

**CITY OF SARTELL  
PLANNING COMMISSION MEETING  
SARTELL CITY HALL  
MONDAY, APRIL 4, 2016  
6:30 PM**

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- 1) AGENDA REVIEW AND ADOPTION
- 2) APPROVAL OF MINUTES OF PREVIOUS MEETINGS
  - A. REGULAR MEETING MARCH 7, 2016
- 3) PRESENTATION – JEFF SCHWIEBERT, SARTELL/ST. STEPHEN SCHOOLS
- 4) OLD BUSINESS
  - A. ENVIRONMENTAL ASSESSMENT – 50<sup>TH</sup> AVENUE  
Requested Action: Obtain Public Comment, Informational – No Action Needed.
  - B. ORDINANCE AMENDMENT CONSIDERATION – BEEKEEPING  
Requested Action: Discuss and Provide Direction to Staff.
- 5) OTHER BUSINESS
  - A. UPCOMING MEETINGS – CMBA/EDC MAY 2<sup>ND</sup>
  - B. PROJECT UPDATES
- 6) ADJOURN

Anita Rasmussen  
Community Development Director/Assistant City Administrator

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FOR THOSE REQUIRING SPECIAL ASSISTANCE, PLEASE CONTACT CITY HALL AT 253-2171

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**Planning Commission**  
**March 7, 2016**

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Pursuant to due call and notice thereof, a Planning Commission meeting was held on March 7, 2016 6:30 p.m. at Sartell City Hall.

**MEMBERS PRESENT:** Anna Gruber, Dawn Moen (arriving at 6:33 pm), Gary Orman, Ryan Fitzthum, Glenn Persen

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mike Nielson, City Engineer  
Anita Rasmussen, Community Development Director

Orman called the meeting to order at 6:30 p.m.

**AGENDA REVIEW AND ADOPTION**

**A MOTION WAS MADE BY PERSEN TO APPROVE THE AGENDA. THE MOTION WAS SECONDED BY GRUBER. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:  
AYE: GRUBER, MOEN, ORMAN, FITZTHUM, PERSEN**

**NAY: NONE  
MOTION CARRIED**

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

**A MOTION WAS MADE BY FITZTHUM TO APPROVE THE MINUTES OF THE JANUARY 11, 2016 MEETING. THE MOTION WAS SECONDED BY GRUBER. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

**AYE: GRUBER, MOEN, ORMAN, GRUBER, PERSEN**

**NAY: NONE  
MOTION CARRIED**

**A MOTION WAS MADE BY MOEN TO APPROVE THE MINUTES OF THE FEBRUARY 29, 2016 MEETING. THE MOTION WAS SECONDED BY GRUBER. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

**AYE: GRUBER, MOEN, ORMAN, GRUBER, PERSEN**

**NAY: NONE  
MOTION CARRIED**

**PUBLIC HEARING**

**2016 COMPREHENSIVE PLAN**

Rasmussen shared a powerpoint presentation that conveyed that the comprehensive plan is an attempt to consolidate all the collaborative planning work that has been completed over the past 13 years since the last comprehensive plan was adopted, and to enhance the document by addressing other critical programs and services that help define a place, its people and the quality

of life they enjoy. A few aspects of community life include the arts and youth services. Sartell has a legacy of effective planning, but until now, we have not had the important conversations about who we are and what binds us together as a community.

The process for this update started in 2014 with community outreach and engagement efforts. Drafting of the plan occurred in the summer of 2014. The plan was temporarily put on hold until some site-specific projects could be determined (or, at least, further in their process) and integrated into this document.

No questions were asked by the commission.

Orman opened up the public hearing.

Henry Smorynski, 802 3<sup>rd</sup> Street North, Sartell. Voiced objections to the Comprehensive Plan as not comprehensive or realistic regarding implementation, needing resident survey and need to tie goals to a financial plan. Feels there should be a preamble as what Sartell will look like in the next ten years and that the plan should include a GRRL Branch Library.

Zurya Anjum, 1609 Blackberry Circle, Sartell. Concern over the lack of GRRL library services in Sartell and that the City is ignoring the requests of library advocates. Funding for the library is not indicated in the plan. Believes that libraries are not dying and are needed.

Joe Perske, Sartell. Believes the secondary growth area around the new high school will need to be changed to a primary growth area because of the amount of growth that will occur as a result of that new facility. Should use the schools more in the promotion and branding of our community. We need a library (provides the Commission with a copy of a city website page describing the community center master plan from 2008). Disagrees with the location of the community center.

I-Jung Lee, 3736 Riveria Road, Sartell. Proud to be part of Sartell. Questions the spending of \$13.5 million dollars and would like to know specifically what is included in the \$13.5 million expenditures. Objects to \$2.5 million going to the ice arena. Questions the need for doubling up on the gym space at the community center when we are building a new high school. Library should be in the center of the community.

Zurya Anjum, 1609 Blackberry Circle, Sartell. Commented that the perception of the community is that we are getting a library and GRRL programming services in the community center. People are going to be upset when they find out it is not occurring.

Orman Closed the Public Hearing.

No questions from the Commission

**A MOTION WAS MADE BY PERSEN TO TABLE DISCUSSION ON THE COMPREHENSIVE PLAN TO MAY. THE MOTION WAS SECONDED BY GRUBER. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

**AYE: MOEN, GRUBER, FITZTHUM, ORMAN, PERSEN**

**NAY: NONE**

**MOTION CARRIED**

**NEW BUSINESS**

**FINAL PLAT – COMMUNITY CENTER**

Ferche Development LLC is requesting the approval of a final plat which contains two lots. The final plat contains a 1.7-acre outlot which would need to be replatted prior to any development.

Access to the community center facility will be from the newly constructed addition of 19<sup>th</sup> Street South and the future extension of Scout Drive. Rasmussen explained that this plat is consistent with the preliminary plat and ordinances. Staff recommends approval of the final plat.

Fitzthum asked if the Community Center is a done deal (in terms of locating on this property). Gruber commented that approving the plat does not necessarily align with how it should be developed (Community Center). Orman and Persen questioned having the memo imply that the Community Center was going to be constructed, along with the name of the Plat.

Rasmussen suggested that she re-word her memo to reflect that there's an intention to construct the Community Center on Lot 1, Block 1.

Staff recommended approval.

