



**City Council Work Session
Tuesday, October 19, 2021 at 6:00 PM
Council Chambers**

AGENDA

1. Call to Order/Roll Call
2. Items for Discussion
 - A. Joint Meeting with the Environmental Commission
 - B. Review Submittal - Request for Proposal, 217 Mill Street
 - C. Review Proposed Revisions to the Park Land Dedication Requirements
 - D. Amend Chapter 14, Article IV. - Massage Establishments of the City Code of Ordinances
 - E. Review/Discuss Special Logo for 150th Anniversary of City Incorporation
3. Future Discussion
4. Adjournment

(The Council may meet as a group for dinner.)

Please contact the City Administrator's Office if you need special accommodations while attending this meeting



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Deanna Kuennen, Community & Economic Development Director
MEETING DATE: October 19, 2021
SUBJECT: Joint Meeting with the Environmental Commission

Discussion:

In 2020, the City Council adopted Ordinance 2020-3, which established the City's Environmental Commission. The Environmental Commission advises the City Council on environmental issues and opportunities affecting the City while respecting the City's economic and social environments.

The general duties of the Environmental Commission include the following:

1. Review and provide recommendations on projects that involve an environmental assessment worksheet or an environmental impact statement.
2. In consultation with the City Council, participate in developing City plans with a significant environmental component, such as a Natural Resource Protection Plan or a Climate Action Plan.
3. Advise the City Council on other environmental matters as directed by the City Council. Such other duties may include making recommendations on environmental ordinances and promoting public awareness and understanding of the City's environmental matters.

This joint meeting of the City Council and Environmental Commission provides an opportunity for the Council to learn about the Commission's accomplishments to date (see the attached 2021 work plan). This meeting allows the Council and Commission to coordinate on the Commission's 2022 work plan.

The agenda for this joint meeting is as follows:

- 6:00 - Introductions
- 6:05 - Overview of the Commission's accomplishments
- 6:15 - Potential 2022 work plan items for Council consideration
- 6:20 - Other items the Council would like addressed

- 6:30 - Adjourn the joint meeting

Attachments:

1. 2021 Environmental Commission Work Plan

2021 ENVIRONMENTAL COMMISSION WORK PLAN

The following outlines actions the Environmental Commission could take in 2021. The Environmental Commission will coordinate with the City Council to refine and prioritize the actions.

- 1. Promote Public Awareness and Understanding of Environmental Issues and Opportunities.** Possible actions by the Environmental Commission include the following:
 - A. Coordinate with others to help organize and/or promote environmental events, such as Earth Day events and pollinator seminars.
 - B. Publicize environmental issues and opportunities through various means, including the City's website, utility bill inserts, articles in the Buckham Bulletin, and webinars.
 - C. Encourage broad participation in environmental issues by coordinating with youth and others who are underrepresented in the City's environmental issues. Coordinate with other cities in southeast Minnesota to engage typically underrepresented groups in environmental planning.
 - D. Coordinate with others to help organize and/or promote community service efforts related to the environment, such as control of noxious weeds and trash clean-up.
- 2. Recommend Ordinance Amendments related to the Environment.** Suggested ordinance amendments include the following:
 - A. Recommend amendments to the natural landscaping and yard maintenance ordinances.
 - B. Recommend a tree preservation and replacement ordinance.
 - C. Prepare other ordinance amendments as directed by the City Council.
- 3. Review and Recommend Approval of Plans related to the Environment.**
 - A. Recommend approval of Faribault's Climate Adaptation Plan.
 - B. Provide direction on environmental strategies related to Journey to 2040 plans.
 - C. Prepare a proposal to update the City's Natural Resources Plan in 2022.
 - D. Review and provide comments on environmental reviews (EAWs and AUARs) if the need arises.
- 4. Review City progress on GreenStep Cities and Xcel's Partners in Energy Program and implement actions as feasible.**



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Deanna Kuennen, Community & Economic Development Director
MEETING DATE: October 19, 2021
SUBJECT: Review Submittal - Request for Proposal, 217 Mill Street

Discussion:

BACKGROUND:

At the July 27, 2021 City Council meeting, the Council approved and authorized the issuance of a Request for Proposal (RFP) for the redevelopment of the former Lockerby Property. The RFP was then amended at the end of August, after the successful negotiation to acquire 55 Willow. The goal of the RFP was to find a qualified developer that would propose a plan consistent with the City's adopted Downtown Master Plan which envisions this area as a mix of residential uses, creating a hub for activity and serving as a destination for residents. *Specifically, the RFP was seeking creative proposals for multi-family, attached housing (rental or owner-occupied, townhomes, condominiums), commercial (example: hotel), retail and/or recreational uses on this site.*

Staff made the RFP available on the City's website, sent it out to developers, and shared it at a Multi-Family Housing Development conference. Numerous developers reached out with questions or comments, expressing their interest or concerns with the redevelopment site. Ultimately, the City received one RFP response from a qualified developer - MWF Properties.

SUMMARY OR PROPOSAL:

MWF Properties is interested in partnering with the City on the redevelopment of this site. They believe that their proposal supports the Downtown Master Plan by fostering a sense of community and inclusion by diversifying the downtown housing stock, using thoughtful site design to preserve the natural features of the property, providing quality workforce housing in a prime location, and incorporating unique architectural features - all resulting in a high-quality and aesthetically pleasing multi-family housing product. Specifically, MWF proposes:

Design/Layout/Timeline

- 63-unit workforce housing project, with 100-percent of the units affordable to those earning 60-percent of the Area Median Income or less.
- Flat roof building with four (4) stories of residential over one level of underground parking.
- Unit mix would include 1-, 2-, 3-, and 4-bedroom units, based on recent experience with leasing up the Lofts at Evergreen Knoll.
- Design includes walk-up units, walking paths, and bicycle storage.
- Site is designed to avoid the overhead power lines and Xcel Energy substation by locating the project on the NW corner of the site. The site is also orientated towards the amenities (park) being planned to the north.
- The proposed timeline would have the grand opening and first occupancy occurring in May 2024.

Proposed Purchase/Budget

- The estimated cost for the 63-unit project is \$17.3m
- MWF proposes purchasing the property from the City for \$250,000. This does not include the 55 Willow property.
- MWF would apply for low-income housing tax credits from MN Housing during the 2022 financing cycle.
- Project financing would also include a request for TIF, and an application to DEED for a Brownfield Redevelopment Grant to offset a portion of environmental cleanup costs estimated to be nearly \$500,000.

DISCUSSION

Matt Yetzer from MWF will attend the meeting to answer any questions regarding the proposal. Pending direction of the Council, an official action to select a Developer will be brought to the City Council for action at the October 26 meeting.

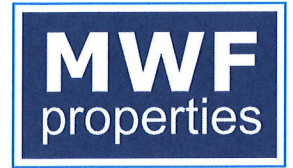
In addition - since the 55 Willow site is not included in the redevelopment proposal, Staff is seeking input from the Council on the Council's interest in leasing the property on a short-term basis (one-year).

Attachments:

1. A. Letter of Interest - Lockerby RFP
2. D. Proposed Development Timeline - Lockerby RFP
3. B. Schematic Drawings of the Proposed Project - Lockerby RFP - Reduced Set

October 1st, 2021

City of Faribault
Community & Economic Development Department
Attn: Deanna Kuennen, Community and Economic
Development Director
208 NW First Avenue
Faribault, MN 55021



RE: Letter of Interest – 217 Mill Street (Former Lockerby Sheet Metal Site)

To Whom It May Concern:

Please accept this letter as notification of MWF Properties' interest in partnering with the City of Faribault on the redevelopment of the former Lockerby site at 217 Mill Street. Through our conversations with City Staff, area employers, and local government representatives - along with our experience developing The Lofts at Evergreen Knoll – we are confident that demand remains in the City of Faribault for quality new construction workforce housing units; and appreciate the opportunity to present our proposal to provide additional housing options to your growing community.

1. Developer Contact Information:

Matt Yetzer
MWF Properties, LLC
7645 Lyndale Avenue South
Minneapolis, MN 55423

2. Contact Person's Name, Title, Phone Number, and Email Address:

Matt Yetzer
Senior Development Associate
(612) 314-7652
mattyetzer@mwfproperties.com

3. Project Fit within Downtown Master Plan and Vision

This proposed project would help meet the core guiding principles of the City's vision for the Downtown Master Plan by: (1) fostering a sense of community and inclusion by diversifying downtown housing stock, (2) enhancing an iconic site in town while preserving the natural features through thoughtful site design, (3) minimizing barriers for individuals by providing quality workforce housing units in a prime location with connectivity to downtown services and amenities, (4) encouraging innovation through unique architectural features, and (5) collaborating with City Staff, Planning Commission, City Council, and Community Members to develop a high-quality and aesthetically pleasing product that will become an asset to the community for years to come.

