

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING

Mayor Labadie called the meeting to order at 6:00 P.M. She noted that the meeting was being held electronically and all votes would be taken via roll call.

A. Roll Call

Present: Mayor Labadie; Councilmembers Siakel, Gorham, and Callies; City Attorney Shepherd; City Administrator Lerud; Director of Public Works Brown; and City Engineer Budde

Absent: Councilmember Johnson

B. Review Agenda

Callies moved, Siakel seconded, approving the agenda as presented. Upon a roll call vote, motion passed 4/0.

2. POLLINATOR POLICY

Mayor Labadie noted that there was another Council meeting scheduled for later this evening that begins at 7:00 p.m. She explained that because of this meeting she would be adjourning the work session as close to 6:50 p.m. as possible. She noted that this is not a public hearing and there is no requirement for the Council to take public comments, however, in this matter, she feels it is important to hear from as many residents as possible who wish to speak. She asked them to keep their comments brief and to not duplicate what others have already stated.

Public Works Director Brown stated that this item is regarding a pollinator policy and the basic issue is how the City should meet its statutory requirements to control noxious weeds, meet safety requirements for public grounds and ballfields, maintain the parks in an acceptable condition, all while meeting the requirements of the pollinator policy. He explained that on July 28, 2014, the City Council approved Resolution 14-066, regarding "Bee-Safe" policies and procedures. He reviewed the primary statements made within the resolution language. He explained that following this resolution, Public Works planted three clover patches, in an attempt to create bee-safe habitats at Freeman Park, Cathcart Park and Southshore Park. However, the patches became overrun with weeds and were eventually tilled and returned to turf. He explained that Public Works staff also researched the use of organic or natural herbicides to control weeds in the turf areas and warning tracks of the parks, but they rendered less than favorable results. He noted that the first declaration in Resolution 14-066 does not prohibit the total use of pesticides. He gave a brief overview of the contractors hired to use bee friendly chemicals and noted that the Lesco Safety Data Sheet had been attached to the staff report for review. He noted that the main ingredient applied was 2,4-D, which according to the Environmental Protection Agency (EPA) was considered "bee-safe" and acceptable to bee habitats and non-toxic to honeybees. He gave an overview of the other chemicals used and the concerns that had been raised, such as Dicamba

which is also listed as a component of the Lesco solution. He stated that the City did not use neonicotinoid herbicides, but he noted that he failed to consider that they were “systemic herbicides” which means that there were areas where systemics were used in the City. He explained that he had included an extensive list of all the applications of chemicals in the parks or public grounds, including the injection of the ash trees, and the treatment for Manor Pond that was ordered by the Council. He stated that application for Manor Pond used a copper sulfate compound that is not considered bee friendly. He stated that Public Works is responsible for maintaining public grounds and noted that they get calls to address noxious weeds throughout the City and referenced the Minnesota State Statue that mandates this activity. He reviewed issues Public Works has faced with relation to public grounds, ballfield safety, buckthorn treatment, ash tree injections, invasive control for infrastructure, Manor Park Pond treatment, and wasp nest removal. He reiterated that they tried to abide by the abstention of bee unfriendly pesticides, but failed with not catching that it was, in many cases, a systemic herbicide that was applied. He stated that it was never his desire to intentionally harm pollinators or violate City policy. He noted that over the weekend, the City received correspondence from the Bee Friendly staff that suggested use of an Integrated Pest Management program (IPM). He stated that the goal of many IPMs is to go through a decision-making process as to what is the best solution to address the issue, for which the use of chemicals is the last resort. Staff believes that this would be a wise investment but noted that many of the IPMs do involve some form of chemical treatment. He stated that the goal is to try and find some sort of compromise to meet the demands and responsibilities placed on the department, try provide as safe an environment as possible for the pollinators, but also make sure that everybody has ‘buy-in’ to avoid the conflicts that have been seen lately. He introduced Gail Nozal, Arborist with Davey Tree and Addie Tice, a biologist with a specialty in botany with Bolton & Menk.

