



AGENDA TREE BOARD

REGULAR MEETING
January 18, 2022
5:00 PM
City Hall - Council Chambers

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. Elections: Chair/Vise Chair**
- 5. COUNCIL UPDATE**
- 6. APPROVAL OF MINUTES**
 - a. Regular Meeting September 21, 2021
- 7. OPEN FORUM**
- 8. TREE BOARD REVIEW**
 - a. **OLD BUSINESS**
 - i. Spring Planting 2022 / Jane Klein Memorial
 - ii. Arbor Day 2022 Tree Selection / Water Bags
 - iii. Prairie Restoration site and sign update
 - b. **NEW BUSINESS**
 - i. City Code - Chapter 22
 - ii. 2021 Farmers Market Update (Marge Sagstetter)*
- 9. OTHER**
 - a. Communications and Miscellaneous Items*
- 9. NEXT MEETING AGENDA ITEMS**
- 10. ADJOURNMENT**

*Items marked with an asterisk have no accompanying materials

The next regular Tree Board meeting will be held March 15, 2022



PROCESS

Election of Board Chair

Step 1. Nominate candidates for the Chair position. Nominations do not require a "second", but other members may "second" the nomination to show support.

"Motion to nominate Board Member _____ for the position of Chair"

Step 2. When there are no new nominations to be made someone should make a motion that nominations close. The motion to close requires a second.

"Motion to close nominations for the position of Chair"

Step 3. Election using the ballot provided. Board members write in their choice from those nominated and pass the ballots to staff for tabulating.

Step 4. Staff will announce results.

Step 5. Election of Chair requires a motion and a second.

"Motion to elect Board Member _____ for the position of Chair of the (Board Name) for a period of one (1) calendar year".

Election of Board Vice-chair

Step 1. Nominate candidates for the Vice-chair position. Nominations do not require a "second", but other members may "second" the nomination to show support.

"Motion to nominate Board Member _____ for the position of Vice-chair"

Step 2. When there are no new nominations to be made someone should make a motion that nominations close. The motion to close requires a second.

"Motion to close nominations for the position of Vice-chair"

Step 3. Election using the ballot provided. Board Members write in their choice from those nominated and pass the ballots to staff for tabulating.

Step 4. Staff will announce results.

Step 5. Election of Vice-chair requires a motion and a second.

"Motion to elect Board Member _____ for the position of Vice-chair of the (Board Name) for a period of one (1) calendar year".

Assumption of the roles of Chair and Vice-chair may commence immediately following the vote.

BALLOT



Election of Tree Board Chair

Please write in your choice for Chair from those nominated tonight:

Chair: _____

Pass your ballot to staff when completed; votes will be tallied and announced immediately following the vote.

BALLOT



Election of Tree Board Vice-Chair

Please write in your choice for Vice-chair from those nominated tonight:

Vice-chair: _____

Pass your ballot to staff when completed; votes will be tallied and announced immediately following the vote.

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NEW BUSINESS

Jane Klein Memorial

Mr. Cota stated that a memorial may have to be approved by City Council and will proceed as such. Vice Chair Sagstetter mentioned a few memorials are in the planning stages:

- Memorial bench and tree, provided by the community, will be planted in Eastside Park.
- Native garden in Bethke Park will be named Jane Klein Memorial Garden.
- The Master Gardeners plan to name new seed library at Discovery Center after Jane Klein.
- Various garden clubs are planning memorials.

Donation collection site for bench, tree and plaques TBA. Memorials are planned for spring 2022.

In response to Chair Kantola's request for comments regarding re-naming the Spring Planting after Jane Klein, Mr. Cota replied it is better to have a motion for City Council to vote on.

Member Giacoletto stated the memorial was discussed at the August Parks and Recreation meeting and offered to update them at the September meeting.

MOTION WAS MADE BY VICE CHAIR SAGSTETTER AND SECONDED BY MEMBER SCHRIEFELS TO RECOMMEND RE-NAMING THE SPRING PLANTING TO THE JANE KLEIN MEMORIAL SPRING PLANTING.

