City Council Joint Committee

Meeting by Telephone or Other Electronic Means; Conditions - Minn. Stat. § 13D.021 provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency.

Zoom Meeting

Meeting ID: 892 0995 1770  Dial-In Information: 1 312 626 6799

1. Call To Order

   Documents:

   1. 2020-05-19 JOINT AGENDA.PDF

2. 2. Discussion On Building Permitting And Associated Fees

   Documents:

   2. DISCUSSION ON BUILDING PERMITTING AND ASSOCIATED FEES.PDF

3. 3. Outside Food & Beverage Service Requirements

   Documents:

   3. MEMO - OUTSIDE FOOD AND BEVERAGE.PDF

4. 4. Park & Rec Summer Programs

   Documents:

   4. PARK AND REC SUMMER PROGRAMS.PDF

5. Future Discussion

6. Adjourn

Please contact the City Administrator’s Office if you need special accommodations while attending this meeting.
City Council Joint Committee  
Tuesday, May 19, 2020 at 6:00pm

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AGENDA

1. Call to Order
2. Discussion on Building Permitting and Associated Fees
3. Outside Food & Beverage Service Requirements
4. Park & Rec Summer Programs
5. Future Discussion
6. Adjourn

Please contact the City Administrator’s Office if you need special accommodations while attending this meeting
Discussion:
In an attempt to understand how our fees and processes impact housing development in the community, and to address concerns expressed by some regarding development costs - Staff has been asked to provide an overview of the City of Faribault’s building permit fee structure. The following information is being provided to help Council understand our fee structure as well as why certain information is required for new construction:

1. City of Faribault building permit fees as compared to other cities
2. Certificate of Survey – when and why is it required and its associated costs
3. Permit process – current process and proposed schedule to move toward online permitting

1. Building Permit Fees
The City of Faribault issues building permits for all types of construction. Building and Building Regulations are Chapter 7 of the City’s Code of Ordinances, and the City has adopted by reference the Minnesota State Building Code which is periodically updated and published by the Minnesota Commissioner of Labor and Industry. It is the responsibility of the Building Official to enforce the building code in accordance with Minnesota Statutes, Section 326B.133 Subdivision 1. The purpose of the building codes is to “...establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property...”
Minnesota Rules Chapter 1300 authorizes the issuance of permits and the collection of fees. The City’s building permit fees are adopted annually by the City Council as part of the fee schedule (Resolution 2019-246: 2020 Fees, Charges, and Utility Rates). The building permit fee incorporates a number of different components: the permit fee, a plan review fee, SAC/WAC charges, state surcharges, and park fees (different than parkland dedication). The building permit portion of the fees (revenue) are used to directly offset costs associated with providing the service – including personnel expenses.

The fees themselves are based on project valuation. As part of the permit – the applicant is required to provide a valuation for the project. This is an estimate of the total value of all construction work, including material and labor for which the permit is being issued (electrical, gas, mechanical, plumbing, equipment, and permanent systems). The submitted valuation is checked against approved and accepted valuation data (MN DLI Building Valuation Data, valuation data adopted by ordinance, R.S. Means Construction Estimator, National Estimator) – on a cost per square foot based on occupancy and type of construction. This results in an “actual cost of construction” that is used for the valuation.

The valuation is then entered into a formula that applies a calculation to determine the permit fee. The City uses the 1997 Uniform Building Code Permit Plan/fee schedule to determine the actual permit, plan review, and state surcharge fees.

Example: construction of a new home with a valuation of $275,000. The permit calculation would work as follows:

- The permit is calculated at $993.75 for the first $100,000 plus $5.60 for each additional $1,000 or fraction thereof, up to $500,000. This equals $1973.75
- The plan review fee is added – which is 50-percent of the permit fee. This equals $986.88
- The state surcharge is added, which is .0005 of the valuation. This equals $137.50
- Total building permit fee is $3098.13 less than 1.2-percent of project valuation.
- Other city-fees are then added to this to generate the total permit fee.

In an attempt to keep fees reasonable, the City uses the 1997 Uniform Building Code Permit Plan/fee schedule. This means that a new home being constructed today at a value of $275,000 is used in a 1997 equation to determine the actual permit, plan review, and state surcharge fees. If the City were to use a more current fee schedule, such as the MN Construction Codes and Licensing Division Code Administration Manual.
Ninth Edition, March 2018 – the same permit would have the following calculation:

- Permit Fee - $2,367.90
- Plan Review Fee - $1,183.95
- Surcharge - $137.50
- Total Building Permit Fee - $3,689.35 an increase of $591.22

To further understand the City’s permit fees in comparison to surrounding communities, the following information was collected. This table compares the building permit fees for a $275,000 new home in Faribault with other communities. This table does not include all of the other fees that are included with building permits.

<table>
<thead>
<tr>
<th>Building Permit Fee</th>
<th>Owatonna</th>
<th>Albert Lea</th>
<th>Austin</th>
<th>Steele Co.</th>
<th>Waseca</th>
<th>Dundas</th>
<th>Northfield</th>
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<td>1340.89</td>
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<td>1688.75</td>
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<td>137.5</td>
<td>137.5</td>
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<td>137.5</td>
<td>137.5</td>
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There are number of other “fees” included in a building permit fee, outside of the actual building permit. The following table summarizes those fees, comparing Faribault with the same surrounding communities. Please note – these fees fund different city services and vary per community. The full breakdown is included as an attachment. During the Joint Committee meeting Staff will be prepared to discuss the various fees included as part of the Faribault building permit.

<table>
<thead>
<tr>
<th>Building Permit Fee</th>
<th>Faribault</th>
<th>Red Wing</th>
<th>Elko/New Market</th>
<th>Lonsdale</th>
<th>Monticello</th>
<th>Lakeville</th>
<th>Savage</th>
<th>Hastings</th>
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# TOTAL PERMIT FEES - $275,000 SF House

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<th>Waseca</th>
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<th>Northfield</th>
<th>Faribault</th>
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<td>977.86</td>
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**Notes:**
- Lakeville includes Plumbing and Mechanical in original permit -- Faribault requires separate permits at Plb $99 +1 and Mech $90 +1
- Albert Lea has a $35.00 Fixed Fee for Mechanical & Plbg. + an additional $3.00 per fixture
- Albert Lea has a separate service connection permit for water & sewer fees (fees in chart as well)
- Albert Lea collects parkland dedication fees at time of platting/ $6,500 per 9 acres or divide 6,500 by 9 per acre
- Waseca charges $70.00 Flat fee for Plbg. & $70.00 for Mechanical
- Steele Co charge flat fee of $75 Plbg/ $75.00 Mech
- Steele Co is also looking at updating fees in the very near future
- Northfield WAC/SAC goes up approx. 3% per year, parkland dedication fees are either a percentage of land or % of market value of the property, they also charge if people go into the ROW. Northfield charges an escrow fee for Grading at $1,000-$2,000 per acre
- Multiple communities charge landscape escrows. These were removed because they are returned to the builder.
### TOTAL PERMIT FEES - $275,000 SF House

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Red Wing</th>
<th>Dundas</th>
<th>Hastings</th>
<th>Lakeville</th>
<th>Savage</th>
<th>Lonsdale</th>
<th>Monticello</th>
<th>Elko/New Market</th>
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2. Certificate of Survey

In addition to the actual cost of the permit and plan review, there are other costs associated with doing construction in Faribault. One cost that has been questioned is the cost associated with a Certificate of Survey. A Certificate of Survey is a drawing that shows the lot lines, lot size, easements, etc. as well as existing improvements, prepared by a licensed land surveyor who visits the site, takes measurements, and guarantees accuracy.

Here is an example of a current COS submitted for a new home build:

Benefits of a Requiring a COS:
- Drawing is to scale completed by a registered professional
- Shows all known property lines, easements, utilities, encroachments (such as neighbor’s fences/sheds/gardens/etc.)
- Shows proposed building grade/elevations to confirm compliance with the approved development grading plan and assure there is adequate drainage for the subject lot as well as does not create drainage issues for neighboring lots.
- Verifies setbacks, building dimensions, driveway size and location
- Can be easily used in the future for a site plan requirement to add a deck/patio/driveway extension/shed/pool/etc.

Negatives of a Requiring a COS:
- Cost (estimated to be $800-1,500 on average for new homes)
• Time to get a survey done (this is a weaker argument regarding new home construction given the amount of time that it takes to put together a new home plan/financing/etc. and is more applicable to things like existing building additions/decks/patios/pools/etc.)

Over the years, the City Council has discussed the need for certificates of survey. In the early 2000’s an item was presented to add the certificate of survey as a requirement in the Unified Development Ordinance. The Council tabled the action, based on concerns over added cost and time, and because the Building Official already had the authority to require a survey (Building Official today has authority via Subp. 4 in the 2015 Minnesota Building Code). Sometime since 2004, a COS has been required with all new home construction as part of the stormwater management/grading permit requirements.

There are times when a certificate of survey is absolutely necessary, and other times when such a requirement can be waived. The survey is an important element in determining where a structure will sit on a lot, location of easements, and is used to determined compliance with zoning rules and regulations. In addition, the survey is often required by a lender as part of a mortgage action, and is a valuable tool for the property owner.

During the Joint Committee meeting, City Staff will provide a few examples of the many situations that show why requiring COS is important and a vital document not only to City Staff during their permit review process but also to future homeowners. Staff’s recommendation is to continue to require COS for all new home construction as well as in all other instances when the Building Official deems it necessary.

3. Permit Process
Cost is one factor associated with building in Faribault, but the other factor is time. The department processes between 1,100-1,500 permits annually (based on the 5-year trend information). It is important to note that each type of permit requires administrative time to manually log the permit into the system and route the permit to the appropriate departments for review. Each type of permit also requires a different amount of time to review for code compliance, and each permit has a different number of required inspections associated with it. The review time is greatly influenced by the quality, completeness, and complexity of the application, as well as general workload. Commercial projects (including apartments and industrial projects) require a higher level of code analysis, and generally require review by multiple departments in addition to the building plan review. The following table summarizes permit activity in Faribault over the last six (6) years.
One tool to streamline the permit process is the implementation of an online permitting system. Online permitting software will allow an applicant to apply and pay for their permit online, and track the status of their permit. It also becomes a tool to communicate with applicants the information that may be missing from their application that is delaying the review and approval. Internally, the online system would reduce certain administrative steps associated with routing and tracking, and streamline the paperwork associated with all review of an application.

Prior to 2015, the Building Division reviewed different products and purchased a module to move towards online permitting. This module was never installed/implemented, and it was later understood that the product was not a good fit for how the City processes permits. However, the implementation of an online permitting system has still remained a goal, has continued to be included as a Building Division budget item, and at different times over the last few years the process to identify a solution has started but then stalled for various reasons.

The process of identifying an online permitting solution with the goal of implementation in 2020 has begun again. Different this time than in the past is the fact that obstacles such as the ability to accept credit cards has been addressed, no longer is it “required” that the software integrate with the City’s finance software, and the Building Inspector who recently began employment with the City (on April 29) has recent experience with analyzing solutions and implementing a new online permitting system in the community in which he previously worked. This experience, coupled with the Building Official’s knowledge of the City’s current software, puts the City in a better position to find the right solution this time and proceed with implementation.

There are a number of factors that go into the selection and installation of the online permitting system: cost, ease of use for the City and for the user, time needed for data conversion, time associated with writing processing paths/workflows (details for each individual type of permit), integration between city departments, integration with existing systems and software, reporting capabilities, and the ability to roll out the online/e-permits in a phased approach. Staff is currently working with a number of providers and is setting up software demonstrations. Based on initial feedback regarding the amount of time associated with these steps, the following outlines a proposed e-permitting (online) software implementation schedule:

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**Objective**
Explore software providers & set up demos  
(complete by 5/22/20)

Obtain quotes for integration/start up/ongoing costs  
(complete by 6/1/20)

**Software Recommendation**
(City Council meeting – 6/16/20)

**Implementation/training/setup & go live date**  
(October 2020 – Phase 1 complete)
*Dependent on getting in the que for implementation with the selected provider  
*Dependent on the quality of the data/current folder structure which will impact the time and costs associated with data transfer

The proposed schedule includes data conversion required if the preferred online platform is not the same software that the City currently uses. The timeline also includes building the online application and rolling out a phased e-permitting approach. This would allow “flat-fee” permits to go live (siding, roof, deck, zoning certificates, etc.) first, while the more complex permits are still being built.

The 2020 budget includes approximately $40,000 for the software configuration, data conversion, licensing, and implementation of the online permit processing.

**Attachments:**
- Permit Fee Comparison (Total Fees and Building Fees only)
- Mock Building Permit - $275,000 Single Family Home
- 2020 Fee Schedule
- Certificate of Survey History
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<th>Permit Item</th>
<th>Steele Co.</th>
<th>Austin</th>
<th>Albert Lea</th>
<th>Waseca</th>
<th>Owatonna</th>
<th>Northfield</th>
<th>Faribault</th>
<th>Red Wing</th>
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<th>Hastings</th>
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<td>$6,822.36</td>
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</table>

**Notes:**

- Lakeville includes Plumbing and Mechanical in original permit -- Faribault requires separate permits at Plb $99 +1 and Mech $90 +1
- Albert Lea has a $35.00 Fixed Fee for Mechanical & Plbg. + an additional $3.00 per fixture
- Albert Lea has a separate service connection permit for water & sewer fees (fees in chart as well)
- Albert Lea collects parkland dedication fees at time of platting/ $6,500 per 9 acres or divide 6,500 by 9 per acre
- Waseca charges $70.00 flat fee for Plbg. & $70.00 for Mechanical
- Steele Co charge flat fee of $75 Plbg/ $75.00 Mech
- Steele Co is also looking at updating fees in the very near future
- Northfield WAC/SAC goes up approx. 3% per year, parkland dedication fees are either a percentage of land or % of market value of the property, they also charge if people go into the ROW. Northfield charges an escrow fee for Grading at $1,000-$2,000 per acre
- Multiple communities charge landscape escrows. These were removed because they are returned to the builder.
### Permit #: 2020-00391

**Address:** 208 1ST AVE NW  
**Pin:** 1831126358  
**Legal Desc:** ORIGINAL TOWN  
**Lot:** 1  
**Block:** 58  
**Parcel:** 0  
**Permit Type:** BUILDING  
**Property Type:** RESIDENTIAL  
**Construction Type:** NEW CONSTRUCTION  
**Valuation:** $275,000.00  
**Note:** Mock Permit

MUST FOLLOW COMMENTS ON APPROVED SITE PLANS. CALL 507-333-0361 FOR PERMIT TO PARK ALL CONSTRUCTION TRAILERS, MATERIALS, OR DUMPSTERS ON THE STREET AND TO HAVE WATER METER READER LOOSENNED OR REMOVED DURING CONSTRUCTION. INSTALL WATER METER READING WIRE PRYOR TO SHEET ROCKING. ALL ELECTRICAL PERMITS MUST BE APPROVED BY THE CITY INSPECTOR. ELECTRICAL INSPECTIONS CALL 507-381-1917 MONDAY THROUGH FRIDAY. HAVE YOUR UNDERGROUND UTILITY LINES LOCATED 48 HOURS BEFORE YOU DIG BY CALLING 811 OR VISIT WWW.CALL811.COM. APPROVED NUMBERS OR ADDRESSES SHALL BE PROVIDED IN CONTRASTING COLOR, VISIBLE, AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. 3” MINIMUM HEIGHT.

