

**13th Meeting of the
Cass Clay Food Commission
March 8th, 2017
Fargo Commission Chambers**

Members Present:

Arland Rasmussen, Cass County Commission, Chair
Mike Thorstad, West Fargo City Commission
Jenny Mongeau, Clay County Commission
Jim Aasness, Dilworth City Council
John Strand, Fargo City Commission
Jon Evert, At-Large Member
Mindy Grant, At-Large Member
Chris Olson, At-Large Member

Members Absent:

Heidi Durand, Moorhead City Council
Stephanie Reynolds, At-Large Member
Dana Rieth, At-Large Member

Others Present:

Megan Myrdal, Project Coordinator
Kim Lipetzky, Fargo Cass Public Health
Gina Nolte, Clay County Public Health
Hali Durand, Cass County Planning
Rita Ussatis, North Dakota State University Extension Agent – Cass County
Abby Gold, Cass Clay Food Systems Initiative
Deb Haugen, Cass Clay Food Systems Initiative
Joleen Baker, Cass Clay Food Systems Initiative
Savanna Leach, Fargo-Moorhead Metropolitan Council of Governments

Chair Rasmussen called the meeting to order at 10:30 AM.

1(a). Approve Order and Contents of the Overall Agenda

A motion to approve the order and contents of the overall agenda was made by Mr. Evert and seconded by Mr. Aasness. The motion was voted on and unanimously approved.

1(b). Review and Action on Minutes from January 11, 2017

A motion to approve the minutes was made by Mr. Strand and seconded by Mr. Thorstad. The motion was voted on and unanimously approved.

Gina Nolte arrived at 10:32 AM.

2. Commission Check-In

Chair Rasmussen informed the Commission that members would have an opportunity to give an update on any news or events happening in the community.

Ms. Lipetzky explained that the steering committee had received a comment from a property owner in Moorhead stating that they had land available for anyone interested in utilizing it for growing purposes. She asked that anyone interested contact her for further information.

Mr. Evert stated that a neighbor in the Comstock area had built a high tunnel for gardening purposes and that he was looking forward to hearing how well it was working.

Ms. Grant informed the Commission that Growing Together would be holding its annual registration on March 16 and that flyers and posters were available to anyone who was interested.

Ms. Durand stated that a comprehensive plan update for Cass County was beginning and that consultants will be asked to look at food access and other food systems issues affecting the county.

Ms. Myrdal informed the Commission about the Red River Winter Market held at the old Avalon building in downtown Fargo. She explained that 20 vendors and over 2,000 people attended and stated that there is community interest in local food even during winter months.

3. Cottage Food Laws Blueprint Discussion & Vote for Approval

Chair Rasmussen asked Ms. Baker if there were any updates or revisions made to the cottage food laws blueprint. Ms. Baker informed the Commission that a few changes had been made to the blueprint since it was first brought forth to the Commission in January.

Ms. Baker explained that a paragraph had been added to the background section explaining how regulations for cottage food laws are impacted at both the federal and state level. She clarified that canned goods cannot cross state lines but that other goods covered under the Cottage Food Exemption can be sold across state lines so long as they meet applicable state laws and regulations.

Ms. Baker stated that she also added contact information for the North Dakota Department of Health and the Minnesota Department of Agriculture in Appendix B. She explained that these are the entities that can answer any further questions on cottage food laws in North Dakota or Minnesota.

Ms. Baker informed the Commission that the North Dakota Senate is currently debating the Food Freedom Act, which would lift some of the restrictions on farm fresh or homemade goods.

Mr. Strand asked for clarification on whether cities should adopt their own ordinances regarding cottage foods or if its best left to state and federal entities. Ms. Baker responded that there are regulating bodies in both states but that cities may adopt stricter language if they desire.

Chair Rasmussen stated that he believed the blueprint would provide jurisdictions additional information about current cottage food regulations and allow them to better determine if additional guidelines were needed. Ms. Myrdal stated that the current Food Freedom bill in North Dakota would prohibit cities and counties from adopting their own cottage food regulations so that the law could be uniform across the state.

A motion to approve the cottage food laws blueprint was made by Ms. Mongeau and seconded by Mr. Aasness. The motion was voted on and unanimously approved.

4a. Residential Gardening Blueprint

Ms. Baker informed the Commission that the Steering Committee had developed a new urban agriculture blueprint examining residential gardening. She began by stating that more acres are covered by turfgrass lawns than all agricultural commodities combined, including corn, alfalfa, soybeans, orchards, vineyards, cotton, pastures, wheat, and hay. She explained that this is important when considering the impacts urban spaces play in providing access for local, affordable foods.