Ayes 5 Abstain 0
Nays 0 Motion Carried

Mr. Cota stated he is trying to schedule Prairie Restoration burns at Bethke Park and Tartan Crossing for this fall or next spring. Burns should happen every 4-7 years.

Master Gardener Report

Deb Moeller reported all spring and summer projects are planned and participation has been arranged. Mr. Cota mentioned it was put on agenda to gauge how many volunteers may be needed.

OLD BUSINESS

Arbor Day 2022

Mr. Cota asked board to decide on tree selection. A list of available trees and shrubs from Baileys provided to board. Trees in \$25-30 price range will still allow for additional purchases if needed. Fruit trees are limited this year. Mr. Cota noted he will order everything on list and revise closer to date.

Vice Chair Sagstetter commented that residents have asked that shrubs or smaller trees be offered due to lack of yard space.

Chair Kantola suggested a variety such as a large shade tree, a smaller tree, an evergreen and a shrub. Noted that many options are prunus genus and worries about black knot.

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Before it's too late to treat. List of licensed contractors is on www.ci.oakdale.mn.us

Fall Buckthorn Curbside Collection

Residents are encouraged to remove buckthorn. Tools are available through Public Works to remove the roots and avoid using chemicals. Public Works provides curbside collection in the fall. Collection dates and application found on www.ci.oakdale.mn.us or email Loren@ci.oakdale.mn.us. Approximately 30-50 collections provided a year.

In response to Member Giacometto's question regarding who to call to identify trees, Mr. Cota replied residents may call/email him at 651.501.5302 or Loren@ci.oakdale.mn.us.

Member Sagstetter mentioned the Tree Trek at the Oakdale Nature Center is complete and buckthorn is included in Tree Trek if anyone wants to learn more about it. Maps provided in Discovery Center and signage is in the preserve.

Prairie Restoration Sign Grant

Mr. Cota reported that Oakdale received a \$10,000 SHIP grant from Washington County to provide informative signage in the meadow area at the Oakdale Nature Center. Oakdale has a \$1000 budget each year to restore the meadow and new signage will provide information on current work being done. Plans to install signs this fall or early spring.

NEXT MEETING AGENDA ITEMS/DATE

Next Oakdale Tree Board meeting will be Tuesday, January 18, 2022 at 5pm.

The following items will be included on the September agenda:

- A. City Code
- B. 2021 Farmers Market Update (Marge Sagstetter)
- C. Arbor Day Tree Selection / Watering bags
- D. Spring Planting 2022 / Jane Klein Memorial
- E. Prairie Restoration Sign Update

ADJOURNMENT

MOTION WAS MADE BY MEMBER SAGSTETTER AND SECONDED BY MEMBER SCHRIEFELS TO ADJOURN THE REGULAR MEETING OF THE TREE BOARD AT 5:49 P.M.

Ayes 5 Abstain 0
Nays 0 Motion Carried

Respectfully submitted,

Teresa Buhl, Recording Secretary

BAILEY

GROWING WHAT'S NEXT™

On Order

Order #	Want Date	Item #	Description	Site	Size PO #	Request	Confirmed Price	Wait List Ext. Price
0649913	4/23/2022	13855	Carpinus caroliniana Blue Beech	D	4' 81571	0	20 \$31.30	0 \$626.00
0649913	4/23/2022	13857	Carpinus caroliniana Blue Beech	D	5' 81571	0	20 \$38.80	0 \$776.00
0649913	4/23/2022	13859	Carpinus caroliniana Blue Beech	D	8' 81571	0	20 \$43.95	0 \$879.00
0649913	4/23/2022	03329	Celtis occidentalis Hackberry	D	Wh 5' 81571	0	0 \$17.00	60 \$0.00
0649913	4/23/2022	07581	Viburnum lentago Nannyberry-tree	D	5' 81571	0	10 \$29.50	0 \$295.00
0649913	4/23/2022	07583	Viburnum lentago Nannyberry-tree	D	8' 81571	0	50 \$32.90	0 \$1,645.00
0649914	4/23/2022	03066	Betula nigra Heritage® Birch	N	4' 81571	0	40 \$20.00	0 \$800.00
0649914	4/23/2022	03067	Betula nigra Heritage® Birch	N	5' 81571	0	20 \$24.00	0 \$480.00
0649914	4/23/2022	69340	Ulmus americana Prairie Expedition® Elm	N	OR LB 5' 81571	0	10 \$26.15	0 \$261.50
0649914	4/23/2022	87376	Ulmus americana Prairie Expedition® Elm	N	OR 5' 81571	0	0 \$34.25	40 \$0.00
0649914	4/23/2022	42567	Amelanchier x gr Autumn Brilliance-Shrub	N	OR 4' 81571	0	60 \$14.70	0 \$882.00
0649915	4/23/2022	74344	Juniperus scop Medora	W	Ct #5 81571	0	80 \$33.95	0 \$2,037.00