4. Project Narrative / Description

Our proposed project is a 63-unit workforce housing project, with 100% of the units affordable to those earning 60% of the AMI or less. The project will be a flat roof building with four-stories of residential over one level of underground parking. As the development consultant for The Lofts at Evergreen Knoll, the 76-unit workforce housing project in town that just recently completed construction, we've seen first-hand the pent-up demand for family rental housing options at a more affordable price point. During the lease-up period at The Lofts we have seen overwhelming demand for larger family units (3+ bedrooms). In response to that experience, we have chosen to incorporate a selection of 4-bedroom units to this proposal along with some additional 3-bedroom units. Our proposed unit mix is below:

Unit Type	Count	Rent Range
1 Bedroom	15	\$450 - \$760
2 Bedroom	32	\$900 - \$1,050
3 Bedroom	10	\$1,200
4 Bedroom	6	\$1,350

From a site planning standpoint, our design team has emphasized connections to the community amenities and natural features surrounding this site through walk-up units, walking paths, and set-aside bicycle storage. Our goal is to utilize design techniques and materials that best complement the historic character of downtown, and work to emphasize the walkability that this location will allow residents to take advantage of. Our hope is that these features help establish a connectivity to downtown business and retail options, supporting and enhancing the viability of those uses in the area.

We've worked to avoid the overhanging power lines and Xcel Energy substation by locating our project on the northwest corner of the site. This location will allow minimal disruption to the overhead lines during the redevelopment, along with maintaining the marketability and livability of these units for future residents. Our intent is that by locating the project in this area the building can act as a visual barrier to the stormwater management, industrial, and substation areas to the southeast. By incorporating the walkout units on the north and west sides of the building, we are able to focus the redevelopment towards the public parking and community amenity investments that are being made to the north.

Our proposed purchase price for the site is \$250,000. We've arrived at this number by evaluating two criteria: financial feasibility and increased competitiveness for Minnesota Housing financing. First, given increasing construction material and labor costs, along with the restricted workforce housing rents, this purchase price would allow us to maintain financial feasibility of the project. Second, one priority that Minnesota Housing evaluates as part of their review of financing applications is 'Other Contribution'. This \$250,000 purchase price would allow us to claim the estimated \$250,000 difference in value from the assessed value as 'Contribution'; increasing the chances of the project being selected for funding through Minnesota Housing's highly competitive process.

To support the affordability associated with our proposal we would anticipate submitting a Tax Increment Financing request to the City. Our current projections assume a 20-year TIF term. Of course, the term and assistance amount are subject to further analysis by the City and your financial consultant.

In preparing our RFP response we have communicated with Kevin Hoffman and Brandon Brayfield at Braun Intertec, the entity who prepared the previous Phase I on the property. I spoke with Kevin and Brandon regarding next steps for the site from an environmental remediation perspective, and estimated costs of this remediation. A ballpark estimate of costs for the remaining environmental remediation, subject to future analysis and investigation by Intertec, is listed below. These costs are included in our development budget.

Environmental Work	Preliminary Estimated Cost (subject to further investigation)
Updated Phase I Report	\$2,000
Phase II Analysis	\$25,000
RAP Preparation for Submittal to MPCA	\$25,000
On-site Monitoring	\$50,000
Contaminated Soil Removal	\$300,000
Vapor Mitigation System (if needed)	\$80,000
TOTAL	\$482,000

As part of our development timeline we have included a submission to the State of Minnesota DEED for grant funding associated with the environmental investigation and clean-up work. As a development team we have extensive experience working with environmental consultants, the MPCA, and other funding entities on similar grants, and our hope is to be able to partner with DEED to help offset a portion of these added environmental costs.

Finally, you'll notice that we have left the northwest redevelopment site out of our redevelopment proposal. Given the size of this parcel, and the timeline associated with our proposed financing structure, we believe it is in the best interest of the City to leave this parcel for another potential user. If selected, we would be happy to work with other RFP respondents (or the City) to get this remaining area redeveloped; and are more than willing to working with whoever that developer ends up being on necessary easements, site design, and any other predevelopment items.

5. Development Team / Project Management Plan

The development team for this project will be the same team that was in place for The Lofts at Evergreen Knoll. The General Contractor will be Eagle Building Company, the Architect will be Miller Hanson Architects, and Property Management will be handled by Velair Property Management. Please see contact information for each of the development team members below:

Owner/Developer

Matt Yetzer
Senior Development Associate
MWF Properties
7645 Lyndale Ave. S
Minneapolis, MN 55423
mattyetzer@mwfproperties.com
612.314.7652

General Contractor

Nick Williams
General Manager
Eagle Building Company
6636 Cedar Ave S., Suite 140
Minneapolis, MN 55423
nickwilliams@eaglebuildingllc.com
612.378.1115

Architect

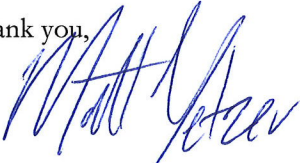
Kent Simon
Vice President
Miller Hanson Architects
218 Washington Avenue North, Suite 230
Minneapolis, MN 55401
ksimon@millerhanson.com
612.877.7065

Project Management Company

Terry Parker
Vice President
Velair Property Management
7645 Lyndale Avenue South, Ste. 210
Minneapolis, MN 55423
terryparker@velairmanagement.com
612.886.2491

We sincerely appreciate your consideration of our proposal and are excited about the opportunity to bring another quality housing project to the City of Faribault. Please let me know of any questions, or if there is additional information we can provide as you begin your review.

Thank you,



MWF Properties, Inc.

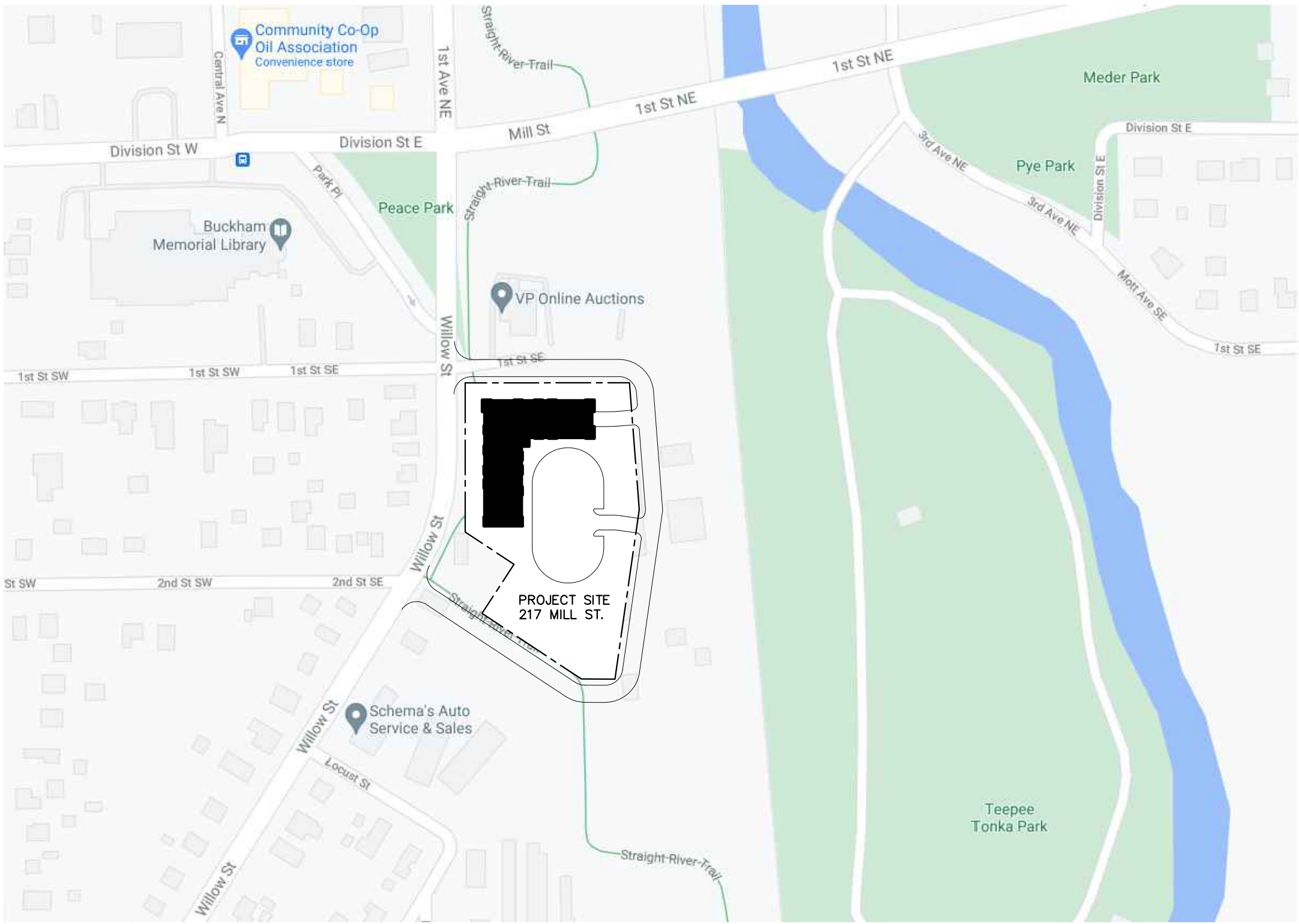
Matt Yetzer
Senior Development Associate
mattyetzer@mwfproperties.com
(612) 314-7652

