduced to North America from Asia. It was discovered in the Detroit, Michigan / Windsor, Ontario area in 2002 and probably arrived in wood packing materials on cargo ships or airplanes. Despite eradication and suppression efforts, EAB has killed over 20 million Ash trees in Michigan, Ohio, Indiana, Illinois, Maryland and Ontario. EAB is a beetle that is smaller than a dime. The adult does very little damage. However, this is not the case with the larvae (immature stage) that feed on the inner bark of Ash trees. This feeding disrupts the tree's ability to transport water and nutrients. Larval feeding takes place over a period of years and eventually kills the infested tree. All species of Ash are susceptible. Because EAB is hard to detect, it can be present for years before an infestation is confirmed. There are currently no known control measures for EAB. This means that it has the potential of killing all of Ash trees throughout the United States and Canada. In Inver Grove Heights there are ash trees which compose the urban tree canopy within the park system, Inver Wood Golf Course, and other public property. There are Ash trees located within the right-of-way (ROW) growing as boulevard trees. There is also a large amount of Ash trees found on public natural areas and private property. It is possible that despite state and federal quarantines of infested regions, EAB may already be established in Inver Grove Heights.

Economic Impact:

Removing and reforesting Ash trees will be a tremendous physical and financial challenge for the City and private property owners. Utilizing a simple formula for removals, stumping and replanting a cost estimate can be determined. For example, consider an average removal cost of \$200, (disposal, stump removal, and restoration) and an average replanting cost of \$200. At these rates, the economic impact of losing 1,113 trees would be about \$329,000.

At this time there are no known federal or state grant programs available to help assist the City in the removal and reforestation activities that will be necessary to combat this infestation.

Inform the Public:

In addition to utilizing TV & newspaper media relations, there are other means whereby the City can disseminate information about EAB. The most accessible are those that the City has direct control over. These include: "*Insights*", our newsletter, our web site, direct mail and cable TV.

The City of Inver Grove Heights must prepare and manage for the arrival of EAB on three fronts:

- Public property (i.e. parks, golf course, City Hall, Fire Stations, Water Treatment Plant etc.)
- Boulevard street trees within the right-of-way
- Private property trees

*City of Inver Grove Heights
Ash Tree Inventory
May 2010*

	Good		Fair		Poor		Total
	Tree Count	Percentage	Tree Count	Percentage	Tree Count	Percentage	
Park (mowed area)	368	41%	33	20%	11	24%	412
Inver Wood Golf Course	39	4%	2	1%	0	-	41
City Facilities	61	7%	17	11%	1	2%	79
Right-of-way (public)	439	48%	109	68%	33	74	581
Private property	-	-	-	-	-	-	Unknown
Total	907		161		45		1,113

The current evidence from Michigan and Ohio show that once EAB becomes established – it takes about five to ten years to infest and kill the majority of the ash trees in a city.

Public Property Trees:

1. The City will not plant any new ash trees on public property.
2. The City shall begin to remove any poor-quality trees or trees in fair condition with major defects.
3. The City will continue to cooperate with the Minnesota Department of Agriculture and Minnesota Department of Natural Resources to establish EAB detection trees as needed on city property.
4. Ash trees in wooded areas will be left alone – unless by a bike path or structure and may cause harm if it falls. If it is an early EAB infestation, we will be removing infested trees as needed to slow the spread to the community.
5. In mowed areas ash trees will be replaced.

Right-of-Way Trees:

1. The City will begin a policy of excluding any new ash trees on public right-of-way – with the recommendation that citizens and businesses discontinue the use of ash in new plantings.
2. The City will remove any boulevard ash tree at citizen request. Based on current City Ordinance (7-1-4), a new tree cannot be placed in the right-of-way.
3. The City will permit residents to chemically treat an ash tree in the public ROW under the conditions of hiring a licensed tree service that is bonded and insured, and that is a State of Minnesota Licensed Commercial Pesticide Applicator using state approved trunk injection pesticides only. By using trunk injections hopefully this reduces pesticide exposure to others and the environment overall. (Note: Chemical treatment would not preclude future removal of said ash tree if deemed necessary.)
4. The City will hire a contractor to begin to remove 10% of ash trees each year beginning with poor and fair quality trees. The removal shall include the complete removal of the tree, stump and ground restoration. All costs will be borne by the City of Inver Grove Heights.
5. Trees removed from the ROW will not be replaced.