**Enter SQ FT**  2000  
**Water Meter**  1

### Applicant
- **City of Faribault, City Administrator**  
  208 1ST AVE NW  
  Faribault, MN 55021-

### Owner
- **City of Faribault, City Administrator**  
  208 1ST AVE NW  
  Faribault, MN 55021-

### Agreement and Sworn Statement
I hereby acknowledge that I have read the above application and certify that the information contained therein is correct. If a permit is issued, I agree all work will be done in conformance with all applicable ordinances and codes of the City of Faribault and the laws of the State of Minnesota.

**Signature**

This permit becomes null and void if construction authorized is not commenced within 180 days, or if construction is suspended for a period of 180 days at any time after work is commenced. Permit shall expire one year from date issued.

#### Permit Fee

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<th>Description</th>
<th>Amount</th>
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<td>Sewer Access Charge - Resi</td>
<td>1,500.00</td>
</tr>
<tr>
<td>Park Dvlpm - Resi</td>
<td>225.00</td>
</tr>
<tr>
<td>Landscaping Escrow</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>7,419.35</td>
</tr>
</tbody>
</table>

#### Total Paid

- **Total Paid:** 0.00
- **Due:** 7,419.35

---

**Email All Plans and Documents To:**  
BUILDINGCODES@CI.FARIBAULT.MN.US

---

Separate permits required for work other than described above.
**Printed Without Issuing 5/6/2020**

**Permit #: 2020-00391**

<table>
<thead>
<tr>
<th>Address</th>
<th>208 1ST AVE NW</th>
</tr>
</thead>
<tbody>
<tr>
<td>PIN</td>
<td>1831126358</td>
</tr>
<tr>
<td>Legal Desc</td>
<td>ORIGINAL TOWN</td>
</tr>
<tr>
<td>Permit Type</td>
<td>BUILDING</td>
</tr>
<tr>
<td>Property Type</td>
<td>RESIDENTIAL</td>
</tr>
<tr>
<td>Construction Type</td>
<td>NEW CONSTRUCTION</td>
</tr>
<tr>
<td>Valuation</td>
<td>$ 275,000.00</td>
</tr>
<tr>
<td>Note</td>
<td>Mock Permit</td>
</tr>
</tbody>
</table>

**Address**: 208 1ST AVE NW  
**Pin**: 1831126358  
**Legal Desc**: ORIGINAL TOWN  
**Permit Type**: BUILDING  
**Property Type**: RESIDENTIAL  
**Construction Type**: NEW CONSTRUCTION  
**Valuation**: $ 275,000.00  
**Note**: Mock Permit

**Agreement and Sworn Statement**

I hereby acknowledge that I have read the above application and certify that the information contained therein is correct. If a permit is issued, I agree all work will be done in conformance with all applicable ordinances and codes of the City of Faribault and the laws of the State of Minnesota.

**Signature**

This permit becomes null and void if construction authorized is not commenced within 180 days, or if construction is suspended for a period of 180 days at any time after work is commenced. Permit shall expire one year from date issued.

---

**Email All Plans and Documents To:**

BUILDINGCODES@CI.FARIBAULT.MN.US

---

**Separate Permits Required For Work Other Than Described Above.**
# 2020 Permit Fees

The following valuation table is used for all general construction when no specific fee is provided.

Please scroll down to view all fee information

## BUILDING PERMIT FEE SCHEDULE

<table>
<thead>
<tr>
<th>Valuation</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 to $500</td>
<td>$23</td>
</tr>
<tr>
<td>$501 to $2,000</td>
<td>$23.50 for the first $500 plus $3.05 for each additional $100, or fraction thereof, to and including $2,000</td>
</tr>
<tr>
<td>$2,001 to $25,000</td>
<td>$69.25 for the first $2000 plus $14.00 for each additional $1,000, or fraction thereof, to and including $25,000</td>
</tr>
<tr>
<td>$25,001 to $50,000</td>
<td>$391.25 for the first $25,000 plus $10.10 for each additional $1,000, or fraction thereof, to and including $50,000</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
<td>$643.75 for the first $50,000 plus $7.00 for each additional $1,000, or fraction thereof, to and including $100,000</td>
</tr>
<tr>
<td>$100,001 to $500,000</td>
<td>$993.75 for the first $100,000 plus $5.60 for each add’l $1,000, or fraction thereof, to and incl. $500,000</td>
</tr>
<tr>
<td>$500,001 to $1,000,000</td>
<td>$3,233.75 for the first $500,000 plus $4.75 for each add’l</td>
</tr>
<tr>
<td>$1,000,001 and up</td>
<td>$5,608.75 for the first $1,000,000 plus $3.15 for each add’l</td>
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</tbody>
</table>

### Other Inspections and fees:

1. Inspections outside of normal business hours - $47.00 per hour*
   (minimum charge – two hours)
2. Reinspection fees assessed under provisions of Sec. 305.8 - $47.00 per hour*
3. Inspections for which no fee is specifically indicated - $47.00 per hour*
   (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions
   To plans - $47.00 per hour*
   (minimum charge – one-half hour)
5. For use of outside consultants for plan checking and inspections, or both - Actual costs**

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Actual costs include administrative and overhead costs.

Plan Check Fee for Permits based on valuation:
- Residential = 50% of permit fee
- Commercial = 65% of permit fee

State Surcharge = .0005 x valuation (See below if valuation over $1,000,000)

## ADDITIONAL CHARGES FOR NEW RESIDENTIAL CONSTRUCTION:

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Fee Description</th>
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</thead>
<tbody>
<tr>
<td>Plan Check fee</td>
<td>50% of permit fee</td>
</tr>
<tr>
<td>Water Access</td>
<td>$1,147.50 (Call Building Official for any changes)</td>
</tr>
<tr>
<td>Sewer Access</td>
<td>$1500 (Call Building Official for any changes)</td>
</tr>
<tr>
<td>Parkland Surcharge</td>
<td>$225</td>
</tr>
<tr>
<td>Surcharge</td>
<td>.0005 x valuation (See below if valuation &gt; $1,000,000)</td>
</tr>
<tr>
<td>Water Meter</td>
<td>$270 (standard ½&quot; – call for large meter fees)</td>
</tr>
<tr>
<td>Landscaping Escrow</td>
<td>$1000 – Included in cost of new housing permit</td>
</tr>
</tbody>
</table>

## ADDITIONAL CHARGES FOR NEW COMMERCIAL CONSTRUCTION:

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Fee Description</th>
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</thead>
<tbody>
<tr>
<td>Plan Check fee</td>
<td>65% of permit fee</td>
</tr>
<tr>
<td>Parkland Surcharge</td>
<td>$225 - under $100,000 valuation</td>
</tr>
<tr>
<td></td>
<td>$1200 - $100,000 - $500,000 valuation</td>
</tr>
<tr>
<td></td>
<td>$3000 - $500,000 and up valuation</td>
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<tr>
<td>Surcharge</td>
<td>.0005 x valuation up to $1,000,000</td>
</tr>
</tbody>
</table>

K:\Community Development Dept\Building Code Division\Permit Fees\Fee Schedule 2020.doc
Surcharge for projects over $1,000,000 =
Call Building Official or see MN Statute 326B.148
Water Meter = Call Public Works Director for fees
Water/Sewer = Call Building Official for fees

OTHER PERMIT FEES

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Fee</th>
<th>Surcharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Home Set-Up</td>
<td>$112</td>
<td>$1.00</td>
</tr>
<tr>
<td>Demolition</td>
<td>$54 ($1,500 escrow for land restoration)</td>
<td>$1.00</td>
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<tr>
<td>Moving Structures</td>
<td>$100</td>
<td>$1.00</td>
</tr>
<tr>
<td>Roofing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One &amp; two family residences</td>
<td>$80</td>
<td>$1.00</td>
</tr>
<tr>
<td>Partial</td>
<td>$54</td>
<td>$1.00</td>
</tr>
<tr>
<td>All other uses</td>
<td>Based on valuation</td>
<td>0.005 x valuation</td>
</tr>
<tr>
<td>Siding &amp; Window Replacement:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One &amp; two family residences</td>
<td>$80</td>
<td>$1.00</td>
</tr>
<tr>
<td>All other uses</td>
<td>Based on valuation</td>
<td>0.005 x valuation</td>
</tr>
<tr>
<td>Plumbing:</td>
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<tr>
<td>City Plumbing License Fee</td>
<td>$50 per/yr</td>
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<tr>
<td>Single Family Residential</td>
<td>$99</td>
<td>$1.00</td>
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<tr>
<td>Alteration or additional fixtures</td>
<td>$66</td>
<td>$1.00</td>
</tr>
<tr>
<td>Apartments/per unit</td>
<td>$66</td>
<td>$1.00</td>
</tr>
<tr>
<td>Commercial/Industrial</td>
<td>$155 base fee + $5 per fixture</td>
<td>$1.00</td>
</tr>
<tr>
<td>Septic (ISTS)</td>
<td>$400</td>
<td>$1.00</td>
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<tr>
<td>Heating:</td>
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<tr>
<td>Single Family Residential</td>
<td>$90</td>
<td>$1.00</td>
</tr>
<tr>
<td>Alteration/change Out</td>
<td>$54</td>
<td>$1.00</td>
</tr>
<tr>
<td>Apartments/per unit</td>
<td>$75</td>
<td>$1.00</td>
</tr>
</tbody>
</table>
| Commercial/Industrial            | Based on valuation | 0.005 x permit fee under $10,000 | $1.00 Surcharge
Faribault City Council Minutes
Regular Council Meeting of December 11, 2001

1. **A. Call to Order/Roll Call**
   Mayor Ackman called the meeting to order at 7:00 pm. Members present: Council members Albers, Duchene, King, Miller, Minnick, Rice, and Mayor Ackman. Staff members present included Administrator Tim Madigan, Public Works Director Dan Behrens, City Planner Kim Johnson, Administrative Intern Beth Belmont and Administrative Assistant Lorri Smith.

2. **Approve minutes of November 27, 2001 Regular Council Meeting**
   Motion by Council member Duchene, seconded by Council member Albers, carried unanimously, to approve minutes from the November 27, 2001 Council meeting as presented.

3. **Routine Business**
   Motion by Council member Miller, seconded by Council member Duchene, carried unanimously, to approve 3A through 3K.
   A. Approve list of bills in the amount of $1,121,660.70
   B. Authorize Execution of Grant Award Under Title III of the Older Americans Act
   C. Motion to decline to waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04
   D. Appointing Brian Lundquist of the Nesbit Group as Insurance Agent of Record
   E. Approving the Law Library Agreement for 2001
   F. Resolution 2001-202 Accept Improvements and Activate Special Assessments for Batchelder 2nd Addition Utility and Street Improvements (4/7 vote)
   G. Resolution 2001-203 Accept Improvements and Activate Special Assessments for Prairie Ridge 5th Addition Utility and Street Improvements (4/7 vote)
   H. Acknowledge Gambling permit for Rice County NFO for gambling at the KC Hall on 3/9/02
   I. Acknowledge Gambling Exemption permit for St. Lawrence/St. Anna Catholic Aid Society for gambling at the KC Hall on 2/16/02
   J. Approve Tobacco license renewal for Skluzacek Oil Co., 300 Western Avenue
   K. Extension of Construction Management Agreement with Pro-Con

4. **Public Hearings**
   A. **Ordinance 2001-23 Amend Unified Development Ordinance Regarding Certificates of Survey** (Chapters 2 and 6), First reading (5/7 vote)
      Kim Johnson, City Planner, presented Ordinance 2001-23, amending chapters 2 and 4 of the Unified Development Code regarding certificates of survey. This ordinance would add provisions to require a certificate of survey in conjunction with setback variance applications and building permits for new construction and additions, unless city staff would waive this requirement. Currently, city code allows staff to require a certificate of survey at their discretion. An informational meeting was held for the public, contractors, developers and surveyors.
Council member Rice suggested that the words “at their discretion” be taken out of the ordinance because they are not needed. The word “may” serves this purpose when it states that staff may waive this requirement. Mayor Ackman suggested that we get the City Attorney’s opinion on removing the words “at their discretion”. Mayor Ackman asked if CUP’s would need a survey. Johnson stated that they would for commercial or industrial, but for residential CUP’s, the survey may be waived by staff. Upon a question from Council member Rice, Johnson stated that all new construction also would be required to have a certificate of survey completed.

Council member King asked if the Planning Commission considered the additional cost that this would require of applicants. Johnson stated that the Planning Commission expects that the benefits will outweigh the costs associated with obtaining a certificate of survey. Council member Minnick suggested that this would also be a benefit to the neighbors as well.

No one from the public wished to be heard on this item. Council member Rice made a motion which was seconded by Council member Minnick, to approve Ordinance 2001-23 on first reading, deleting the language “at his or her discretion” in section 2-570.

Council member Albers expressed concerns about the additional cost and the additional time this would add to projects. Council members Duchene and King also expressed their concerns and suggested that this item be discussed at a committee meeting.

Motion by Council member Rice, seconded by Council member Miller, carried 6-1 (No-King), to table Ordinance 2001-23 Amend Unified Development Ordinance Regarding Certificates of Survey (Chapters 2 and 6), and to forward this item to a Joint Committee meeting.

B. Ordinance 2001-24 Amend Unified Development Ordinance Regarding Building and Wall Height and Residential Accessory Structures and Parking (Chapters 1, 6 and 8), First reading (5/7 vote)

Kim Johnson, City Planner, presented Ordinance 2001-24, amending chapters 1, 6, and 8 of the Unified Development Code to add a definition of wall height, clarify the definition of building height, and to clarify language regarding residential parking and accessory structures. This is a continuation of staff efforts to clarify the Unified Development Ordinance.

Council member King asked about the paving of driveways, if this applies only to new construction. Johnson stated that the requirement of paving of driveways does only apply to new construction. Council member Minnick expressed concern that in section 6-180, the words “shall be similar to” is being too restrictive or specific for homeowners. He stated that he would like to see the words “or compatible material” added to this section.

Council member Rice asked if these amendments would address the issue of mansard roofs and establish wall height maximums. Johnson stated that these amendments do address these issues.

Motion by Council member Minnick, seconded by Council member Miller, carried 6-1, to approve Ordinance 2001-24 Amending the Unified Development Ordinance Regarding Building and Wall Height and Residential Accessory Structures and Parking (Chapters 1, 6 and 8) on first reading and to set the second reading for December 18, 2001. Roll call vote: Aye-Albers, Duchene, Miller, Minnick, Rice, Mayor Ackman. No-King.
Request for City Council Action

TO: Mayor and City Council
THROUGH: City Administrator
FROM: Kimberly Johnson, City Planner
MEETING DATE: December 11, 2001
SUBJECT: Ordinance 2001-23 (Amending Chapters 2 and 4 of the Unified Development Ordinance Regarding Certificates of Survey)

Background:

The City of Faribault is requesting an amendment to Chapters 2 and 4, of the Unified Development Ordinance to add provisions to require a certificate of survey in conjunction with setback variance applications and building permits for new construction and addition. Currently there are no provisions in city code to allow staff to require a certificate of survey. There are provisions that allow staff to ask for additional information deemed necessary to facilitate review of site plans and setback variances. However, this does not apply to one- and two-family residential uses. Past practice has been to require the location of property corner markers, which then allowed establishment of the property line location. In cases where it is not possible to locate corner markers and establish property lines, a certificate of survey has been required. One of the main problems with this practice is that corner markers can and have been moved from their official location, giving an inaccurate measurement point. Other problems that have been encountered by staff are as follows:

1. Difficulty in getting site plans that are drawn to scale.
2. Not knowing where easements are located.
3. Site plans that do not accurately depict the existing and proposed improvements to the property.
4. Site plans that do not show where structures, driveways are in relation to property lines.
5. Site plans that are based on dimensions from the edge of the street or sidewalk, not the property line.
6. Not knowing existing or proposed elevations to determine drainage.