**A MOTION WAS MADE BY PERSEN TO RECOMMEND APPROVAL OF THE FINAL PLAT. THE MOTION WAS SECONDED BY GRUBER. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

**AYE: MOEN, GRUBER, FITZTHUM,  
NAY: ORMAN, PERSEN  
MOTION CARRIED**

#### **COMPREHENSIVE PLAN CONFORMANCE**

Rasmussen explained the statutory provision for Planning Commission review of land transactions in relationship to their conformity with the Comprehensive Plan. The Lot 1, Block 1, Community Center property is approximately 18 acres, and is the site of the Community Center anticipated to start construction this summer. The property is located south of Scout Drive (future) and east of 19<sup>th</sup> Street South. Like in most areas, public buildings such as the Community Center or schools are permitted uses within nearly all land uses and zoning districts. A public facility such as a community center conforms to the Comprehensive Plan.

The Heritage Property is approximately 75 acres and is adjacent to Heritage Drive and the future extension of 4<sup>th</sup> Avenue South. After retaining the needed right of way and easements through the property, the remainder is poised to be developed according to the comprehensive plan (2003/1016) by a developer.

Staff recommends approval of both resolutions.

Fitzthum questioned whether we intended to sell the Heritage Property at the time we acquired it through forfeiture. Rasmussen reminded the Commission that the reason the property was purchased was to obtain the necessary right of way for the 4<sup>th</sup> Avenue South and Roberts Road extensions, and the remaining land was anticipated to be developed per the Comprehensive Plan. Fitzthum also asked if the terms of the sale and disposal will be made public. Rasmussen confirmed that the terms would be made public after Council concludes the negotiations.

**A MOTION WAS MADE BY PERSEN TO APPROVE RESOLUTION 01-2016 FINDING THE DISPOSAL OF REAL PROPERTY IS IN COMPLIANCE WITH THE COMPREHENSIVE PLAN – HERITAGE PROPERTY. THE MOTION WAS SECONDED BY GRUBER. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

**AYE: NONE**

**NAY: ORMAN, MOEN, GRUBER, FITZTHUM, PERSEN**

**MOTION FAILED**

**A MOTION WAS MADE BY GRUBER TO APPROVE RESOLUTION 02-2016 FINDING THE ACQUISITION OF REAL PROPERTY IS IN COMPLIANCE WITH THE COMPREHENSIVE PLAN – LOT 1, BLOCK 1, COMMUNITY CENTER. THE MOTION WAS SECONDED BY MOEN. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

**AYE: NONE**

**NAY: ORMAN, MOEN, GRUBER, FITZTHUM, PERSEN**

**MOTION FAILED.**

Rasmussen requested the rationale for the dismissal of the staff recommendation and as to why they believed the transactions were not in compliance with the comprehensive plan.

Persen thinks the community center should be further north.

Moen wanted the community center amenities as depicted in the 2008 City website (Perske handout) which suggested there was going to be a library and indoor pool. Concerned about potential conflicts of interest.

Gruber believes that voices need to be heard and while the transaction does not go against anything in the comprehensive plan, feels that it is not totally supported either.

Orman does not like the location of the Community Center.

Fitzthum thinks that there should be continued community dialogue about the location of the Community Center.

#### **2015 DEPARTMENT REPORT**

Rasmussen provided the 2015 Community Development and Building Report.

**A MOTION WAS MADE BY FITZTHUM TO APPROVE THE REPORT. THE MOTION WAS SECONDED BY PERSEN. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

**AYE: ORMAN, MOEN, GRUBER, FITZTHUM, PERSEN**

**NAY: NONE**

**MOTION CARRIED.**

#### **OLD BUSINESS**

**None**

#### **OTHER BUSINESS**

**Project Updates**

Rasmussen and Nielson provided updates on the following issues:

- LeSauk Drive Project
- Commercial building along Pinecone Road
- Arbor Trails and Avalon Village 9

Gruber commented that the “Buy a new home in Sartell” idea was great. Fitzthum and Gruber suggested including information regarding the school district in those documents.

**ADJOURN**

**A MOTION WAS MADE BY FITZTHUM TO ADJOURN THE MEETING AT 7:56 P.M. THE MOTION WAS SECONDED BY MOEN. UPON VOTE BEING TAKEN THE FOLLOWING VOTED:**

**AYE: GRUBER, MOEN, ORMAN, FITZTHUM, PERSEN**

**NAY: NONE**

**MOTION CARRIED**

Minutes by:  
Anita Rasmussen, Community Development Director



## **Memorandum**

**To:** *City of Sartell Planning Commission  
Anita Rasmussen, City of Sartell Planning Director/Assistant City Administrator*

**From:** *Scott Mareck, Senior Transportation Planner, WSB & Associates*

**Date:** *April 4, 2016*

**Re:** *Sartell 50<sup>th</sup> Avenue/4<sup>th</sup> Avenue EA Reevaluation for Construction  
WSB Project No.: 2712-53*

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### **2009 EA/EAW and Previous Construction**

In 2009, an Environmental Assessment (EA)/Environmental Assessment Worksheet (EAW) was completed and approved for planned improvements along the entire 50<sup>th</sup> Avenue corridor from Stearns CSAH 120 to Stearns CSAH 133. Since 2009, the City has reconstructed and realigned 50<sup>th</sup> Avenue (now Leander Avenue) from CSAH 120 to approximately 1,200 feet north of 23<sup>rd</sup> Street South. This portion of 50<sup>th</sup> Avenue/Leander Avenue was realigned to connect directly to the intersection of Stearns CR 134/CSAH 120. Since 2009, the City has also constructed three (3) new roundabouts along 50<sup>th</sup> Avenue/Leander Avenue at CR 134/CSAH 120, 23<sup>rd</sup> Street South and Heritage Road/Roberts Road.

### **Current Programmed Project**

The City is currently preparing for 2017 construction of a new 50<sup>th</sup> Avenue roadway connection between Heritage Drive and 4<sup>th</sup> Street South, funded partially with federal funding through the St. Cloud APO. This project will include a new alignment roadway from the Heritage Drive roundabout to the existing terminus of 4<sup>th</sup> Avenue South. 4<sup>th</sup> Avenue South will also be reconstructed from its existing southerly terminus to 4<sup>th</sup> Street South. This entire stretch of roadway will include a 3-lane design, including one thru lane in each direction and a continuous center turn lane. A new multiuse trail and sidewalk will also be included through the entire project limits.