Trees on Private Property:

1. There are many thousands of ash trees, large and small, on private property in Inver Grove Heights. No reliable inventory exists, and ash densities vary by neighborhood.
2. Property owners are urged to monitor for the EAB.
3. City of Inver Grove Heights Ordinance, Chapter 8 Diseased Trees, will be updated to reflect the Emerald Ash Borer threat. The same parameters concerning Dutch Elm Disease and Oak wilt are appropriate measures to slow the spread of EAB.
4. It would be prudent for residents to establish a relationship with an ISA Certified Arborist now in the event that ash evaluation or removal is desired. When residents call the City with questions, they will be encouraged to consult with an ISA Certified Arborist that is insured and bonded. City staff will not inspect trees on private property.
5. The City also encourages residents to replace trees lost with species appropriate for the site, or to plant new trees in advance of EAB infestation and ash removal as a way of tree canopy cover and lessening the large economic and environmental impact of the Emerald Ash Borer.
6. The City will not treat or dispose of any trees found on private property.

Ordinances and Policies:

The City has Ordinances and policies that affect and outline what actions the City can take to manage diseased trees. Ordinance revisions will be recommended to the City Council as appropriate to address the infestation of EAB.

Title 5 Chapter 8

The diseased tree ordinance will be updated as necessary to include EAB.

Title 7 Chapter 1

Under current City Ordinance, trees are not permitted within 5' of the public ROW.

Development Plan Approval Process

Future approvals of development/redevelopment will include a condition stating that no ash trees shall be allowed as a condition of approval.

Structured Removal Plan:

The City will adopt a proactive “Structured Removal Plan” of ash trees, including those in decline, and that meets a set percentage of ash in anticipation of the larger loss of the entire ash population. The intent is to hopefully slow the spread of EAB by reducing host trees, thus, spreading out management costs over several years by avoiding a “spike” in diseased and dangerous trees.

Disposal:

The probable loss of thousands of ash trees creates several challenges for the City in regard to public trees as well as residents and commercial tree services dealing with private property trees.

In the early stages of infestation, care to slow down the spread of EAB is paramount not only for Inver Grove Heights, but to other communities and the state.

The most critical period for movement of confirmed EAB ash trees is the months of May - July. This is the period where adult beetles emerge from trees, begin feeding on foliage, move to even more trees, and lay their eggs. During this period, it is best to leave these trees standing and not chance the possible spread of EAB by transporting beetle infested wood to other areas. After this period, from about August 1st to April 30th each year, EAB trees can be removed and transported so long as they are promptly chipped to the required dimensions, less than 1"x1"x1" in any one dimension, effectively killing any EAB larvae.

The City will explore emergency marshalling yard(s)—suitable for on-site tub grinding--within areas of EAB confirmed trees that need to be removed in response to an emergency, such as cleanup of a wind storm during the months when beetles are active. These yard(s) would be used to process all wood in the area, including public, and private from property owners and commercial tree services.

Reforestation:

The future expected loss of ROW, public and open space ash trees will require a massive reforestation effort. The benefits trees provide is broadly understood and includes cleaning our air, cooling our atmosphere, saving energy through shade and wind breaks, and making our city safer and more pleasant. Re-planting lost trees may be the most important part of the management plan because it will keep Inver Grove Heights a livable city for future generations.

One strategy to increase the number of new trees planted is to choose less expensive 1 ½ to 1 ¾ inch, bare root stock. This is becoming common practice in many communities. The loss of ash trees due to EAB will require an infusion of tree planting money.