An informational meeting was held on November 14, 2001 by staff. Contractors, developers and surveyors were invited to the meeting and notice of such meeting was also published in the official newspaper. Several were in attendance and there was a lively discussion of the proposed amendments. There was a general consensus in support of the proposed amendments, with some concerns being expressed about the requirement adding time and cost to projects.
Planning Commission:

The Planning Commission, on the 21st day of November, 2001, following proper notice, held a public hearing on this request. There were no comments by the public. The Planning Commission discussed: 1) that both pros and cons of this matter were discussed at the informational meeting; 2) that the main concern was how to schedule obtaining a certificate of survey into the project timeline; 3) that for one and two-family residential, a survey could be completed during the plan review stage with a building permit being issued only after review and approval of the survey by city staff; 4) timeline for obtaining a certificate of survey; 5) that many of the problems the Planning Commission and staff have incurred in the past could have been avoided by having a survey; 6) additional information that could be included on the survey; 7) whether the city should require a copy of the survey to be provided to the home owner; 8) that provision #15 would give staff the ability to request additional information on the survey if necessary in a specific case; and 9) that provision #15 should be amended to include adjacent structures, wells and septic tanks, and existing utilities. The Planning Commission voted to recommend approval of the request to amend the Unified Development Ordinance, Chapters 2 and 4 regarding certificates of survey. (5-0).

Recommendation:

Hold first reading of Ordinance 2001-23, Amending Chapters 2 and 6 of the Unified Development Ordinance Regarding Certificates of Survey; and set date of second reading for December 18, 2001. Passage of this ordinance requires a 5/7ths vote of the City Council.

Attachments:

Ordinance 2001-23
Staff Report/Attachments
<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>1st Reading</th>
<th>2nd Reading</th>
<th>Published</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-01</td>
<td>Planned Unit Development-Birn Hill 4th Add</td>
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<tr>
<td>2001-02</td>
<td>Establishing a Stormwater Utility</td>
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<tr>
<td>2001-04</td>
<td>Rezoning Property from I-1 to C-2, – Hofmeister Addition</td>
<td>4/10/2001</td>
<td>4/24/2001</td>
<td>05/10/2001</td>
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<tr>
<td>2001-05</td>
<td>Rezoning Property from R-4 to C-2, – (1412 Division St W)</td>
<td>4/24/2001</td>
<td>5/08/2001</td>
<td>05/22/2001</td>
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<td>2001-06</td>
<td>Land Exchange with Habitat for Humanity</td>
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<td></td>
<td>4/24/2001</td>
<td>5/08/2001</td>
<td>05/22/2001</td>
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<tr>
<td>2001-07</td>
<td>Rezone Property Upon Annexation–Schema</td>
<td>06/12/2001</td>
<td>06/26/2001</td>
<td>07/03/2001</td>
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<tr>
<td>2001-08</td>
<td>Rezone Property Upon Annexation -Shevlin</td>
<td>06/12/2001</td>
<td>06/12/2001</td>
<td>07/03/2001</td>
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<td>2001-10</td>
<td>Rezone from R-2 to C-2, 1410 Hwy 60 W, Lot 17 Lincoln Add</td>
<td>06/26/2001</td>
<td>07/10/2001</td>
<td>07/13/2001</td>
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<td>2001-11</td>
<td>NOT USED</td>
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<td>2001-12</td>
<td>Plat Vacation-First Addition to Pleasant View Estates</td>
<td>07/24/2001</td>
<td>08/14/2001</td>
<td>08/21/2001</td>
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<td>2001-13</td>
<td>Rezone From O to R-1-Orchard Heights/1025 St. Paul Ave</td>
<td>07/24/2001</td>
<td>08/14/2001</td>
<td>08/21/2001</td>
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<td>2001-14</td>
<td>Sale of Property to Gary Mogren</td>
<td>07/24/2001</td>
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<td>2001-16</td>
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<td>2001-17</td>
<td>Vacating The Public Alley in Vacated 6th Street NE</td>
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<td>2001-19</td>
<td>Amending City Code related to Snowmobiles and Parks</td>
<td>10/09/2001</td>
<td>10/23/01</td>
<td>11/01/01</td>
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<td>2001-20</td>
<td>Amending Unified Devel. Ord. Chapter 6 – Home Occupations</td>
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<td>Tabled 11/13/01</td>
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<td>2001-23</td>
<td>Amending UDO re: Certificates of Survey</td>
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<td>2002-02</td>
<td>Updating the City Code on Off sale Intoxicating Liquor Hours of Operation in accordance with State Law</td>
<td>01/22/2002</td>
<td>02/12/2002</td>
<td>02/16/2002</td>
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<td>2002-03</td>
<td>Amending Code Related to Outdoor Pools,</td>
<td>01/22/2002</td>
<td>02/12/2002</td>
<td>02/16/2002</td>
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<td>2002-04</td>
<td>Approving Summary Publication</td>
<td>01/22/2002</td>
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<td>2002-05</td>
<td>Allow Operation of Motorized Wheelchairs in Parks and on City Trails</td>
<td>02/12/2002</td>
<td>02/26/2002</td>
<td>03/07/2002</td>
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<td>2002-06</td>
<td>Amending Chapter 6, Unified Development Ordinance Regarding Home Occupations</td>
<td>03/12/2002</td>
<td>03/26/2002</td>
<td>03/31/2002</td>
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<tr>
<td>2002-08</td>
<td>Concerning Department Administrators</td>
<td>04/23/2002</td>
<td>05/14/2002</td>
<td>05/19/2002</td>
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<tr>
<td>2002-09</td>
<td>Amend Code Re: Transitions Between Residential Uses Of Varying Density; And Add An R-1A, One &amp; Two Family Residential District Designation</td>
<td>05/14/2002</td>
<td>05/28/2002</td>
<td>06/04/2002</td>
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<td>2002-10</td>
<td>Authorizing Grant of Easement to Establish Entry Steps Within the Public Right-of-Way</td>
<td>05/14/2002</td>
<td>05/28/2002</td>
<td>06/04/2002</td>
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<tr>
<td>2002-11</td>
<td>Implement Moratorium on Rezoning Land in Area of Fblt Airport</td>
<td>05/14/2002</td>
<td>05/28/2002</td>
<td>06/04/2002</td>
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<td>2002-12</td>
<td>Dedication of Public Right-of-Way on Western Avenue</td>
<td>05/14/2002</td>
<td>05/28/2002</td>
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<td>2002-14</td>
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<td>2002-17</td>
<td>Rezone Dist 1 Hospital-PUD - R</td>
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<td>08/13/2002</td>
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<td>2002-20</td>
<td>Annex and Zone LaRoche Property</td>
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<td>2002-22</td>
<td>Rezone Property From CBC to R-4 -115 First Ave NW</td>
<td>09/24/2002</td>
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<tr>
<td>2002-23</td>
<td>PUD Amendment (Northgate 2nd Addition)</td>
<td>09/24/2002</td>
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<td>2002-26</td>
<td>Authorize Transfer of a Certain Tract of Land to Batchelder Partners In Exchange for Other Certain Land,</td>
<td>10/22/2002</td>
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Request for Committee Action

TO: General Affairs
THROUGH: City Administrator
FROM: Kimberly Johnson, AICP
       City Planner
MEETING DATE: February 17, 2004
SUBJECT: Certificate of Survey

Background:

At the request of the City Council, the Ordinance regarding requirements for
Certificates of Survey is being brought forward for reconsideration. This
ordinance was considered by the Planning Commission and City Council in lat
2001 and early 2002, but was tabled indefinitely by the Council.

Attached is the information reviewed by the Council at both the first and second
readings of the ordinance, as well as the minutes from the meeting at which the
second reading was considered.

Requested Action:

Please review the attached information and provide direction for staff.

Attachments:

City Council Minutes – February 26, 2002
Memo Dated February 21, 2002 - Staff
Memo Dated December 11, 2001 – Staff
Council member Rice questioned the width of the road and the need to continue the sidewalk along Rice Street to Reed Avenue. Tim Murray stated that the proposed street will be 30 feet wide, which is the standard width. Council member Miller asked if the city is interested in keeping the alley. Johnson stated that the city has no plans to abandon the alley. Council member King asked if the city has a policy on sidewalks being planned for in new developments. Johnson stated that she is not aware of any such policy, but that the city does have an overall sidewalk and trail policy.

No one from the public wished to be heard on this item.

Council member Albers, King and Rice stated their support for the installation of sidewalk from Rice Street to the park and Reed Avenue. Engineer Murray stated the potential difficulties with putting sidewalks in this area because of the short boulevard.

Motion by Council member Rice, seconded by Council member Duchene, carried unanimously, to approve Resolution 2002-028 Preliminary Plat-River Trail 2nd Addition, and to extend the sidewalk from Rice Street to Reed Avenue.

5. Requests to be Heard
   A. Citizen Comment Period

Roger French, 127 Willow Street, discussed a problem with a manhole cover and sewer pipe problem, located along Willow Street. Mr. French was asked to visit with the City Engineer on this issue.

6. Items for Discussion
   A. Ordinance 2002-04 Amending the City Code regarding Certificates of Survey, Second Reading (5/7)

Ordinance 2002-04 was presented for second reading, amending the City Code regarding Certificates of Survey. Kim Johnson explained changes that were made to the revised ordinance that was distributed. Upon a question from Minnick, Johnson stated that this ordinance will require a certificate of survey unless it is waived by city staff. Staff will also have the authority to require a certificate if they feel it is needed, when it is not required by City Code.

Comments from the public included:
- Ron Dwyer, a building contractor – stated that certificates of survey can cost anywhere from $400 to $4,000, this is a large expense, the building official has the authority to require a certificate of survey if he feels it is needed, encouraged the city to enforce the rules they already have in place.
- Cliff Johnson, 931 SW 8th Avenue – doesn't feel the certificates of survey are necessary, adds additional cost to projects.
- Orv Fahrenholtz, 1608 Windsor Pl – a certificate of survey will not guarantee placement of the building, this would be a duplication of the rules because the building contractor can already require this, and the cost of a survey is too much for some people and will price them out of the market for a house.
Council member King stated that she does not like the wording in Section C. Johnson responded that the authority to require a certificate of survey is not in the zoning regulations. Johnson also stated having a Certificate of Survey gives city staff a higher level of security and makes it easier to identify property line pins. Council member King stated her concern for the time it will take to get a Certificate of Survey completed, and that it may slow down projects significantly.

Council member Albers stated he feels that since the building official can now require this if it is needed, this will only add additional cost to many projects.

Council member Minnick stated that he sees the Certificate of Survey as a necessity, but suggested tabling at this time, but not for an indefinite period of time. Council member Duchene expressed concern about the additional costs this will add to building projects. Council member Miller stated that the Council needs to be clearer about what exactly they want to see in this ordinance, and stated that he has concerns about certificates needed for new construction.

Administrator Madigan suggested tabling this ordinance and reviewing it again at a future meeting. Council member Albers suggested using the time to work with the current regulations already in place.

Motion by Council member Miller, seconded by Council member Rice, carried 6-1 (No-Minnick), to table Ordinance 2002-04 Amending the City Code regarding Certificates of Survey, and to review it at a future meeting.

B. Ordinance 2002-05 Allowing the Operation of Motorized Wheelchairs in Parks and on City Trails, second reading (4/7 vote)

Ordinance 2002-05 was presented for second reading, amending the Code to allow the operation of motorized wheelchairs in parks and on city trails. A request was received from a city resident to allow the use of motorized vehicles in city parks and on city trails for people with disabilities. Council member King asked if this ordinance allowed for the police and maintenance vehicles to also drive on city trails. Madigan explained that this is allowed for in another section of the code.

Motion by Council member Miller, seconded by Council member Albers, carried unanimously, to approve Ordinance 2002-05 Allowing the Operation of Motorized Wheelchairs in Parks and on City Trails, on second reading. Roll call vote: Aye-Albers, Duchene, King, Miller, Minnick, Rice, Mayor Ackman. No-None.

C. Resolution 2002-027 Order Project, Approve Plans and Specifications, and Establish Bid Date for Replacement of the Old 4th Street Bridge (4/7)

Tim Murray presented Resolution 2002-027, ordering the project of replacement of the Old 4th Street bridge. The new bridge will be comprised of two precast concrete box culverts, a 44-foot wide roadway, and an 8-foot wide concrete sidewalk along the north side, and vinyl coated chain link fence railings. The actual roadway and sidewalk construction will be included under a separate project.
Request for City Council Action

TO: Mayor and City Council
THROUGH: City Administrator
FROM: Kimberly Johnson, City Planner
MEETING DATE: February 21, 2002
SUBJECT: Ordinance 2002-04 (Amending Chapters 2 and 4 of the Unified Development Ordinance Regarding Certificates of Survey)

Second Reading

Background:

The City of Faribault is requesting an amendment to Chapters 2 and 4, of the Unified Development Ordinance to add provisions to require a certificate of survey in conjunction with setback variance applications and building permits for new construction. Currently there are no provisions in city code to allow staff to require a certificate of survey. The City Council approved Ordinance 2002-04 upon first reading, directing staff to revise the language as follows:

1. Remove requirements for a certificate of survey on additions;
2. Clarify what is meant by "new building"; and
3. Add a provision that would allow staff to require a certificate of survey if property lines could not be established by other means;

A revised Ordinance 2002-04 is attached for consideration. Also attached is the original Ordinance 2002-04 which was considered at first reading on January 22, for comparison purposes.

Recommendation:

Hold second reading of Ordinance 2002-04, Amending Chapters 2 and 4 of the Unified Development Ordinance Regarding Certificates of Survey. Passage of this ordinance requires a 5/7ths vote of the City Council.

Attachments:

Revised Ordinance 2002-04
Summary Publication
Ordinance 2002-04 Considered for First Reading
CITY OF FARIBAULT
ORDINANCE 2002-04
AMENDING UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 2 AND 4 REGARDING CERTIFICATES OF SURVEY

WHEREAS, the Unified Development Ordinance became effective on January 1, 2000; and

WHEREAS, there are no provisions requiring a certificate of survey in conjunction with site plan review, building permit applications or setback variance applications; and

WHEREAS, staff has in the past had difficulty in getting quality site plans that accurately depict existing and proposed improvements to property, and their dimensions and locations on the site; and

WHEREAS, there have been instances where assumed property lines have caused non-conformities after the fact; and

WHEREAS, requiring a certificate of survey will provide accurate delineations of property line, setbacks, easements and existing and proposed site improvements, to use in making decisions; and

WHEREAS, the Planning Commission on the 21st day of November, 2001, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the proposed amendment be adopted; and

WHEREAS, the City Council, on the 11th day of December, 2001, following proper notice, held a public hearing to consider the proposed amendment and all interested persons were provided with an opportunity to comment.