Ms. Baker explained that, while residential gardening is mostly permitted as a whole, most local jurisdictions have not addressed gardening in front yards or boulevards. She further iterated that some neighborhoods operate under associations or have adopted covenants which further regulate yard use.

Ms. Baker explained the framework for evaluating residential gardening including health, environment, social, and economic aspects. She explained that several benefits of residential gardening include moderately-intense exercise which decreases stroke and heart attack risk, boosting mental health, increasing access to fresh, local food, and reducing the food miles travelled by allowing residents to grow their own food. She explained that concerns include potential impacts to utilities in the public right-of-way.

Ms. Baker stated that front yard gardens are allowed in other regional jurisdictions with restrictions including: Bismarck, Duluth, Grand Forks, Lincoln, Mankato, Rochester, and Sioux Falls. She further stated that boulevard gardens are allowed in Bismarck, Duluth, and Lincoln.

Ms. Baker explained that sample ordinances included in the residential gardening blueprint come from Des Moines, St. Paul, and Toronto. She stated that St. Paul's ordinance on boulevard gardening states the residents must be registered with the city and provides specifics on plant height, excavation, plant distance from the street, maintenance, and restrictions of chemical use. She concluded with a chart detailing plant examples for boulevard gardening put out by University of Minnesota Extension.

Ms. Lipetzky asked whether there is guidance for people about planting a combination of flowers and fruits or vegetables. Ms. Baker responded that the sample ordinances she looked at didn't address that issue per se but that they encouraged growers to have a much plant cover as possible and not to have large amounts of open dirt for runoff and aesthetic reasons. She added that flowers tend to provide more cover than fruit or vegetable plants.

Mr. Evert asked if it would be allowable to fence boulevard gardens to protect them from passersby. Ms. Baker stated that this is not allowed in the ordinances she reviewed but that there was guidance on plant varieties that are better able to withstand foot traffic.

Ms. Gold stated that it may be helpful to provide additional information on rain gardens. She also discussed several examples of boulevard gardens in St. Paul.

4b. Community Perspective

Ms. Myrdal informed the Commission of three speakers were asked to comment on residential gardening: Peter Schultz from the Longspur Prairie Fund, Christine Holland from Riverkeepers, and Ashley Fisk from the Cass County Soil Conservation District.

4b(i). Longspur Prairie Fund

Peter Schultz provided the Commission pictures and examples of best practices for front yard gardening, with examples within and outside the community as well as information on the Longspur Prairie Fund.

Ms. Grant asked how potential water restrictions could impact residential gardening or if there was any research comparing water usage for residential gardens versus turf lawns. Ms. Baker responded that she hadn't looked into the issue but stated that it was her impression that turf lawns require more water than residential gardens and that people have the option of choosing vegetation best suited for particular climates. She stated that she would look into the issue. Mr. Schultz added that irrigation trenches and direct application techniques can result in a dramatic reduction in water use. Mr. Evert added that drip irrigation is very effective technique.

4b(ii). Riverkeepers

Christine Holland provided the Commission information on Riverkeepers and its partners, including the Cass County Soil Conservation District and the Clay County Soil and Water Conservation District.

Ms. Holland informed the Commission that Riverkeepers provides rain barrel workshops and best practices on rain water harvesting. She stated that one rain barrel can capture 600 gallons of stormwater from a 1000 square foot roof. She stated that advantages of rain barrels include reduced stormwater runoff, reduced potable water consumption, low cost, easy maintenance, and healthier plants. She explained that disadvantages may include rain barrels not being able to handle the water volumes and that there may be some regulatory and administrative obstacles that preclude the reuse of cistern water. She stated that there are a variety of sizes and styles of rain barrels and there are options for concealing or making barrels more aesthetically pleasing.

Ms. Holland spoke about composting as the natural breakdown of organic materials by microorganisms in the soil. She explained that the end product is rich, organic matter that is full of nutrients and other benefits. She stated that benefits of composting are that it helps to speed up the natural decay process of wastes and allows people to control what materials go into their compost, as well as it being easy, saving money, and promoting healthy soil. She provided the Commission examples of do-it-yourself compost bins that people are able to construct through Riverkeepers workshops.

Ms. Holland explained that Riverkeepers teams up with Moorhead Community Education for workshops on rain barrels and compost bins. She stated that workshops help to engage community members as well as giving people hands-on experience and a higher sense of obligation regarding their impacts on water quality.

Ms. Holland stated that bio-retention is the act of using plants to hold and filter stormwater for conservation purposes. She explained that the benefits of bio-retention include increased amounts of water filtering into the ground which recharges groundwater aquifers, reducing stormwater runoff pollutants, preventing erosion, and increasing wildlife habitats. She stated that bio-retention is important because 60 percent of current water pollution is attributed to stormwater runoff, which has been identified as one of the leading sources of pollution for all water bodies in the United States.