OAK SAVANNA

A Mix of Prairies and Woodlands



Blue Jay
Perisoreus canadensis



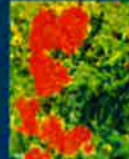
Cardinal
Geothlypis trichas

SAVANNA FLOWERS SUN AND SHADE

Flowers of the savanna include the wildflower, a range of sunflower hybrids, and the tall, thin stalks of the oak tree canopy.



Wildflower
Asteraceae



Red-flowered
Asteraceae



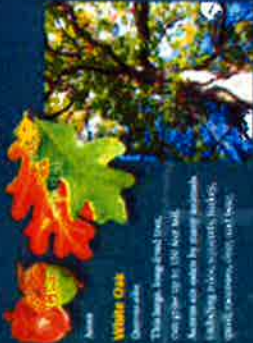
Yellow
Asteraceae



Yellow
Asteraceae



Savannas are open landscapes featuring widely spaced trees and a diverse mix of shrubs, grasses and wildflowers that grow in both prairies and forests. Savanna trees have broad crowns, an indication that they grow in places with space to spread out. During the last 200 years, over 99% of Wisconsin's native oak savanna has been lost as a result of cultivation, development and fire suppression. We are restoring this oak savanna as a living example of one of Wisconsin's rarest plant communities.



White Oak
Quercus alba

This large, long-lived tree can grow up to 100 feet tall. Acorns are eaten by many animals, including white-tailed deer, turkeys, and squirrels.



Yellow
Asteraceae

The tree oak has a large, spreading canopy of oak leaves. The tree canopy is made up of many different species of oak leaves.

HABITAT FOR MANY

Wildlife flourishes in the open understory of the savanna. Nut-bearing trees, including oaks and hickories, provide rich food resources and nesting sites for a wide variety of birds and animals.



Scrub Jay
Aphelocoma coerulescens



Eastern Coyote
Canis latrans



Red-bellied Woodpecker
Picoides ruber



Eastern Woodpecker
Picoides erythrogastrus



Wild Turkey
Meleagris gallopavo



Raccoon
Procyon lotor



Downy Woodpecker
Picoides pubescens



Great Horned Owl
Bubo virginianus

DRILLING FOR FOOD

Have you wondered what that woodpecker is doing banging his beak up against a tree? As a tree ages, insects make their homes inside the tree's trunk and under its bark. Woodpeckers look for these hidden insects which are a great source of food. Wisconsin woodpeckers include the Red-bellied, Red-headed, Hairy, Downy, Pileated and the Northern Flicker. Look for woodpeckers year-round.

Pileated Woodpecker
Dryocopus pileatus

Red-headed Woodpecker
Picoides borealis

Red-bellied Woodpecker
Picoides ruber

Hairy Woodpecker
Picoides villosus

Downy Woodpecker
Picoides pubescens

Northern Flicker
Colaptes auratus

Woodpecker
Picoides sp.



Woodpecker
Picoides sp.

Woodpecker
Picoides sp.

Woodpecker
Picoides sp.

Woodpecker
Picoides sp.