Councilmember Siakel noted that she had spoken with Patricia Houser and Jeff Dinsmore over the weekend. She explained that they need to leave the meeting at 6:30 p.m. and asked that the Council allow them to make a few comments before they have to leave.

Mayor Labadie explained that Patricia Hauser and Jeff Dinsmore are representatives for Humming for Bees.

Jeff Dinsmore and Patricia Hauser, 5805 Minnetonka Drive, stated that they wrote a six-page letter to the City, but would only highlight some of its contents for the meeting. He gave a summary of their concerns relating to injections for ash trees and the effects on many things other than the trees and urged Council to retain the Bee-Safe resolution, as it is written and incorporate policies and procedures accordingly. He stated that they would also like the City to stop the use of any systemic insecticides and consider developing a staff role for a sustainability coordinator who is well-versed in IPM and current pesticide science. He explained that they would like this individual to answer to the City Administrator independent of the Public Works Department. He stated that they would also like to see an integrated pest program be developed under the supervision of the sustainability coordinator. He noted that they are also suggesting that the job description of the Public Works Director be re-written so duties that involve land management for parks and public areas would be the job of the sustainability coordinator. He asked that the City use contractors that are well-versed in IPM and have alternative pesticide practices in place of the standard pesticide services. He stated the last thing they would like is for the City to rethink the current policy of ash tree injections in favor of a long-term plan for removal and replanting with alternate sustainable trees that will not poison moths, butterflies, larvae, birds, and the ground.

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Ms. Hauser stated that regarding buckthorn, when she goes around her own neighborhood, she sees plenty of it in the yards that are female plants, with seeds. She explained that the buckthorn plants spread by birds eating the seeds and then pooping them out, so they are planted all over the place. She stated that she thinks the City may need to look at how to live with buckthorn rather than putting systemic paint on it to kill it. She stated that she likes the goat program that the City has used in the past. She asked who Public Works Director Brown answers to as their supervisor and whether there was a yearly performance review conducted.

City Administrator Lerud stated that Public Works Director Brown reports to the City Administrator and he does conduct a yearly performance review. Ms. Hauser stated the resolution regarding systemic pesticides was passed seven years ago and questions how these actions were not caught prior to now.

Councilmember Callies stated that the letter sent by Mr. Dinsmore and Ms. Hauser was very thorough and helpful. She stated that she feels as though the point being raised right now is off topic in terms of the time available for this discussion. She stated that she does not feel it is appropriate to get into some sort of personnel review of Public Works Director Brown and would like to stick to the Bee-Safe policy discussion. She asked what the goal of this meeting is for the Council and what was hoped to be accomplished.

Mayor Labadie stated that she thinks that this will not be a 'one and done' meeting and it will need to be brought back to some other Council meeting. She stated that Public Works Director Brown had indicated that he was looking for direction on how to proceed.

Public Works Director Brown stated that he has noted eight areas that he identified and suspects that others may be found, once there is a detail analysis done. He stated that Addie Tice has experience in this area and may bring a few more issues that have not been identified to the City's attention. He stated that he would like the Council to direct staff to begin development of an integrated pest management program with the assistance of Bolton & Menk since they are the experts. He stated that this will take some time and not just a one or two meetings for this type of project. He stated that the intent is to start implementing things that they can start doing immediately, but it will be an extensive and long list by the time it is done.

Mayor Labadie explained that she and Councilmember Siakel were both on the Council when the original Bee Safe resolution was passed and noted that it was an extensive process to get to that point.

Public Works Director Brown suggested that the Council hear from Addie Tice to see what her experience has been in this situation.

Addie Tice, Natural Resource Technician, Bolton & Menk, gave an overview of her experience working with bee friendly practices. She stated that Bolton & Menk would like to provide some sort of consulting services to the City and assist in writing an IPM to support the pollinator and bee friendly resolution that has already been passed. She stated that she is hopeful that this can be a collaborative effort between Bolton & Menk, Humming for Bees, and the City to create a document that will help the Public Works Department.

Public Works Director Brown asked Ms. Tice to share examples of her success with the Minnesota State University Mankato.

