



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

JUL 14 2020

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____)
- Copy of the City-issued orders/letter being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME
(provided by Legislative Hearing Office)
Tuesday, July 21, 2020

Time 11:00 a.m.

Location of Hearing:

Room 330 City Hall/Courthouse

Teleconference

Call between 11:00 a.m. & 12:30 p.m. Use cell*

Address Being Appealed:

Number & Street: 199 Duke Street City: Saint Paul State: MN Zip: 55102

Appellant/Applicant: Michelle Pettit de Dimayuga Email michelle

Phone Numbers: Business N/A Residence 651-224-1408 Cell 651-491-7898*

Signature: Michelle de Dimayuga Date: 7/10/2020

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why?

Attachments Are Acceptable

- Vacate Order/Condemnation/
- Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration

Comments:

Other (Fence Variance, Code Compliance, etc.)

Monday, July 6, 2020

TO: Ricardo X. Cervantes, Director of Safety and Inspections
Steve Magner, Manager of Code Enforcement
Richard Kedrowski, Code Enforcement Area Inspector
Andrew McCullough, Code Enforcement Area Inspector

Department of Safety and Inspections
375 Jackson Street Suite 220
Saint Paul, MN 55101-1806
Telephone: 651-266-8989
www.stpaul.gov/dsi

FROM: Michelle Pettit de Dimayuga
199 Duke Street
Saint Paul, MN 55102-2819
Telephone: 651-491-7898
michelle.dimayuga@gmail.com

SUBJECT: Clarification and documentation request for City Code regarding Boulevard Plantings

ATTACHMENTS: NOTICE TO CUT TALL GRASS AND/OR WEEDS, file #20-040066
SUMMARY ABATEMENT ORDER, file #20-040020
MN List of Noxious Weeds
Planting for Pollinators Habitat Guide *
Lawns to Legumes Grant Program
SIGNAGE for Pollinator Gardens in Progress
Proposed Flyer to Neighbors

Dear Mr. Cervantes, Mr. Magner, Mr. Kedrowski and Mr. McCullough:

At the end of March, 2020, after Governor Tim Walz declared distance learning for all K-12 schools in Minnesota, a teacher colleague and I noticed what an early and warm spring we had. Since we were both raised in the country, on small farms, we both wanted to take advantage of being able to teach remotely and have time to get a head start on planting a Healing Garden on the front/side lawn of my home on the corner of Duke and Michigan Streets. Our idea is to provide a unique community learning and gathering space where people can stop and ask questions about gardening, pollinators, weather and even personal issues in a Covid-19 compliant, outdoor, healthy way. All of the materials in the space are locally sourced, natural, reused and or renewable in accordance to the principles of permaculture. This letter expresses our need for more information in order to clarify and have documentation of Saint Paul City Code specifically regarding boulevard plantings and/or dirt height restrictions because it is our intention to comply with the city's ordinance. We have referenced and believe we are in compliance with the Boulevard Planting Overview on the City St. Paul website which states:

"Plantings may not exceed 36 inches in height. Corner properties cannot exceed 18 inches in height."

"Plantings must be maintained in such a way that there is no overhang or encroachment onto the sidewalk, curb, or street area."