Faribault - Lockerby Site
Development Timeline
10/1/2021

Lockerby Site - Faribault	#	Task	Due By:
	1	RFP Due to City of Faribault	10/1/2021
	2	Review of Proposals	10/19/2021
	3	Selection of Developer by City Council	10/26/2021
	4	Meeting with City Staff to refine concept plan	11/15/2021
	5	Begin drafting Purchase Option Agreement for exclusive negotiating period	11/19/2021
	6	Submit request to City for TIF Support Letter	12/1/2021
	7	City Council Meeting for TIF Support Letter	2/8/2022
	8	Bring updated concept plan to City Council for their review and comment	2/8/2022
	9	Order appraisal for 'Other Contribution' priority of Minnesota Housing	3/1/2022
	10	Work with City to replat and rezone development area	3/1/2022
	11	Submit financing application to Minnesota Housing	7/15/2022
	12	Financing is approved by Minnesota Housing	12/9/2022
	15	Order updated Phase I + Phase II	1/1/2023
	13	Submit Final TIF Applications	1/15/2023
	16	Schematic Drawings sent to Engineers, Kick off Design Development	2/1/2023
	17	RAP Preparation for MPCA	3/1/2023
	14	City Council Meeting (and Public Hearing) for TIF	3/15/2023
	18	Working Drawings complete, Submit for Building Permit	3/29/2023
	19	MWF to close on land	4/1/2023
	20	RAP Complete, Submit to DEED for Environmental Clean-up Grants	5/1/2023
	21	Building Permit Issued, Begin Early Construction Start	6/1/2023
	22	Close on Financing once DEED Clean-up Grant is awarded	8/1/2023
	23	Grand Opening and First Occupancy	5/1/2024

FARIBAULT APARTMENTS

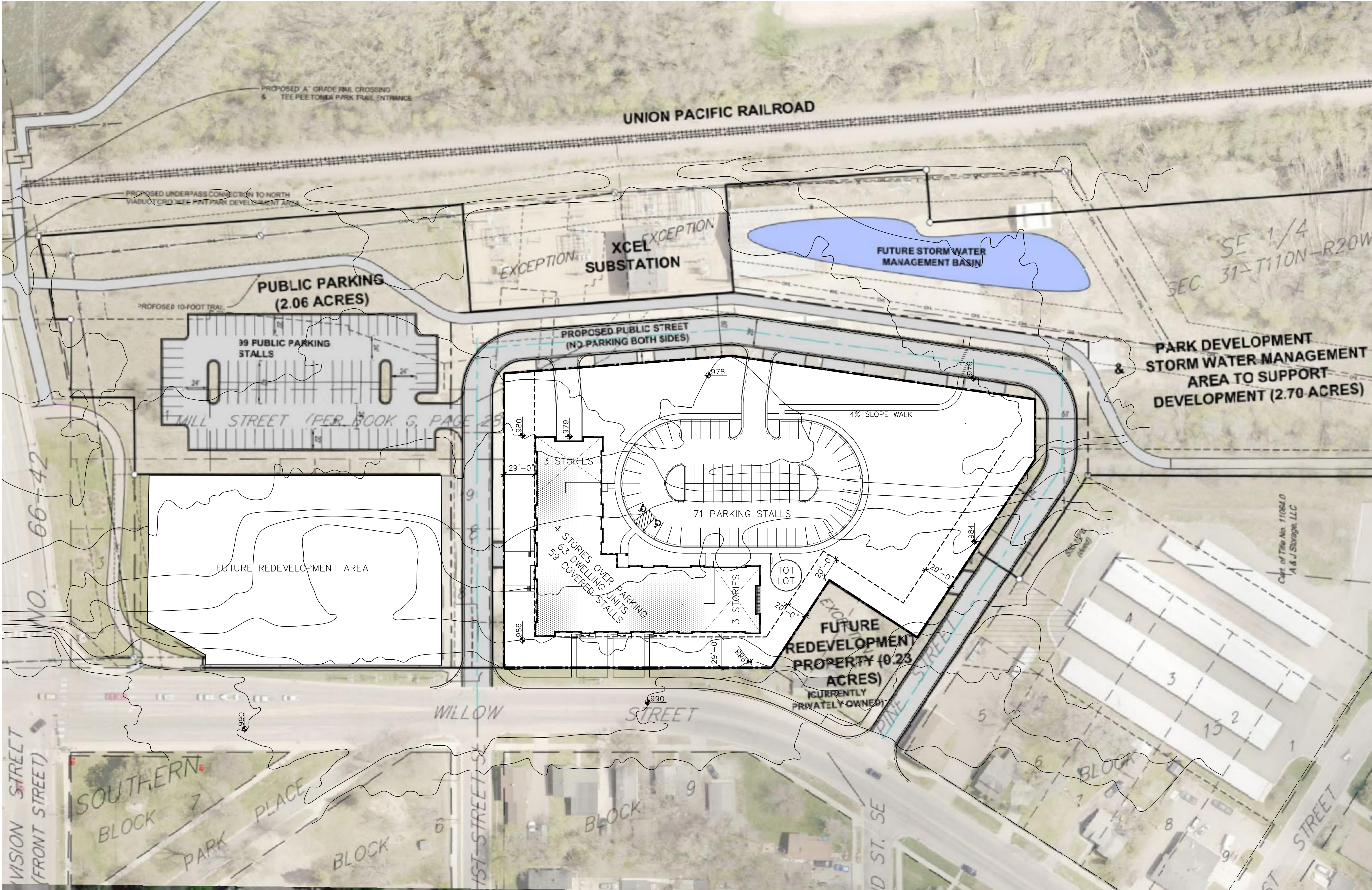
217 MILL STREET, FARIBAULT, MN



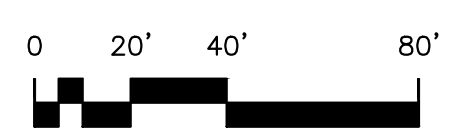
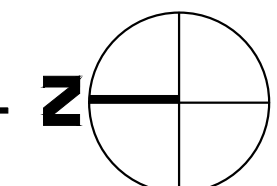
1 CONTEXT MAP
NTS

DRAWING INDEX	
GENERAL BUILDING INFORMATION	
A100	TITLE SHEET, DRAWING INDEX
ARCHITECTURAL DRAWINGS	
A200	SITE PLAN
A300	GARAGE LEVEL PLAN
A310	FIRST FLOOR PLAN
A320	SECOND FLOOR PLAN
A330	THIRD FLOOR PLAN
A340	FOURTH FLOOR PLAN
A410	UNIT PLANS
A411	UNIT PLANS
A412	UNIT PLANS
A413	UNIT PLANS
A414	UNIT PLANS
A500	EXTERIOR ELEVATIONS
A501	EXTERIOR ELEVATIONS

PROJECT DATA	
UNITS	
A UNIT TYPES (1 BEDROOM)	15
B UNIT TYPES (2 BEDROOMS)	32
C UNIT TYPES (3 BEDROOMS)	10
D UNIT TYPES (4 BEDROOMS)	6
TOTAL UNITS	63
PARKING	
GARAGE STALLS	59
ON-GRADE PARKING SPACES	71