Woodpecker
Picoides sp.

Woodpecker
Picoides sp.

Woodpecker
Picoides sp.

Woodpeckers drill holes in trees to get at insects which are a great source of food. They also use the holes to store food for the winter. Some species, including nuthatches, sapsuckers, and woodpeckers, will also drill holes in dead trees.



UNIVERSITY OF WISCONSIN-MADISON



Monarch
Danaus plexippus

LAND STEWARDSHIP

Conserving Natural Landscapes



Dickcissel
Spizella arifrons



POOR QUALITY PRAIRIE



FIRE MANAGEMENT



HIGH QUALITY PRAIRIE

PRAIRIE RESTORATION & MANAGEMENT

Due to a variety of factors including invasive species and natural succession, continued management is vital to restoring and conserving a prairie habitat. Fire is the primary means of prairie maintenance and restoration. Prescribed burns help recycle plant material back into the soil and remove the blanket of last year's dead plants, which facilitates vibrant new growth. Because most of the mass of native plants is in root systems underground, burning will help exclude the undesirable, more shallow-rooted non-native or woody plants. Other important means of managing prairies include mowing, selective herbicide application, seed collecting, and additional planting.



MOWING



FIRE



HERBICIDE



PLANTING



SEED COLLECTING

www.nps.gov/landstewardship

Sec. 22-02. Definitions. The following terms, as used in this section shall have the meanings stated:

- **Builder:** Any person or entity to which a building permit is issued.
- **Canopy of a Tree:** The horizontal extension of a tree's branches in all directions from its trunk
- **Coniferous/Evergreen Tree:** A woody plant which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year-round.
- **Construction Area:** Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.
- **Deciduous Tree:** A woody plant which, at maturity, is at least fifteen (15) feet or more in height, having a defined crown, and which loses leaves annually.
- **Developer:** Any person or entity that undertakes to improve a parcel of land, by platting, grading, installing utilities, or constructing any building thereon. For purposes of these guidelines, a developer does not include a builder as defines herein.
- **Diameter:** The length of a straight line measured through the trunk of a tree at 54 inches above the ground.
- **Drip Line or Root Zone of a Tree:** An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground
- **Forester:** A person holding a Bachelor's degree in forestry from an accredited four-year college of forestry.
- **Landscape Architect:** A person licensed by the State of Minnesota as a Landscape Architect.
- **Nurseryman:** A person licensed by the State of Minnesota as a Nurseryman.
- **Significant Tree:** A healthy tree measuring a minimum of eight inches in Diameter for hardwood Deciduous Trees or a minimum of 12 inches in Diameter for softwood Deciduous Trees measured at 54 inches above the ground, and a minimum of 12 feet in height for Coniferous/Evergreen Trees. Some examples of significant deciduous trees include but are not limited to the following:

Hardwood Deciduous $\geq 8"$		Softwood Deciduous $\geq 12"$
Ironwood	Ash	Cottonwood
Catalpa	Hickory	Poplars/Aspen
Oak	Birch	Silver Maple
Maple (hard)	Basswood	Box Elder
Elm	Walnut	Willow

- **Significant Woodland:** A grouping or cluster of Coniferous and/or upland Deciduous Trees, occupying 500 or more square feet of property, which are comprised predominantly of a single species of Deciduous Trees between four inches and twelve inches in Diameter or Coniferous Trees between four feet and twelve feet in height.

ARTICLE III. TREE PRESERVATION REQUIREMENTS

Sec. 22-03. Developments. Unless otherwise determined by the City Council, the following process for preserving trees shall be required for new development in any zoning district; new building construction in any zoning district; any existing commercial, industrial or institutional

- (a) Installation of snow fencing, silt fence, or polyethylene laminate safety netting placed at the drip line of significant trees and significant woodlands to be preserved.
- (b) Identification of any oak trees requiring pruning between April 15 and July 1; any oak trees so pruned shall be required to have any cut areas sealed with an appropriate tree wound sealant.