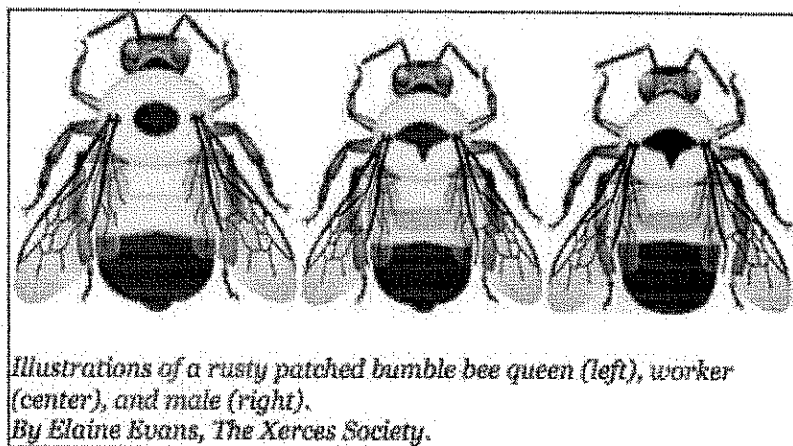


We hope that this explanation of what we are trying to create on my property allows for a better understanding that we are not purposely inviting tall grass to grow out of control nor are we propagating noxious weeds. We have added additional signage to better explain to neighbors and passersby that this is in fact a project in progress (see attached signs). I am planning on asking my neighbors and fellow gardeners to help me weed, mulch, edge and maintain plantings (see proposed letter to neighbors attached). Due to the abatement order and notice to cut tall weeds and grass, we are unable to move forward with the next stages of the pollinator and permaculture garden phases. Once we know that we have sufficiently explained this is a working vegetable garden and a pollinator garden rather than a yard of uncut grasses, weeds and random dirt piles, we can call on people to help continue this project. We really appreciate Mr. Richard Kedrowski's return phone calls, explanations and his in-person visit on Tuesday morning, June 30 after we returned from a week long family reunion out of town. He clearly is a conscientious and dedicated professional who is complying with citizen property complaints.

Once we have the go ahead, we can continue on with some more of our plans are to apply for grants to help acquire pollinator friendly permanent signage, to purchase more native pollinator plants, to install a rain garden, to continue to build and install unique all natural, rescued/renewable edging and borders for pollinator friendly habitat. We plan to access and support programs such as "The Lawns to Legumes Program", a new state funding and technical assistance program designed to help establish residential pollinator habitat that supports the Rusty Patched Bumble Bee and other pollinators.

Habitat:

Rusty patched bumble bees once occupied grasslands and tallgrass prairies of the Upper Midwest and Northeast, but most grasslands and prairies have been lost, degraded, or fragmented by conversion to other uses. Bumble bees need areas that provide nectar and pollen from flowers, nesting sites (underground and abandoned rodent cavities or clumps of grasses), and overwintering sites for hibernating queens (undisturbed soil).



*Illustrations of a rusty patched bumble bee queen (left), worker (center), and male (right).
By Elaine Evans, The Xerces Society.*

We are getting connected with the Little Bohemia Neighborhood Association and our local newspaper, the "Community Reporter". Jerry Rothstein has asked if they could do a story on Pollinators or maybe a column that would be supportive of our work and that of others in the area. Halle O'Falvey who writes an article about birds for the "Community Reporter" is interested as well, along with a couple others in a neighborhood who would like a local specific boulevard pollinator sign for our projects. There's talk that we may be able to get tied into the West End Neighborhood Garden Tour in September.

Similar to the education field in which we work, however, we are humbly aware that these grants and partnerships take a long time to apply for and to get approved. This means that the very limited city enforcement timeline won't allow for us to be able to make all of these changes this first growing season where native plantings take a lot of work and time to establish, sometimes two or more growing seasons.

Sincerely,

Michelle Pettit de Dimayuga

CC: Kent Petterson, Terrace Horticultural Books

Katherine Tane, Ramsey County Master Gardener, Pollinator Coach



CITY OF SAINT PAUL
 CODE ENFORCEMENT
 375 Jackson Street, Suite 220
 Saint Paul, MN 55101- 1806

June 08, 2020

20 - 040020

SUMMARY ABATEMENT ORDER

OCCUPANT
 199 DUKE ST
 ST PAUL MN 55102- 2918

Yog hais tias koj hais tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266- 8989. Nws yog pab dawb zwb. Si necessita un traductor, por favor llamanos al (651)266- 8989. No costo.