THE CITY OF FARIBAULT ORDAINS:

Section 1: The Unified Development Ordinance, Chapters 2 and 4, are hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND ENFORCEMENT

ARTICLE 9. VARIANCES

2-420. Purpose of variances. Variances are intended to provide a means of departure from the literal requirements of this ordinance where strict adherence would cause undue hardship due to special conditions or circumstances unique to a site. It is not the intent of this section to allow a variance for a use that is not permitted within a particular zoning district.
2-430. Application for variance. Any person having a legal or equitable interest in a property may file an application for one or more variances. An application for a variance shall be filed with the City Planner on an approved form as specified in Section 2-90, and shall be accompanied by a site plan and any other information deemed necessary by the City Planner to facilitate review. All applications for a variance from required setbacks or building separation requirements must be accompanied by a current Certificate of Survey subject to the requirements of Section 2-570.

ARTICLE 11. OTHER DEVELOPMENT APPROVALS AND PERMITS

2-570. Building permit. (A) Building permits are required in accordance with the adopted building code. No building permit shall be issued unless the proposed construction or use is in conformance with the requirements of this ordinance and all necessary zoning approvals have been granted. Except as otherwise provided in this subdivision, all applications for building permits for the construction of a new building shall include a current Certificate of Survey subject to the requirements of Section 2-570 (B). For the purposes of this ordinance, a new building shall be defined as any new building, that is subject to a building permit, and that is constructed in a location that did not previously have a building on it. Alterations in the location or exterior dimensions of existing buildings shall not require a Certificate of Survey except as provided in Section 2-430 and Section 2-570 (D).

(B) A Certificate of Survey shall be signed and dated by a land surveyor registered with the State of Minnesota, and shall include the following minimum information:

1. Location of property corners;
2. Location of lot lines and of offset stakes set on lot lines along the front and rear of building extensions;
3. The location of all existing and proposed structures;
4. Location of all adjacent streets, alleys and public ways;
5. Location of all easements of record;
6. Location of required setbacks;
7. Location and dimensions of driveways;
8. Distance from buildings to lot lines;
9. Existing elevations of buildings, lot corners, and to of curbs;
10. Proposed elevations of buildings, lot corners, and to of curbs;
11. Proposed structure/s and floor elevations for top of foundation block, garage floor and lowest level floor;
12. Legal description;
13. Arrows showing direction of drainage;
14. North directional arrow;
15. Measurement scale;
16. Bench mark and location of bench mark; and
17. Such other information as may be required by City Staff to determine the effect of construction on drainage, easements and lot lines, adjacent structures, wells and septic systems, existing utilities, and compliance with City ordinances, codes, and regulations.

(C) The Building Official may, at his or her discretion, waive any and all requirements of this subdivision where the Building Official, City Engineer and City Planner can determine the effect of construction on drainage, easements and lot lines, and compliance with city ordinances, codes and regulations, through other reasonable means. Any such waiver and its justification shall be documented either on the building permit or in a separate document attached to the building permit.
(D) The Building Official or City Planner may, at his or her discretion, require a Certificate of Survey for alterations in the location or exterior dimensions of existing buildings if lot boundaries or setbacks cannot be determined by other reasonable means.

CHAPTER 4. SITE PLAN REVIEW

ARTICLE 1. GENERAL PROVISIONS

4-30. Site plan requirements. (A) In general. Except in those instances specified in Section 4-20, site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use. When a site plan is required in support of a request for conditional use permit or variance approval, such plan shall also be subject to the requirements established within this chapter.

(B) Required information. All site plans shall be based on a current Certificate of Survey, subject to the requirements of Section 2-570, and shall contain the following information, unless otherwise specifically waived by the City Planner:

1. A vicinity map, which shall include the location of any railroads, major streams or rivers, and public streets in the vicinity of the site.
2. The boundaries and dimensions shown graphically, along with a written legal description of the property.
3. The present and proposed topography of the site and adjacent areas within fifty (50) feet by contour lines at an interval of not more than five (5) feet, and by use of directional arrows, the proposed flow of storm water runoff from the site.
4. The location of existing and proposed structures, with height and gross floor area appropriately noted.
5. The location and dimensions of existing and proposed curb cuts, aisles, off-street parking and loading spaces, and walkways.
6. The location, height, and material for screening walls and fences.

Section 2: Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading: January 22, 2002
Second Reading: February 26, 2002

City of Faribault

Charles Ackman, Mayor

Attest: Timothy Madigan, City Administrator
CITY OF FARIBAULT
SUMMARY OF ORDINANCE 2002-04
AMENDING CHAPTERS 2 AND 4 OF THE UNIFIED DEVELOPMENT
ORDINANCE TO ADD CERTIFICATE OF SURVEY REQUIREMENTS

Appendix B, Unified Development Ordinance, of the City Code of Ordinances, Chapters 2, and 4, were changed as follows:
Section 2-430. Application for variance - was amended to add a requirement for a certificate of survey with all applications for a variance from required setback or building separation.
Section 2-570. Building permit - was amended to add a requirement that all applications for building permits for new buildings shall include a current Certificate of Survey, to define what information is required on such surveys, to allow staff to waive surveys in certain circumstances, and to allow staff to require surveys in circumstances where the property lines cannot be determined by other means.

The complete text of Ordinance 2002-04 is on file at City Hall and the Buckham Memorial Library, and may be obtained from the Zoning Administrator at no cost.
First Reading: January 22, 2002
Second Reading: February 26, 2002
WHEREAS, the Unified Development Ordinance became effective on January 1, 2000; and

WHEREAS, there are no provisions requiring a certificate of survey in conjunction with site plan review, building permit applications or setback variance applications; and

WHEREAS, staff has in the past had difficulty in getting quality site plans that accurately depict existing and proposed improvements to property, and their dimensions and locations on the site; and

WHEREAS, there have been instances where assumed property lines have caused non-conformities after the fact; and

WHEREAS, requiring a certificate of survey will provide accurate delineations of property line, setbacks, easements and existing and proposed site improvements, to use in making decisions; and

WHEREAS, the Planning Commission on the 21st day of November, 2001, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the proposed amendment be adopted; and

WHEREAS, the City Council, on the 11th day of December, 2001, following proper notice, held a public hearing to consider the proposed amendment and all interested persons were provided with an opportunity to comment.

THE CITY OF FARIBAULT ORDAINS:

Section 1: The Unified Development Ordinance, Chapters 2 and 4, are hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND ENFORCEMENT

ARTICLE 9. VARIANCES

2-420. Purpose of variances. Variances are intended to provide a means of departure from the literal requirements of this ordinance where strict adherence would cause undue hardship due to special conditions or circumstances unique to a site. It is not the intent of this section to allow a variance for a use that is not permitted within a particular zoning district.
2-430. Application for variance. Any person having a legal or equitable interest in a property may file an application for one or more variances. An application for a variance shall be filed with the City Planner on an approved form as specified in Section 2-90, and shall be accompanied by a site plan and any other information deemed necessary by the City Planner to facilitate review. All applications for a variance from required setbacks or building separation requirements must be accompanied by a current Certificate of Survey subject to the requirements of Section 2-570.

ARTICLE 11. OTHER DEVELOPMENT APPROVALS AND PERMITS

2-570. Building permit. Building permits are required in accordance with the adopted building code. No building permit shall be issued unless the proposed construction or use is in conformance with the requirements of this ordinance and all necessary zoning approvals have been granted. Except as otherwise provided in this subdivision, all applications for building permits for new buildings or alterations in the location or exterior dimensions of existing buildings shall include a current Certificate of Survey. The Certificate of Survey shall be signed and dated by a land surveyor registered with the State of Minnesota, and shall include the following minimum information:

1. Location of property corners;
2. Location of lot lines and of offset stakes set on lot lines along the front and rear of building extensions;
3. The location of all existing and proposed structures;
4. Location of all adjacent streets, alleys and public ways;
5. Location of all easements of record;
6. Location of required setbacks;
7. Location and dimensions of driveways;
8. Distance from buildings to lot lines;
9. Existing elevations of buildings, lot corners, and to of curbs;
10. Proposed structure/s and floor elevations for top of foundation block, garage floor and lowest level floor;
11. Legal description;
12. Arrows showing direction of drainage;
13. North directional arrow;
14. Measurement scale;
15. Bench mark and location of bench mark; and
16. Such other information as may be required by City Staff to determine the effect of construction on drainage, easements and lot lines, adjacent structures, wells and septic systems, existing utilities, and compliance with City ordinances, codes, and regulations.

The Building Official may, at his or her discretion, waive any and all requirements of this subdivision where the Building Official, City Engineer and City Planner can determine the effect of construction on drainage, easements and lot lines, and compliance with city ordinances, codes and regulations, through other reasonable means. In the case where a residential addition or detached accessory building or pool is setback at least 1 1/2 times the required setback or 10', whichever is greater, the Building Official, at his or her discretion, may waive the need for a Certificate of Survey.
CHAPTER 4. SITE PLAN REVIEW

ARTICLE 1. GENERAL PROVISIONS

4-30. Site plan requirements. (A) In general. Except in those instances specified in Section 4-20, site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use. When a site plan is required in support of a request for conditional use permit or variance approval, such plan shall also be subject to the requirements established within this chapter.

(B) Required information. All site plans shall be based on a current Certificate of Survey, subject to the requirements of Section 2-570, and shall contain the following information, unless otherwise specifically waived by the City Planner:

(1) A vicinity map, which shall include the location of any railroads, major streams or rivers, and public streets in the vicinity of the site.

(2) The boundaries and dimensions shown graphically, along with a written legal description of the property.

(3) The present and proposed topography of the site and adjacent areas within fifty (50) feet by contour lines at an interval of not more than five (5) feet, and by use of directional arrows, the proposed flow of storm water runoff from the site.

(4) The location of existing and proposed structures, with height and gross floor area appropriately noted.

(5) The location and dimensions of existing and proposed curb cuts, aisles, off-street parking and loading spaces, and walkways.

(6) The location, height, and material for screening walls and fences.

Section 2: Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading: January 22, 2002

Second Reading:

City of Faribault

Charles Ackman, Mayor

Attest
Timothy Madigan, City Administrator
Request for City Council Action

TO: Mayor and City Council

THROUGH: City Administrator

FROM: Kimberly Johnson, City Planner

MEETING DATE: December 11, 2001

SUBJECT: Ordinance 2001-23 (Amending Chapters 2 and 4 of the Unified Development Ordinance Regarding Certificates of Survey)

Background:

The City of Faribault is requesting an amendment to Chapters 2 and 4, of the Unified Development Ordinance to add provisions to require a certificate of survey in conjunction with setback variance applications and building permits for new construction and additions. Currently there are no provisions in city code to allow staff to require a certificate of survey. There are provisions that allow staff to ask for additional information deemed necessary to facilitate review of site plans and setback variances. However, this does not apply to one- and two-family residential uses. Past practice has been to require the location of property corner markers, which then allowed establishment of the property line location. In cases where it is not possible to locate corner markers and establish property lines, a certificate of survey has been required. One of the main problems with this practice is that corner markers can and have been moved from their official location, giving an inaccurate measurement point. Other problems that have been encountered by staff are as follows:

1. Difficulty in getting site plans that are drawn to scale.
2. Not knowing where easements are located.
3. Site plans that do not accurately depict the existing and proposed improvements to the property.
4. Site plans that do not show where structures, driveways are in relation to property lines.
5. Site plans that are based on dimensions from the edge of the street or sidewalk, not the property line.
6. Not knowing existing or proposed elevations to determine drainage.

An informational meeting was held on November 14, 2001 by staff. Contractors, developers and surveyors were invited to the meeting and notice of such meeting was also published in the official newspaper. Several were in attendance and there was a lively discussion of the proposed amendments. There was a general consensus in support of the proposed amendments, with some concerns being expressed about the requirement adding time and cost to projects.
Planning Commission:

The Planning Commission, on the 21st day of November, 2001, following proper notice, held a public hearing on this request. There were no comments by the public. The Planning Commission discussed: 1) that both pros and cons of this matter were discussed at the informational meeting; 2) that the main concern was how to schedule obtaining a certificate of survey into the project timeline; 3) that for one and two-family residential, a survey could be completed during the plan review stage with a building permit being issued only after review and approval of the survey by city staff; 4) timeline for obtaining a certificate of survey; 5) that many of the problems the Planning Commission and staff have incurred in the past could have been avoided by having a survey; 6) additional information that could be included on the survey; 7) whether the city should require a copy of the survey to be provided to the home owner; 8) that provision #15 would give staff the ability to request additional information on the survey if necessary in a specific case; and 9) that provision #15 should be amended to include adjacent structures, wells and septic tanks, and existing utilities. The Planning Commission voted to recommend approval of the request to amend the Unified Development Ordinance, Chapters 2 and 4 regarding certificates of survey. (5-0).

Recommendation:

Hold first reading of Ordinance 2001-23, Amending Chapters 2 and 6 of the Unified Development Ordinance Regarding Certificates of Survey; and set date of second reading for December 18, 2001. Passage of this ordinance requires a 5/7ths vote of the City Council.

Attachments:

Ordinance 2001-23
Staff Report/Attachments
CITY OF FARIBAULT
ORDINANCE 2001-23
AMENDING UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 2 AND 4 REGARDING CERTIFICATES OF SURVEY

WHEREAS, the Unified Development Ordinance became effective on January 1, 2000; and

WHEREAS, there are no provisions requiring a certificate of survey in conjunction with site plan review, building permit applications or setback variance applications; and

WHEREAS, staff has in the past had difficulty in getting quality site plans that accurately depict existing and proposed improvements to property, and their dimensions and locations on the site; and

WHEREAS, there have been instances where assumed property lines have caused non-conformities after the fact; and

WHEREAS, requiring a certificate of survey will provide accurate delineations of property line, setbacks, easements and existing and proposed site improvements, to use in making decisions; and

WHEREAS, the Planning Commission on the 21st day of November, 2001, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the proposed amendment be adopted; and

WHEREAS, the City Council, on the 11th day of December, 2001, following proper notice, held a public hearing to consider the proposed amendment and all interested persons were provided with an opportunity to comment.

THE CITY OF FARIBAULT ORDAINS:

Section 1: The Unified Development Ordinance, Chapters 2 and 4, are hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND ENFORCEMENT

ARTICLE 9. VARIANCES

2-420. Purpose of variances. Variances are intended to provide a means of departure from the literal requirements of this ordinance where strict adherence would cause undue hardship due to special conditions or circumstances unique to a site. It is not the intent of this section to allow a variance for a use that is not permitted within a particular zoning district.

2-430. Application for variance. Any person having a legal or equitable interest in a property may file an application for one or more variances. An application for a variance shall be filed with the
ordinance 2001-23

City Planner on an approved form as specified in Section 2-90, and shall be accompanied by a site plan and any other information deemed necessary by the City Planner to facilitate review. All applications for a variance from required setbacks or building separation requirements must be accompanied by a current Certificate of Survey subject to the requirements of Section 2-570.

ARTICLE 11. OTHER DEVELOPMENT APPROVALS AND PERMITS

2-570. Building permit. Building permits are required in accordance with the adopted building code. No building permit shall be issued unless the proposed construction or use is in conformance with the requirements of this ordinance and all necessary zoning approvals have been granted. Except as otherwise provided in this subdivision, all applications for building permits for new buildings or alterations in the location or exterior dimensions of existing buildings shall include a current Certificate of Survey. The Certificate of Survey shall be signed and dated by a land surveyor registered with the State of Minnesota, and shall include the following minimum information:

1. Location of property corners;
2. Location of lot lines and of offset stakes set on lot lines along the front and rear of building extensions;
3. The location of all existing and proposed structures;
4. Location of all adjacent streets, alleys and public ways;
5. Location of all easements of record;
6. Location of required setbacks;
7. Location and dimensions of driveways;
8. Distance from buildings to lot lines;
9. Existing elevations of buildings, lot corners, and to of curbs;
10. Proposed structure/s and floor elevations for top of foundation block, garage floor and lowest level floor;
11. Legal description;
12. Arrows showing direction of drainage;
13. North directional arrow;
14. Measurement scale;
15. Bench mark and location of bench mark; and
16. Such other information as may be required by City Staff to determine the effect of construction on drainage, easements and lot lines, adjacent structures, wells and septic systems, existing utilities, and compliance with City ordinances, codes, and regulations.