### **Basis for 2009 EA Reevaluation**

Due to the passage of time and the involvement of federal funds for this project, it is required to update the 2009 Environmental Assessment (EA). A reevaluation of the EA with respect to right of way impacts has been completed and approved and right-of-way acquisition is currently underway. The purpose and focus of the presentation at the March 7<sup>th</sup> Planning Commission meeting will be to summarize findings of a separate EA reevaluation that has recently been completed with respect to construction impacts associated with the project (see attached map of EA Reevaluation for Construction project area).

### **Summary of EA Reevaluation for Construction**

Based on the construction impacts of this project and changes in environmental requirements since the issuance of the FONSI in 2009, mitigation remains limited to wetland impacts and water pollution/stormwater impacts, as was also concluded in the 2009 EA/EAW.

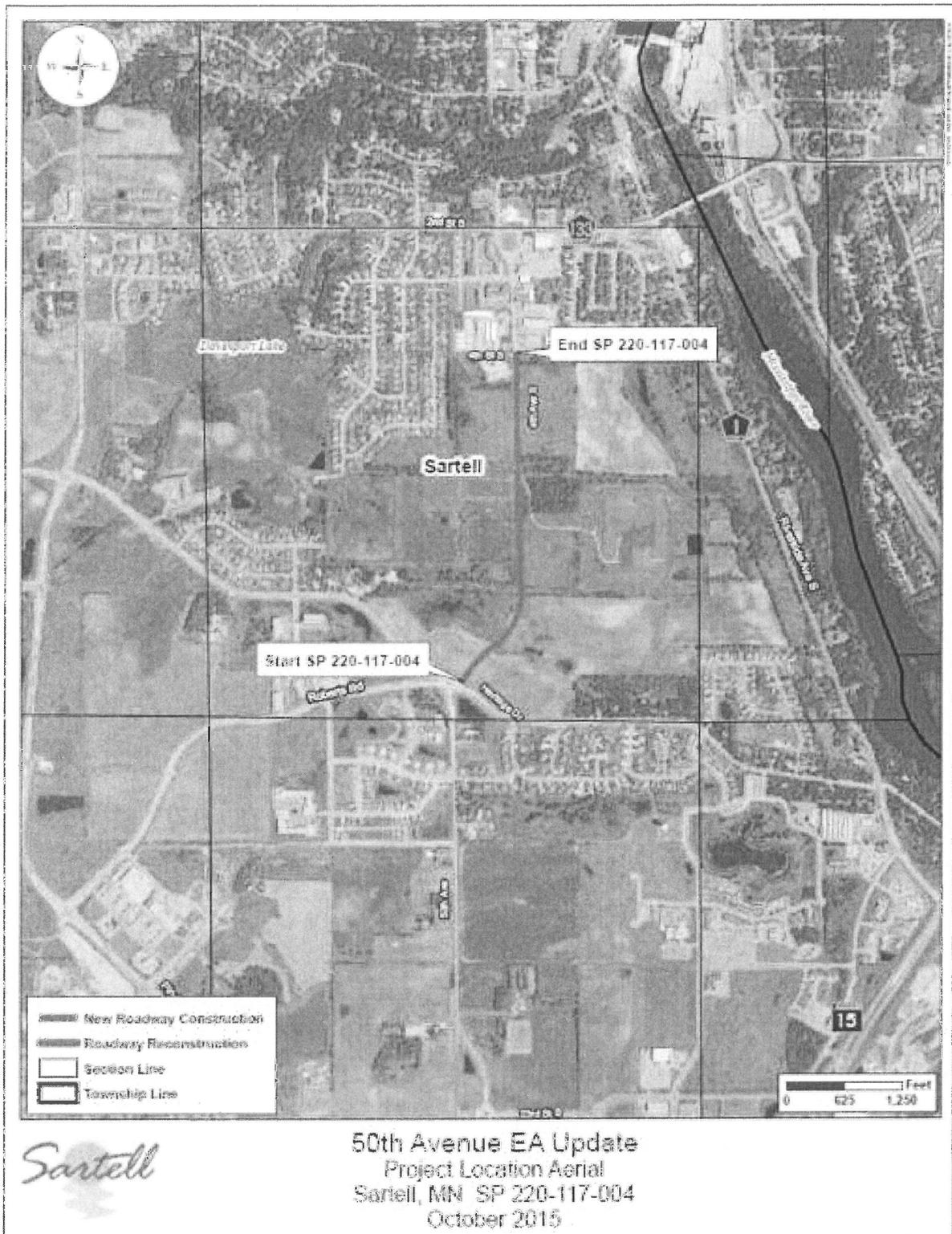
Summary of Wetland Mitigation

Wetland impacts resulting from the proposed roadway improvements are anticipated to be mitigated through the MN Board of Water and Soil Resources Public Road Replacement Program at a ratio of 2:1. Remaining impacts associated with trail and sidewalk improvements are anticipated to be mitigated through the purchase of wetland credits from an approved wetland bank at a ratio of 2:1. At a 2:1 replacement ratio, this project will require a total of 3.64 acres of replacement wetland credit.

Summary of Water Pollution/Stormwater Mitigation

Water pollution/stormwater mitigation is required due to creation of new impervious surface. Increases in impervious area will be managed through a number of stormwater management techniques, including MPCA's Best Management Practices, designing for storm water infiltration wherever feasible, constructing three (3) small detention ponding areas, and diverting stormwater runoff to stormwater ponds for infiltration.

A hard copy of the entire EA Reevaluation for Construction Report, including all analysis and resource agency correspondence, is available for review at City Hall.



**50<sup>th</sup> Avenue/4<sup>th</sup> Avenue S.  
Extension and Reconstruction:  
Environmental Assessment (EA)  
Reevaluation**

City of Sartell Planning Commission  
April 4, 2016

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**Project Background**

In 2009, Environmental Assessment (EA) was approved for reconstruction/new construction between CSAH 120 (20<sup>th</sup> Street N) and 4<sup>th</sup> Street S



— New Construction  
- - - Reconstruction

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**Construction Since 2009**

- Realignment of 50<sup>th</sup> Avenue S to line up with CR 134 at CSAH 120
- Construction of three roundabouts
  - Heritage Drive
  - 23<sup>rd</sup> Street S
  - CSAH 120



⊙ Roundabout  
— Roadway Realignment/ New Construction

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### Right of Way Acquisition

- Federal funding received for right of way acquisition between 23<sup>rd</sup> Street S and 4<sup>th</sup> Street S
- Acquisition currently in process
- Public meeting held in December 2015

Right of Way for Future 50th Ave Extension  
Right of Way Acquisition for Future Reconstruction  
Right of Way Acquisition for Future Sidewalk and Trail



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### Current Project Overview