As owner or person(s) responsible for 199 DUKE ST : please eliminate the nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

1 Remove improperly stored or accumulated refuse which may include: garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from entire property including yard, boulevard, alley, and driveway.

PLEASE REMOVE AND PROPERLY DISPOSE OF THE DIRT PILES AND TREE DEBRIS FROM THE FRONT YARD AND THE BOULEVARD. THANK YOU. Comply before June 15, 2020

Comply before: June 15, 2020

Questions: Call your Inspector Richard Kedrowski

Phone Number: 651- 266- 9141

Thank you - we appreciate your cooperation!

Photo may not show all areas which need to be abated

If you do not correct the nuisance or file an appeal before **June 15, 2020**, the City will correct the nuisance and charge all cost, including boarding costs, against the property as a special assesment to be collected in the same way as property taxes. Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipment, etc. The rate will be approximately \$260 per hour plus expenses for abatement.

APPEALS: You may appeal this order and obtain a hearing before the Legislative Hearing Officer by completing an appeal application before the deadline noted above or seven (7) days after the date mailed, whichever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310 City Hall, 15 W. Kellogg Blvd., St. Paul, MN 55102. (651) 266- 8688. You must submit a copy of this Order with your appeal application.

WARNING: If violations are not corrected by the compliance date, the city's costs will be assessed to the property taxes of the related property. If additional new violations are discovered within the next 12 months, additional charge may apply.



Also send to:

Michelle Pettit De Dimayuga 199 Duke St St Paul MN 55102- 2918



CITY OF SAINT PAUL
 CODE ENFORCEMENT
 375 Jackson Street, Suite 220
 Saint Paul, MN 55101- 1806

June 08, 2020

20 - 040020

SUMMARY ABATEMENT ORDER

MICHELLE PETTIT DE DIMAYUGA
 199 DUKE ST
 ST PAUL MN 55102- 2918

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Also send to:

Occupant

2020 Noxious Weed List

The Minnesota Noxious Weed Law (Minnesota Statutes 18.75-18.91) defines a noxious weed as an annual, biennial, or perennial plant that the Commissioner of Agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or other property. The law protects residents of the state from the injurious effects of noxious weeds. Links to the online lists and species pages can be found at this link: [Minnesota Noxious Weed List](#)

Prohibited Noxious Weeds

Attempts must be made by all landowners to control or eradicate species on these lists. These species cannot be transported illegally or sold in Minnesota. There are two Prohibited categories: Eradicate and Control.

Prohibited Eradicate – Must be eradicated by killing the above and below-ground parts of the plant.

	Common name	Scientific name	Year added
1.	Black swallow-wort	<i>Cynanchum louiseae</i> Kartesz & Gandhi	2013
2.	Brown knapweed	<i>Centaurea jacea</i> L.	2013
3.	Common teasel	<i>Dipsacus fullonum</i> L.	2012
4.	Cutleaf teasel	<i>Dipsacus laciniatus</i> L.	2012
5.	Dalmatian toadflax	<i>Linaria dalmatica</i> (L.) Mill.	2012
6.	Diffuse knapweed	<i>Centaurea diffusa</i> L.	2017
7.	Giant hogweed*	<i>Heracleum mantegazzianum</i> Sommier & Levier	2012
8.	Grecian foxglove	<i>Digitalis lanata</i> Ehrh.	2010
9.	Japanese honeysuckle	<i>Lonicera japonica</i> Thunb.	2020
10.	Japanese hops	<i>Humulus japonicus</i> Siebold & Zucc.	2012
11.	Meadow knapweed	<i>Centaurea x moncktonii</i> C.E. Britton	2013
12.	Oriental bittersweet	<i>Celastrus orbiculatus</i> Thunb.	2011
13.	Palmer amaranth	<i>Amaranthus palmeri</i> S. Watson	2015
14.	Poison hemlock	<i>Conium maculatum</i> L.	2018
15.	Tree of heaven	<i>Ailanthus altissima</i> (Mill.) Swingle	2017
16.	Yellow starthistle*	<i>Centaurea solstitialis</i> L.	2010

*Species not known to be in Minnesota, but have been determined to be a threat to invade the state.