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Ms. Tice shared details of the practices at Minnesota State University Mankato and the recent conversation with the groundskeeper about the guidelines that were set up for the campus.

Councilmember Siakel noted that this is the first meeting on this topic and the Council is not familiar with Ms. Tice but has worked with Bolton & Menk for engineering services. She asked if Ms. Tice was also the individual who had experience with the Emerald Ash Borer.

Public Works Director Brown stated that Gail Nozal from Davey Tree was present to address the issues surrounding the Emerald Ash Borer.

Gail Nozal, Davey Resource Group, stated that they have been contracting with the City for over five years for arborist services and contracted tree assistance. She shared details of her background and experience as a Board-Certified Master Arborist and noted that she also holds a master's degree in Urban Forestry. She stated that there are 614 ash trees on public property that have been inventoried in the City. She stated that there is an Emerald Ash Borer plan that includes tree removal, replacement, and the injection of approximately thirty trees each year on park properties, so they are not all removed at the same time. She noted that the Emerald Ash Borer has not yet been found in the City but has been found in surrounding communities. She stated that when trees have the Emerald Ash Borer, they become brittle very quickly, unlike Dutch Elm Disease, which raises the potential for significant liabilities associated with ash trees.

Mayor Labadie asked how close to the City has the Emerald Ash Borer been found. Ms. Nozal stated that it has been found in Chanhassen, Minnetonka, and Eden Prairie, but not yet in Tonka Bay, Mound, and Excelsior.

Councilmember Siakel confirmed that the 614 trees mentioned by Ms. Nozal was referring to the tree plan that has been put together over many years and is specific to the City. Ms. Nozal confirmed that the plan was initiated in 2017 when the inventory was completed and explained that they have recently completed an updated plan, based on science and changes with the Emerald Ash Borer within Minnesota. Councilmember Siakel asked if the alternative to treating an ash tree was to cut it down. Ms. Nozal stated that was correct and noted that it is inevitable that all ash trees will be infested. Therefore, the only practical option is removal and replacement.

Councilmember Siakel stated that she believes the Council approved working with an arborist in 2015 and put together a tree plan to protect as many trees as possible. She stated that this is a much more complicated topic than it appears to be on the surface. She stated that she was on the Council when the Bee-Safe resolution was passed and believes the intent was to minimize the impact of the utilization of chemicals. She stated that one thing they did not really consider was that there would be times when chemicals must be used. She gave the example of what was done to treat the pond in Manor Park because organic practices were not working. She stated that she feels there needs to be a balance and would like to see a reduction in the use of chemicals. She stated that she supports the idea of investigating working with creation of an IPM and contracting with someone may make sense and is at least worthy of discussion.

Councilmember Callies stated that in looking at the resolution there are some conflicting statements but feels that staff has used their best efforts to minimize the use of pesticides. She stated that it is not clear to her if the City has actually designated certain areas as bee safe habitats, as mentioned in item number four of the resolution, or if the intent was not to use chemicals anywhere in the City. She stated that she agrees that the City should look at other ways to improve this procedure.

Councilmember Siakel stated that she believes the clover areas mentioned by Public Works Director Brown were the designated areas. She noted that Shorewood was the very first City to pass a resolution protecting bees. She stated that she thinks that the City has learned things since the first resolution was passed and can get smarter and figure out what else can be done to comply with the overall intent.

Mayor Labadie reiterated that Shorewood was the first City to enact this type of language. She stated that it may be helpful for future discussions if staff could give examples of other cities and the language they used. She stated that she believes that there are now forty-two or forty-three cities throughout the State that have a similar ordinance.

Councilmember Gorham stated that he would support that direction but noted that he feels that should have already been done. He stated that he questions why the Council is just now hearing about all the violations. He stated that the Council did not know any of this was going on and are now being asked for help because there is a realization that the City cannot comply with its own policy. He stated that he would echo a bit of what was stated by Ms. Hauser that this appears to be seven years of the City not trying all that hard. He stated that the residents have come in with some ideas that can be pursued, but he does not see the Public Works Department compromising in this situation. He stated that he just sees a lot of pesticide usage and a lot of mea culpa statements, but not a lot of effort of trying to comply with the resolution. He stated that item number two that states the City 'shall refrain from the use of systemic pesticides' which seems pretty straight forward to him. He reiterated his question of why the Council is just hearing about this because it seems a bit late to him and he would like to see some accountability.