- Project limits: Heritage Drive/Roberts Road to 4<sup>th</sup> Street S
  - New 3-lane roadway between Heritage Drive/Roberts Road and existing terminus of 4<sup>th</sup> Avenue S
  - Roadway reconstruction to 3-lane between existing terminus of 4<sup>th</sup> Avenue S and 4<sup>th</sup> Street
  - New multiuse trail and sidewalk through entire project limits
  - Three stormwater detention ponds
- EA Reevaluation required by FHWA/MnDOT

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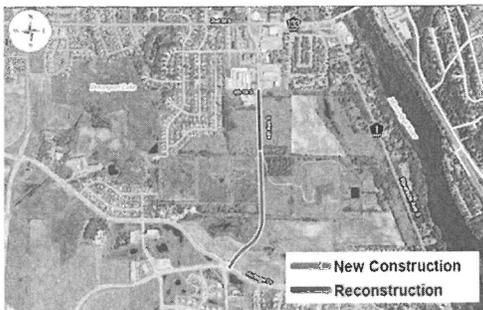
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### Project Location



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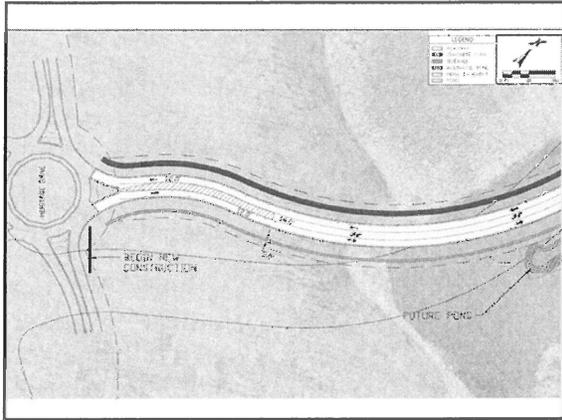
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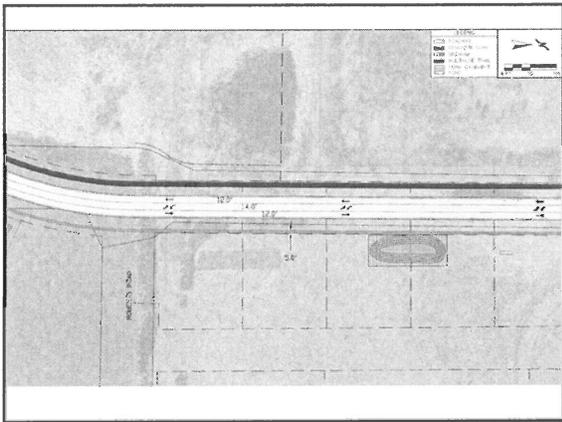
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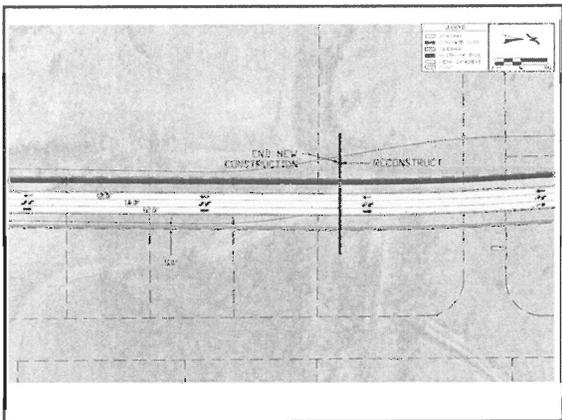
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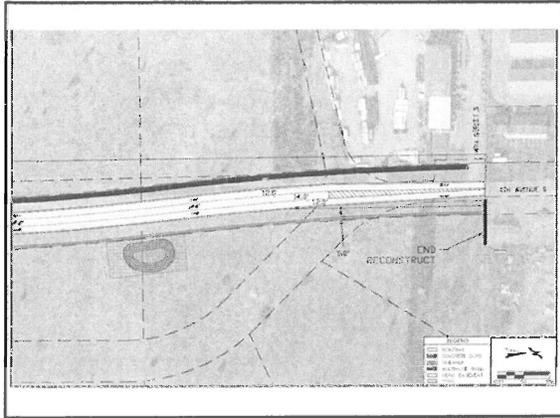
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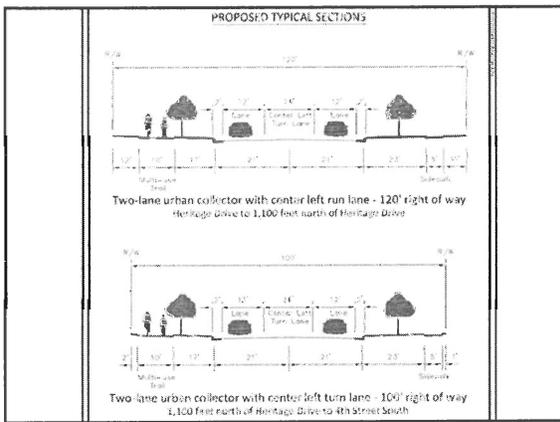
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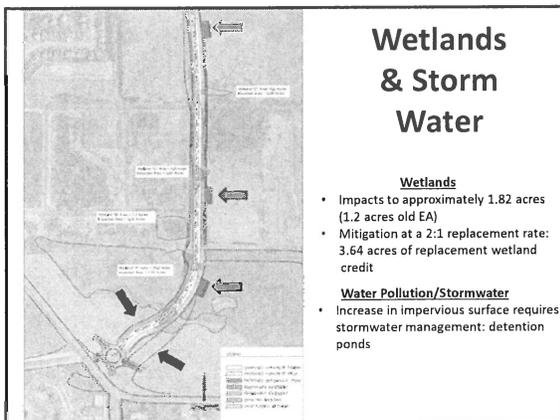
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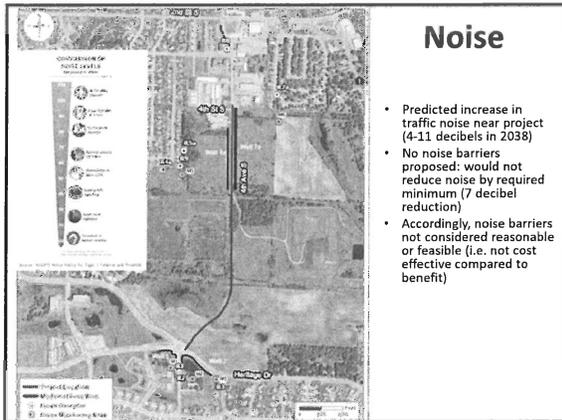
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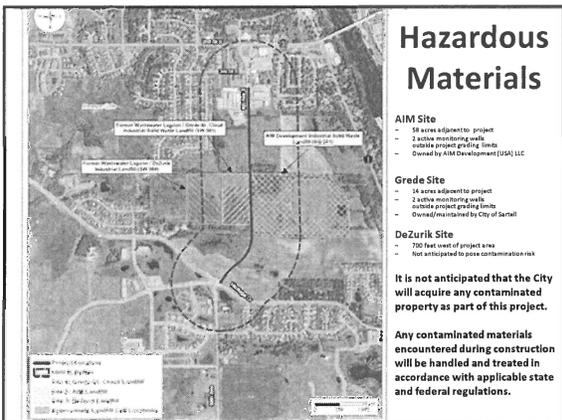
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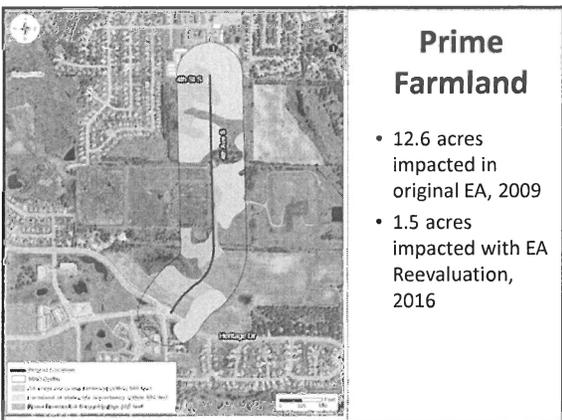
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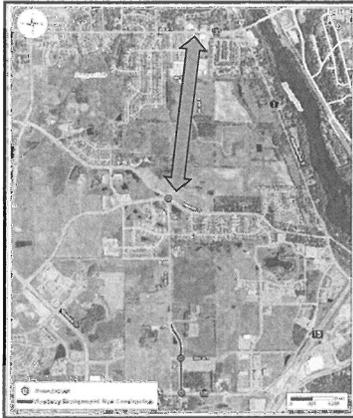
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### Traffic Forecast