Prohibited Control – Must be controlled to prevent the maturation and spread of propagating parts.

1.	Bohemian knotweed	<i>Polygonum x bohemicum</i> (J. Chrtek & Chrtkova) Zika & Jacobson	2020
2.	Canada thistle	<i>Cirsium arvense</i> (L.) Scop.	1872
3.	Common barberry	<i>Berberis vulgaris</i> L.	2017
4.	Common tansy	<i>Tanacetum vulgare</i> L.	2010
5.	Giant knotweed	<i>Polygonum sachalinense</i> F. Schmidt ex Maxim	2014
6.	Japanese knotweed	<i>Polygonum cuspidatum</i> Seibold & Zucc.	2014
7.	Leafy spurge	<i>Euphorbia esula</i> L.	1992
8.	Narrowleaf bittercress	<i>Cardamine impatiens</i> L.	2012
9.	Plumeless thistle	<i>Carduus acanthoides</i> L.	1975
10.	Purple loosestrife	<i>Lythrum salicaria</i> (L.)	1992
11.	Spotted knapweed	<i>Centaurea stoebe</i> L. ssp. <i>micranthos</i> (Gugler) Hayek	2001
12.	Wild parsnip	<i>Pastinaca sativa</i> L. (except for non-wild cultivated varieties)	2010

Restricted Noxious Weeds – May not be sold, transported illegally, or intentionally planted in Minnesota.

1.	Amur honeysuckle	<i>Lonicera maackii</i> (Rupr.) Herder	2017
2.	Bell's honeysuckle	<i>Lonicera x bella</i> Zabel	2017

Restricted Noxious Weeds – May not be sold, transported illegally, or intentionally planted in Minnesota.

3.	Black locust	<i>Robinia pseudoacacia</i> L.	2017
4.	Common or European buckthorn	<i>Rhamnus cathartica</i> L.	1999
5.	Crown vetch	<i>Securigera varia</i> (L.) Lassen – Formerly named <i>Coronilla varia</i> L.	2017
6.	European alder	<i>Alnus glutinosa</i> (L.) Gaertn.	2020
7.	Garlic mustard	<i>Alliaria petiolata</i> (M. Bieb.) Cavara & Grande	2013
8.	Glossy buckthorn (all cultivars)	<i>Frangula alnus</i> Mill.	1999
9.	Japanese barberry cultivars**	<i>Berberis thunbergii</i> DC.	2015
10.	Morrow's honeysuckle	<i>Lonicera morrowii</i> A. Gray	2017
11.	Multiflora rose	<i>Rosa multiflora</i> Thunb.	2012
12.	Non-native phragmites	<i>Phragmites australis</i> (Cav.) Trin ex Steud. ssp. <i>australis</i>	2013
13.	Porcelain berry	<i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.	2017
14.	Siberian peashrub	<i>Caragana arborescens</i> Lam. (exemption for Green Spires® Caragana - Caragana 'Jefarb')	2020
15.	Tatarian honeysuckle	<i>Lonicera tatarica</i> L.	2017
16.	Wild carrot/Queen Anne's lace	<i>Daucus carota</i> L.	2017

**Japanese Barberry Cultivars Regulated as Restricted Noxious Weeds in Minnesota. Please visit the [Japanese barberry species page](#) for a list of the restricted cultivars.

Specially Regulated Plants – Shall be handled, controlled or eradicated according to specified regulations.