Links to Websites with EAB Information:

- [Minnesota Department of Agriculture](#)
- [University of Minnesota Department of Forest Resources](#)
- [Emerald Ash Borer Web site](#)

Projected Budget Cost (Public):

*City of Inver Grove Heights
Ash Tree Management
Estimated Costs
May 2010*

	Trees	Removal @ \$200/tree	Replacement @ \$200/tree	Total
Park (mowed area)	412	\$82,400	\$82,400	\$164,800
Inver Wood Golf Course	41	\$8,200	\$8,200	\$16,400
City Facilities	79	\$15,800	\$15,800	\$31,600
Right-of-way (public)	581	\$116,200	NA	\$116,200
Total	1,113	\$222,600	\$106,400	\$329,000

POLICY

TREE PRESERVATION MITIGATION FUND

TREE REPLACEMENT PLAN

PURPOSE AND INTENT OF POLICY

The purpose of this policy is to provide criteria for the expenditure of funds in the City of Inver Grove Heights Tree Protection and Preservation Fund. The intent is the enhancement of the city's forest resource.

POLICY

Funds may be used as follows:

1. Reforestation Program

The Reforestation Program includes the purchase and planting of trees on public land including, but not limited to city parks, city golf course, city nursery, storm sewer retention ponds, open space and limited road right-of-way such as Cahill Ave. between Upper 55th St. and 80th St. with community-wide significance. Costs may include tree purchase, planting, and a maintenance period (i.e. irrigation, tree staking, fertilization, pruning, etc.) until the tree(s) becomes established.

2. Special Needs

In the event of a natural disaster or other identifiable special need, funds may be contributed to other city sponsored reforestation programs.

CONTINUANCE OF POLICY

This policy shall apply only to funds received specifically from Tree Protection and Preservation Mitigation Fund (Code 515.90 Subd 28) from applications to the City. At no time may the fund deplete by more than 50%, or to less than \$10,000 in any given year, without the express consent of the City Council.

RESPONSIBILITY

The Director of Parks and Recreation and the City Administrator shall have primary responsibility for the implementation and coordination of this policy per Code 515.90 Subd 28. An annual tree replacement plan, prepared by Parks Division, will be submitted for Park and Recreation Advisory Commission review and City Council approval.

Approved by the Inver Grove Heights City Council 2/10/03

ARTICLE D. TREE PROTECTION AND PRESERVATION DURING LAND ALTERATION¹

SECTION:

10-15D-1: Purpose And Intent

10-15D-2: Woodland Protection Standards

10-15D-3: Replacement Trees

10-15D-4: Education

10-15D-5: Exemptions

10-15D-1: PURPOSE AND INTENT:

The purpose of this article is to provide for minimal tree loss and mitigation of tree removal in wooded areas of the city. Tree cover is beneficial in terms of aesthetics, screening, cooling, wildlife habitat, watershed control, air quality enhancements, erosion control and preservation and enhancements of property values. Land alteration that causes large scale destruction of trees diminishes and impairs the public health, safety and general welfare. The intention of this article is to provide regulations relating to the cutting or removal of trees in areas where the natural vegetation or topography are to be significantly altered. (Ord. 1147, 5-14-2007)

10-15D-2: WOODLAND PROTECTION STANDARDS:

No land alteration within a woodland shall occur until the city finds that the land alteration complies with the following:

A. Maximum Possible Preservation: The land alteration shall be conducted so that the maximum amount of woodland is preserved by the clustering of structures wherever possible, or by the use of other innovative design techniques where appropriate. Measures shall be taken to protect and preserve the preservation area as described in the city's "Guidelines For Preventing Construction Damage".

B. Protection Of Root Zones: Grading, contouring, paving, and any excavation or trenching, as well as parking of vehicles, material storage, dirt stockpiling and other similar activities, shall not occur within or detrimentally affect the aeration or permeability of the root zone in the preservation area. The "root zone" shall be understood to mean the area within a radius surrounding the tree trunk of one foot (1') per one inch (1") of tree diameter.