The Building Official may, at his or her discretion, waive any and all requirements of this subdivision where the Building Official, City Engineer and City Planner can determine the effect of construction on drainage, easements and lot lines, and compliance with city ordinances, codes and regulations, through other reasonable means. In the case where a residential addition or detached accessory building or pool is setback at least 1 1/2 times the required setback or 10', whichever is greater, the Building Official, at his or her discretion, may waive the need for a Certificate of Survey.

CHAPTER 4. SITE PLAN REVIEW

ARTICLE 1. GENERAL PROVISIONS

4-30. Site plan requirements. (A) In general. Except in those instances specified in Section 4-20, site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use. When a site plan is required in support of a request
Ordinance 2001-23

for conditional use permit or variance approval, such plan shall also be subject to the requirements established within this chapter.

(B) Required information. All site plans shall be based on a current Certificate of Survey, subject to the requirements of Section 2-570, drawn to scale and shall contain the following information, unless otherwise specifically waived by the City Planner:

(1) A vicinity map, which shall include the location of any railroads, major streams or rivers, and public streets in the vicinity of the site.

(2) The boundaries and dimensions shown graphically, along with a written legal description of the property.

(3) The present and proposed topography of the site and adjacent areas within fifty (50) feet by contour lines at an interval of not more than five (5) feet, and by use of directional arrows, the proposed flow of storm water runoff from the site.

(4) The location of existing and proposed structures, with height and gross floor area appropriately noted.

(5) The location and dimensions of existing and proposed curb cuts, aisles, off-street parking and loading spaces, and walkways.

(6) The location, height, and material for screening walls and fences.

Section 2: Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading: December 11, 2001

Second Reading:

City of Faribault

______________________________
Mayor

Attest ________________________________
City Administrator
FARIBAULT PLANNING COMMISSION

APPLICANT/REQUEST

The City of Faribault is requesting amendments to portions of Chapters 2 and 4, of the Unified Development Ordinance.

PURPOSE

The purpose of the amendments is to add provisions for requiring a certificate of survey in conjunction with setback variance applications and site plan review for new construction and additions. Currently there are no provisions in city code to allow staff to require a certificate of survey. There are provisions that allow staff to ask for additional information deemed necessary to facilitate review of site plans and setback variances. However, this does not apply to one- and two-family residential uses. Past practice has been to require the location of property corner markers, which then allowed establishment of the property line location. In cases where it is not possible to locate corner markers and establish property lines, a certificate of survey has been required. One of the main problems with this practice is that corner markers can and have been moved from their official location, giving an inaccurate measurement point. Other problems that have been encountered by staff are as follows:

1. Difficulty in getting site plans that are drawn to scale.
2. Not knowing where easements are located.
3. Site plans that do not accurately depict the existing and proposed improvements to the property.
4. Site plans that do not show where structures, driveways are in relation to property lines.
5. Site plans that are based on dimensions from the edge of the street or sidewalk, not the property line.
6. Not knowing existing or proposed elevations to determine drainage.

AMENDMENT

The specific sections being considered for amendment are as follows:

1. Chapter 2 (Administration and Enforcements). Under the current code there is no requirement for a certificate of survey in conjunction with an application for a setback variance. Staff is proposing that in all such cases a certificate of survey be required in order to establish before review and formal action where the property lines are, where the proposed structure, addition, driveway, etc. is to be located, and the exact variance being requested. Further under current code, there is no requirement for a certificate of survey in conjunction with a building permit application. Staff is recommending that all permits be accompanied by a certificate of survey, except in certain instances, such as were a proposed addition or accessory structure is set back from the property line 1 ½ times the
required setback or 10', which ever is greater. There is also proposed a provision that staff may waive some or all of the certificate of survey requirements if they can establish compliance with code requirements in other reasonable ways. This provision is meant to give staff the ability to waive information normally required on a survey but that may not be necessary in a particular case, and in extreme cases, waive the survey requirement altogether, if other reasonable means can be used to show compliance.

2. Chapter 4 (Site Plan Review). Under current code there is a provision which requires site plan review of all multi-family residential, commercial and industrial new construction, additions, or expansions as well as all variance and conditional use permit applications. This provision requires a site plan drawn to scale showing all existing and proposed improvements. Staff is recommending that all such site plans be based on a certificate of survey, which must also be included. Further, specific items which are to be included on a certificate of survey are clearly spelled out.

Staff has received input from local surveyors regarding the costs associated with requiring certificates of survey. This information is attached.

A public informational meeting was held on November 14, 2001. A summary of the comments from this meeting will be provided at the hearing.

RECOMMENDATION

Staff recommends that the request to amend the Unified Development Ordinance, Chapters 2, and 4, regarding certificates of survey be approved.

ATTACHMENTS

1. Proposed Ordinance 2001-23
CITY OF FARIBAULT
ORDINANCE 2001-23
AMENDING UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 2 AND 4 REGARDING CERTIFICATES OF SURVEY

WHEREAS, the Unified Development Ordinance became effective on January 1, 2000; and

WHEREAS, there are no provisions requiring a certificate of survey in conjunction with site plan review, building permit applications or setback variance applications; and

WHEREAS, staff has in the past had difficulty in getting quality site plans that accurately depict existing and proposed improvements to property, and their dimensions and locations on the site; and

WHEREAS, there have been instances where assumed property lines have caused non-conformities after the fact; and

WHEREAS, requiring a certificate of survey will provide accurate delineations of property line, setbacks, easements and existing and proposed site improvements, to use in making decisions; and

WHEREAS, the Planning Commission on the 21st day of November, 2001, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the proposed amendment be adopted; and

WHEREAS, the City Council, on the 11th day of December, 2001, following proper notice, held a public hearing to consider the proposed amendment and all interested persons were provided with an opportunity to comment.

THE CITY OF FARIBAULT ORDAINS:

Section 1: The Unified Development Ordinance, Chapters 2 and 4, are hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND ENFORCEMENT

ARTICLE 9. VARIANCES

2-420. Purpose of variances. Variances are intended to provide a means of departure from the literal requirements of this ordinance where strict adherence would cause undue hardship due to special conditions or circumstances unique to a site. It is not the intent of this section to allow a variance for a use that is not permitted within a particular zoning district.

2-430. Application for variance. Any person having a legal or equitable interest in a property may file an application for one or more variances. An application for a variance shall be filed with the City Planner on an approved form as specified in Section 2-90, and shall be accompanied by a site plan...
2-570. Building permit. Building permits are required in accordance with the adopted building code. No building permit shall be issued unless the proposed construction or use is in conformance with the requirements of this ordinance and all necessary zoning approvals have been granted. Except as otherwise provided in this subdivision, all applications for building permits for new buildings or alterations in the location or exterior dimensions of existing buildings shall include a current Certificate of Survey. The Certificate of Survey shall be signed and dated by a land surveyor registered with the State of Minnesota, and shall include the following minimum information:

1. Location of property corners;
2. Location of lot lines and of offset stakes set on lot lines along the front and rear of building extensions;
3. The location of all existing and proposed structures;
4. Location of all adjacent streets, alleys and public ways;
5. Location of all easements of record;
6. Location of required setbacks;
7. Location and dimensions of driveways;
8. Distance from buildings to lot lines;
9. Existing elevations of buildings, lot corners, and to of curbs;
10. Proposed structure/s and floor elevations for top of foundation block, garage floor and lowest level floor;
11. Legal description;
12. Arrows showing direction of drainage;
13. North directional arrow;
14. Measurement scale;
15. Such other information as may be required by City Staff to determine the effect of construction on drainage, easements and lot lines, and compliance with City ordinances, codes, and regulations; and
16. Bench mark and location of bench mark.

The Building Official may, at his or her discretion, waive any and all requirements of this subdivision where the Building Official, City Engineer and City Planner can determine the effect of construction on drainage, easements and lot lines, and compliance with city ordinances, codes and regulations, through other reasonable means. In the case where a residential addition or detached accessory building or pool is setback at least 1 1/2 times the required setback or 10', whichever is greater, the Building Official, at his or her discretion, may waive the need for a Certificate of Survey.

CHAPTER 4. SITE PLAN REVIEW

ARTICLE 1. GENERAL PROVISIONS

4-30. Site plan requirements. (A) In general. Except in those instances specified in Section 4-20, site plan approval is required prior to issuance of a building permit for any proposed construction
or issuance of a zoning certificate for any proposed use. When a site plan is required in support of a request for conditional use permit or variance approval, such plan shall also be subject to the requirements established within this chapter.

(B) Required information. All site plans shall be based on a current Certificate of Survey, subject to the requirements of Section 2-570, drawn to scale and shall contain the following information, unless otherwise specifically waived by the City Planner:

1) A vicinity map, which shall include the location of any railroads, major streams or rivers, and public streets in the vicinity of the site.
2) The boundaries and dimensions shown graphically, along with a written legal description of the property.
3) The present and proposed topography of the site and adjacent areas within fifty (50) feet by contour lines at an interval of not more than five (5) feet, and by use of directional arrows, the proposed flow of storm water runoff from the site.
4) The location of existing and proposed structures, with height and gross floor area appropriately noted.
5) The location and dimensions of existing and proposed curb cuts, aisles, off-street parking and loading spaces, and walkways.
6) The location, height, and material for screening walls and fences.

Section 2: Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading: December 11, 2001

Second Reading:

City of Faribault

__________________________
Mayor

Attest

__________________________
City Administrator
November 12, 2001

Kim Johnson
City Planner
C/O City of Faribault
208 N.W. 1st Avenue
Faribault, Minnesota 55021

Re: Amendments to Faribault Unified Development Ordinance
relative to certificate of survey requirements.

Dear Kim:

This letter is in response to your request for some general information regarding the cost of preparing a certificate of survey in conjunction with variance, site plan review and building permit requests for new construction and additions or alterations.

For purposes of this letter a certificate of survey is defined as a graphic representation of a parcel of real property whose primary purpose is to depict the results of a boundary survey. A boundary survey is defined as a survey made to establish or re-establish boundary lines on the ground or to obtain data for constructing a drawing showing boundary lines. It is assumed that the City will require additional information such as topographic data showing existing site conditions, utilities, proposed improvements, etc. to be shown on the certificate. With this in mind we will attempt to provide some approximate costs for preparing a certificate of survey.

Following are several conditions that exist in the City of Faribault that affect the cost of preparing certificates of survey.

1) New Construction - Recently Platted Property
   Example of Plat: Batchelder Addition
   Example of Certificate: Exhibit A
   In this example the boundary survey was done in conjunction with the platting of the property and the developer of the plat is responsible for the cost of monumenting each lot. The cost of preparing a certificate of survey similar to Exhibit A for new construction on a single lot within the plat is currently $400 to $500.

2) New Construction, Additions or Alterations - Older platted property with evidence of individual lot monumentation.
   Example of Plat: Erblang's Addition, Faribault, Rice County, Minnesota. Date of Plat 1958
   In this example all the lots were monumented as of the date of the plat. Over time some of these monuments may be destroyed because of utility installation, landscaping, sidewalk or road construction/reconstruction, etc. Generally however enough monumentation remains to verify and re-establish the boundaries of individual lots. The cost of preparing a
Certificate of survey in this case might range from $500 to $1200 depending on the amount of verification and remonumentation needed.

3) New Construction, Addition or Alterations - Older platted property or non-platted property, with little or no monumentation.
Example of Plat: Original Town of Faribault. Date of Plat 1855.
Example of non-platted property: State Subdivision of Section 36-110-21.
In the example of the Original Town of Faribault, very few monuments were placed at the time of the plat. Throughout the last 145 years various lots and blocks in the plat have been surveyed when needed. However little effort was made to preserve monument location when road construction/reconstruction, sidewalk construction or utility installation occurred thus destroying evidence of boundary location. In this case the cost of preparing a certificate of survey might range from $500 to $2000, depending on the amount of remaining survey control. The same range would apply to the non-platted property example.
Up to this point we have been dealing with the individual property owner, developer or small business owner who is constructing a single family residence or proposing an addition or alteration to an existing residence or business.

4) New Construction, Additions or Alterations to Large Industrial, Commercial or Government Facilities.
Example: District One Hospital
In this example the cost of the boundary survey only might range from $500 to $2000 depending on available survey control. In addition architects and engineers involved in the design process generally require extensive topographic data which can provide a background of existing conditions that can be used as part of the City's site plan review. The cost to add this data to the boundary survey might range from $1000 to $10,000 depending on the size of the site and specific topographic requirements.

Specific City requirements such as those associated with administrative lot splits or combinations may add from one to several hundred dollars to costs in each of the above examples.

We have attempted to provide some general information relative to the cost of preparing certificates of survey under several different scenarios. It must be remembered that each survey is unique and the cost of preparing a certificate of survey must be determined based on its own set of circumstances and requirements. Hopefully the above information will be of some value in discussing proposed amendments to the Ordinance. We would welcome the opportunity to provide additional input and/or review of the proposed amendments.

Thank-you.

Charles Allen
David Luecke
CERTIFICATE OF SURVEY
JASNOCH PROPERTY
LOT 6, BLOCK 1,
BATCHELDER SECOND ADDITION
Faribault, Minnesota

I hereby certify that this survey, plan, report, or description was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

DAVID LUECKE
Date: SEPTEMBER 28, 2001
Registration Number: 23011

FILE NUMBER: 1827-026

THE THOMAS TAYLOR CO. REGISTERED LAND SURVEYORS
Box 613 1504 30th Street N.W. Faribault, Mn. 55021 (507) 332-7449
CERTIFICATE OF SURVEY
COMPARATIVE REGULATIONS

Owatonna
➢ Not required

Stillwater
➢ No response

Farmington
➢ Required of all new construction including additions
➢ Required with variance

Lakeville
➢ Required of all new construction including additions
➢ Required with variance

Red Wing
➢ Not Required

Northfield
➢ Required of all new construction including additions
➢ Required with variance
City of Faribault
City Council Joint Committee
Tuesday, March 30, 2004
6:00 pm
City Hall

AGENDA

1. Meeting with the Chamber of Commerce Board of Directors - PMR

2. Update on Wal-Mart Development 7 PM—Chambers

3. Liquor fines

4. Truck parking ordinance

5. Survey ordinance

6. 4th Street sidewalk issue

7. LEC Remodeling project

Please contact the City Administrator’s Office if you need special accommodations while attending this meeting.
CITY OF FARIBAULT
ORDINANCE 2004-10
AMENDING UNIFIED DEVELOPMENT ORDINANCE
CHAPTERS 2 AND 4 REGARDING CERTIFICATES OF SURVEY

WHEREAS, the Unified Development Ordinance became effective on January 1, 2000; and

WHEREAS, there are no provisions requiring a certificate of survey in conjunction with site plan review, building permit applications or setback variance applications; and

WHEREAS, staff has in the past had difficulty in getting quality site plans that accurately depict existing and proposed improvements to property, and their dimensions and locations on the site; and

WHEREAS, there have been instances where assumed property lines have caused non-conformities after the fact; and

WHEREAS, requiring a certificate of survey will provide accurate delineations of property line, setbacks, easements and existing and proposed site improvements, to use in making decisions; and

WHEREAS, the Planning Commission on the 16th day of March, 2004, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the proposed amendment be adopted; and

WHEREAS, the City Council, on the 23rd day of March, 2004, following proper notice, held a public hearing to consider the proposed amendment and all interested persons were provided with an opportunity to comment.