Councilmember Callies stated that she completely disagrees with Councilmember Gorham. She stated that this resolution is a guide and is not in City ordinance or law. She noted that she believes the use of the word 'violate' is too much. She stated that she would agree that the City should try to reduce the use of chemicals but believes the way the resolution is stated is too broad. She stated that 'refrain' is not the same as 'prohibit'. She stated that Public Works Director Brown included information in the report of when these chemicals were used, and she feels that to say that there was an intentional violation is going too far for what has actually occurred.

Mayor Labadie reminded the Council that there is another meeting scheduled for 7:00 p.m. and would like to wrap up discussion on this item tonight in the next five minutes. She stated that she does not think the Council is anywhere near being finished discussing this matter. She stated that she would like to have the Council think about what direction can be given to the Public Works Department for the immediate future, while some of the larger issues are still being discussed. She reiterated that she would like information on policy language from other cities who have adopted similar policies.

Councilmember Siakel stated that she wholeheartedly agrees with Councilmember Callies statements and thinks the language being used is way too harsh. She stated that she thinks some action does need to be taken because the City needs to get back to the intent of reducing the number of chemicals and only use them when absolutely needed. She stated that she would like to hear from Bolton & Menk about their plan and how it can be monitored and perhaps take some of the ownership and responsibility away from Public Works, because they cannot be everything to everyone. She noted that she believes having this professionally managed for the City will be helpful. She stated that she also thinks the people need to be removed from the problem for this discussion. She stated that the problem has been identified and now the City

can do something about it. She noted that she believes everyone will agree that the goal is to minimize the use of chemicals, but it is not to never use them. She would recommend, that if the City decides to hold another work session on this topic, that something is done to get word out to residents on the meeting so they are informed and will have an opportunity to be there. She stated that she is open to seeing language used by other cities but would like to see a formal presentation made by Bolton & Menk, specifically about how they would institute, monitor, and report back to both the City and the public on an IPM.

Councilmember Gorham stated that he would like to see a scope of work from Bolton & Menk and noted that he is not sure that throwing money at a consultant will be the panacea that people think it may be. He stated that he cares more about implementation, and he does not think Bolton & Menk will be the ones out there spraying or ordering supplies, so he would like to understand how it would actually work if they were involved.

Councilmember Callies stated that perhaps there does need to be some sort of sustainability position added to City staff but that will need a larger discussion and suggested that there may be someone from Davey Tree that could fill that role. Councilmember Siakel stated that she sees the sustainability role as being accomplished through a service that the City is already using.

Councilmember Callies stated that she would like to find a way to communicate the next work session on this topic to residents, so they have a few weeks' notice that it is coming. Mayor Labadie noted that the Council did not really address the thirty specimen trees and asked if it may be worth looking into how much it would cost to remove those trees, since if Emerald Ash Borer comes to the City, removal is the only option. She stated that something would also need to be replanted and noted that she understands these are large specimen heritage trees and wonders if it would be worth bringing the arborist in to discuss that more thoroughly.

The Council discussed that for the next work session there be a proposal for an IPM plan, a scope of work for how it would be accomplished from various individuals, if necessary, the possibility of modifying the resolution to uses language that more clearly identifies what the City wants to accomplish with the policy, how this can be implemented, and oversight will work.

Mayor Labadie asked staff to schedule discussion of this topic for a future meeting. City Administrator Lerud stated that he thinks it is reasonable that staff can have proposals back by the second meeting in February.


3. ADJOURN

Gorham moved, Callies seconded, Adjourning the City Council Work Session Meeting of January 24, 2022, at 7:00 P.M. Upon a roll call vote, motion passed 4/0.

ATTEST:



Sandie Thone, City Clerk


Jennifer Labadie, Mayor