7. Measures to protect significant trees and significant woodlands may include, but are not limited to:

- (a) Installation of retaining walls or tree wells to preserve trees.
- (b) Placement of utilities in common trenches outside of the drip line of significant trees, or use of tunneled installation.
- (c) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
- (d) Use of tree root aeration, fertilization, and/or irrigation systems.
- (e) Transplanting of significant trees into a protected area for later moving into permanent sites within the construction area.
- (f) Therapeutic pruning.

8. The Tree Preservation Plan will be reviewed by city staff to assess the best overall design for the project taking into account significant trees and significant woodlands and ways to enhance the efforts of the developer to mitigate damage to significant trees and significant woodlands. The developer is encouraged to meet with staff prior to submission of the preliminary plat application or prior to application for the grading permit, whichever is sooner, to determine the placement of buildings, parking, driveways, streets, storage and other physical features which result in the fewest significant trees and significant woodlands being destroyed or damaged.

9. Significant trees and significant woodlands removal shall be in accordance with the city-approved tree preservation plan. The plan should remove no more than 25% of the total number of significant trees and significant woodlands which were existing prior to the preliminary plat as a result of the following construction activities, approved by the city as a part of a preliminary plat:

- (a) Site grading.
- (b) Installation of public utilities including sanitary sewer, storm sewer, water, natural gas, electrical service, and cable TV.
- (c) Construction of public streets.
- (d) Construction/grading of drainageways.
- (e) Filling of any area.
- (f) Any other activity within the construction area.

Where practical difficulties or practical hardships result from strict compliance with the provisions of this paragraph, city staff may permit the removal of up to an additional 5% of the significant trees and significant woodlands without requiring a variance approval by the City Council.

10. Significant trees and significant woodlands may be removed on individual lots for site grading, utility hook-ups, buildings, parking lots, driveways, storage areas, recreational

- (c) Size, species, and location of all significant trees and significant woodlands within the lot.
 - (d) Identification of all significant trees and significant woodlands proposed to be removed within the Construction Area.
 - (e) Measures to protect significant trees and significant woodlands.
 - (f) Signature of the person preparing the plan.
4. Measures proposed to protect significant trees and significant woodlands shall include:
- (a) Installation of snow fencing, silt fence, or polyethylene laminate safety netting placed at the drip line of significant trees and significant woodlands to be preserved.
 - (b) Identification of any oak trees requiring pruning between April 15 and July 1; any oak trees so pruned shall be required to have any cut areas sealed with an appropriate tree wound sealant.
5. Measures to protect significant trees and significant woodlands may include, but are not limited to:
- (a) Installation of retaining walls or tree wells to preserve trees.
 - (b) Placement of utilities in common trenches outside of the drip line of significant trees or use of tunneled installation.
 - (c) Prevention of changes in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
 - (d) Use of tree root aeration, fertilization, and/or irrigation systems.
 - (e) Transplanting of Significant Trees into a protected area for late moving into permanent sites within the Construction Area.
 - (f) Therapeutic pruning.
6. The Tree Preservation Plan will be reviewed by city staff to assess the best available layout of buildings and driveways that will result in the fewest significant trees and significant woodlands being destroyed or damaged.
7. Significant tree and significant woodlands removal shall be in accordance with the city-approved Tree Preservation Plan for the lot. The plan should remove no more than 20% of the total number of significant trees and significant woodlands that existed upon the lot prior to the issuance of the building permit. Where practical difficulties or practical hardships result from strict compliance with the provisions of this paragraph, the city staff may permit the removal of up to an additional 5% of the significant tree and significant woodlands without requiring a variance approval by the City Council.
8. At least three (3) working days prior to construction or grading, builders shall be required to request approval of on-site (installed) tree protection measures by the city.
9. The city will continue to monitor the tree protection measures at the time of routine inspections.
10. The tree protection measures shall remain in place until all grading and construction activity is terminated.
11. If any significant tree indicated to be saved on the Tree Preservation Plan is destroyed or damaged the Tree Replacement Schedule will be enforced by the city (see attachment for guidelines on tree replacement).