1. Amur maple (*Acer ginnala* Maxim.) 2017. Sellers shall affix a label that advises buyers to only plant Amur maple and its cultivars in landscapes where the seedlings will be controlled by mowing or other means. Amur maple should be planted at least 100 yards from natural areas.
2. Norway maple (*Acer platanoides* L.) 2020. Sellers shall affix a label that advises “Norway maple should only be planted in areas where the seedlings will be controlled or eradicated by mowing or other means. Norway maple seed is wind dispersed so trees should not be planted closer than 100 yards from natural areas.”
3. Poison ivy including eastern poison ivy (*Toxicodendron radicans* L.Kuntze) and western poison ivy (*T. rydbergii* Small ex Rhdb Greene) 2010. Must be eradicated or controlled for public safety along rights-of-ways, trails, public accesses, business properties open to the public or on parts of lands where public access for business or commerce is granted. Must also be eradicated or controlled along property borders when requested by adjoining landowners.
4. Winged burning bush (*Euonymus alatus* Thunb.) 2020. Three-year production phase-out period, after which sale of this species will be prohibited and the species will move to the Restricted list in 2023.

County Noxious Weeds

M.S. 18.771(e.) County Noxious Weeds are plants designated by county boards to be enforced as prohibited control noxious weeds within the county's jurisdiction and must be approved by the Commissioner of Agriculture. Counties are solely responsible for enforcement. Contact your local [County Agricultural Inspector or Designated Employee](#) for more information on County Noxious Weeds and the process for adding species to a County Noxious Weed List. Please visit the [County Approved Noxious Weeds page](#) for a list of counties with designated county noxious weeds.

Local Ordinances

Townships and municipalities can also use their local ordinance process to regulate plant species that are not listed by the county or state. Enforcement of species listed via a municipal ordinance is the responsibility of municipal authorities and cannot be regulated under or associated with the Minnesota Noxious Weed Law M.S. 18.75 – 18.91.

Additional resources

MDA Website - www.mda.state.mn.us/plants-insects/noxious-and-invasive-weed-program

MN DOT Website - www.dot.state.mn.us/roadsides/vegetation/pdf/noxiousweeds.pdf

MN DNR Website - www.dnr.state.mn.us/invasives/terrestrialplants/index.html

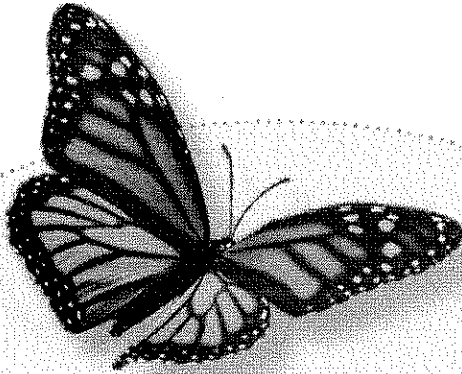
MN BWSR Cooperative Weed Management Areas - <http://www.bwsr.state.mn.us/grants/cwma/CWMA.html>

Planting for Pollinators

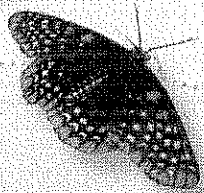
Principles and Design for Residential Pollinator Habitat

YOUR YARD CAN
BEE THE
CHANGE!