1 SITE PLAN
1" = 40'-0"



PRELIMINARY NOT FOR CONSTRUCTION

SITE PLAN
A200

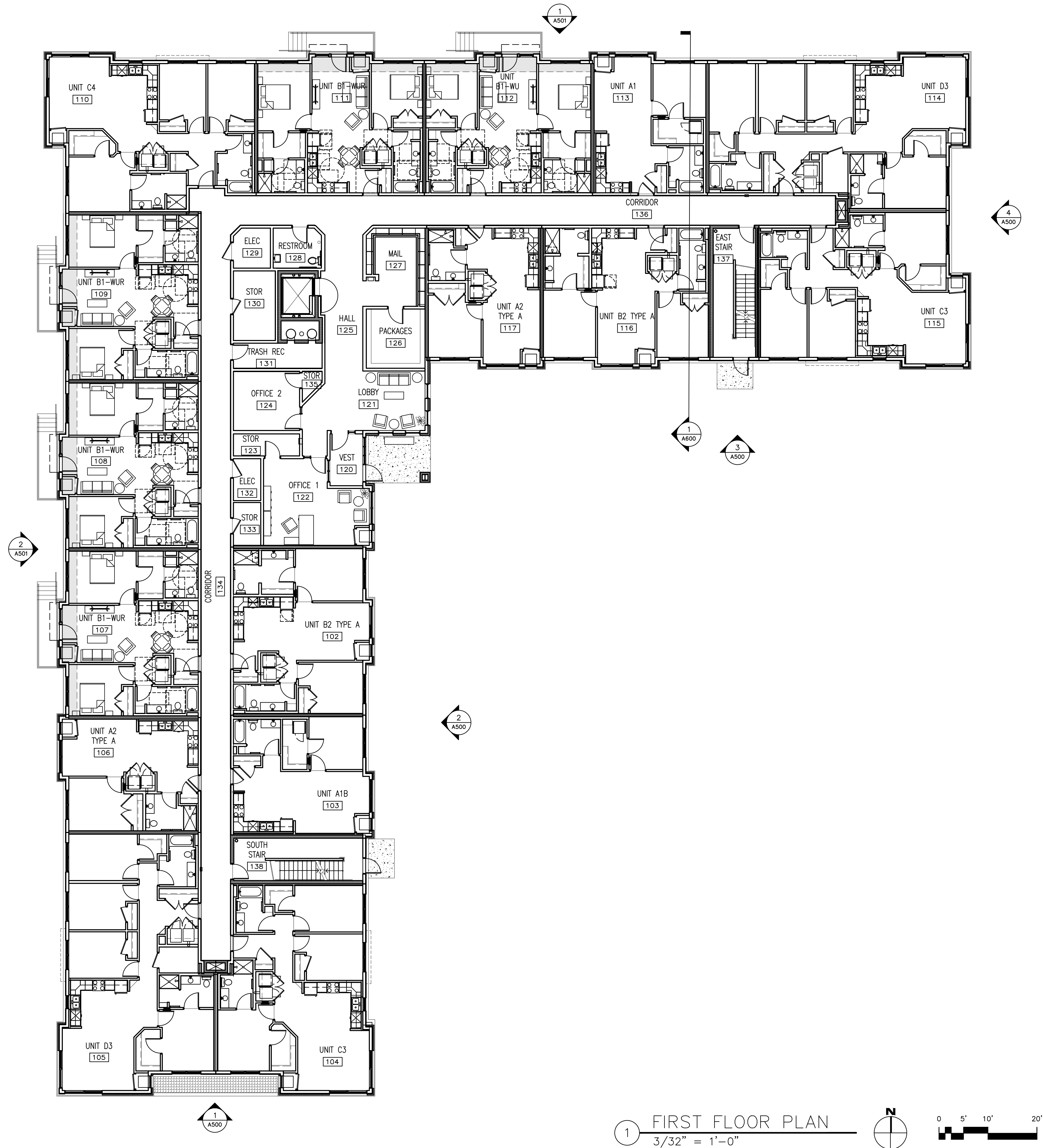
WEEDY PROPERTY THAT WAS AN ASSOCIATION OR REPORT WAS PREPARED UNDER AN DIRECT CONTRACT UNDER THE LAWS OF THE STATE OF MINNESOTA
NAME: KENT SINON
DATE: October 1, 2021
NO. 16390

218 Washington Avenue North
Suite 230
Minneapolis, Minnesota 55401
612-332-5420
www.millerhanson.com
MILLER HANSON architects

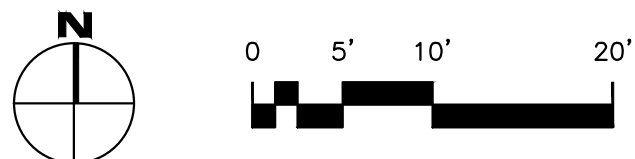
FARIBAULT APARTMENTS
217 MILL STREET
FARIBAULT, MN

DEVELOPER: MWF PROPERTIES
7645 Lyndale Ave S
Minneapolis MN 55423
Tel: 612.243.4637
CIVIL ENGINEER: LANDSCAPE ARCHITECT: STRUCTURAL ENGINEER: MEP ENGINEERS:
COMM #2110

ISSUE & REVISION
CITY SUBMISSION 10/1/21



1 FIRST FLOOR PLAN
3/32" = 1'-0"



PRELIMINARY NOT FOR CONSTRUCTION

FIRST FLOOR PLAN
A310

NAME: KENT SIMON
DATE: October 1, 2021
DRAWN BY: xx
CHECKED BY: xx

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www.millerhanson.com
MILLER HANSON
architects

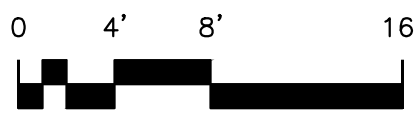
FARIBAULT
APARTMENTS
217 MILL STREET
FARIBAULT, MN

DEVELOPER:
MWF PROPERTIES
7645 Lyndale Ave S
Minneapolis
MN 55423
Tel: 612.243.4637
CIVIL ENGINEER:
LANDSCAPE ARCHITECT:
STRUCTURAL ENGINEER:
MEP ENGINEERS:

ISSUE & REVISION
CITY SUBMISSION: 10/1/21
COMM #2110



1 EAST EXTERIOR ELEVATION
1/8" = 1'-0"



2 SOUTH EXTERIOR ELEVATION
1/8" = 1'-0"



ISSUE & REVISION	
CITY SUBMISSION:	10/1/21
COMM #2110	
DEVELOPER:	MWF PROPERTIES
CIVIL ENGINEER:	7645 Lyndale Ave S Minneapolis, MN 55423 Tel: 612.243.4637
LANDSCAPE ARCHITECT:	
STRUCTURAL ENGINEER:	
MEP ENGINEERS:	

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HANSON**
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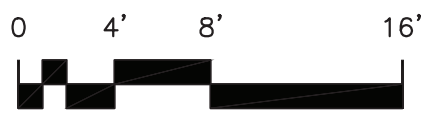
I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR
SUPERVISION AND THAT I AM A REGISTERED ARCHITECT
UNDER THE LAWS OF THE STATE OF MINNESOTA
NAME: KENT SIMON
DATE: October 1, 2021
NO. 16390

EXTERIOR
COLOR
ELEVATIONS
A500

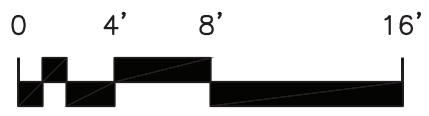
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1 NORTH EXTERIOR ELEVATION
1/8" = 1'-0"



2 WEST EXTERIOR ELEVATION
1/8" = 1'-0"



ISSUE & REVISION
CITY SUBMISSION: 10/1/21

COMM #2110

DEVELOPER:
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STRUCTURAL ENGINEER:

MEP ENGINEERS:

LANDSCAPE ARCHITECT:

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MILLER HANSON
architects

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR
SUPERVISION AND THAT I AM A REGISTERED ARCHITECT
UNDER THE LAWS OF THE STATE OF MINNESOTA

NAME: KENT SIMON
DATE: October 1, 2021
NO. 16390

EXTERIOR
COLOR
ELEVATIONS

A501

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Council Work Session Memorandum

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Paul J. Peanasky, Parks and Recreation Director
MEETING DATE: October 19, 2021
SUBJECT: Review Proposed Revisions to the Park Land Dedication Requirements

Discussion:

At its September 7, 2021 Work Session, the City Council provided the following general direction related to the City's parkland dedication and park development surcharge requirements:

1. Eliminate the City's park development surcharge tied to the issuance of building permits;
2. Adjust the park dedication requirements tied to the subdivision of land to account for the loss of the park development surcharge and maintain the overall amount of fees going into the park fund through the development process;
3. Require further subdivision of land that previously paid park dedication fees to pay additional park fees if the new subdivision results in a change of use requiring additional park fees.