- All intersections will function at an acceptable LOS in the 2038 forecast year
- 2030 forecast was 5,000 ADT (2009) – Sartell South Traffic Study
- New 2038 forecast from APO 2040 Plan is 9,710 ADT

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### Cost and Funding

- Estimated cost of new roadway and reconstruction: **\$2,251,180**
- Funding:
  - Federal: \$547,600
  - Municipal State Aid: \$1,703,500

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### Anticipated Schedule

July 2016	EA Revaluation Approved
June 2016	Right of Way Acquisition Complete
August 2016	Plans, Specifications & Estimate
January 2017	Letting

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# SARTELL

# AGENDA

## PLANNING COMMISSION

## COVER SHEET

Originating Department <b>Planning Department</b>	Meeting Date: <b>April 4<sup>th</sup>, 2016</b>	Agenda Item No.
Agenda Section: <b>New Business</b>	Item: <b>Urban Bee keeping</b>	

**RECOMMENDATION:**

**BOARD/COMMISSION/COMMITTEE RECOMMENDATION:**

NA

**PREVIOUS COUNCIL ACTION:**

N/A

**BACKGROUND:**

As you may recall the Commission a few years back reviewed urban agricultural within areas outside those zoned as agricultural. At the time the discussion centered on chickens and bees within Single-Family residences. The consensus at the time was to bring the topic up for discussion again after there is stronger interest in the community.

Moving forward the city has received numerous requests on the keeping of bees within city limits (5-6 within the last month and a half). We have also received a few requests for chickens and goats. Staff is focusing the discussion on the keeping of bees within areas outside of the agricultural zoned areas and is not proposing discussion on other animals like chickens and goats at this time. Attached to your packets you will find research from surrounding communities and their ordinances regarding the keeping (or prohibiting) of bees. Currently the way our ordinances are written it can be argued bees are prohibited in areas outside those zoned as Agricultural. Creating amendments to allow bees would decrease the vagueness of the ordinance and set standards for future requests. Ordinance amendments can also establish a baseline for basic regulations and requirements for those wishing to keep honey bees.

**BUDGET/FISCAL IMPACT:**

None

**ATTACHMENTS:**

1. Bee Research
2. Ordinance examples from Minnesota Hobby Beekeepers Association, Cold Spring, & St. Louis Park (failed 3-3).

**ACTION REQUESTED:**

Make a recommendation regarding the keeping of bees within areas outside of those zoned Agricultural. Provide direction on the development of an ordinance if the Commission wishes to allow honey bees.

# Urban Bee-Keeping Ordinances

## *Central MN*

City	Ordinance	Issues/Complaints
Cold Spring	Allow honey bees within R-1 and R-2 lots. Have restrictions and setbacks for bees (ordinance attached)	Ordinance was created because high school student wanted to have a hive back in 2008. No other requests or complaints. City does not know of any other hives within single-family residences.
LeSauk Township	No ordinances prohibiting bees.	Have one resident with a hive and have not received any complaints.
Sauk Rapids	Can have up to 6 hives	No record of any complaints or issues
St. Cloud	Do not specifically prohibit it nor list it as permitted	No records of any complaints or issues
St. Joseph	Does not specifically prohibit it nor list it as permitted	No records of any complaints or requests for bees
St. Stephen	No ordinances regarding bees. Would be a topic the Planning Commission would need to review to figure out where the properly zoned areas for bees would be.	No records of any complaints or requests for bees.
Waite Park	Code is vague: "Any animal usually found in the wild, including those that may have been bred by a breeder" Interpretation is bees are included in this language. Willing to take a look at options for allowing them if a number of residents were interested.	No records of any complaints or requests for bees

# Urban Bee-Keeping

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## What the law says

According to the League of Minnesota Cities, cities have a right to allow or prohibit beekeeping within city limits. Some cities require a permit, some cities have restrictions (where, how many hives, setbacks, etc.) while others allow beekeeping outright with no restrictions.

Sartell's ordinance can be interpreted one of three ways:

- Bees are prohibited. Sartell's animal control ordinance states a domestic animal is any animal that is non-venomous and is bred in a tame condition." It can be argued that bees are not nor could ever be tamed and they possess venom. Since the city only allows domesticated animals the bee can be considered as non-domesticated thus prohibited.
- It can also be argued that since bees are not specifically prohibited then they are allowed.
- Within our Zoning regulations in our Agricultural district we do allow fenced runs, pens, and similar facilities used for animal raising and care provided they are not within 300' of a neighboring property.