Ms. Holland provided an example of a rain garden, which is a shallow 4"-10" depression located to capture, filter, and absorb stormwater runoff with native perennials and grasses. She explained that benefits are similar to those included for bio-retention. She stated that there are

several misconceptions about rain gardens including that they are long-term ponding spaces which breed mosquitos, that only water-loving plants may be used, and that there is no maintenance. She said the reality of rain gardens is that they are designed to drain water in 24 to 48 hours, which is less than the seven days needed for mosquito larvae to hatch. She also said that they are dry most of the time, that a variety of plants can be used, and that they may require weed pulling and some watering until established.

Ms. Holland explained that there are six principles of rain gardens which include: developing a plan and location, completing a soil analysis, using an appropriate plan selection and arrangement, determining size and location, constructing the rain garden, and practicing regular maintenance. She stated that other considerations include soil type, water source, proximity to structures, and availability of sunlight. She concluded with brief descriptions of straw bale gardens, pallet gardens, and green roofs.

Ms. Holland stated that Riverkeepers is dedicated to promoting best management practices (BMPs) and that it works to develop partnerships with homeowners, builders, developers, elected officials, and other design and natural resource professionals. She also provided a list of potential incentives including public education, cost sharing, rain barrel giveaways, grants, and rebate programs.

4b(iii). Cass County Soil Conservation District

Ms. Myrdal informed the Commission that Ashley Fisk from the Cass County Soil Conservation District was unable to attend the Commission meeting. She stated that information on cost share program services for urban conservation and low-impact development projects was included in the packet materials.

4c. Public Input

Chair Rasmussen informed the audience that time would be allotted for public comments on residential gardening and the information presented by Mr. Schultz and Ms. Holland.

No public comments were made.

4d. Commission Discussion

Chair Rasmussen asked if Commission members had any further comments or questions on residential gardening or the information presented.

Ms. Durand explained to the Commission that the North Dakota Planning Association will be holding its annual meeting in September. She explained that she has been tasked with finding speakers and presenters for the event and stated that she would like to see someone come and speak about the Commission's activities at the event.

Mr. Olson asked if the incentive programs discussed by Ms. Holland could be incorporated into the residential gardening blueprint. Ms. Myrdal stated that the steering committee would work with the different conservation districts and Riverkeepers to make sure the blueprint includes a complete listing of incentives and opportunities in the metropolitan area.

Mr. Thorstad asked a clarifying question regarding the title of the blueprint by pointing out that there aren't currently regulations on front yard gardening but that most of the issues come with boulevard gardening. Ms. Myrdal stated that this was correct. Ms. Baker added that some jurisdictions in other locations do have regulations on front yard gardening by requiring residents to obtain a permit.

Ms. Grant asked if there are currently regulations for structures in front yards including fences or trellises. Ms. Baker answered that her research included advisory information on those types of structures if they may impact underground utilities. She stated she wasn't sure of particular regulations for structures. Mr. Thorstad answered that they may be controlled by zoning regulations and based on the types of structures. He added that potential safety issues with boulevard gardening that may affect sight lines may be beneficial to add to the blueprint.

5. Creating a Robust Local Food System in Fargo-Moorhead

Chair Rasmussen invited Katie Black, Angelica Anderson, and Kaya Baker to speak about their university project on creating robust local food systems.

Ms. Black stated that their project began in an environmental policy class they had taken at Concordia College. She said they were assigned the broad topic of agriculture and decided to take a closer look at local agriculture in the Fargo-Moorhead metropolitan area. She stated that the research questions guiding their research included: what does local agriculture currently look like, what is the potential to create a local food system, what are the unique obstacles in this area in regard to the food system, and how can a local food system be incentivized and/or what policies need to be altered or added. She explained that their methodology included reviewing the current Food Access Planning Guide, interviewing members of the Commission and steering committee, and looking at case studies in other communities.

Ms. Anderson explained that issues affecting local food systems include: a climate which is not ideal for a long-term growing season, a disconnect between community members, farmers, and policy members, lack of centralization of farmer's markets, and difficulty in acquiring farmland and becoming a new farmer.

Ms. Baker stated that, among their recommendations, three steps of action include: creating one, centralized local food source, look at amending current policies and comprehensive plans such as the Go2030 Plan to include strategies for local food growth, and incorporating food systems dialogues modeled after current climate dialogues.

Mr. Evert asked what jurisdiction the Go2030 Plan belonged to. Ms. Black stated that this was Fargo's comprehensive plan from 2012.