Monarch butterfly



Checkerspot butterfly



Carpenter bee



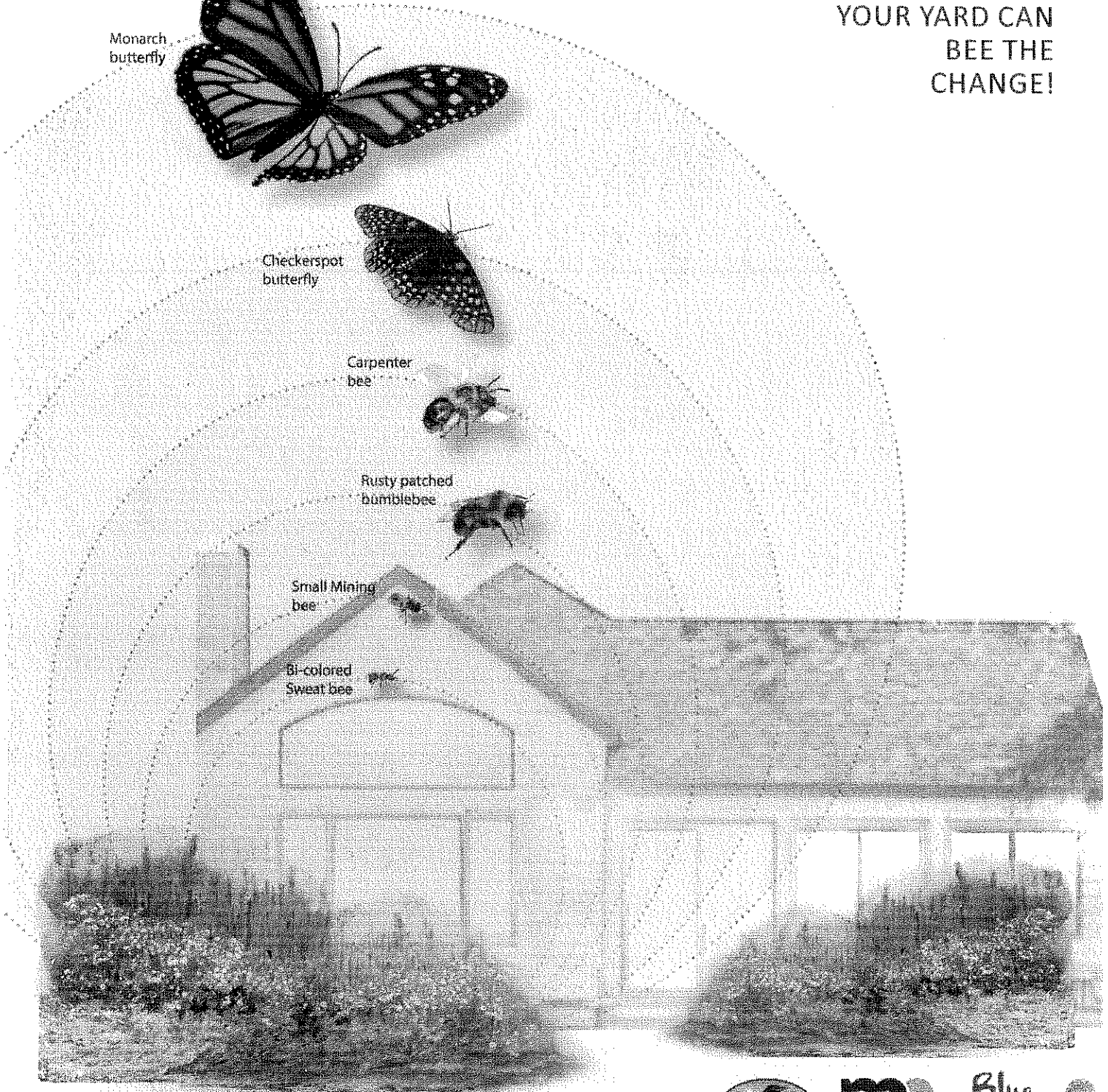
Rusty patched bumblebee



Small Mining bee



Bi-colored Sweat bee



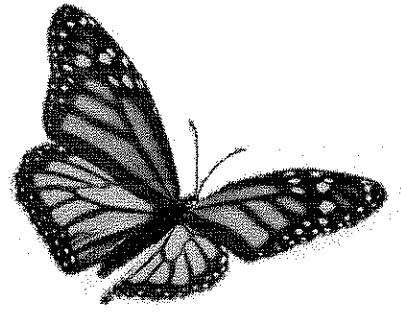
Planting for Pollinators

Principles and Design for Residential Pollinator Habitat

This resource was developed to accompany the state of Minnesota's Lawns to Legumes Program but can be used for anyone interested in creating and managing pollinator habitat.



Introduction:



The Lawns to Legumes program

A new state funding and technical assistance program designed to help establish residential pollinator habitat in support the Rusty Patched Bumble Bee and other pollinators.