The vagueness of the existing ordinance lends itself to the determination that the city should choose a path and either allow or not allow bees within areas outside of the agriculturally zoned areas.

## Typical Restrictions

- Most cities specify that only honey bee hives are allowed (no wasp, yellow jackets, African bees, etc.)
- Cities tend to regulate how many hives can be kept per parcel. Some cities determine the amount of hives based on the lot size.
- Setbacks. Most cities who have honey bee ordinances regulate how far setback the hives must be from property lines (20feet or more seems typical; some cities reduce the setback line if a flyaway barrier is erected).
- Many require a water source be close to the bee colony. This avoids the honey bees from choosing a neighbors water source (kids wading pool, birdbath, etc.)
- Some cities require a fence or flyway barrier between the hive and property line. If the fence or flyaway barrier is at least 6' in height this gives the bees a higher flightpath and less potential for conflict with humans.
- Signs. Some cities require signs posted at all entrances and exit points where all hive enclosures are located.

## Information on Honey Bees

- <sup>1</sup>Honey bees only sting in defense of the nest or in defense of themselves (stepped on, attacked, etc.) and die after they sting. Yellow jackets a common type of wasp found in the area typically cause more moderate and severe reactions than honey bees.
- <sup>2</sup>Estimates show that only about 2% of the population has a hypersensitive allergic reaction to bee stings. Since each kind of bee, wasp, and hornet has different venoms it is quite rare to find someone who is allergic to all types of bees, wasps, and hornets.
- <sup>3</sup>1/3 of our food comes from pollinators like bees
- <sup>4</sup>25% of the bee population has disappeared since 1990
- <sup>5</sup>Hives can host between 10,000-60,000 bees. The number of bees depends on many factors including but not limited to: worker production, Queen Production, environment, amount of food available.

## Works Cited

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<sup>1,2</sup>Collison, Clarence. "Beekeeping." *AccessScience* (n.d.): n.pag.  
<http://beesource.com/resources/usda/hymenopterous-insect-stings/>

<sup>3,4</sup>Lehnert, Thor. "Hymenopterous Insect Stings." *Beesource Beekeeping*. N.p., n.d. eb. 16  
Mar. 2016. <http://tricountybeekeepers.com/pdf/whyweneedbees.pdf>

<sup>5</sup>Sass, Jennifer. *Facts*. Budapest: V. Hornyanszky,. 1928. Mar.2011.  
<http://tricountybeekeepers.com/pdf/PennStateBeekeepingBasics.pdf>

St. Louis Park proposed beekeeping ordinance.  
Failed 3-3 on 11/5/12.

ORDINANCE NO. \_\_\_\_-12

AN ORDINANCE RELATING TO  
THE KEEPING OF BEES, AMENDING  
CHAPTER 4 OF THE ST. LOUIS PARK CODE

THE CITY OF ST. LOUIS PARK DOES ORDAIN:

**SECTION 1.** Chapter 4, Article II of the City Code is hereby amended to add the following provisions after Section 4-43, with subsequent sections renumbered in accordance:

**Sec. 4-44. Keeping of bees.**

(a) The keeping of bees is permitted on single-family lots and school district and city-owned properties, and is prohibited at all other locations.

(b) Each beekeeper shall ensure that a convenient source of water is available within 10 feet of each colony at all times that the colonies remain active outside the hive.

(c) Bee hives shall be set back a minimum of 20 feet from all property lines, as measured from the nearest point of the hive to the property line.

Exception: The minimum hive setback may be reduced to 10 feet from a property line when a 6 foot high flyway barrier is installed between the hive and property line. The flyway barrier may be a wall or solid fence, and shall continue parallel to the lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height.

**SECTION 2.** This Ordinance shall take effect fifteen days after its publication.

Section 1010:20. Bee Keeping Provisions.

Subdivision 1. Purpose. The purpose of this Ordinance is to establish certain requirements for beekeeping within the City, and to avoid conflicts which might otherwise be associated with beekeeping in populated areas, all for the sake of preserving the safety and well-being of the community.

Subdivision 2. Definitions. As used in this Ordinance, the following words and terms shall have the meanings ascribed in this Ordinance unless the context of their usage indicates another usage.

1. **Apiary** – Any place or location where one or more Colonies or Nuclei of Bees are kept.
2. **Beekeeper** – A person who owns or has charge of one or more Colonies of Bees.
3. **Beekeeping Equipment** – Anything used in the operation of an Apiary, such as Hive bodies, supers, frames, top and bottom boards and extractors.
4. **Bees** – Means any stage of the common Honeybee, *apis mellifera*, or other Bees kept for the production of honey or wax.
5. **Colony** – Means an aggregate of Bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
6. **Hive** – The receptacle inhabited by a Colony that is manufactured for that purpose. One Hive houses one swarm consisting of one queen and worker Bees.
7. **Honey Bee** – All life stages of the common domestic Honey Bee, *apis mellifera* species, or other Bees kept for the production of honey or wax.
8. **Lot** – A contiguous parcel of land under common ownership.
9. **Nucleus Colony** – A small quantity of Bees with a queen housed in a smaller than usual Hive box designed for a particular purpose.

Subdivision 3. Standards of Practice.

1. Honey Bee Colonies meeting the requirements of this ordinance may be kept only upon a Lot containing a single dwelling unit, and within the R-1 Low Density Residential District or the R-2 Medium Density Residential District.

2. Honey Bee Colonies shall be kept in Hives with removable frames, which shall be kept in sound and usable condition.
3. Each Beekeeper shall ensure that a convenient source of water is available within twenty-five (25) feet of the Hive, stand boxes or apiaries.
4. Each Beekeeper shall ensure that no wax comb or other material that might encourage robbing by other Bees are left upon the grounds of the Apiary Lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
5. For each Colony permitted to be maintained under this ordinance, there may also be maintained upon the same Apiary Lot, one Nucleus Colony in a Hive structure not to exceed one standard 9-5/8 inch depth 10-frame Hive body with no supers.
6. Each Beekeeper shall maintain Beekeeping Equipment in good condition, including keeping the Hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a Beekeeper's unused equipment attracted a swarm and that the Beekeeper is not intentionally keeping Bees.
7. No Bees shall be kept upon any land not owned or possessed by the keeper of such Bees.
8. A conspicuous sign identifying the site as housing Bees and warning of danger shall be posted at entrance and exit points of all Hive enclosures.
9. It shall be unlawful for any person to place, establish, or maintain any Hive, stand, box, Apiary, or keep any Bees in or upon premises within the corporate limits of the city unless the Bees are kept in accordance with the provisions of this article.
10. Nothing in this article shall be deemed or construed to prohibit the keeping of Bees within a school for the purpose of observation, or within a physician's office or laboratory for the purpose of medical research, treatment, or other scientific purposes.