Refer to my September 7 memorandum to the City Council for additional background information on the City's current park dedication and park development surcharge requirements. The following provides additional detail related to the Council's direction described above:

1. Eliminate the park development surcharge. The City's fee schedule lists the required park development surcharge associated with building permit applications. Per the City Attorney's advice, the City will eliminate the park development surcharge in 2022. The City Council will act later this year to approve the 2022 fee schedule absent the park development surcharge.
2. Adjust the park dedication requirements. With the upcoming loss of the park development surcharge, the Council directed that the park dedication requirements be adjusted to maintain the park fund without significant increases in the park dedication requirements. However, it is important to note that park funds received through the subdivision process depend on the number and size of subdivisions that occur in the city. If the City has a year in which no subdivisions occur, the park fund will receive no new funds through the subdivision process. Refer to the attached

table for the current and proposed park dedication requirements. Per the Council's direction, the proposed residential park dedication fee has a set fee with a sliding scale for dwelling units. As the number of dwelling units increases on a residential lot, the fee per dwelling unit decreases. Also, per the Council's direction, the park dedication fee for commercial and industrial development includes a set fee per acre. Because set fees do not account for inflation and other factors affecting land values, the City Council should periodically review and adjust the fees as needed. Consequently, the fee schedule (rather than the ordinance) could specify the park dedication fees so that the Council could easily adjust the park dedication when needed.

3. Require additional park fees for new subdivisions that result in a change of use that places more demand on the park system. Park dedication occurs through the subdivision process, so redevelopment without a subdivision will not automatically trigger park dedication. However, if a developer subdivides an existing platted commercial lot to allow for a multi-family development, the proposed park dedication ordinance will have a provision that requires that park dedication be paid based on the multi-family development (less the park dedication paid for the existing commercial development).
4. Proposed schedule to implement park dedication and park development surcharge changes. In the coming month, City Staff will ask the Council to act on the following:
 - Amend Section 7-7 of the City Code of Ordinances to eliminate the park development surcharge associated with building permits. Staff will ask Council to amend the Ordinance at its November 9 or November 23 meeting.
 - Amend Section 15-330 of the City's Unified Development Ordinance (UDO) per the recommendations in the table above. Again, the Ordinance may not list the set park dedication fees but rather refer to the adopted fee schedule for a listing of the required fees. This Ordinance amendment requires a public hearing at a Planning Commission meeting. The Council must then conduct the first reading of the Ordinance, which would occur on November 9 or November 23. The second reading of this Ordinance would occur on November 23 or December 14.
 - Amend the proposed 2022 Fee Schedule to eliminate the park development surcharge. Each December, the Council typically adopts a resolution approving the following year's fee schedule.

The City Council should provide feedback, if any, on the proposed changes to the park dedication requirements and park development surcharge.

Attachments:

1. Table of Existing and Proposed Park Dedication Requirements
2. Council Memo - September 7
3. Other City Charges

EXISTING AND PROPOSED PARK DEDICATION	
Residential	
Existing	Proposed
▪ 7% of the land or ▪ 7% fair market value of the land	▪ 7% of the land or ▪ \$1,000 per single-family dwelling unit ▪ \$500 per multi-family dwelling unit up to the first 20 units ▪ Then \$400 for additional multi-family units between 21 and 50 units ▪ Then \$300 for additional multi-family units over 50 units
Commercial	
Existing	Proposed
▪ 4% of the land or ▪ 4% of the fair market value of the land	▪ 4% of the land or ▪ \$1,000 per acre (less wetlands and water bodies)
Industrial	
Existing	Proposed
▪ 4% of the land or ▪ 4% of the fair market value of the land	▪ 4% of the land or ▪ \$1,000 per acre (less wetlands and water bodies)



Council Work Session Memorandum

TO: City Council
THROUGH: Tim Murray, City Administrator
FROM: Paul J. Peanasky, Parks and Recreation Director
MEETING DATE: September 7, 2021
SUBJECT: Parkland Dedication Discussion

Discussion:

The City of Faribault acquires parkland (or cash in lieu of parkland) through the subdivision process. In addition, the City receives park funds through a park development surcharge tied to building permits. However, most communities do not have park development surcharges, and developers and contractors have expressed confusion and frustration over Faribault's surcharge. As a result, City Staff recommends that the City Council eliminate the park development surcharge and adjust the parkland dedication requirements to offset the loss of the surcharge revenues and more closely align with Faribault's peer cities.

This memorandum provides an overview of Faribault's current parkland dedication requirements and park development surcharges. It also outlines a draft recommendation to require sufficient parkland dedication (or cash in lieu of parkland) to ensure that Faribault continues to have an outstanding park system while avoiding excessive parkland dedication requirements that could discourage development in the city. Finally, this memorandum describes other existing and potential funding mechanisms for the City's park system.

1. Parkland Dedication through the Subdivision Process. Minnesota Statute Section 462.358 authorizes cities to acquire parkland (or cash in lieu of parkland) through the subdivision process. The City of Faribault's parkland dedication requirements are as follows:

- **Residential:** 7% of land or 7% fair market value of land
- **Commercial:** 4% of land or 4% fair market value of land
- **Industrial:** 4% of land or 4% fair market value of land

Not all cities acquire parkland based on a percentage of the subdivision or a percentage of the land's fair market value. Some cities require parkland dedication for residential subdivisions based on the anticipated population of the subdivision or the number of dwelling units in the subdivision. Likewise, some cities set the fair market value of residential, commercial,

and industrial land so that there is consistency in how the city collects cash in lieu of parkland.

Faribault requires considerably less parkland dedication than most of its peer cities (see attached parkland dedication study from HKGi). And if Faribault eliminates its park development surcharge, as recommended by City Staff, the City of Faribault will collect less park fees than virtually all of its peers.

2. Park Development Surcharge. In 1982, the City added a park development surcharge to building permits to help supplement the City's park fund (Fund 404) and assist with park maintenance and improvement costs. But the surcharge has created confusion among some developers and contractors, particularly those who recently fulfilled the parkland dedication requirements described above. The City of Faribault's park development surcharges, which the City collects with building permits, are as follows:

- **Single-family:** \$225 per unit
- **Multi-family:** \$150 per unit
- **Commercial, industrial, or institutional:** \$225 - \$3,000 depending on the valuation of the building

Over the past six years, the City has collected, on average, roughly \$22,000 per year in park development surcharges. Again, City Staff recommends that the City Council eliminate the park development surcharge associated with building permits and adjust parkland dedication through the subdivision process to more closely align with the City's peers.

3. Draft Recommendation to Adjust the City's Parkland Dedication Requirements. If the City Council agrees with eliminating the park development surcharge, the Council should consider increasing the parkland dedication requirements to compensate for the loss of the surcharge. Furthermore, City Staff recommends that the City gradually adjust its parkland dedication requirements to align more closely with its peers. For initial discussion purposes only, the Parks and Recreation Department suggests the following:

- **Single-family:** \$1,000 per dwelling unit or 7% of the gross developable land
- **Multi-family:** \$500 per dwelling unit or 7% of the gross developable land
- **Commercial or industrial:** \$1,000 per gross developable acre or 4% of the gross developable land

Please note that the City would only acquire parkland (or collect cash in lieu of parkland) through the subdivision process. However, Staff recommends that, like many other cities, Faribault should also apply parkland dedication to redevelopment that increases the intensity of the development. For example, if an existing commercial or industrial

development is converted to a high-density residential use, that development would contribute additional park funds to account for the increased demand on the park system.

City Staff will present the City Council with examples of recent developments that have paid parkland dedication fees and show how the proposed adjustments to the parkland requirements would affect the development.

4. Other existing and potential funding mechanisms for the park system. Most cities find that the parkland dedication and the cash in lieu of parkland collected through the subdivision process is insufficient for the park system. In recent years, the City of Faribault has supplemented the park fund through the following mechanisms:

- **Percentage of the gas and electric franchise fee:** In 2021, the Park Improvements Fund (404) will receive \$251,500.
- **Percentage of City budget surplus:** In 2020, the Park Improvements Fund (404) received \$88,400.

The City can use other mechanisms to support its park system, including increasing user fees, establishing enterprise fees, bonding, and similar tools. If we value parks, we must find a way to fund them. We are looking for feedback from the City Council on the parkland dedication fees/charges.