Sec. 22-07. Location of Replacement Trees. Replacement trees shall be planted on the subject property in appropriate soil types and in a space large enough to accommodate the natural growth of the planted species. If the site can not accommodate the required replacement trees, those remaining to be planted shall be located other property owned by the developer/builder located within the city, or on property owned by the city. The city shall determine the location of the placement of trees on city property.

Sec. 22-08. Agreement to Replace Trees - Security. The builder, developer, owner shall be responsible to remove and restore any replacement tree which is not alive or healthy, one (1) year after the date that the last replacement tree has been planted. Any tree removed shall be replaced with a new healthy tree of the same size and species in place of the removed tree within eight months of removal. The builder, developer, owner shall provide security to the city for the performance of its obligations pursuant to this article as follows:

- (a) **Form.** The security may consist of a bond, letter of credit, cash, or escrow deposit, all in such form and substance as shall be approved by the City Council.
- (b) **Amount of Security.** The amount of security, unless modified by the City Council, shall be as follows:

Developers: A \$1,000 security for each lot with at least one significant tree plus 125% of the estimated cost to furnish and plant the replacement trees ("estimated cost"). The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of the replacement trees. The estimated cost shall be subject to approval by the city. In the event the estimated cost submitted by the applicant is not approved by the city, the city shall have the right in its sole discretion to determine the estimated cost.

Builders: A \$1,000 security for tree replacement requirements.

- (c) **Release of Security.** The \$1000 per lot developer security will be released for the lots that have secured a builders security on a quarterly basis. The tree replacement security shall be retained for at least one (1) year after the date that the last replacement tree has been planted or, if no replacement trees were required, six months after the certificate of occupancy has been issued. The city may release the security at that time unless the city, 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 security equal to the cost of:

- 1 - Removing dead or unhealthy trees and planting replacement trees, or
- 2 - Replacing a tree which protective fencing had been encroached upon.

ARTICLE V. INCENTIVES FOR TREE PRESERVATION

Sec. 22-09. Incentives for Tree Preservation. The City Council declares it necessary and appropriate to provide incentives to assist the developer or builder in meeting or exceeding the tree preservation requirements. The available incentives include:

- (a) **Front and/or Rear Yard Setbacks** - City staff may approve administrative variances to the front or rear yard set back on individual lots to conserve significant trees and/or significant

- (b) Any living or standing Oak tree or part thereof infected to any degree with the Oak Wilt fungus, *Ceratocystis Fagacerarum*.
- (c) Any dead Elm or Oak tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned.
- (d) Any living or dead *Fraxinus* spp tree or part thereof infested to any degree with the insect Emerald Ash Borer (*Agrilus Planipennis*).

Sec. 22-14. Inspections Required; Right to Enter. The City Forester, or authorized agent, shall inspect all premises and places within the city as often as practical to determine whether any condition described in Section 22-13 exists thereon. The City Forester shall investigate all reported incidents of infection and infestation by Dutch Elm fungus, Elm Bark Beetles, Oak Wilt disease and Emerald Ash Borer. The City Forester or authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to them under this Chapter.

Sec. 22-15. Authority to Take Specimens. Whenever necessary to determine the existence of Dutch Elm Disease, Elm Bark Beetles, Oak Wilt, or Emerald Ash Borer in any tree, the City Forester or authorized agent may remove or cut specimens from the tree as may be necessary or desirable for diagnosis. The City Forester or authorized agent may forward such specimens to a lab approved by the Minnesota Department of Agriculture for analysis to determine the presence of such disease or infestation. No action to remove living trees or wood shall be taken by the City until diagnosis of the disease or infestation has been made by detection by the City Forester or authorized agent of commonly recognized symptoms, by lab tests, or written consent to the action is obtained from the property owner.

Sec. 22-16. Abatement Generally.

