



**City Council Work Session
Tuesday, June 17, 2025 at 6:00 PM
Public Meeting Room**

AGENDA

- 1. Call to Order**
- 2. Items for Discussion**
 - A. Viaduct Park Ice Phase- Next Steps
 - B. Homeless Encampment Cleanup Update and Policy Discussion
 - C. Discussion of Implementing Penalties for Renting out a Living Unit without a Current Rental License
- 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.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a accessibility@faribault.org.

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Council Work Session Memorandum

TO: Mayor and City Council
THROUGH: Jessica Kinser, City Administrator
FROM: Mark DuChene, Director of Engineering (City Engineer)
MEETING DATE: June 17, 2025
SUBJECT: Viaduct Park Ice Phase- Next Steps

Discussion:

Per previous Council direction, the Council wanted to wait to discuss the ice feature at Viaduct Park until after the 2025 Minnesota legislative session to see if the City was awarded any state bonding monies for the project. The 2025 legislative session has concluded, and the City was not successful in being awarded any bonding funds. With that, City Staff is looking for direction from the City Council on how to proceed regarding the ice feature for the park. Possible next steps include but are not limited to (in no particular order):

- Do nothing, open the park building and splash pad and utilize a natural outdoor rink on the north side of the building for an undetermined timeline.
- Provide staff with a maximum budget amount and direct staff to hire a consultant to redesign an ice feature within a set budget.
- Provide staff with direction on an ice feature design and move forward with hiring a consultant to design and bid said design.
- Other?

Staff will be available at the work session to provide an update on the current project as well as answer any questions the Council may have about next steps.

Attachments:



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH: Jessica Kinser, City Administrator
FROM: John Sherwin, Chief of Police
MEETING DATE: June 17, 2025
SUBJECT: Homeless Encampment Cleanup Update and Policy Discussion

Discussion:

In October 2022, the City of Faribault adopted a policy for the cleanup of homeless encampments. Since then, the Police Department — in collaboration with Parks and Recreation, Public Works, and the Fire Department — has led efforts to inspect encampments, engage with individuals experiencing homelessness, and carry out the inspection and notification procedures outlined in the policy.

Over the past two and a half years, officers have also partnered with social service agencies to connect individuals living in encampments with available resources and alternative housing options. Despite these efforts, visible encampments persist, leading to a significant number of complaints to the Police Department.

The purpose of this discussion is to review the current policy, share updates on relevant court rulings, inform the Council about recent encampment removal actions, and gather feedback on any concerns or considerations moving forward.

Attachments:

1. City of Faribault Homeless Encampment Policy and Procedure
2. Encampment Cleanup Map

1. INTRODUCTION AND PURPOSE

This policy establishes a standard procedure for clearing encampments on property being used unlawfully by encampment residents for shelter or temporary residence within the City of Faribault. This policy also outlines the procedures for managing and—when necessary—storing personal property discovered during an encampment closure.

This policy is intended to provide guidance and direction to Faribault governmental officials and employees in evaluating and closing areas of public space being used by people experiencing homelessness for shelter or temporary residence. Nothing in this policy is intended, or should be understood, as the City of Faribault criminalizing or punishing people experiencing homelessness. The City of Faribault recognizes people experiencing homelessness—like everyone—should be treated with dignity and respect.

2. DEFINITIONS

- A. Encampment.** A location where one or more tent, structure, or assembly of camping equipment or personal property has been erected within the City of Faribault, and which appears to a reasonable person as being used for camping or shelter.
- B. Personal property.** An item that can be reasonably recognized as belonging to a person; has apparent use in its present condition and circumstances; and is not hazardous or otherwise a danger to health or safety (for example, a needle-strewn tent), or is not reasonably expected to become a hazard during storage (for example, wet/soiled bedding materials or food capable of spoiling).

Examples of personal property include, but are not limited to, identification, personal papers and documents, tents, bicycles, radios and other electronic equipment, eyeglasses, prescription medications, photographs, jewelry, clothing, crutches, and wheelchairs. Personal property does not include building materials such as wood products, metal, pallets, or rigid plastic.