C. Data Submission: The applicant shall submit data at the time of preliminary plat submission to the city that outlines conformance to this article. The data shall include:

1. Inventory of all significant and heritage trees by species, diameter and condition.
2. Proposed building pad location for each lot including custom graded lots.
3. Identification of significant and heritage trees to be preserved.
4. Identification of significant and heritage trees to be removed, including those to be removed in the future for a proposed building pad by a developer or builder.
5. Identification of all significant and heritage trees within the thirty foot (30') grading limit.

D. Removal Thresholds:

1. Although the applicant must retain the maximum amount of woodland possible, the city recognizes that a certain amount of significant trees and tree cover removal is an inevitable consequence of the urban development process.

2. Therefore, in the following zoning districts listed in column I, a percentage of the woodland may be removed without any obligation for reforestation, but only up to and including the threshold percentage of woodland listed in column II. If the land alteration results in woodland removal that is less than the percentage thresholds of column II, then the applicant shall be given, for each percent under the thresholds, a credit of one percent (1%), up to a maximum of ten percent (10%), toward the total park dedication or park contribution requirement of sections 11-4-5 and 11-4-6 of this code. If the land alteration results in woodland removal that exceeds the percentage listed in column II, then the applicant shall be responsible for reforestation in accordance with the standards of this article.

Column I Zoning District	Column II Threshold
A	25 percent
E-1 and E-2	25 percent
R-1A, R-1B, R-1C and R-2	30 percent
R-3A, R-3B, R-3C and R-3D	40 percent
B-1, B-2 and P	50 percent
B-3, B-4, I-1 and I-2	60 percent

E. Reforestation:

1. If the land alteration results in woodland removal beyond the woodland removal threshold, the applicant shall be required to submit a reforestation plan. The reforestation plan must be submitted prior to final plat approval. The reforestation plan shall include:

- a. Location of proposed reforestation.
- b. Species and size of proposed plantings.
- c. Quantity of proposed plantings.

2. The reforestation plan shall comply with the following criteria:

a. Tree replacement will be predicated on total number of diameter inches of significant and heritage trees removed beyond the threshold limits outlined in subsection D of this section.

b. Actual replacement quantities shall be adjusted based on the type of woodland removed in accordance with the following guidelines:

(1) Class A, fast growing deciduous species, predominantly aspen, Siberian elm, American elm, silver maple, red maple, willow: fifty percent (50%).

(2) Class B, conifer/mixed hardwoods, predominantly pine, spruce, cedar and mixed hardwoods consisting of the following species: oak, birch, sugar maple, black cherry, basswood, ironwood, walnut, ash, hackberry, locust: one hundred percent (100%).

(3) Class C, heritage tree: one hundred percent (100%). For each heritage tree saved, the developer may receive credit towards the required replacement trees. This credit will be at a rate of two (2) caliper inches for each one dbh inch saved. To receive this credit, the applicant must demonstrate that extraordinary measures have been taken to preserve the heritage trees that otherwise would not be saved.

c. Species replacement must meet site landscaping requirements (subsection 10-15-11A of this chapter). Consideration should be given to a replacement tree species' potential to disease, and emphasis on planting diversity should be encouraged.

d. Where heritage trees have been removed, replacement trees shall consist of the same species as the removed heritage tree, or a tree that has the same potential value as the removed heritage tree. This value shall be certified by a certified forester or arborist. For the purposes of this subsection E2d, "value" is defined as a species which has the same growth and life potential as the removed tree.

e. Required replacement trees shall be planted on the site being developed in areas such as yard setbacks and outlots. These trees shall be planted based on the frequency and density as determined by the city. Unless found otherwise, at least seventy five percent (75%), but in no case less than forty five percent (45%), of the required tree placement shall occur on the site being developed. Should the development not have sufficient room on the site to allow for all required reforestation, the balance may, at the city council's discretion, either be: 1) planted upon public property in locations approved by the city; or 2) a cash payment to the city in an amount equivalent to the cost of the plantings, said payment to be used by the city for future plantings on public property.

f. The reforestation plan shall be reviewed by the city planner and shall be considered by the city council as part of final plat approval.

g. The actual replacement quantities for woodlands located on commercial and industrial developments in tax increment financing districts may be reduced according to such factors as: the stated purposes for creation of the subject tax increment district, need for tax base generation in the tax increment district, and mandatory landscaping requirements as specified in the city's landscaping policy. The city administrator shall review each such proposal prior to final plat approval and make a recommendation to the city council on the actual percentage of replacement that will be required. At the time of final plat approval, the city council shall make a final decision regarding actual replacement quantities based upon the factors listed above. In no instance will the replacement rate be less than ten percent (10%) for class A species and twenty five percent (25%) for class B and C species, as defined in subsection E2b of this section.