- (a) No action to remove, destroy, dispose or require the removal, destruction and disposal of Elm trees, wood infested with Dutch Elm Disease fungus, Oak trees infected by Oak Wilt fungus or *Fraxinus* spp (Ash) trees or wood harboring Emerald Ash Borer will be taken by the city until a diagnosis of the disease or infestation has been made by detection by the City Forester or agent of commonly recognized symptoms, by lab tests or written consent to the action is obtained from the property owner. When such diagnosis has been made or consent is obtained, the infected or infested tree or wood must be removed, destroyed and disposed of in a manner that will effectively destroy and prevent as completely as possible the spread of the disease or insect infestation.
- (b) When the presence of Elm Bark Beetles has been discovered in or upon any living Elm tree but the presence of Dutch Elm Disease fungus is not then or thereafter diagnosed, the city will require that the tree be treated in a manner that will effectively destroy and prevent the spread of the insect as much as possible. If the City Forester or authorized agent deems that such treatment is not, or because of the extent of the infestation, cannot be effective, the tree must be removed and destroyed.
- (c) When the presence of Emerald Ash Borer has been discovered in or upon a living *Fraxinus* (Ash) tree, the city will require that the tree be treated in a manner which will effectively destroy and prevent the spread of the insect as much as possible. If the City Forester or authorized agent deems that such treatment is not or, because of the extent of infestation, cannot be effective, the tree must be removed and destroyed.
- (d) Standing dead Elm and Ash trees and Elm and Ash logs, branches, stumps, firewood or other raw material from which the bark has not been removed and which are not infected

and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and agents whenever possible.

Sec. 22-20. Interfering with Enforcement. It is unlawful for any person to prevent, delay or interfere with the City Forester or authorized agent while he or she is engaged in the performance of duties imposed.

Sec. 22-21. License Required for Commercial Tree Cutting, Trimming, Pruning, Removal, or Spraying.

- (a) **License Required.** It shall be unlawful for any individual, partnership or corporation to conduct as a business the cutting, trimming, pruning, removal, spraying or otherwise treating of trees in the city without having first secured a license from the city to conduct such a business. Licenses issued under this section shall expire on December 31 of each year.
- (b) **Application.** An application for a license shall be made at the City's Licensing Division on a form which has been approved by the city, which shows, among other things, the name and address of the applicant, the number of vehicles, together with a description and license number of each vehicle and type of equipment that will be used in providing this service.
- (c) **Fee.** The annual fee for the license shall be set by City Council resolution.
- (d) **Proof of Insurance.** All applicants for a license must file with the city proof of a public liability insurance policy covering all operations of the applicant under this article, during the full term of the license for the sum of \$300,000 combined single limit coverage. The city shall be named as an additional insured. Such policy shall provide that it may not be cancelled by the insurer except after 30 days written notice to the city, and if such insurance is cancelled and the licensee fails to replace it within another policy that conforms to the provisions of this article, the license shall be automatically suspended until the liability insurance is replaced. All applicants for a license must file with the city a certificate of workers' compensation insurance if such insurance is required by state law.
- (e) **Chemical Treatment Requirements.** Applicants who propose to use chemical substances in any activity related to treatment or disease control of trees shall file with the city proof that the applicant or the employee of the applicant administering such treatment has been licensed by the Minnesota Department of Agriculture as a Commercial Pesticide Applicator for the current year of operation.
- (f) **License Revocation.** Failure to comply with any provision of this article may result in the revocation of the license by the City Council, following a public hearing. Written notice of the public hearing shall be mailed at least 10 days prior to the hearing to the current holder of the license. Such notice should outline the violation(s) considered by the city to be grounds for revocation and inform the license holder of the opportunity to be heard at the public hearing.
- (g) **Penalty.** In addition to the revocation or suspension of the license, any person violating any of the provisions of this Section shall be guilty of a misdemeanor.



AGENDA TREE BOARD

REGULAR MEETING
January 18, 2022
5:00 PM
City Hall - Council Chambers

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 - a. Communications and Miscellaneous Items*
- 9. NEXT MEETING AGENDA ITEMS**
- 10. ADJOURNMENT**

*Items marked with an asterisk have no accompanying materials

The next regular Tree Board meeting will be held March 15, 2022