	Residential	Commercial	Industrial
Albert Lea	1Ac / 54 units based on max density allowed	1 acre/ 9acres(11.1%)	1 acre/9acres(11.1%)
Austin	.008 acre per unit		
Elko/New Market	8% or \$2000/unit	8% or \$2800/Acre	8% or \$1000/Acre
Faribault	7%	4%	4%
Farmington	0-2.5 Dwelling/Acre = 11%	5%	5%
	2.6-5.0 Dwelling/acre= 12%		
	5.1-7.5 Dwelling/Acre=13%		
	7.6 - 10 Dwelling/Acres = 14%		
	10.1 -12.5 Dwelling/acre= 15%		
	12.6 -16 Dwelling/acre = 16%		
Lonsdale	10% or \$1750 per unit (Single)	10%	10%
	10% or \$1750 per unit for Multi-family	\$2700/Acre	\$2700/Acre
Lakeville	Low Density <3 = 12% or \$4734/unit	\$7693/Acre	\$4558/Acre
	Medium Density 3-9 =14% or \$3221/unit		
	High Density 9+ = 17% or \$2470/unit		
Northfield	0-3.9 DU/Acre 12%	5%	2% for trails none for parks
	4.0- 7.9 DU/ Acre 9%		
	8.0 or More DU/Acre6%		
Owatonna	0	0	0
Red Wing	Apts and town houses = \$225/bedroom	\$1450 /Acre	\$1450 /Acre
	Double family dwelling = \$500 per unit		
	Single family dwelling per per unit = \$525		
	or 0-2.5 DU/Acre 10%		
	2.6-4.0 DU/Acre 12%		
	4.1-8.0 DU/Acre 13%		
	8.1-12.0 DU/Acre 14%		
	12.1-16 DU/Acre 15%		
Waseca	SF - upto 3 lots per acre = 8% or \$420 per unit		
	SF- More then 3 and up to 5 lots per acre = 14% or 420 per unit		
	MF - upto 15 Units per Acre = 20% or \$300per unit		
	MF 15-30 units = 35% or \$275 per unit		
	MF 30 or more = 45% or \$250per unit		

Attachment C

2018 Park Dedication Survey

City	2017 Residential (Per Unit)	2018 Residential (Per Unit)	2017 Commercial	2018 Commercial	2017 Industrial	2018 Industrial
Andover	\$3,038	\$3,319	\$9,106 / Acre	\$9,957 / Acre	\$9106 or 10% of market value of land, whichever is less	\$9957 per acre or 10% of market value of land, whichever is less
Apple Valley	\$1,935	\$1,935	\$1,272 / 1,000 Sq. Ft.	\$1,272 / 1,000 Sq. Ft.	\$128	\$128
Blaine	\$4,320	\$4,320	\$8,704 / Acre	\$8,704 / Acre	\$6,093	\$6,093
Bloomington	\$5,700	\$5,700	\$585 / 1,000 Sq. Ft.	\$585 / 1,000 Sq. Ft.	\$402	\$402
Brooklyn Center	\$0	\$0	\$0 / Acre	\$0 / Acre	\$0	\$0
Brooklyn Park	\$4,600	\$4,600	\$8,000 / Acre	\$8,000 / Acre	\$8,000	\$8,000
Burnsville	\$2,717	\$2,717	\$17,500 / Acre	\$17,500 / Acre	\$8,750	\$8,750
Chanhassen	\$5,800	\$5,800	\$12,500 / Acre	\$12,500 / Acre	\$12,500	\$12,500
Champlin	\$4,370	\$4,370	\$8,323 / Acre	\$8,323 / Acre	\$7,283	\$7,283
Cottage Grove	\$3,400	\$3,400	\$6,000 / Acre	\$6,000 / Acre	\$6,000	\$6,000
Eagan	\$3,579	\$3,579	\$939 / 1,000 Sq. Ft.	\$939 / 1,000 Sq. Ft.	\$255	\$255
Eden Prairie	\$6,500	\$6,500	\$11,500 / Acre	\$11,500 / Acre	\$11,500	\$11,500
Falcon Heights	8%	8%	10% FMV	10% FMV	10%	10%
Fridley	\$1,500	\$1,500	\$1,000 / Acre	\$.023/sf of land	N/A	\$.023/sf of land (full site being developed)
Golden Valley	6%	6%	6% FMV	6% FMV	6%	6%
Inver Grove Heights	\$2,850	\$2,850	\$7,000 / Acre	\$7,000 / Acre	\$5,000	\$5,000
Lakeville	\$3,895	Low Density: \$4090, Medium Density: \$2,783, High Density: \$2,134	\$7,693 / Acre	\$7,693 / Acre	\$4,558	\$4,558
Little Canada	\$3,500	\$3,500	7% FMV	7% FMV	N/A	N/A
Maple Grove	\$4,290	\$4,262	\$11,000 / Acre	\$11,000 / Acre	\$6,500	\$6,500
Maplewood	\$3,540	\$3,540	9% FMV	9% FMV	9%	9%
Moundsview	10%	10%	10% FMV	10% FMV	10%	10%
Oakdale	\$2,886	\$2,886	Retail \$467, Office: \$534 / 1,000 Sq. Ft.	Retail \$467, Office: \$534 / 1,000 Sq. Ft.	\$267	\$267
Plymouth	\$8,000	\$8,000	\$8,000 / Acre	\$8,000 / Acre	\$8,000	\$8,000
Richfield	\$0	\$0	\$0 / Acre	\$0 / Acre	\$0	\$0
Roseville	\$4,000	\$4,000	10% FMV	10% FMV	10%	10%
Shakopee	\$5340	\$5340	\$9,500 / Acre	\$9,500 / Acre	\$9,500	\$9,500
Shoreview	4%	4%	10% FMV	10% FMV	10%	10%
St. Louis Park	\$1,500	\$1,500	5% FMV	5% FMV	5%	5%
Woodbury	\$3,500	\$3,500	\$6,000 / Acre	\$6,000 / Acre	\$6,000	\$6,000
ALL AVERAGE	\$3,559	\$3,492				

SELECT AVG	\$4,745.14	\$4,745.14	\$8,529.00	\$8,529.00	\$8,057.17	\$8,057.17
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Last Updated: 1/10/19



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH:
FROM: Tim Murray, City Administrator
MEETING DATE: October 19, 2021
SUBJECT: Amend Chapter 14, Article IV. - Massage Establishments of the City Code of Ordinances

Discussion:

City staff has reviewed and updated Chapter 14, Article IV.-Massage Establishments to reflect the current zoning, education requirements and licensing practices. This section of Chapter 14 was last updated in 1990.

Section 14-53. Definitions. Updates the definitions of Massage Therapist, massage therapy or therapeutic massage, massage therapy establishment, patron and better defines recognized school.

Section 14-54 License required; limitation on number of massage therapy establishment licenses. Removes the requirement for massage therapists working for or as an employee of a medical professional licensed under §§ 147 or 148 or for a person licensed by the state board of medical practices when said person provides proof of licensure to the city clerk.

The updated ordinance defines a Massage Therapy Establishment as any establishment wherein one or more massage therapists provide massage therapy or therapeutic massage to the public as the primary business. A hospital, sanatorium, rest home, boarding home, medical doctor's office, chiropractor's office, or other institution licensed under the provisions of MN. §§144.50 through 144.69 shall not be considered a massage therapy establishment. The City of Faribault currently does not license Massage Establishments and there are currently no requests for such businesses. However, staff have received calls over the past several months inquiring about licensing requirements for massage therapy only establishments.

The updated ordinance would set minimum requirements for the health and safety of all patrons. The holder of a massage therapy establishment license would then be responsible for the supervision of all therapists working within their licensed establishment. All massage therapists working in a massage establishment would be required to be licensed by the city.

Section 14-55. Location. has been updated to reflect the allowed locations for massage establishments to include the CBD Commercial Business District. This change aligns with the current zoning code.

Section 14-56. Massage therapist-License required; application fee; investigation;denial;revocation;suspension. has been updated to require that massage therapists receive at least 500 hours of training in specific areas to include theory and practice of massage, hygiene and sanitation as well as business practices. This will also allow for a provisional license for those that have competed at least 100 classroom hours at a recognized school.

Section 14-57 to 14-59 better defines reasons for a license to denied, suspended, revoked or not renewed, as well as the process to get the license reinstated.

City Staff is seeking Council direction on Massage Establishment license limitations as well as input on the proposed changes.

Attachments:

1. Ord. 2021-XX Amend Ch. 14, Art. IV. – Massage Establishments

**CITY OF FARIBAULT
ORDINANCE No. 2021-XX**

**AMEND CHAPTER 14, ARTICLE IV. – MASSAGE ESTABLISHMENTS
OF THE CITY CODE OF ORDINANCES**

THE CITY OF FARIBAULT ORDAINS: The City Code of Ordinances shall be amended as follows:

Sec. 14-53. Definitions.