F. Construction Damage To Significant Trees In Or Near Preservation Area: Significant and heritage trees which are within thirty feet (30') of the proposed grading limits shall be surveyed by the applicant. Any significant or heritage tree that the applicant commits to preserve that is subsequently damaged, during or as a result of construction, shall be replaced by the applicant on a one for one diameter inch basis.

G. Pruning Trees: Owners or developers pruning oak trees between April 15 and August 1 must apply an appropriate nontoxic wound sealant to any cut areas.

H. Landscape Security:

1. The applicant shall post with the city a landscape performance bond or cash deposit or letter of credit in an amount equal to one hundred twenty five percent (125%) of the cost of the plantings, plus installation, when the land alteration exceeds the woodland removal threshold limit. The bond shall ensure adherence to the requirements of this article.

2. The performance security shall remain in effect for at least one year after the date that the last replacement tree has

been planted. The city may release the performance security at that time unless the city planner, upon inspection, finds that any of the replacement trees have died or are unhealthy, or if there was any encroachment upon the protective fencing surrounding any tree to be saved. The city may retain that portion of the performance security equal to the cost of removing dead or unhealthy trees and replanting replacement trees. If the applicant supplies proof of a nursery guarantee which is approved by the city planner, then the performance security posted by the applicant shall be released upon planting of the last guaranteed tree. The nursery guarantee shall remove liability from the applicant, and responsibility will be placed upon the nursery or current landowner. (Ord. 1147, 5-14-2007)

10-15D-3: REPLACEMENT TREES:

Replacement trees shall be planted no more than twelve (12) months after the date that land alteration has commenced. If the applicant is prevented from performing within this time limit because of unforeseeable reasons beyond the applicant's control, the city planner may extend the time for performance. The applicant shall inform the city planner when all replacement trees have been planted, at which time, the city planner shall inspect the site. (Ord. 1147, 5-14-2007)

10-15D-4: EDUCATION:

The city parks and recreation director shall develop an education program which shall be distributed to applicants and all general contractors prior to receiving a contractor's license from the city. The information shall include, but not be limited to, prevention of construction damage to trees, tree replacement, pruning, general tree protection techniques and tree disease information. (Ord. 1147, 5-14-2007)

10-15D-5: EXEMPTIONS:

- A. All public improvement projects shall be exempt from the requirements of this article.
- B. The requirements of this article shall not apply to the removal of trees seriously damaged by storm, other acts of nature, or disease. (Ord. 1147, 5-14-2007)

CHAPTER 8

DISEASED TREES

SECTION:

5-8-1 Policy And Purpose

5-8-2 Forester

5-8-3 Dutch Elm, Oak Wilt, And Emerald Ash Borer Disease Program

5-8-4 Nuisances Declared And Prohibited

5-8-5 Inspections And Investigations

5-8-6 Abatement Procedure

5-8-7 Storage Of Elm Wood Prohibited

5-8-8 Storage Of Ash Wood Prohibited

5-8-9 Interference With City Officials Prohibited

5-8-10 Prohibited Conduct; Penalty

5-8-1: POLICY AND PURPOSE:

The city council has determined that the health of the elm trees within city limits is threatened by a fatal disease known as Dutch elm disease, that oak trees are threatened by a disease known as oak wilt, and that ash trees are threatened by the emerald ash borer. The council has further determined that the loss of such trees growing upon public and private property would substantially depreciate the value of property within the city, cause significant costs to the public for tree removal, and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the council to control and prevent the spread of these diseases as well as infestation by these insects, and this chapter is enacted for that purpose. (Ord. 1217, 8-9-2010)