THE CITY OF FARIBAULT ORDAINS:

Section 1: The Unified Development Ordinance, Chapters 2 and 4, are hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND ENFORCEMENT

ARTICLE 9. VARIANCES

2-420. Purpose of variances. Variances are intended to provide a means of departure from the literal requirements of this ordinance where strict adherence would cause undue hardship due to special conditions or circumstances unique to a site. It is not the intent of this section to allow a variance for a use that is not permitted within a particular zoning district.
2-430. Application for variance. Any person having a legal or equitable interest in a property may file an application for one or more variances. An application for a variance shall be filed with the City Planner on an approved form as specified in Section 2-90, and shall be accompanied by a site plan and any other information deemed necessary by the City Planner to facilitate review. All applications for a variance from required setbacks or building separation requirements must be accompanied by a current Certificate of Survey subject to the requirements of Section 2-570.

ARTICLE 11. OTHER DEVELOPMENT APPROVALS AND PERMITS

2-570. Building permit. (A) Building permits are required in accordance with the adopted building code. No building permit shall be issued unless the proposed construction or use is in conformance with the requirements of this ordinance and all necessary zoning approvals have been granted. Except as otherwise provided in this subdivision, all applications for building permits for the construction of a new building shall include a current Certificate of Survey subject to the requirements of Section 2-570 (B).

For the purposes of this ordinance, a new building shall be defined as any new building, that is subject to a building permit, and that is constructed in a location that did not previously have a building on it. Alterations in the location or exterior dimensions of existing buildings shall not require a Certificate of Survey except as provided in Section 2-430 and Section 2-570 (D).

(B) A Certificate of Survey shall be signed and dated by a land surveyor registered with the State of Minnesota, and shall include the following minimum information:

1. Location of property corners;
2. Location of lot lines and of offset stakes set on lot lines along the front and rear of building extensions;
3. The location and dimensions of all existing and proposed structures;
4. Location of all adjacent streets, alleys and public ways;
5. Location of all easements of record;
6. Location of required setbacks;
7. Location and dimensions of driveways;
8. Distance from buildings to lot lines;
9. Existing elevations of buildings, lot corners, and top of curbs;
10. Proposed structure/s and floor elevations for top of foundation block, garage floor and lowest level floor;
11. Legal description;
12. Arrows showing direction of drainage;
13. North directional arrow;
14. Measurement scale;
15. Bench mark and location of bench mark, and
16. Such other information as may be required by City Staff to determine the effect of construction on drainage, easements and lot lines, adjacent structures, wells and septic systems, existing utilities, and compliance with City ordinances, codes, and regulations.

(C) The Building Official may, at his or her discretion, waive any and all requirements of this subdivision where the Building Official, City Engineer and City Planner can determine the effect of construction on drainage, easements and lot lines, and compliance with city ordinances, codes and regulations, through other reasonable means. Any such waiver and its justification shall be documented either on the building permit or in a separate document attached to the building permit.
Ordinance 2004-10

(D) The Building Official or City Planner may, at his or her discretion, require a Certificate of Survey for alterations in the location or exterior dimensions of existing buildings if lot boundaries or setbacks cannot be determined by other reasonable means.

CHAPTER 4. SITE PLAN REVIEW

ARTICLE 1. GENERAL PROVISIONS

4-30. Site plan requirements. (A) In general. Except in those instances specified in Section 4-20, site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use. When a site plan is required in support of a request for conditional use permit or variance approval, such plan shall also be subject to the requirements established within this chapter.

(B) Required information. All site plans shall be drawn to scale based on a current Certificate of Survey, subject to the requirements of Section 2-570, and shall contain the following information, unless otherwise specifically waived by the City Planner:

1. A vicinity map, which shall include the location of any railroads, major streams or rivers, and public streets in the vicinity of the site.
2. The boundaries and dimensions shown graphically, along with a written legal description of the property.
3. The present and proposed topography of the site and adjacent areas within fifty (50) feet by contour lines at an interval of not more than five (5) feet, and by use of directional arrows, the proposed flow of storm water runoff from the site.
4. The location of existing and proposed structures, with height and gross floor area appropriately noted.
5. The location and dimensions of existing and proposed curb cuts, aisles, off-street parking and loading spaces, and walkways.
6. The location, height, and material for screening walls and fences.
7. The type of surfacing and base course proposed for all parking areas, loading areas, and walkways.
8. The location of all existing and proposed water lines, hydrants, sanitary sewer lines and storm drainage systems.
9. Existing and proposed public streets or rights-of-way, easements, or other reservations of land on the site.
10. The location and method of screening of outdoor trash storage areas.
11. The location and size of all proposed signage.
12. The location and height of proposed lighting facilities.
13. Elevation views of all proposed buildings or structures, with building materials and proposed colors noted.
14. When a site is to be developed in stages, the plan should indicate the ultimate development of the site and proposed developmental phases.
Section 2: Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading: March 23, 2004

Second Reading:

City of Faribault

______________________________
Charles Ackman, Mayor

Attest: ________________________
Timothy Madigan, City Administrator
1. **Call to Order/Roll Call**
   Mayor Chuck Ackman called the meeting to order at 7:00pm. Council members present included Albers, Duchene, King, Miller, Mayor Ackman. Members absent included Minnick, Rice. Staff present included City Administrator Tim Madigan, City Planner Kim Johnson, City Engineer Tom Drake, Building Inspector Al Ernst, Chief of Police Mike Lewis, Officer Richard Larson, and Department Secretary Beth LaCanne.

   a. **Waive rule six and add item 3H, 3l, 3J, and 6D.**
      Motion by Council member Duchene, seconded by Council member Miller, carried unanimously, to waive rule six of the Council, and add items 3H, 3l, 3J, and 6D.

2. **Approve minutes of March 9, 2004 Regular Council Meeting**
   Motion by Council member Miller, seconded by Albers, carried unanimously, to approve the minutes from the March 9, 2004 City Council meeting as presented.

3. **Routine Business**
   Council member King had a question on item 3J. Training request.
   Motion by Council member King, seconded by Council member Miller, carried unanimously, to approve items 3A through 3J.
   A. Approve the list of bills
   B. Resolution 2004-049 Authorize Gambling Premises Permit Renewal - Knights of Columbus (4/7)
   C. Resolution 2004-050 Accept Bid for 2004 Miscellaneous Concrete/Catch Basin Work (4/7)
   D. Resolution 2004-051 Accept Bid for 2004 Water Valve & Hydrant Replacement (4/7)
   E. Approval of the BMX agreement
   F. Approve Exclusive Gambling Permits for Faribault Eagles Auxiliary #1460
   G. Resolution 2004-056 Receive Petition For Annexation, Initiate Proceedings–Schmidt Property
   H. Acknowledge Gambling Exemption Permit from Faribault Festivals, Inc. for gambling at Faribault Area Chamber of Commerce on June 21, 2004
   I. Resolution 2004-058 Authorize Landscape Partnership agreement with MnDOT (4/7)
   J. Approve Training Request

4. **Public Hearings**
   A. **Resolution 2004-054 Approve Subdivision Variance for Lot 1, Block 1, Northgate Addition (4/7)**
      Kim Johnson, City Planner, presented Resolution 2004-054, approving a subdivision variance for Lot 1, Block 1, Northgate Addition. Paul Gray, applicant, is requesting the variance to allow for the 3.9 acre lot to be subdivided into two commercial lots that do not meet the minimum lot width requirements of the R-2 zoning district. The property is
located in the northeast corner of Cardinal Lane, and is zoned C-2, Highway Commercial. The subdivision will allow for development on the southern most parcel.

Comments from the public included:
Paul Gray, developer – excited about the project, good for the city’s tax base, this will be an upscale development.

Council member King questioned if the traffic flow pattern was acceptable to city staff. Johnson stated staff had no issues with the traffic flow pattern. Council member Albers stated he had a conflict of interest with this item and would be abstaining from voting.

Motion by Council member Miller, seconded by Council member Duchene, carried 4-0-1 (Abstained-Albers), to approve Resolution 2004-054 Approve Subdivision Variance for Lot 1, Block 1, Northgate Addition.

B. Resolution 2004-055 Annexation of Property in Wells Township – Smisek (4/7)
Kim Johnson presented Resolution 2004-055, approving the annexation of property in Wells Township. The City received a petition for annexation from Eric and Julie Smisek, owners of a parcel, which is located west of Bagley Avenue (Western Ave), adjacent to city limits. This property is part of the orderly annexation agreement, and eligible for annexation after 1993.

Council member King asked about the long-term plan for this property. Johnson stated it is identified as R-1 zoning for this area.

No one from the public wished to be heard on this item.

Motion by Council member Duchene, seconded by Albers, carried unanimously, to approve Resolution 2004-055 Annexation of property in Wells Township – Smisek.

C. Ordinance 2004-11 Rezone Real Property Upon Annexation – Smisek, first reading (4/7)
Kim Johnson presented Ordinance 2004-11 for first reading, rezoning real property upon annexation. The property is located west of Bagley Avenue (Western Avenue), adjacent to the city limits of Faribault. The property meets the minimum lot requirements for R-1 zoning. The owners, Julie and Eric Smisek, plan to construct a single-family home on the property, and did not request a specific zoning designation.

The Planning Commission was concerned about limiting the use of the property, as well as providing consistent zoning with surrounding zoning districts within city limits, and therefore is recommending the property be zoned R-1A, One and Two Family Residential District. Staff reviewed the size and width of other properties in this area, which are currently outside of city limits and are recommended for annexation in the near future. All of these properties meet the R-1A minimum lot requirements, except for one lot. The owner of this lot has indicated his intent to combine this lot into an adjacent lot.

No one from the public wished to be heard on this item.

Motion by Council member Duchene, seconded by Council member Miller, carried unanimously, to approve Ordinance 2004-11 Rezoning Real Property Upon Annexation –
Smisek, on first reading, and to set the second reading for April 13, 2004. Roll call vote: Aye-Albers, Duchene, King, Miller, Mayor Ackman. No-None.

D. Ordinance 2004-09 Amend Unified Development Ordinance, Chapter 10, Regarding Permanent Foundations on Residential Dwellings, first reading (4/7)

Kim Johnson presented Ordinance 2004-09 for first reading, amending Chapter 10, Appendix B of the Unified Development ordinance regarding permanent perimeter foundation requirements in residential zoning districts. The purpose of the proposed amendment is to establish a zoning provision to require a permanent exterior perimeter foundation on all principal residential uses in R-1, R-1A, R-2, R-3, and R-4 zoning districts. The amendment would require that the foundation meet all requirements of the International Building Code or the International Residential Code, whichever is applicable. The provision does not allow ‘post and beam’ or ‘pier construction’ above grade as an exterior perimeter foundation. The provision allows an exception for attached accessory structures such as deck, three-four season porches, landings, bay windows, and the like.

Council member King asked if skirting would be allowed. Al Ernste, Building Official, stated that vinyl skirting would be allowed, but put over a permanent foundation that would be true and straight. Mayor Ackman asked if a slab on grade with frost footings would be considered permanent. Ernste stated that this would be considered a permanent foundation. Council member King asked if a home could be placed on a cement slab. Ernste stated a home could not be set onto a cement slab (monolithic slab). Council member King asked if a home could be made to sit on pylons. Ernste stated that a home that is made to sit on pylons could be built basement-ready to sit on a permanent foundation and anchored correctly.

Mayor Ackman asked why this Code amendment is needed. Council member Albers stated that there are times when home styles do not fit into the neighborhood. They may not be aesthetically pleasing to the neighborhood, or they are not appropriate for a certain area. It is the desire of the Council that manufactured housing uses the same foundation types as standard construction housing when they are located in single-family residential zoning districts.

No one from the public wished to be heard on this item.

Motion by Council member Albers, seconded by Council member Miller, carried unanimously, to approve Ordinance 2004-09 Amend Unified Development Ordinance, Chapter 10, Regarding Permanent Foundations on Residential Dwelling, on first reading, and to set the second reading for April 13, 2004. Roll call vote: Aye-Albers, Duchene, King, Miller, Mayor Ackman. No-None.

E. Ordinance 2004-10 Amend Unified Development Ordinance, Chapters 2 and 4, Regarding Certificates of Survey, first reading (4/7)

Kim Johnson presented for first reading Ordinance 2004-10, amending Chapters 2 and 4 of the Unified Development Code, regarding Certificates of Survey. The purpose of the amendments is to add provisions for requiring a certificate of survey in conjunction with setback variance applications and site plan review for new construction. Currently,
there are no provisions in the city code to allow staff to require a certificate of survey, although there are limited provisions in the building code. There are provisions that allow staff to ask for additional information deemed necessary to facilitate review of site plans and setback variances, however, this does not apply to one and two-family residential uses.

Past problems that have occurred for staff include not being able to locate property corner marker pins, corner marker pins have been moved from their official location, difficulty getting site plans that have been accurately drawn or drawn to scale, and not knowing where easements are located.

Mayor Ackman asked for clarification on the current process for requesting a Certificate of Survey. Johnson stated this amendment would require a Certificate of Survey, unless staff feels it is unnecessary and waives it. Council member King asked if a survey would be required on setbacks. Johnson stated it would include setback requests, unless staff feels the certificate of survey is not needed.

Comments from the public included:
Jack Cruikshank, local builder, President of So Central Business Assoc—not in favor of amendment due to additional cost which could be up to $2500 and additional time, which could take four weeks, added cost makes it more difficult to purchase a home.
Al Ernste, Building Official—Certificate of Survey will add to cost, but house has to be staked out and pins set, survey would also be used by Planning/Zoning, Engineering, Rice County, usually information on drainage is not provided if survey is not done.
Travis McCoolly, 1914 4th Street NW—what does a Certificate of Survey cost, if contractor makes a mistake, who is responsible. Johnson responded that it depends on the survey data, in a newly platted area, information is more readily available, a survey could cost anywhere from $400 up to $2500.

Council member Albers stated he feels this amendment is not needed because the Building Inspector can request it if he feels it is needed. Council member Duchene agreed. Council member King also stated she is not in favor of this amendment. Council member Albers stated he feels the current requirements of being able to request a survey if needed is a better approach, than requiring a survey from everyone and waiving that requirement if a survey is not needed. Mayor Ackman agreed and asked why the amendment is being presented. Administrator Madigan stated the ordinance would provide for a survey only for variance requests or new buildings. This amendment makes the requirement more user friendly than the current building code requirements. Madigan stated this amendment would also answer drainage questions for staff and is good for the property owner and surrounding neighbors when questions arise.

Mayor Ackman and Council member Albers suggested sending this item to Committee for further discussion.

Motion by Council member Albers, seconded by Council member Duchene, carried unanimously, to table Ordinance 2004-10 Amend Unified Development Ordinance, Chapters 2 and 4, Regarding Certificates of Survey on first reading.
F. Ordinance 2004-08 Amend Code Related to Alcoholic Beverages, first reading

Tim Madigan, City Administrator, presented Ordinance 2004-08 for first reading, amending Chapter 4 of the City Code related to alcoholic beverages. These amendments include a total revision of the Chapter 4 of the City Code regulations on alcohol and liquor licensing. This chapter has not been updated for some time, and most of the changes are housekeeping changes and updates to match State Statute concerning liquor licenses.