3. INITIATING AN ENCAMPMENT CLEARING

- A. Criteria to initiate an encampment clearing.** An encampment may be cleared if the encampment is a documented threat to the health, safety, or security of the encampment's residents, or to City residents neighboring the encampment. Documentation may include, but is not limited to, photographs of the encampment, police reports, fire department reports, calls for service, eyewitness statements, or reports from other City officials. Evidence of the condition of the encampment should be collected prior to clearing. Records of encampment conditions should be retained after the clearing is complete.
- B. Factors.** Risk factors will be considered in determining the urgency of encampment removal, including but not limited to:
- i.** Presence of especially vulnerable people within the encampment (children, youth, women seniors, people with disabilities, people with addiction).
 - ii.** Dangers posed by physical location (proximity to traffic, unsafe structures).
 - iii.** Environmental hazards (fires, used needles, dangerous weather, and other natural hazards).
 - iv.** Health hazards (disease, infestations).
 - v.** Extreme weather (precipitation, very high and low temperatures).

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- vi. Reports of violence, drug or sex trafficking and other criminal behavior.
- vii. Size and duration, including build-up of trash and waste.
- viii. Fire/asphyxiation risks (including flammable shelter materials, evidence of prior uncontrolled fires, layering of tents, generator use, dangerous heating agents near/within flammable materials).
- ix. Difficulty for first responders to reach the encampment in case of emergency or in a location that may create a notification delay

C. Approval for encampment clearing. The decision to initiate an encampment closure will be made by the Faribault Chief of Police. The Chief will consult with the Faribault Police Department; Faribault Fire Department; the Faribault City Attorney; and any other relevant department, governmental agency, or community partners before initiating an encampment cleanup.

D. No criminal penalties. If the city is unable to identify and document available alternative housing for the encampment residents, prior to the clearing of the encampment, then no criminal penalties shall be imposed on the encampment's residents.

E. Outreach to residents. Faribault officers will work with Rice County Community Based Coordinators to offer services, referrals, and alternative housing or shelter assistance to encampment residents prior to initiating an encampment clearing action.

4. NOTICE OF ENCAMPMENT SITE CLEARING

A. Timing of notice. Ideally 5 days, but no fewer than 72 hours before an encampment clearing, the City shall post conspicuous notices/signs (the "Clearing Notice") throughout the immediate area of an encampment site, which shall be visible to residents of the encampment site.

B. Contents of notice. The Clearing Notice shall contain the following information:

- i. The day the notice was posted.
- ii. The future date and time the encampment clearing is scheduled for.
- iii. An advisement that all residents of the encampment site should gather their personal property and leave the encampment site by the time of the scheduled encampment clearing.

C. Exceptions to Notice Requirement. The minimum 72-hour notice is not required if Faribault Police are currently performing law enforcement activities in response to credible information regarding a threat of imminent harm and complying with the minimum 72-hour notice requirement would undermine those ongoing police activities or in the event of an emergency when there is an immediate danger to human life or safety.

5. ENCAMPMENT CLEARING

A. Police Presence. The Faribault Police Department will be present at every encampment closure to ensure the safety of the occupants as well as city staff. If an officer cannot be present, the encampment closure will pause until an officer is available.

B. Personal property. Personal property shall be stored as provided for in Section 6 and may be recovered as provided for in Section 8.

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- C. **Disposal of non-personal property.** The City may remove and dispose of any non-personal property that is hazardous or otherwise a danger to health or safety or is reasonably expected to become a hazard during storage including, but not limited to garbage, debris, waste, a needle-strewn tent, wet bedding materials, perishable foods, or food contaminated property.
- D. **Determining personal property.** City staff member assisting in the encampment clearing will determine if an item is personal property based on the totality of circumstances. In cases when the status of an item cannot reasonably be determined in the staff member's judgment based on the totality of the circumstances, the staff member will treat the item as personal property.

6. PERSONAL PROPERTY STORAGE

- A. **Storing personal property.** The City shall store all safely storable personal property encountered when clearing an encampment.
- B. **Itemized-property procedure.** Personal property removed from a camp must be listed on an itemized inventory.
- C. **Storage location.** Personal property shall be stored at a location commonly used by the City for storing property.
- D. **Personal property deemed abandoned.** Any personal property that is collected and stored by the City, and which is not reclaimed by its owner within 60 days of its associated encampment clearing, shall be considered abandoned by the City per City policy.