Goals:

1. Create critical pollinator habitat in residential yards.
2. Build public support for high-quality residential pollinator habitat.

The good news is our mandate to provide critical habitat for the Rusty-Patched Bumblebee will also support Minnesota's other pollinators and wildlife, and improve air, soil and water quality.

Creating and maintaining enough high quality plantings to support declining pollinator populations is an enormous effort. We need to change public perception of residential landscapes. We want Minnesotans to embrace pollinator habitat in our yards!

Before you begin a pollinator planting project...

You may have heard that native plantings are a lot of work to create and establish. This can be true, but this work is also enormously rewarding. Consider the following:

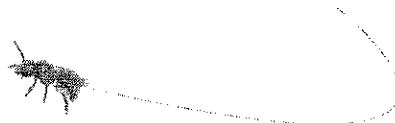
- This type of project involves a time commitment. Creating and especially MAINTAINING your project will take time, especially in the beginning while your plants are becoming established.
- Your commitment to maintain your planting promotes this effort in your community. You are demonstrating residential pollinator habitat to your neighborhood.
- Your efforts add up! As a part of this statewide campaign to help protect Minnesota's pollinators, more people who build habitat connection in their neighborhoods means pollinators don't have to travel as far to find resources that they need to survive.



Some messiness is OK...when its well-planned and intentional.

It is important to know your aesthetic goals before you begin a planting. Projects should be planned to fit into the context of their surroundings. When planting for pollinators, however, keep in mind that what we might think is messy is important for their survival. This includes diverse wildflowers, as well as a variety of nesting habitat (dead stems, brush, wood, rocks or rock piles, and areas with bare ground).

- Are you ready to accept a slightly less groomed yard if it has clear environmental benefits?
- What type of habitat will you provide?
- How large will your project be?





Why plant for Pollinators?

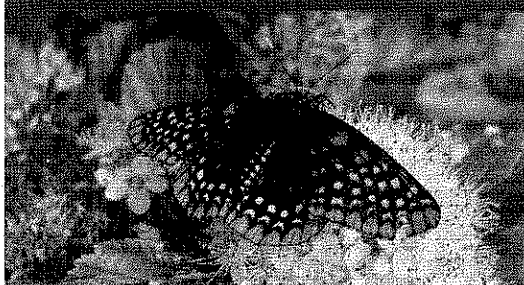
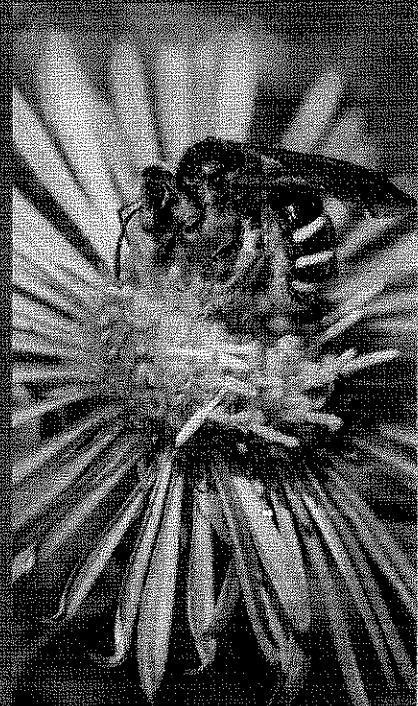
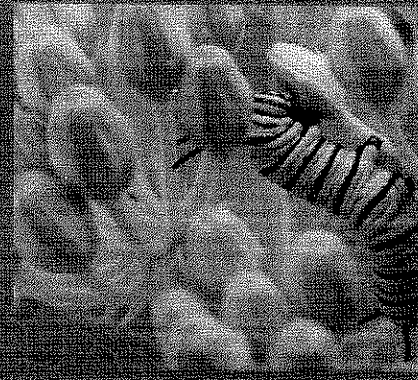
Pollinators play an essential role in food production as well as maintaining healthy ecosystems. There are more than 450 native bee species in Minnesota, along with hundreds of species of flower-visiting butterflies, moths, beetles and native flies.