5-8-2: FORESTER:

The powers and duties of the forester, as set forth herein, are conferred upon the city forester. It is the duty of the forester to coordinate, under the direction and control of the council, all activities of the city relating to control and prevention of Dutch elm disease, oak wilt, and emerald ash borers. He shall recommend to the council the details of a program for the control of Dutch elm disease, oak wilt, and emerald ash borers and perform the duties incident to such a program adopted by the council. (Ord. 1217, 8-9-2010)

5-8-3: DUTCH ELM, OAK WILT, AND EMERALD ASH BORER DISEASE PROGRAM:

A. Intent: It is the intention of the city council to conduct a program of plant pest control pursuant to the authority granted by Minnesota statutes chapter 18G. The program is specifically aimed at the control and elimination of the following:

1. Dutch elm disease fungus.
2. The elm bark beetles that carry Dutch elm disease fungus.
3. Oak wilt fungus.
4. Emerald ash borers.

B. State Statutes Adopted: Except as modified herein, the council hereby adopts by reference Minnesota statutes chapter 18G, and all amendments thereto, and the rules and regulations promulgated thereunder by the commissioner of agriculture.

C. Control Zones: By resolution, the council shall establish control zones in the city within which the control and abatement procedures for Dutch elm disease, oak wilt, and emerald ash borers shall apply. Areas outside the established control zones shall not be subject to the control and abatement procedures herein set forth. The council may from time to time change the control zones. (Ord. 1217, 8-9-2010)

5-8-4: NUISANCES DECLARED AND PROHIBITED:

A. Nuisances Declared: The following items are hereby declared to be public nuisances when found within the control zones between April 1 and September 15:

1. Any living or standing elm tree, or part thereof, infected to any degree with the Dutch elm disease fungus *Ceratocystis ulmi* (Buisman) Moreau.
2. Any elm tree or part thereof suffering from dieback or any other disease or harmful condition which, in the opinion of the city forester or his agents, renders that tree or any parts thereof possible breeding or harboring sites of the elm bark beetles *Scolytus multistriatus* (Eichh.) or *Hylurgopinus rufipes* (Marsh).
3. Any red oak tree or part thereof exhibiting wilting to any degree in July or August, this wilt caused by the oak wilt fungus *Ceratocystis fagacearum*. Red oak trees affected at other times and white oaks with root systems in contact with

other trees of the same species are also hereby declared nuisances.

4. Any ash tree that is diseased with the emerald ash borer that poses or threatens to pose a danger to person or property by reason of potentially falling or loss of tree limbs in the opinion of the city forester or the city forester's designee or is otherwise subject to a directive for removal from the Minnesota department of agriculture or other state agency.

5. Elm trees, oak trees or ash trees or parts thereof as described in subsections A1 through A4 of this section hereby shall be termed hazardous trees and portions.

6. Any dead elm tree, standing or fallen, or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been completely removed. Red oak wood not covered by a plastic tarpaulin during May and June is also hereby declared a public nuisance. Any dead ash tree, standing or fallen, or part thereof, including logs, branches, stumps, firewood or other ash material that is not handled consistent with guidelines issued by the Minnesota department of agriculture or other state agency, as amended from time to time. Such nuisances are hereby termed hazardous wood.

B. Prohibited; Abatement Required: It is unlawful for any person to cause or permit any public nuisance as defined in subsection A of this section to remain on any premises owned or controlled by him within the disease control zones between April 1 and September 15. Such nuisances may be abated in the manner herein set forth. (Ord. 1217, 8-9-2010)

5-8-5: INSPECTIONS AND INVESTIGATIONS:

A. Annual Inspection: The forester shall inspect all premises and places within the established control zones as often as practical to determine whether any condition described in subsection 5-8-4A of this chapter exists. The city forester shall investigate all reported incidents of infestations of Dutch elm disease, oak wilt, the elm bark beetles, and emerald ash borers.