7. POST ENCAMPMENT-CLEARING

- A. **Contents of notice.** After an encampment has been cleared where personal property has been stored, the City shall prominently post a notice/sign (the "Post Clearing Notice") at the encampment site. The Post Clearing Notice shall contain:
 - i. The date the encampment was cleared.
 - ii. The general location where any personal property was taken and is now being stored.
 - iii. How any personal property being stored by the City may be reclaimed by its owner.
 - iv. An advisement that personal property will be stored for 60 days following the encampment cleanup.
- B. **Timing.** The Post Clearing Notice shall not be removed by the City for a minimum of 10 days.

8. RECLAIMING PERSONAL PROPERTY

- A. A property owner claiming their personal property was removed from an encampment may contact the Faribault Police Department. The department will coordinate the recovery of personal property.
- B. The property owner shall identify themselves and describe the personal property with particularity. No proof of identification is required for an owner to recover the property. The City shall maintain a log of personal property that indicates who received the recovered property.

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- C.** Storage and recovery of personal property shall be at no cost to the individual that owns the property within the City of Faribault.

9. PROVIDING ALTERNATIVE SHELTER

- A.** As mentioned in section 3(E) of this policy, the City and any outreach partners, to the best of their abilities, will assist encampment residents in identifying available resources for alternative housing or other shelter.
- B.** While the City and any outreach partners will attempt to identify all alternative housing options, the City is not required to provide supplemental alternatives to individuals who have been previously or are currently excluded from available alternatives because of the individual's past behavior at these locations.





Planning Commission Work Session Memorandum

TO: Planning Commission
THROUGH: Jessica Kinser, City Administrator
FROM: Dustin Dienst, Director of Fire & Code Services
MEETING DATE: June 17, 2025
SUBJECT: Discussion of Implementing Penalties for Renting out a Living Unit without a Current Rental License

Background:

The City Code of Ordinances requires a license to be obtained from the City before a housing unit can be operated as a rental dwelling (Sec. 7-38). In the 2025 Fee Schedule, there is no fee for property owners that are discovered renting out living units without a license, other than an administrative penalty of \$100 for all violations of Chapter 7 of the Code of Ordinances. The current license fee for a single-family property is \$110.

To enhance our ability to regulate rented-out living units through licensing, we would like a larger penalty to be added to the fee schedule for those in violation of Sec. 7-38. It is common in the building code world to utilize a *double fee*. For example, if someone is discovered building something without a permit, we require them to obtain the appropriate permit and charge them double the regular permit fee and then enforce building code rules from there on. As an example, the current rental fee

The current process would be to file criminal charges against the property owner, which is not often the most effective way to proceed with something that is a civil matter. An enhanced fine will allow Fire and Code Services to handle unlicensed rentals efficiently and create a system where the consequence of a penalty gets people to come to the City for a license before renting.

Attachments:

1. 2025 Fee Schedule Chapter 7

4-25 Brewery and Taproom

Brewer Taproom License (Res. 2014-036)	\$600
Small Brewer License (Res. 2014-036)	\$200

4-25 Micro-Distillery

Distiller and Cocktail Room License	\$600
Small Distiller License	\$200

Investigation Fees - City Code 4-15 (f) (State Statute 340A. 412, subd 2 limits to \$500)

Investigation – In-State (Liquor, Wine, Beer)	\$500
Investigation – Out-of-State (Liquor, Wine, Beer)	Actual Cost Not to Exceed \$10,000
Renewal Application Late	\$100

CHAPTER 5 – AMUSEMENTS

5-57 Dances

Temporary Public Dance License	\$25
License Transfer	\$20

CHAPTER 6 - ANIMALS AND FOWL

Animals

6-49 Board	\$35/day
6-24 Voluntary Disposal of Dog	\$50
6-36 Kennel License	\$150
Prescribed Grazing & Beekeeping	See Zoning Compliance Certificate

CHAPTER 7 - BUILDINGS AND BUILDING REGULATIONS

Building Permits

7-16 Uniform Building Code Permit Plan

Checking for Commercial Building Plan Review	65% of Permit Fee
Residential Plan Check	50% of Permit Fee
Reinspection - Additional Visits (Second Reinspection and Thereafter)	\$54
License Verification	\$1
Special Inspection	\$54
In-ground Pool	\$120
Above-ground Pool	\$60
Demolition Permit (\$1,500 Escrow for Land Restoration)	\$54
Building Without Permit	Double the Permit Fee
Solar Installations	\$110
State Surcharge (State Statute 326B.148)	\$1 Minimum
Manufactured Home Set-up (Footing/Foundation)	\$112
Manufactured Home Set-up (Complete)	\$290