Subdivision 4. Requirements for Hives.

1. No person shall establish or maintain any Hive or keep any Bees on any premises within 50 feet of any occupied dwelling, except the dwelling of the owner of such Bees, or within 25 feet of any property line, sidewalk, alley or other public way as measured from the nearest point on the Hive to the property line, sidewalk, alley or other public right of way. No person shall establish or maintain a number of Colonies or Hives, on any premises such as to constitute a nuisance to neighboring property owners as determined by the City, based on all provisions of this ordinance.

2. No Hive shall be kept or maintained within 200 feet of a school or licensed child day care center.
3. The distance requirements shall be enforced with the exception of an adjacent property owner or occupant who may request in a written affidavit to the City that the distance requirements be waived pertaining to their property line. The affidavit may be voided at any time upon the request from the submitting owner or occupant.
4. All Hives located on premises shall be surrounded by a solid fence six (6) feet in height with the entrance facing no less than ten (10) feet from the fence. All gates must be locked with a key or combination lock at all times.
5. No Colony or Hive shall be kept or maintained within any front yard.

Subdivision 5. Colony Density.

1. No person is permitted to keep or maintain more than two (2) Colonies on any Lot or parcel.
2. If the Beekeeper serves the community by removing a swarm or swarms of Honey Bees from locations where they are not desired, the Beekeeper shall not be considered in violation of the portion of this ordinance limiting the number of Colonies if they temporarily house the swarm on the Apiary Lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.

Subdivision 6. Application for Certificate of Compliance. An Application for a Certificate of Compliance shall be made to the City upon forms furnished by the City prior to installing, altering or establishing a Colony of Bees within a Hive. A Certificate of Compliance must be obtained to assure that all Colonies and Hives meet all requirements of this Ordinance.

1. The Application shall include the following data.
  - a. Name and address of applicant and property owner.
  - b. Legal description of the property.
  - c. A site plan or survey, if deemed necessary by the City, illustrating the dimensions of the property, including location and distances of neighboring residences and the location of the Hive in relation to any property lines, sidewalk, alleys, and right-of-ways.
  - d. Location of any schools or licensed child day care center.
2. All applications shall be accompanied by an application fee, if any is required by the City.

3. Upon establishment of the Colony and placement of the Hive and after all requirements of this Ordinance are met, the City shall issue a Certificate of Compliance upon a form furnished by the City.

Subdivision 7. Right of Entry and Inspection.

1. An officer, agent, employee or representative of the City may inspect any Apiary on any property for the purpose of ensuring compliance with the provisions of this Ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the Apiary property, and more often upon complaint without prior notice.
2. If the City determines that the keeping of Bees is creating a nuisance or is being operated in a manner hazardous to persons or property, or not meeting the requirements of this Ordinance, the City may revoke the Certificate of Compliance after a hearing is held by the City Council upon ten (10) days written notice given to the owner.

Subdivision 8. Compliance.

1. Upon receipt of credible information that any Colony located within the City is not being kept in compliance with this ordinance, the City Administrator shall cause an investigation to be conducted. If the investigation shows that a violation may exist and will continue, the City Administrator shall cause a written notice of hearing to be issued to the Beekeeper, which notice shall set forth:
  - a. The date, the time and the place that the hearing will be held, which date shall be not less than 30 days from the date of the notice.
  - b. The violation alleged.
  - c. That the Beekeeper may appear in person or through counsel, present evidence, and cross examine witnesses.
  - d. That if the City Council finds that they have been kept in violation of this ordinance, and if the violation is not remediated within the time allowed, the Bees may be ordered removed and/or destroyed.

Notices shall be given by certified U.S. Mail or personal delivery. However, if the Beekeeper cannot be located, then notice may be given by publication in the *official newspaper*, at least seven days before the hearing.

2. The hearing shall be conducted by the City Council. If the City Council finds a violation, then they may order that the Bees be removed from the City, or such other action as may address the violation; and that the Apiary Lot be disqualified for permitting under this ordinance for a period of two years from the date of the order, or the Apiary Lot ownership changes, in which case the prohibition shall terminate.

If the order has not been complied with within 20 days of the order, the City may remove or destroy the Bees and charge the Beekeeper with the cost thereof. Upon destruction of Bees by the City, all equipment shall be returned by the City to the Beekeeper, with expenses of transportation to be paid by the Beekeeper. The City's destruction of the Bees shall be by a method that will not damage or contaminate the equipment.

3. No hearing and no order shall be required for the destruction of Honey Bees not residing in a Hive structure that is intended for beekeeping.

Subdivision 9. Presumed Colony/Hive Value. For the purpose of enforcing City ordinances against destruction of property, each Colony/Hive shall be presumed to have a value of \$275.

Subdivision 10. Violations, Penalties and Fees.

1. Separate offenses. Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable under this Ordinance.
2. Misdemeanor. Unless otherwise provided, violation of this Ordinance shall constitute a misdemeanor punishable as provided in City Code. Specific fines may be charged by resolution of the City Council.
3. Fees. Any and all fees addressed in this ordinance shall be set by the City Council.

Subdivision 11. Savings Clause. In the event any part of this ordinance or its application to any person or property is held to be unenforceable for any reason, the unenforceability thereof will not affect the enforceability and application of the remainder of this ordinance, which will remain in full force and effect.

## MODEL BEEKEEPING ORDINANCE

prepared by the  
Minnesota Hobby Beekeepers Association

This model ordinance is not intended to be adopted without legal review by counsel representing the jurisdiction considering it. Like any proposed ordinance, it must be reconciled with existing ordinances and may be revised to fit community standards and needs. Our purpose in advancing the model ordinance is to offer a document with the apicultural framework we believe will enable hobbyist and sideliner beekeepers to safely and successfully pursue this pleasurable and economically, culturally and agriculturally critical activity in urban and suburban areas.