The decline of pollinators and other beneficial insect populations worldwide and in here in Minnesota has led to significant concern by conservation professionals, legislators and the public.

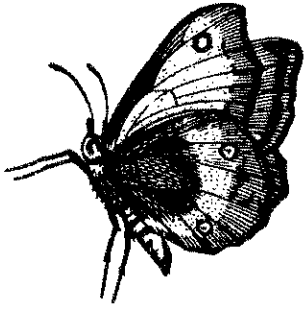
Contributors to pollinator decline include:

- Habitat Loss
- Pesticides: including Insecticides, Fungicides, and Herbicides
- Parasites and Pathogens
- Climate Change

Planting habitat for pollinators and protecting it from pesticides is one of the easiest ways for you to help pollinators! Additional benefits include: habitat for other species, stormwater infiltration, soil microbial health, and carbon sequestration. And there are benefits for human communities, too, as we increase our opportunities to enjoy, examine, and engage with the natural world around us.

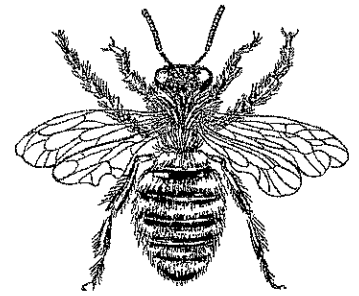


Pollinator



Friendly

Garden



This area has been planted with a range of native plants to provide high quality habitat to pollinators.

Bee

Safe

Yard

Proposed Flyer To Neighbors

Dear Friends and Neighbors,

Hi, I'm Michelle Pettit de Dimayuga at 199 Duke, on the corner of Duke and Michigan Streets. You may have noticed that I have started a new pollinator garden* in my yard and boulevards. My long term project is currently on hold due to citations from the City of Saint Paul Department of Safety and Inspections. I am appealing the abatement order that I have received that demands removal of the pollinator beds that I have created on the boulevards. My intention is to create a wholesome productive Healing Garden and gathering space for my family, our friends and neighbors as well as for our wild plants and insects. I have already given onions, lettuce, greens, radishes and strawberries to neighbors passing by. The pollinator friendly plantings on the boulevards help attract birds and other bugs to them instead of towards the main vegetable beds in the yard.

Thank you for understanding my intention and progress up to this point. The growing season in Minnesota is short and I would like to ask for some help. Would you be willing to weed, edge, mulch, move dirt or plantings for a couple of hours? Do you have any materials you would like to donate? If so, please get in touch with me so we can get this project back on track in a way that makes my neighbors happy and satisfies city regulations.

Thanks,

Michelle Pettit de Dimayuga

199 Duke Street

Saint Paul, MN 55102-2918

651-491-7898

michelle@dimayuga.net



* The Minnesota Board of Water and Soil Resources "Lawns to Legumes" Handbook states:

"Native plantings are a lot of work to create and establish. When planting for pollinators, however, keep in mind that what we might think is messy is important for their survival. This includes diverse wildflowers, as well as a variety of nesting habitat (dead stems, brush, wood, rocks or rock piles, and areas with bare ground). This type of project involves a time commitment. Creating and especially maintaining your project will take time, especially in the beginning while your plants are becoming established. Your commitment to maintain your planting promotes this effort in your community. You are demonstrating residential pollinator habitat to your neighborhood. •Your efforts add up! As a part of this statewide campaign to help protect Minnesota's pollinators, more people who build habitat connection in their neighborhoods means pollinators don't have to travel as far to find resources that they need to survive." ref: Planting for Pollinators Habitat Guide

https://bwsr.state.mn.us/sites/default/files/2020-06/Planting%20for%20Pollinators_updated_2020.pdf