7-39 Rental Property License Fees

Single Family	\$110
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Multi-Family	\$110 per building + \$20 per unit
Re-Inspection	\$100 (1-3 units), \$50 per unit (4+units)
Rental Compliance Appeal	\$50
Re-Instatement of License.....	\$50
Delinquent Penalty (Sec 7-39, 1. License Fees, City Ordinances)	15% of the amount of the license fee

7-14 Moving Structures

Moving Permit per Structure	\$100
State Surcharge (State Statute 326B.148)	\$1

Shingling/ Roofing Permit

One-Family and Two-Family Residences	\$90
All Other Uses Valuation x 1997 FS	
State Surcharge (per State Statute 326B.148)	\$1

Siding Permit

One-Family and Two-Family Residences	\$90
Window Replacement	\$90
All Other Uses	Valuation x 1997 FS
State Surcharge (State Statute 326B.148)	\$1

7-68 Electrical Permits, Inspections, and Fees

Residential

Electrical - Temporary Service	\$55
Electrical - New Construction	\$210
Panel Service Charge	\$125
Lower Level (Basement Finish)	\$100
One Trip/One Outlet	\$55
Additional Inspections	\$45
Pool.....	\$100
Hot Tub/Spa	\$55
Sub Panel	\$85
Solar Arrays	\$100
Service Lateral (Conversion to Underground/Trench Inspection)	\$55
Off-peak Car Charger	\$55
State Surcharge (State Statute 326B.148)	\$1

Commercial

Electrical	Valuation x 1.5% up to \$10,000, 1% above \$10,000
If contract cost x 1.5% is less than \$40 (one trip) or \$70 (two trips) then minimum must be paid.	
State Surcharge (per State Statute 326B.148)	Project valuation x 326B.148 Fee Schedule

Commercial Fee Minimums

One Trip	\$40 + State Surcharge
Two Trips	\$70 + State Surcharge
Annual Permit or Audit for Incidental Electrical Work Done Throughout Year by Master of Record Employed by a Business Entity	\$600
Annual Permit State Surcharge	\$1

Plumbing Permits

Residential Dwelling	\$99
Alteration or Additional Fixtures.....	\$66
Apartments/Unit	\$66
Commercial/Industrial - New	\$155
Additional Plumbing Fixture.....	\$5 Each
State Surcharge (State Statute 326B.148)	\$1

Mechanical Permits

Residential Dwelling/Furnace	\$90
HVAC Alteration/Change Out	\$54
Apartments.....	\$75
Commercial/Industrial.....	Valuation x 1997 FS
State Surcharge (State Statute 326B.148)	\$1 or Project Valuation x 326B.148 Fee Schedule
Administrative Penalty	\$100

CHAPTER 10 - FIRE PREVENTION/PROTECTION**Fire Prevention - Sprinkler Review**

Sprinkler Plan Review	2% of value of Project
New Construction.....	\$.015 x value of project
Existing/Retrofit.....	\$0.015 x Value of Project; minimum of \$54
State Surcharge (State Statute 326B.148)	Project Valuation x 326B.148 Fee Schedule

Police & Fire Alarm Charge

Each False Alarm in Excess of 2.....	\$58
Each False Alarm in Excess of 5.....	\$112
Each False Alarm in Excess of 10.....	\$224
Administrative Penalty	\$100

CHAPTER 11 - GARBAGE AND REFUSE**11-3 License and Inspection**

Garbage and Refuse Hauler License	\$70
Garbage and Refuse Hauler Vehicle Inspection (Per Vehicle - Under 2 Tons)	\$40
Garbage and Refuse Hauler Vehicle Inspection (Per Vehicle - Over 2 Tons)	\$75
Administrative Penalty	\$100

CHAPTER 14 - LICENSE AND BUSINESS REGULATIONS**4-27 Tobacco**

Tobacco License (cannot pro-rate).....	\$200
Tobacco License Name or Address Change	\$20