6. Cass Clay Food Network New Structure

Ms. Myrdal informed the Commission on the steering committee's efforts to better define the work of the Cass Clay Food Commission and the different entities that assist in its role. She explained that the steering committee has been working with Michael Olson, a communications consultant, on ways to better communicate what the Commission is, what it would like to achieve, and how best to engage community members and interested individuals who want to be involved.

Ms. Myrdal explained one of the new structural ideas is the formation of the Cass Clay Food Action Network, which would be a network of community organizations and individuals working together to accelerate food systems progress in the region. She iterated that this group would not seek to perform the role of the Commission but to serve as a place for community conversations and networking amongst existing organizations as well as a place for people to go if they want to volunteer on projects in the community.

Ms. Myrdal explained that the steering community is still working on the structure and would welcome any feedback from the Commission.

Mr. Strand agreed with the idea for an action network and the need to organize people that can help with the implementation of different activities and actions.

Ms. Grant asked who the steering committee envisioned as being in charge of coordination and facilitation of activities for the action network. Ms. Myrdal answered that she envisioned the steering committee taking on that role initially with the hope of rotating the network's duties amongst other organizations in the area.

Mr. Evert asked a clarifying question on whether the action network would be less formal than the Commission. Ms. Myrdal stated that the steering committee is excited about the possibilities on discussing the approved blueprints and having featured organizations that could present on their activities followed by discussions on how to implement some of their projects.

Mr. Thorstad explained that it would be beneficial to stress the role food systems play in lifestyle enhancement and quality of life issues as well as the need of how better to frame discussions on what the Commission does for people who may not understand what a food system is or what is meant when talking about accessibility, food deserts, or other issues.

7. Fargo Chicken Update

Ms. Lipetzky stated that Fargo Cass Public Health has been working with Fargo planning officials and the city attorney on an ordinance which would allow backyard chicken keeping as an accessory use in residential areas. She stated that the draft ordinance is posted on the *Let's Eat Local* website and that she has received some feedback and comments. She explained that the ordinance would change two chapters of the municipal code including the land development code, of which the Planning Commission has already approved.

Ms. Lipetzky said that an informal open house would be held March 22 from 4:00 to 5:30 to discuss the stipulations of the ordinance and address any concerns or questions from the community. She stated the meeting would be held either at the Fargo Public Library or Fargo Cass Public Health. She said the ordinance would be presented to the Fargo City Commission on March 27 or April 10.

8. Public Comment Opportunity

Chair Rasmussen informed the Commission that time would be allotted for public comments.

Mara Solberg from Solberg Farms informed the Commission of Cincinnati's recent efforts to plant herbs in city parks that residents could help themselves to. She stated that this may be a good idea for the metropolitan area to incorporate herbs in the cities' park systems.

Jack Wood with Growing Together provided the Commission several updates on their activities. He explained that a new youth garden is at Bennett Elementary School and that discussions are ongoing for another garden at Sullivan Middle School/Shanley High School. He stated that Growing Together has provided a toolkit to Pelican Rapids where there is interest in developing a five-acre community garden. He also said that they are working on a garden at First Presbyterian Church of Moorhead and have also been working with Lutheran Social Services in Fargo and Grand Forks on community gardening projects. He iterated that there are no fees in Growing Together's gardens and that they strive to share any produce that is grown. He concluded by informing the Commission of its next potluck event at Olivet Lutheran Church on March 16 at 5:30.

9. Commission and Steering Committee Roundtable

Chair Rasmussen asked for the Commission and the steering committee to share any additional updates.

Ms. Mongeau explained that Clay County is partnering with Moorhead Public Service on its solar garden project and that the county voted to approve the purchase of 96 solar panels to offset some of the increased energy usage required for the new law enforcement center.

Mr. Thorstad stated that Fargo and West Fargo are both creating several new public spaces and that he would like to see Riverkeepers or others come and have public discussions on some of the topics mentioned during the meeting. He also felt that with the previous discussion on residential gardening that there may be a missed opportunity to better facilitate gardening options for residents living in apartment buildings and multifamily units. Ms. Nolte stated that this may be an area where the proposed action network could take a greater role in by providing information to developers and others.

Ms. Myrdal informed the Commission that Earth Day is April 22 and that an event called Terra Madre will be held at Bluestem Center for the Arts to celebrate local foods and showcase regional efforts.

Ms. Mongeau asked if Commission meetings were broadcast on community or public access channels in Minnesota. Ms. Myrdal stated that the steering committee would follow up on that issue for both Moorhead/Clay County and West Fargo.

10. Commission Action Steps

Chair Rasmussen stated that the next meeting would be held on May 10, 2017.

Chair Rasmussen adjourned the meeting at 11:54 AM.