For the purposes of this article, the following words, terms and phrases shall have the following respective meanings ascribed to them by this section:

~~*Massage:* "Massage" means any process or procedure consisting of rubbing, stroking, kneading or tapping by any means upon the external body of a patron.~~

~~*Massage establishment:* "Massage establishment" means a place where massage is practiced.~~

~~*Massage therapist:* "Massage therapist" means a person licensed under this article to administer a massage for consideration.~~

~~*Patron:* "Patron" means any person who receives a massage under such circumstances that is reasonably expected that he or she will pay money or give any consideration therefor.~~

Massage Therapist means person, other than a person licensed as a medical doctor; chiropractor; osteopath; podiatrist; licensed nurse; physical therapist; athletic director or trainer; or beautician or barber who confines their treatment to the scalp, face and neck; who, for compensation, Practice and provides therapeutic massage; and who can prove completion of a minimum 500 hours of class credits from a recognized school in course work as required by this section.

Massage therapy or therapeutic massage means a scientific health care or health maintenance technique or procedure carried out by a massage therapist involving the massaging, kneading, rubbing, pressing, stroking, tapping, pounding, vibrating, or stimulating the human skin, muscles and tissues for no other purpose than physical fitness, health-care referral, healing, relaxation, or beautification.

Massage therapy establishment means any establishment wherein one or more massage therapists provide massage therapy or therapeutic massage to the public as the primary business. A hospital, sanatorium, rest home, boarding home, medical doctor's office, chiropractor's office, or other

institution licensed under the provisions of M.S.A. §§144.50 through 144.69 shall not be considered a massage therapy establishment.

Patron means any person who receives a massage under such circumstances that is reasonably expected that they will pay money or give any consideration therefor.

Recognized school: "Recognized school" means any school or institution of learning which:

- (1) has for its purpose the teaching of the theory, method, profession or work of massage therapists, which school requires a resident course of study of not less than ~~seventy (70)~~ five-hundred (500) hours before the student shall be furnished a diploma or certificate of graduation from such school following successful completion of such course of study or learning. ~~Such school must show current membership in good standing in the American Massage and Therapy Association or other recognized professional massage organization. Schools offering a correspondence course not requiring actual attendance of class shall not be deemed a recognized school.~~
- (2) is operating legally within the locality or province in which they are located.
- (3) Schools offering a correspondence course not requiring actual attendance of class shall not be deemed a recognized school. Any School that does not, will not or cannot provide sufficiently reliable corroboration, in the city clerk's or designee's discretion, of a massage therapist's course work, attendance, or other relevant criteria shall not be considered a reliable school for the purposes of this article.

~~Sec. 14-54. Exceptions.~~

~~This article shall not apply to the following classes of individuals while engaged in the duties of their professions:-~~

- ~~(1) Physicians, surgeons, chiropractors, osteopaths or physical therapists licensed to practice their respective profession under the laws of the State of Minnesota, or nurses registered under the laws of the State of Minnesota when performed under the direction of a licensed physician, surgeon, chiropractor or osteopath.-~~
- ~~(2) Barbers and beauticians licensed under the laws of the State of Minnesota; provided that, such massage is limited to the head and scalp.-~~
- ~~(3) Coaches and trainers of educational institutions acting within the scope of their employment.-~~

Sec. 14-54. License required; limitation on number of massage therapy establishment licenses.

- (a) It shall be unlawful for any person to practice as a massage therapist or operate a massage therapy establishment in the city without first obtaining a license to do so. However, no license is required for any massage therapist working for or as an employee of a medical professional licensed under M.S.A chs. 147 or 148. In addition, no license is required under this article for a person licensed by the state board of medical practices when said person provides proof of licensure to the city clerk.
- (b) The license will be effective for one year and run from February 1 through January 31 of the license year.
- (c) No more than [REDACTED] ? Massage therapy establishments licenses may be issued in the city.

Sec. 14-55. Location.

- (a) Massage establishments shall be located in areas zoned by the zoning ordinance of the City of Faribault as C-2, Highway Commercial-~~or~~; C-3, Community Commercial; and CBD, Central Business District provided, however, that individual massage therapists may engage in business as a home occupation ~~as defined by subdivision 1(f)(51) of the zoning ordinance.~~ subject to the provisions listed in Chapter 6, Article 7 of the Unified Development Ordinance.
- (b) Massage establishments which are not home occupations shall comply with all relevant local, state and federal health and building regulations which govern the design, construction, maintenance and sanitation of health spas, or similar establishments.
- (c) The provisions of this section do not apply to locations where massage is practiced by persons excepted from this article under section 14-54.

Sec. 14-56. Massage therapist—License required; application fee; investigation; issuance; denial; revocation; suspension.

- ~~(a) Massage therapists shall be licensed as provided in this section.~~
- ~~(b) Applications for licenses required by this section shall be in writing in such form as required by the city administrator.~~
- ~~(c) At a minimum, the application form for a license under this section shall require the following:~~
- (a.) Massage Therapist License. Application for a massage therapist license shall be made on forms provided by the city clerk. The applicant

shall provide the following information, as well as any information deemed reasonably necessary by the city clerk:

- (1) The applicant's full name, address, social security number, written proof that the age of the applicant is at least eighteen (18) years, and two (2) recent photographs not more than six (6) months old and at least two (2) inches by two (2) inches in size.
- (2) The applicant's two (2) previous addresses and dates of residences.
- (3) Occupation for three (3) years preceding date of application.
- (4) Diploma or certificate of completion of 500 or more hours ~~graduation~~ from a recognized school of massage therapy.
- (5) Proof of course work as set out in subsection (b) of this section
- ~~(5)~~(6) A statement that the applicant has not been convicted of any crime concerning dishonesty, fraud, deceit or immorality.
- ~~(6)~~(7) A verified statement signed by the applicant that all information contained therein is true and correct.

(b) Proof of course work. Each applicant for a massage therapist license shall provide, by clear and convincing evidence, that they have completed the minimum hours of course work in each of the following areas:

- (1) One hundred fifty hours in theory and practice of massage, including, but not limited to Swedish, Esalen, Shiatsu or foot reflexology techniques;
- (2) One hundred hours of anatomy and physiology, including, but not limited to, skeletal and muscular structure and kinesiology;
- (3) Eight hours of hygiene and sanitation; and
- (4) Thirty hours of business practices and ethics.

(c) Massage therapy establishments license. Application for a massage therapy establishment license shall be made on forms provided by the city clerk. The applicant shall provide the following information as well as any other information deemed reasonably necessary by the city clerk:

- (1) The applicant's full name (first, middle, last);
- (2) Any other names the applicant has been known by;
- (3) The applicant's home address and phone number;
- (4) A copy of the applicant's driver's license or state ID;
- (5) The applicant's date of birth;
- (6) The applicant's addresses for the past five years;

(7) A description of any crime or other offense, including the time, place, date and disposition, for which the applicant has been arrested;

(8) If the applicant is a corporation, Limited Liability Company, partnership, or other entity, then the applicant shall provide the information requested in subsections (1) through (5) of this section, for each officer, director, or partner of the entity

(d) Provisional license.

(a) an applicant is eligible for a provisional massage therapist license if the applicant"

(1) Proves, by clear and convincing evidence, that the applicant has completed at least 100 classroom hours of instruction in the practice of massage therapy at a recognized school.

(2) Has practiced massage therapy for compensation for at least two years during the five-year period immediately preceding the date of the application; and

(3) Otherwise meets the criteria established by this section

(b) This license may be renewed up to two times after initial application, allowing the applicant three-years to meet the licensing requirements of the section. Additional course work must be completed, as well as any other requirements which may be in effect at the time of application.

~~(d)~~(e) Each application for a license under this section shall be accompanied by a fee as specified by resolution to defray the cost of investigation and administration.

~~(e)(f) After investigation the city administrator shall issue to the applicant a massage therapist license; provided that a license may be denied to any applicant who has within the previous two (2) years been convicted of an action for which a license could be revoked or suspended as set forth in subsection (f) and (g) hereinbelow.~~ Upon receipt of application and payment, the city clerk shall forward the application to the city police department. The city police department shall report, in writing, to the city clerk, as to any police record of the applicant (or any of the applicant's officers, directors, or partners). Which may reflect upon public health, safety or moral character. When all of the conditions of this article have been met, the city clerk shall issue the license. If any of the conditions have not been met to the satisfaction of the city clerk, the license shall not be issued.