B. Entry Powers: The forester or duly authorized agents may enter upon any private place as defined in Minnesota statutes section 18G.13, at any reasonable time for the purpose of carrying out any of the duties assigned under this chapter. Before making any inspection of any private place, it shall be the duty of the city forester to give notice of said inspection to all affected residents and property owners either through an individual oral or written notice, or by publishing said notice in a local newspaper. (Ord. 1217, 8-9-2010)

5-8-6: ABATEMENT PROCEDURE:

A. Methods Of Abatement: In abating the nuisances of hazardous trees and portions and hazardous wood, the landowner shall, and upon his failure to do so, the forester may, cause the infected tree or wood to be sprayed, removed, burned, disposed of or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of the Dutch elm disease fungus, the oak wilt fungus, the elm bark beetles and/or emerald ash borers. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the commissioner of agriculture and shall be termed proper disposal.

B. Abatement In Control Zones: When the forester finds with reasonable certainty that the Dutch elm disease fungus, the oak wilt fungus, elm bark beetles, or emerald ash borers exist in any tree or wood in the control zones, the procedure shall be as follows:

1. Notice To Abate: For hazardous wood or hazardous trees and portions found on private property, the property owner shall be given no more than fourteen (14) days for proper disposal from the date of notification. Within said fourteen (14) days, the property owner shall complete proper disposal of the nuisance. Notification shall be given in writing and shall be made either by personal service on the landowners and occupants or by mailing the written notice to them. If service is by mail, the owners shall be those shown on the records of the county treasurer. Notice shall be complete upon mailing.

2. Failure To Abate; Abatement By City; Costs: Failure to abate the nuisance (or properly dispose of the hazardous wood or hazardous trees and portions) by the property owner within the time limit stated shall authorize the city forester to have the nuisance abated. The city may then charge all costs of abatement to the property owner and bill him directly. If the landowner does not pay the bill, the monies due may be assessed. Failure by the property owner to abate the nuisance within the time specified above is a violation of this chapter and shall be punishable as a misdemeanor. Further, the city may enforce this chapter by injunction or by any other legal remedy.

3. Record Of Costs: The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the finance department and clerk all work done for which billings and assessments are to be made stating and certifying the description of the land, lots, and parcels involved and the amount chargeable to each.

4. Assessment Of Costs: On or before September 1 of each year, the clerk and finance department shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this chapter. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota statutes section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

C. Payment Of Abatement Costs: The payment of monies owed to the city for the abatement of nuisances (as described in subsection 5-8-4A of this chapter) from private property shall be handled in the following manner:

1. All expenses shall be kept by the city forester and submitted to the finance department and clerk. Individual bills shall be sent to the property owner stating the work done and the amount owed.

2. Payment shall be due on the entire amount owed within thirty (30) calendar days from the date of the bill.

3. After the passage of the original thirty (30) days, the city may assess the remaining amount due pursuant to Minnesota statutes sections 429.101 and 18G.13. (Ord. 1217, 8-9-2010)

5-8-7: STORAGE OF ELM WOOD PROHIBITED:

Between April 1 and September 15, it shall be unlawful for any person to store within established control zones any bark bearing elm wood. (Ord. 1217, 8-9-2010)

5-8-8: STORAGE OF ASH WOOD PROHIBITED:

Between April 1 and September 15, it shall be unlawful for any person to store within established control zones any bark bearing ash wood. (Ord. 1217, 8-9-2010)

5-8-9: INTERFERENCE WITH CITY OFFICIALS PROHIBITED:

It is unlawful for any person to prevent, delay or interfere with the forester or his agents while they are engaged in the performance of duties imposed by this chapter. (Ord. 1217, 8-9-2010)

5-8-10: PROHIBITED CONDUCT; PENALTY:

It is unlawful for any person to engage in an act or in the behavior prohibited by this chapter. Violation of any provision of this chapter is a misdemeanor and may be punished as provided in title 1, chapter 4 of this code. (Ord. 1217, 8-9-2010)