WHEREAS, honey bees (*apis mellifera*) are of benefit to mankind, and to Minnesota in particular, by providing agriculture, fruit and garden pollination services and by furnishing honey, and other useful products; and

WHEREAS, Minnesota is among the leading states in honey production and agricultural by products associated with beekeeping throughout the United States; and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed;

NOW THEREFORE, be it ordained and enacted by \_\_\_\_\_:

Section 1. Preamble Adopted.

That the findings contained in the preamble of this ordinance are hereby adopted as a part of this ordinance.

Section 2. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.

- 2.1 "Apiary" means the assembly of one or more colonies of bees at a single location.
- 2.2 "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
- 2.3 "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

- 2.4 “Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- 2.5 “Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.
- 2.6 “Honey bee” means all life stages of the common domestic honey bee, *apis mellifera* species.
- 2.7 “Lot” means a contiguous parcel of land under common ownership.
- 2.8 “Nucleus colony” means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- 2.9 “Undeveloped property” means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

### Section 3. Purpose of Ordinance.

- 3.1 The purpose of this ordinance is to establish certain requirements for beekeeping within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.
- 3.2 Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of the beekeeper’s efforts to abate any proven nuisance.
- 3.3 Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper’s compliance with acceptable standards of practice among hobby beekeepers in the State of Minnesota.

### Section 4. Standards of Practice.

- 4.1 Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- 4.2 Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.
- 4.3 Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- 4.4 For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in a

hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.

- 4.5 Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

Section 5 Colony Density.

- 5.1 Except as otherwise provided in this ordinance, in each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination there of, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be 4 feet in height, so long as the vegetation normally reaches 6 feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height. A flyway barrier is not required if the property adjoining the apiary lot line (1) is undeveloped, or (2) is zoned agricultural, industrial or is outside of the City limits, or (3) is a wildlife management area or naturalistic park land with no horse or foot trails located within 25 feet of the apiary lot line.

- 5.2 No person is permitted to keep more than the following numbers of colonies on any lot within the City, based upon the size or configuration of the apiary lot:

a. One half acre or smaller lot	2 colonies
b. Larger than 1/2 acre but smaller than 3/4 acre lot	4 colonies
c. Larger than 3/4 acre lot but smaller than 1 acre lot	6 colonies
d. One acre but smaller than 5 acres	8 colonies
e. Larger than 5 acres	no restriction

- 5.3 Regardless of lot size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the front of the hive, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this subsection.

- 5.4 If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.

## Section 6. Inspection.

A designated City official shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

## Section 7. Presumed Colony/Hive Value.

For the purpose of enforcing City ordinances against destruction of property, each colony/hive shall be presumed to have a value of \$275.

## Section 8. Compliance.

8.1 Upon receipt of credible information that any colony located within the City is not being kept in compliance with this ordinance, [the designated City official] shall cause an investigation to be conducted. If the investigation shows that a violation may exist and will continue, [the designated City official] shall cause a written notice of hearing to be issued to the beekeeper, which notice shall set forth:

- a. The date, the time and the place that the hearing will be held, which date shall be not less than 30 days' from the date of the notice;
- b. The violation alleged;
- c. That the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses and request a court reporter, and
- d. That if [the designated City official] finds that they have been kept in violation of this ordinance, and if the violation is not remediated within the time allowed, the bees may be ordered removed and/or destroyed.

Notices shall be given by certified US Mail return receipt requested or personal delivery. However, if the beekeeper cannot be located, then notice may be given by publication in a legal newspaper for the county in which the apiary property is located, at least seven days before the hearing.

8.2 The hearing shall be conducted by [the designated City official]. The burden shall be on the City to demonstrate by a preponderance of evidence that the colony or colonies have been kept in violation of this ordinance. If [the designated City official] finds a violation, then he/she may order that the bees be removed from the City or such other action as may address the violation, and that the apiary lot be disqualified for permitting under this ordinance for a period of 2 years from the date of the order, the apiary lot ownership changes, in which case the prohibition shall terminate. If the order has not been complied with within 20 days of the order, the City may remove or destroy the bees and charge the beekeeper with the cost thereof. Upon destruction of bees by the City, all equipment shall be returned by the City to the beekeeper, with expenses of

transportation to be paid by the beekeeper. The City's destruction of the bees shall be by a method that will not damage or contaminate the equipment, include wax foundation.

8.3 The decision of the hearing officer may be appealed by the beekeeper as provided in the City's rules and procedures. If no provision for appeal exists, then the beekeeper may file a notice of appeal with the City secretary within 15 days of the date the order is placed in US Mail to the beekeeper, or 10 days if the decision is announced at the hearing by [the designated City official]. An appeal shall not stay [the designated City official]'s decision, and the beekeeper shall be required to comply with such order pending the outcome of the appeal.

8.4 No hearing and no order shall be required for the destruction of honey bees not residing in a hive structure that is intended for beekeeping.

Section 9. Savings Clause.

In the event any part of this ordinance or its application to any person or property is held to be unenforceable for any reason, the unenforceability thereof will not affect the enforceability and application of the remainder of this ordinance, which will remain in full force and effect.

Section 10. Effective Date.

This ordinance shall become effective on \_\_\_\_\_, 20\_\_\_\_\_.

**Community Development Department Update**  
**March 2016**  
**Anita Rasmussen, AICP**

**Comprehensive Plan Update**

The Planning Commission held the first public hearing on the Comprehensive Plan Update. Four people testified during that public hearing. The Commission tabled discussion and action on the plan until May.

**Student Liaison**

A junior from Sartell High School has been chosen and accepted the Liaison position. Nate is meeting with him on March 30<sup>th</sup> to go over the position and give him more background. First meeting Liaison is anticipated to attend will be April 4<sup>th</sup>. At this point, the position will be input only and will not have voting rights.

**Development**

It appears that the Arbor Trails and Avalon 9 developments will be proceeding in 2016. Both are expected to start this spring. Staff reviewed a site plan for a new commercial building along Pinecone Road and Robert's Road. Specific tenants are unknown at this point.

**Bee keeping**

We have a resident along with some experienced bee keepers who will be presenting the request to allow honey bee hives within single family residences during the April 4<sup>th</sup> Planning Commission meeting. That request would require an amendment to the zoning ordinance. Nate is also collecting research from surrounding communities and how they have historically handled the keeping of honey bee hives within single family residences (along with background research on honey bees).

**MS4 Update**

We are creating a Best Management Practice guide for contractors and developers that go over basic construction site expectations and tips to help keep our cities resources clean and non-polluted from runoff. Snail mailed and emailed these guides. Looking to host a general MS4 training for city staff (date undecided).