~~(f) The city administrator may revoke or suspend a license issued under this section for any one (1) of the following:-~~

~~(1) Violation of any provision of this article.-~~

~~(2) Conviction of any crime or offense involving dishonesty, fraud, deceit or immorality.-~~

~~(g) The city administrator may suspend a license issued under this section for any of the following reasons:-~~

~~(1) The licensee has been arrested for any crime or offense involving dishonesty, fraud, deceit or immorality.-~~

~~(2) If the city administrator has reasonable grounds to believe that any licensee is infected with a contagious or communicable disease.-~~

Sec. 14-57. Denial.

No license shall be issued to an applicant who is a natural person, or to an applicant who is a corporation, limited liability company, or other business entity where any partner, officer, or director:

- (1) Is under 18 years or age;
- (2) Has been convicted of any crime directly related to the occupation and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by M.S.A. §364.03, subd. 3;
- (3) Is not of good moral character or repute;
- (4) Owes taxes, assessments, or other financial claims to any government agency that are due and delinquent.

Sec. 14-58. Revoking, suspending, denying or not renewing a license.

(a) Authority to revoke, suspending, denying or not renewing a license. The City Council may revoke, suspend, deny or decline to renew any massage therapist license or massage therapist establishment license issued under this article. The basis for such revocation, suspension, denial or non-renewal includes, but is not limited to any of the following circumstances:

- (1) The license was procured by misrepresentation of material facts.
- (2) The applicant or one acting in their behalf made oral or written misstatements accompanying the application.
- (3) The applicant has failed to comply with any condition set forth in any other permits granted by the city.
- (4) The activities of the applicant or any owner/agent create or have created a danger to the public health, safety or welfare.
- (5) Failure to pay any application, penalty or reinstatement fee required by this section and city council resolution.

- (6) Violation of any regulation or provision of this Code reasonably related to the licensed activity for which the license has been granted, or any other state or federal regulation or law so related.
 - (7) Failure of a holder of a massage therapy establishment license to properly supervise an employee or independent contractor who has violated any ordinance or state or federal statute reasonably related to the licensed activity.
 - (8) Failure of a holder of a massage therapy establishment license to properly supervise its massage therapists, employees or independent contractors so as to prevent prostitution or prostitution-related activities, as defined in M.S.A. §617.80.
 - (9) Any violation of this article.
- (b) Notification. The city administrator shall notify the applicant or holder of the license in writing the basis for the revocation, suspension, denial or non-renewal and the date upon which the city council shall review the request to revoke, suspend, deny or not renew the license. The notice required by this section shall be served upon the owner or the owner's agent at least 14 days before the city council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class mail at the address provided in the license application; service of the notice shall be deemed effective as of the date of the mailing.
- (c) Hearing. The applicant or holder of the license or their agent and the city administrator or designee shall be given an opportunity to be heard and may be represented by counsel. Both sides may be permitted to examine the other side's witnesses. The council shall hear all relevant evidence and arguments and shall review all testimony, documents, and other evidence submitted. The council shall record the hearing and keep a record of documentary evidence submitted.
- (d) Decision. The city council shall make findings based on the evidence and shall make a decision on the recommendation to revoke, suspend, deny or non-renew a license based on the findings. The city council shall issue a written decision within 30 days following the date of the hearing by first class mail. The decision shall specify the license to which it applies (whether massage therapist licenses or massage therapy establishment license, or both), the duration of the revocation, suspension, denial or non-renewal (whether permanent or temporary), and the conditions that must be met before the license may be reissued or reinstated (if any). Thereafter, and until a license is reissued or reinstated, no massage therapist that has had their license revoked, suspended, denied, or non-renewed may perform therapeutic massage in the city; and no massage therapy

establishment that has had its license revoked, suspended, denied, or non-renewed, may offer therapeutic massage in the city, or allow another to do so.

- (e) License process after revocation, suspension, denial or renewal declination. After the city council revokes, suspends, denies or declines to renew a license, no license shall be issued until the city administrator determines that the applicant/licensee has remedied the conditions identified by the city council as the basis for its action. The re-issuance of a license after suspension, revocation, denial, or non-renewal; is discretionary. Any application to obtain a massage therapist license or massage therapy establishment license after the city council has revoked, suspended, denied, or declined to renew a license must be accompanied by all fees required by this section.
- (f) Temporary suspension. The city administrator may temporarily suspend a massage therapist license or a massage therapy establishment license for not more than 21 days pending a hearing before the city council for any conduct reasonably believed to violate the provisions of this article or constitute a crime of moral turpitude related to the license.

Sec. 14-59. Effect of revocation, suspension, denial, or non-renewal.

If a license is revoked, suspended, denied, or not renewed by the city council, it shall be unlawful for a massage therapist or a massage therapy establishment to offer therapeutic massage until such time as a valid license has been issued.

Sec. 14-~~57~~60. Same—Regulations.

Licensees shall comply with the following regulations:

- (1) The therapist shall prominently and publicly display ~~his/her~~their license at all times during massages.
- (2) Massages shall not be given unless patrons are wearing clothing fully covering their genitals.
- (3) Massages shall not be given to patrons who have open sores or other visible signs of communicable diseases.
- (4) The therapist shall report any change of facts regarding any information which was required in his license application to the city administrator, within ten (10) days after such change.
- (5) It shall be unlawful for a massage therapist to touch or massage with his/her hands or body a sexual or genital part of a patron or to allow a patron to touch or massage with his/her hands or body a sexual or genital part of the therapist.

- (6) It shall be unlawful for a massage therapist or patron to expose his or her genital parts to any other person.
- (7) A massage therapist may not give to any patron any massage treatment between the hours of 10:00 p.m. and 8:00 a.m. Any treatment in process at 10:00 p.m. must end at 10:00 p.m.

Sec. 14-61. Inspection by city officials; minimum requirements.

- (a) During any hours in which a licensee is performing massage therapy treatments, the area where the service is being performed shall be open to inspections by city inspectors and police officers.
- (b) Each licensed massage therapy establishment shall be responsible for adhering to the following minimum requirements for the health and safety of all patrons.
 - (1) The massage tables shall have a washable surface.
 - (2) The massage tables shall be covered with a disposable paper cover or with a sheet that is washable.
 - (3) A clean paper cover or washable sheet must be used for each patron and the massage therapists must have enough clean covers on hand to cover the number of patrons scheduled on one day.
 - (4) Used washable covers shall be placed in covered containers until they are washed.
 - (5) Used paper covers shall be placed in covered waste containers.
 - (6) Lotions used in treatments shall be stored in covered containers.
 - (7) The massage therapists shall wash their hands with soap and warm water immediately before beginning a treatment on each patron and use paper towels for hand wiping. Paper towels must be stored in a covered container.
 - (8) Bathroom facilities shall be made available to patrons. Paper towels which shall be stored in covered containers, shall be provided for hand drying.
 - (9) Bathrooms shall be kept in clean repair.
 - (10) The floor shall be kept free of dust and debris,
 - (11) No food or drink shall be allowed in the treatment areas.

- (12) Implements used directly on the skin shall be cleaned and sanitized after use on each patron. Such implements shall be stored in closed containers with a dry sanitizer.
- (13) Hours of operation shall be limited between 7:00 a.m. and 8:00p.m. each day.
- (c) Massage therapists that are licensed by the city shall follow and adhere to the health and safety requirements in section (b) above and the code of ethics for massage therapists as published by the National Certification Board for Therapeutic Massage and Bodywork. This shall in no way require membership with American Therapy Association.
- (d) The holder of a massage therapy establishment license is responsible for supervising the conduct of all massage therapists providing therapeutic massage at the establishment and ensuring they conform to the requirements of this section.

Secs. 14-5962—14-79. - Reserved.

Section 2. This ordinance amendment shall take effect and be in force after its passage and publication in accordance with Section 3.05 of the City Charter.

First Reading:

Second Reading:

Publication Date:

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH:
FROM: Tim Murray, City Administrator
MEETING DATE: October 19, 2021
SUBJECT: Review/Discuss Special Logo for 150th Anniversary of City Incorporation

Discussion:

The City was incorporated on April 2, 1872, and celebrating the 150th anniversary of this event in 2022 has previously been discussed as part of the civic/non-profit organization funding. The Council has committed some additional funds to support activities being proposed by the Heritage Days Committee in recognition of this anniversary. Another way to publicize this milestone is the creation and use of a commemorative logo in 2022 on the City website, documents, social media pages, correspondence, etc.

Our Communications Coordinator, Brad Phenow, has prepared some examples of a commemorative logo (a copy is attached) that we are seeking to use with various City communications and documents in 2022, and are looking for Council feedback.

Attachments:

1. 150-year logos