Some of the more significant changes include changing the license period to coincide with the calendar year, and making the license fee payable in full at the time of the application.

The amendment also proposed to provide for a strict closing time, and not allow the current ½ hour grace period to get the customers out of the establishment. Staff reported that after researching this issue, we did find some of the surrounding cities that do allow a 30-minute closing time grace period.

Council member King asked for clarification on what wording has changed. Madigan stated that the entire chapter has been revised. Council member Albers stated that making the licensing period the calendar year would make it easier for the licensees. He asked what the City is going to do with the 2:00 am closing time. He asked if the City could require them to stop serving liquor at 1:45am. Madigan stated that many places do follow that practice, but that he will check with City Attorney Scott Riggs for his opinion.

Council member King asked if the license application should be revised. Madigan stated the application was revised approximately two years ago, but that city staff could take another look at it.

Comment from the public included:
Jim Jasinski, manager of Grampa Al’s – thinks the extra ½ hour is a good idea, need it to get people out the door. Council member Miller, Duchene and Mayor Ackman stated they like the idea of giving establishments the ½ hour grace period to get people out the door.

Mayor Ackman stated he is in favor of on-sale establishments having the option of paying their license fee in two installments. Council member King stated she favors having on-sale licensees pay their fee in its entirety at the time of application.

Council member King stated her concern over the penalties established in the ordinance.

Motion by Council member Albers, seconded by Council member Duchene, carried unanimously, to approve Ordinance 2004-08 Amend Code Related to Alcoholic Beverages on first reading, and to set the second reading for April 13, 2004. Roll call vote: Aye-Albers, Duchene, King, Miller, Mayor Ackman. No-None.

G. Resolution 2004-052 Order Improvements, Approve Plans/Specifications and Advertise for Bids-2004 MSA Overlays and Sidewalks (Old 4th Street NW, Division St, 14th St NE, and Shumway Ave) (6/7)

Tim Murray presented Resolution 2004-052, ordering improvements, approving plans
and specifications and advertising for bids for the 2004 MSA overlays and sidewalks for Old 4th Street NW, Division Street, 14th Street NE, and Shumway Avenue. The proposed improvements include a bituminous soverlay, concrete pavement repairs, new sidewalk installation, minor curb and sidewalk replacement, minor storm sewer construction, minor sanitary sewer and watermain extensions, casting adjustments, and related work.

Council member King questioned the sidewalk plan along Western Avenue/Old 4th Street and asked about the assessments. King asked which street Crown Cork Seal is assessed for. Murray stated they are assessed for both streets, but do receive a credit. The final assessments will be approved at the May 11th meeting.

Comments from the public included:
Travis McColley, 1914 4th Street NW –this road has less traffic but the residents pay more, would like to see a light or traffic signal divert traffic to 60, away from this intersection.

Mayor Ackman asked why sidewalk is on the north side of Old 4th Street. Murray stated the sidewalk was originally planned for both sides of the street, but the slope in front of the cemetery made it difficult to install sidewalk, property owners need to maintain it, so it makes sense to have it on the north. Upon a question from Council member Albers, Murray stated there is a future proposal to continue sidewalk along the east side of Western Avenue, north to Highway 60. Mayor Ackman stated he would like to see the sidewalk along the south side also, and is not in favor of the island proposed at the intersection of 4th St and Division. He stated he would like time to look at this issue further with the City Engineer.

Motion by Council member Albers, seconded by Council member Duchene, carried unanimously, to table Resolution 2004-052, and to refer it back to Committee for further discussion on the sidewalk location and the construction of the traffic island at 4th Street NW and Division Street.

5. Requests to be Heard
   A. Citizen Comment Period - None

6. Items for Discussion
   A. Ordinance 2004-06 Vacate Drainage and Utility Easement in Lots 2 and 3, Block 1, Northern Industrial Park 2nd Addition, Second Reading (5/7)

   Ordinance 2004-06 was presented for second reading. No changes had been made to this ordinance since the first reading.

   Motion by Council member Albers, seconded by Council member Miller, carried unanimously, to approve Ordinance 2004-06 Vacate Drainage and Utility Easement in Lots 2 and 3, Block 1, Northern Industrial Park 2nd Addition, on second reading, and to approve the summary publication of it. Roll call vote: Aye-Albers, Duchene, King, Miller, Mayor Ackman. No-None.

B. Resolution 2004-053 Establishing Fines for Liquor License Violations (4/7)
Tim Madigan presented Resolution 2004-053, establishing fines for liquor license violations. In February, the Police Department conducted compliance checks for the sale of alcohol to minors for both on and off sale license holders in Faribault. The department used underage buyers who used their own identification. No effort was made to conceal the identity or the age of the buyers.

Twenty liquor license holders were involved in the compliance checks. Nine license holders sold alcohol to underage buyers. To provide appropriate discipline for the license holders involved, staff is suggesting the City Council adopt the attached resolution levying a fine of $500 to each license holder involved in selling to underage buyers. The license holder could appeal this decision to the City Council. The City Council would have the option of hearing the appeal, or referring it to an administrative law judge.

Employees involved in the selling of alcohol to minors would be charged by the City Attorney, and would most likely receive a fine of $100, if it were their first violation.

In addition, it is recommended that the City Council authorize the preparation of a City Code amendment, which would provide for a progressive disciplinary process for liquor license violations similar to that established for tobacco license violations.

Council member Albers stated he is in favor of tabling this resolution, stating he feels it is important for the entire Council to be present for this discussion. Mayor Ackman stated he is not in favor of tabling this item, and is in favor of passing it. Council member King expressed concern that the fine for the liquor license holders needs to be more severe than a fine for the first offense.

Motion by Council member Albers, seconded by Council member Duchene, carried 4-1 (No-Ackman), to table Resolution 2004-053 Establishing Fines for Liquor License Violations.

C. Resolution 2004-057 Concerning Rice County Zoning (4/7)

Tim Madigan presented Resolution 2004-057, concerning the Rice County Zoning ordinance. Rice County is considering the adoption of a new land use zoning ordinance, which would allow for commercial and industrial development along Interstate 35, at the County Road #1 interchange, south of Dundas. It would also allow for commercial development along the southwest interchange of Highway 60 and I35, outside of Faribault’s city limits.

The City Council has expressed concern to the Rice County Board of Commissioners during the development of their comprehensive plan in 2001 about allowing urban development and growth to take place in unincorporated townships, which do not have the infrastructure services in place to support this type of development. It has been the position of the City that this type of development should take place in an incorporated city with the infrastructure to support his type of development.

To provide input to the Rice County Commissioners concerning the adoption of a new zoning ordinance, it is recommended that the City Council adopt the attached policy statement resolution objecting to urban zoning districts in unincorporated townships.
Council member King asked if this would make a difference. She stated this resolution reinforces how we feel about development. Mayor Ackman expressed his concern regarding this issue.

Motion by Council member King, seconded by Council member Duchene, carried unanimously, to approve Resolution 2004-057 Concerning Rice County Zoning.

D. Appointment of City Facilities Task Force Members

Mayor Ackman discussed establishing a task force to review the existing concept plans for City facilities related to the Public Works and Public Safety departments. He is recommending the following individuals to serve on the City Facilities Task Force: Mayor Ackman, Council members Albers and King, Civil Service Commission members Tom Stanley and Glenn Holman, Darlene Meillier from the banking community, and John Jasinski from the real estate community. Each of these individuals has agreed to serve.

It is expected that the Task Force will begin meeting in late April and complete their work in September.

Motion by Council member Duchene, seconded by Council member Miller, carried unanimously, to approve the appointment of the individuals listed above as recommended by Mayor Ackman.

7. Bids

None

8. Adjournment

Motion by Council member Albers, seconded by Council member Miller, carried unanimously, to adjourn at 9:20 pm.

Dated at Faribault, Minnesota, this 23rd day of March, 2004.

Respectfully submitted,

Beth LaCanne, Department Secretary
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<td>2004-01</td>
<td>Rezone Real Property (Hometown Credit Union)</td>
<td>01/27/04</td>
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<td>2004-02</td>
<td>Rezone Real Property – Prairie Ridge 6th Addition</td>
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<td>2004-03</td>
<td>Amending Code regarding Fireworks</td>
<td>07/13/04</td>
<td>07/27/04</td>
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<td>2004-04</td>
<td>Approve Manufactured Home Inspection Amendment</td>
<td>01/27/04</td>
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<td>Amending Parking Regulations (Tabled on 3-9 and 4-27)</td>
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<td>Vacating a Drainage and Utility Easement In Lots 2 and 3, Block 1, Northern Industrial Park 2nd Addition</td>
<td>01/27/04</td>
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<td>2004-08</td>
<td>Amend Code related to Alcoholic Beverages</td>
<td>03/23/04</td>
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<td>2004-09</td>
<td>Amend UDO, Chapter 10, Regarding permanent foundations on Residential Dwellings</td>
<td>03/23/04</td>
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<td>Amend UDO, Chapters 2 and 4, Regarding Certificates of Survey -tabled (deferred indefinitely on 4/13/04)</td>
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<td>Vacating a drainage and utility easement In Lot 1, Block 1, Northern Industrial Park 3rd Addition</td>
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<td>Rezoning of Real Property Upon Annexation (Schmidt)</td>
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<td>Amending Unified Development Ordinance Chapters 7, 8, 11, and 12, regarding Ambulance Facilities</td>
<td>05/25/04</td>
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<td>Vacating drainage and utility easements in Lot 1, Block 4, Birn-Hill First Addition (Smuda)</td>
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<td>Vacating a portion of Acorn Trail Right of Way (Woodhaven Addition)</td>
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<td>Amending Chapter 17 of the Faribault City Code Regarding Repeat Nuisance Calls</td>
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<td>2004-18</td>
<td>Amend Code to Authorize Charges for Emergency Services and Collection of Unpaid Service Charges/Fees for Areas Serviced by or within the city by Special Assessments</td>
<td>07/24/04</td>
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<td>Amending UDO Chapters 1 and 9, regarding electronic message boards, freestanding signs and other clarifications</td>
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<td>Amend Chapter 28, Utility Regulations, of the City Code</td>
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<td>Establish Utility Fee Schedule for 2005 and 2006</td>
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<td>Approve Parkland Village Planned Unit Development</td>
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<td>2004-29</td>
<td>Approve amendment to City Code, UDO chapter 14 regarding planned unit development open space requirements</td>
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<td>2004-31</td>
<td>Rezoning of Real Property – The Meadows 2nd Addition</td>
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<td>2004-32</td>
<td>Amending Unified Development Ordinance Chapter 11 regarding maximum floor area in a C-2, highway commercial district</td>
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Council Committee Memorandum

TO: Joint Council Committee
FROM: Tim Murray, City Administrator
MEETING DATE: May 19, 2020
SUBJECT: Outside Food & Beverage Service Requirements

Discussion:
As a means to both provide additional space for social distancing, as well as an alternative experience, some requests have been for the City to consider allowing bars/restaurants to install outdoor seating areas (when they are allowed to re-open, presumably on June 1) in the public right-of-way. The ability to allow and accommodate this is impacted by a number of factors, including licensing, insurance, liability, and physical space.

On-Sale liquor establishments are governed under Chapter 4 of Faribault City Code of Ordinances as well as Chapter 340 of Minnesota State Statutes. State Statute 340A.101 defines a licensed premise as follows:

340A.101 DEFINITIONS
Subd. 15. Licensed premises.
"Licensed premises" is the premises described in the approved license application, subject to the provisions of section 340A.410, subdivision 7. In the case of a restaurant, club, or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated.

State Statute 340A.410 states that a license is limited to space specified:

340A.410 LICENSE RESTRICTIONS; GENERAL.
Subd. 7. License limited to space specified.
A licensing authority may issue a retail alcoholic beverage license only for a space that is compact and contiguous. A retail alcoholic beverage license is only effective for the licensed premises specified in the approved license application.

Some cities allow for restaurants to serve on the sidewalks as long as the space is clearly defined as well as compact and contiguous to the licensed establishment. This area will need to be covered by the required insurance as well as defined on the license application. Another option that could be considered instead of or in addition to the abutting sidewalk would be to
allow for private parking spaces that are compact and contiguous to the licensed property to be used as a patio or an extension of a current patio space. Again, all areas must be listed on the license application as well as covered by the proper insurance.

Attached are photos of a couple of locations on Central Avenue. Given the relatively narrow width of the sidewalks, as well as the requirements to maintain a minimum Pedestrian Access Route (PAR), putting sidewalk seating adjacent to the building would be a fairly small area (+/- 3 feet in width).

Some additional photos are also attached for discussion. The first shows a location (in Red Wing) where there is a much wider sidewalk. The next series are from Hopkins, whereby they have created a number of sidewalk seating areas by routing the sidewalk (and the PAR) out into the parking stall areas on the street. This solves the issue of being contiguous to the premises as required by the statute. The final photo shows an aerial view of a number of sidewalk/patio extensions installed along a street into the parking stalls in Banff, Alberta, Canada.

If the Council is supportive of allowing this type of usage, staff will develop draft policies and options for consideration, and evaluate some of the factors that will influence the feasibility of such areas.

Attachments:
- Central Avenue Photos
- Example Sidewalk Seating Areas
Banff, Alberta, Canada
Council Committee Memorandum

TO: Joint Council Committee
FROM: Tim Murray, City Administrator
MEETING DATE: May 19, 2020
SUBJECT: Park & Rec Summer Programs

Discussion:
Under the recent Emergency Executive Order (EEO) 20-56 issued by Governor Walz on April 13, 2020, the closure of bars, restaurants, and other places of public accommodation was extended until May 31, 2020 at 11:59pm. This means that the Library and Community Center will continue to be closed to the public. Also included in EEO 20-56 were continued restrictions that impact the majority of the Parks & Recreation Departments programs and activities. Per section 6.c of the order:

Examples of prohibited gatherings include, but are not limited to, social, civic, community, faith-based, or leisure events, sporting or athletic events, performances, concerts, conventions, fundraisers, parades, fairs, and festivals that bring together more than 10 people from more than one household.

As noted, these restrictions currently run through May 31—given the uncertainty of what may or may not be changed in a future order that would continue, rescind, or modify these restrictions, we are not planning to run any of the summer programs on their typical schedules. However, given that a future order could further loosen the restrictions currently imposed, I have asked the Parks and Recreation Director to put together a “Late Start” option for the various programs and activities. A copy of those options is attached for review.

We would like the Council to provide feedback on the proposed program options and schedule to let staff know whether they should be poised to start making the necessary preparations. Ultimately, the ability to schedule and conduct the programs will be contingent on additional lifting of restrictions by the Governor. We would anticipate that actions related to this would be done in the final week of May.

Attachments:
- Emergency Executive Order 20-56
- Parks & Recreation Summer Programs – Late Start Option
Safely Reopening Minnesota’s Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic continues to present an unprecedented and rapidly evolving challenge to our State. Since the World Health Organization (“WHO”) characterized the COVID-19 outbreak as a pandemic on March 11, 2020, confirmed cases of COVID-19 in Minnesota have rapidly increased. On March 15, 2020, Minnesota detected the first confirmed cases caused by “community spread”—infections not epidemiologically linked to overseas travel. By March 17, 2020, all fifty states had reported a confirmed case of COVID-19, and on March 21, 2020, the Minnesota Department of Health (“MDH”) announced the first confirmed fatality due to COVID-19 in Minnesota.

Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. After notifying the Legislature, on April 13, 2020 and again on May 13, 2020, I issued Executive Orders extending the peacetime emergency declared in Executive Order 20-01.

The need to slow the spread of the virus required the closure of certain non-critical businesses in our economy. Consistent with national trends, over 650,000 Minnesotans have applied for unemployment insurance since March 16, 2020. In Executive Order 20-33, seeking to balance public health needs and economic considerations, I directed the Commissioners of Health, Employment and Economic Development, and Labor and Industry to begin planning to allow more Minnesota workers to return to work when it is safe to do so. I explained that such a plan must include guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. Executive Order 20-38 expanded exemptions related to outdoor recreational activities and facilities. Executive Orders 20-40 and 20-48 allowed for certain non-critical businesses to reopen after they had planned for and provided a safe work environment.
In light of our increased preparedness to treat those most vulnerable to COVID-19 and mitigate these ongoing economic impacts, this Executive Order continues our plan to safely reopen our economy by allowing even more non-critical businesses to reopen, provided that they follow guidance from MDH, the Department of Employment and Economic Development (“DEED”), and the Department of Labor and Industry (“DLI”). In particular, such businesses must ensure compliance with the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 (“Minnesota OSHA Standards”), in addition to guidelines related to COVID-19 set forth by MDH and the Centers for Disease Control and Prevention (“MDH and CDC Guidelines”).

Despite the progress we have made since declaring the COVID-19 peacetime emergency, certain establishments—including those in which people gather and linger, those with communal facilities, and those in which close physical contact is expected—continue to pose a public health risk. We must continue to carefully consider and prepare for the reopening of such businesses.

Likewise, certain non-work activities outside of the home are conducive to social distancing and hygiene, while others raise significant public health risks. Large social and other gatherings of people for extended time periods raise the risk of COVID-19 transmission from household to household. The risks of such transmission are diminished in transitory settings, such as retail establishments, where individual interactions and contact are more limited in duration.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers “in order to (1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state.” Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state’s emergency management as well as carry out the provisions of Minnesota’s Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in “matters pertaining to the emergency management of the state and nation.” This includes “the direction or control of . . . the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and . . . public meetings or gatherings.” Pursuant to subdivision 3 of that same section, the Governor may “make, amend, and rescind the necessary orders and rules to carry out the provisions” of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

For these reasons, I order as follows:

1. Executive Order 20-48 is rescinded as of Sunday, May 17, 2020 at 11:59 pm.

2. Paragraphs 6 through 8 of this Executive Order are effective as of Sunday, May 17, 2020 at 11:59 pm and remain in effect through Sunday, May 31, 2020 at 11:59 pm.

3. **Masks and face coverings strongly encouraged.** I strongly encourage all Minnesotans to wear a manufactured or homemade cloth face covering when they
leave their homes and travel to any public setting where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by MDH and the CDC until this Executive Order is rescinded. Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others). They are not yet known to be protective of the wearer and therefore are not personal protective equipment.

4. **At-risk persons.** All persons currently living within the State of Minnesota who are at risk of severe illness from COVID-19, as defined by Executive Order 20-55, are strongly urged to stay at home or in their place of residence and follow the provisions of Executive Order 20-55.

5. **Definitions.**

   a. “Home” and “homes” and “residence” and “residences” are broadly defined to include mobile homes, hotels, motels, shared rental units, shelters, and similar facilities, to the extent they are used for lodging.

   b. “Worker” and “workers” are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.

   c. “Business” and “businesses” are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.

   d. “Critical Businesses” are all businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48.

   e. “Non-Critical Businesses” are all businesses that are not Critical Businesses and are not closed under Executive Orders 20-04, as amended by Executive Orders 20-08 and 20-18.

6. **Activities outside of the home.** Mindful that we must continue to limit social interactions to protect public health, individuals may leave their homes for activities, subject to the requirements and guidelines set forth below. These requirements may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications will be available for public review at the State’s COVID-19 website (https://mn.gov/covid19/).

   a. **Guidelines.** Individuals engaging in activities outside of the home must follow the requirements of this Executive Order and MDH and CDC Guidelines. Individuals engaging in outdoor activities must follow the Minnesota Department of Natural Resources (“DNR”) and MDH guidelines on outdoor recreation and guidelines for facilities and the public (“Outdoor Recreation Guidelines”) available at DNR’s website (https://www.dnr.state.mn.us/covid-19.html).
b. **Unnecessary travel strongly discouraged.** Consistent with federal guidance and to protect our neighbors, Minnesotans are encouraged to stay close to home and are strongly discouraged from engaging in unnecessary travel.

c. **Gatherings.** All gatherings of more than 10 people are prohibited. Gatherings are groups of individuals, who are not members of the same household, congregated together for a common or coordinated social, civic, community, faith-based, leisure, or recreational purpose—even if social distancing can be maintained. This prohibition includes planned and spontaneous gatherings, public and private gatherings, and indoor and outdoor gatherings. Examples of prohibited gatherings include, but are not limited to, social, civic, community, faith-based, or leisure events, sporting or athletic events, performances, concerts, conventions, fundraisers, parades, fairs, and festivals that bring together more than 10 people from more than one household. Prohibited gatherings do not include commercial activity by workers and customers of Critical and Non-Critical Businesses.

i. **Legislative and other governmental meetings.** The limits on gatherings in this Executive Order do not apply to legislative and other governmental meetings. Remote meetings are strongly encouraged whenever possible.

ii. **The Judicial Branch.** The limits on gatherings in this Executive Order do not apply to proceedings held by the Minnesota Judicial Branch. Proceedings held by the Judicial Branch are subject to the policies established by the chief justice and will occur as directed by court order. Individuals may appear as directed by a Minnesota state court, including to serve as a juror, appear as a party, as a witness, or as legal counsel on behalf of a party, or otherwise to comply as directed by a court order, subpoena, or summons.

iii. **Federal activities.** Nothing in this Executive Order will be construed to limit, prohibit, or restrict in any way the operations of the federal government or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial, legislative, and executive staff and personnel.

iv. **Drive-in gatherings.** To enable safe congregation of more than 10 people, drive-in gatherings are permitted, provided that all participants remain within their own vehicles and follow guidelines provided by MDH and available at MDH’s website (https://www.health.state.mn.us/diseases/coronavirus/).
d. **Tribal Activities and Lands.**

i. Activities by tribal members within the boundaries of their tribal reservations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.

ii. Activities within the boundaries of federal land held in trust for one of the 11 Minnesota Tribal Nations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.

iii. Activities by tribal members to exercise their federal treaty rights within the boundaries of their treaty territory (also known as “ceded territory”) are exempt from the restrictions in this Executive Order but may be subject to restrictions by applicable tribal authorities.

iv. Tribal members may travel to and from their tribal reservations in accordance with applicable tribal law.

7. **Workers and businesses.** Workers and businesses are subject to the requirements set forth below.

   a. **Extension of temporary closure of bars, restaurants, and other places of public accommodation.** The closure of bars, restaurants, and other public accommodations set forth in Executive Order 20-04, as amended by Executive Orders 20-08 and 20-18, is extended until May 31, 2020 at 11:59 pm. Barbershops and salons may continue to conduct retail product sales in accordance with the requirements for Non-Critical Businesses set forth below.

   b. **Plan to reopen bars, restaurants, and other places of public accommodation.** The Commissioners of Health, Employment and Economic Development, and Labor and Industry are directed to develop a phased plan to achieve the limited and safe reopening of bars, restaurants, and other places of public accommodation beginning on June 1, 2020. This plan will be ready for presentation to the public no later than May 20, 2020.

   c. **Continue to work from home whenever possible.** Any worker who can work from home must do so.

   d. **Critical Businesses.** Businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48 may continue to operate in the same manner as provided in Executive Order 20-48.

      i. **Child care businesses and youth programming.** Child care providers and other businesses providing care and programming to children and youth of Critical Businesses, including workers in child care centers, family child care, certified centers, youth summer programming (including day camps but not overnight camps), and
other activities and facilities, are Critical Businesses. These businesses are encouraged to prioritize enrollment for workers in Critical Businesses according to guidance provided by the Children’s Cabinet and other agencies. This category continues to include workers in a personal home, such as family, friend, and neighbor care necessary for workers to continue to perform their duties. These settings must adhere to MDH and CDC Guidelines.

e. Non-Critical Businesses. If it has not done so already, a Non-Critical Business choosing to open or remain open must establish and implement a COVID-19 Preparedness Plan (“Plan”). Each Plan must provide for the business’s implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces. These requirements are set forth in guidance published by DEED and DLI (“Plan Guidance”) available on DEED’s website (https://mn.gov/deed/safework/).

i. Required Plan content. As set forth in the Plan Guidance, at a minimum, each Plan must adequately address the following areas:

A. Require work from home whenever possible. All Plans must ensure that all workers who can work from home continue to do so.

B. Ensure that sick workers stay home. All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.

C. Social distancing. All Plans must establish social distancing policies and procedures.

D. Worker hygiene and source control. All Plans must establish hygiene and source control policies for workers.

E. Cleaning, disinfection, and ventilation protocols. All Plans must establish cleaning, disinfection, and ventilation protocols for areas within the workplace.

ii. Customer facing businesses. All Non-Critical Businesses that are customer facing (i.e., businesses that have in-person customer interactions) must include additional Plan provisions to keep the public and workers safe as set forth in the Plan Guidance available on DEED’s website (https://mn.gov/deed/safework/). This includes requirements that workers and customers must maintain physical distancing of 6 feet and that store occupancy must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal. In customer facing businesses that share common areas, such as malls, all Plans must similarly include a facility occupancy that
must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards and MDH and CDC Guidelines for those common areas. All Plans must also include signage in common areas to discourage gathering.

iii. **Household services businesses.** All Non-Critical Businesses that provide household services (e.g., housecleaning, maid services, and piano tuners) must also develop Plan provisions intended to keep customers and workers safe as set forth in the Plan Guidance available on DEED’s website (https://mn.gov/deed/safework/).

iv. **Optional template.** A template COVID-19 Preparedness Plan, which covers the above requirements, is available as part of the Plan Guidance, available on DEED’s website (https://mn.gov/deed/safework/).

v. **Certification and signature.** Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.

vi. **Dissemination and posting.** Each Non-Critical Business must provide its Plan, in writing, to all workers, and the Plan must be posted at all of the business’s workplaces in locations that will allow for the Plan to be readily reviewed by all workers. Where physical posting is impracticable, the Plan can be posted electronically, provided that the Plan is received by all workers and remains available for their review.

vii. **Training.** Each Non-Critical Business must ensure that training is provided to workers on the contents of its Plan and required procedures, so that all workers understand and are able to perform the precautions necessary to protect themselves and their co-workers. This training should be easy to understand and available in the appropriate language and literacy level for all workers. Businesses should also take steps to supervise workers and ensure that workers understand and adhere to necessary precautions to prevent COVID-19 transmission. Documentation demonstrating compliance with this training requirement must be maintained and made available to regulatory authorities and public safety officers, including DLI, upon request.

viii. **Compliance.** Employees and management must work together to ensure compliance with the Plan, implement all protocols, policies, and procedures, and create a safe and healthy work environment.

ix. **Availability to regulatory authorities and public safety officers.** Non-Critical Businesses do not need to submit their Plans for
preapproval. Upon request, Non-Critical Businesses must make their Plans available to regulatory authorities and public safety officers, including DLI.

x. In the event of a complaint or dispute related to a Non-Critical Business’s Plan, DLI is authorized to determine whether the Plan adequately implements Minnesota OSHA Standards and MDH and CDC Guidelines in its workplaces.

f. Executive Order 20-54 remains in full force and effect. All work must be conducted in a manner that adheres to Minnesota OSHA Standards and MDH and CDC Guidelines, including social distancing and hygiene practices. Under existing law and authority, DLI may issue citations, civil penalties, or closure orders to places of employment with unsafe or unhealthy conditions, and DLI may penalize businesses that retaliate against employees who raise safety and health concerns.

8. Outdoor recreational activities and associated facilities. Notwithstanding Executive Orders 20-04, 20-08, and 20-18, the below facilities are permitted to be open and do business, provided that they adhere to paragraph 6 of this Executive Order and the Outdoor Recreation Guidelines available at DNR’s website (https://www.dnr.state.mn.us/covid-19.html). This permission does not extend to charter boats, launches, or facilities that involve prohibited gatherings or people in groups or close proximity (e.g., mini golf, pools, commercial outdoor racetracks, and concert venues). Indoor facilities associated with outdoor recreational facilities covered by Executive Orders 20-04, 20-08, and 20-18, must comply with those Executive Orders, and all indoor facilities associated with outdoor recreational facilities must also conform with the provisions of paragraph 7 of this Executive Order. I encourage public outdoor recreational facilities be open for families and children, and direct all individuals utilizing such facilities to follow the Outdoor Recreation Guidelines. All outdoor recreational activities and facilities must comply with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules.


b. Locally, regionally, and privately managed parks and trails.

c. State, regional, or local public water accesses.

d. Public and private marinas and docks that provide storage, docking, and mooring services to slip owners, seasonal renters, and the general public, as well as facilities that provide safety-related services including fueling, emergency dockage, and sanitary pump-out stations.
e. Public and private golf courses and outdoor driving ranges.

f. Ski areas.

g. Off-highway vehicles, snowmobiles, and watercraft repair shops, sales facilities, and showrooms.

h. Lake service providers to install, repair, and remove docks, boatlifts, and other water related equipment or deliver boats.

i. Bait and tackle shops.

j. Outdoor shooting ranges and game farms.

k. Outdoor recreational equipment rental outlets. Equipment may be rented but only if the equipment can be effectively sanitized between uses. Such outlets must implement clear check-in and check-out procedures that minimize contact between customers and workers. Any rentals must be conducted in accordance with the Outdoor Recreation Guidelines.

l. Dispersed and remote camping sites for single household use. A dispersed campsite is a single campsite, not in a developed campground, used for overnight camping. A remote campsite is a designated backpack or watercraft campsite, not in a developed campground, used for overnight camping. Both private and public developed campgrounds remain closed to recreational camping.

m. Outdoor tournaments, competitions, practices, and sports that allow for social distance, do not require group gatherings prohibited by paragraph 6.c, and that adhere to the Outdoor Recreation Guidelines.

n. Small one-on-one or one-on-two person guided and instructional activities such as guided fishing, birding, or outdoor fitness training. Guided and instructional activities must be conducted in accordance with the Outdoor Recreation Guidelines.

o. Any other outdoor recreation activities and facilities that may be designated in the Outdoor Recreation Guidelines.

9. Minnesotans must respect the efforts of employers or businesses to protect the safety of their workers and customers by complying with those businesses’ social distancing and hygiene instructions. Employers must post social distancing and hygiene instructions at entrances and in locations that can be easily seen by customers and visitors.

10. I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by
a fine not to exceed $1,000 or by imprisonment for not more than 90 days. Any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed $3,000 or by imprisonment for not more than a year. In addition to those criminal penalties, the Attorney General, as well as city and county attorneys, may seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for violations of this Executive Order, including civil penalties up to $25,000 per occurrence from businesses and injunctive relief. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.


Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on May 13, 2020:

Alice Roberts-Davis
Secretary, Executive Council
Parks & Recreation Summer Programs – Late Start Option

The Governor’s Emergency Executive Order 20-56 continues to prevent recreational facilities from being opened and most, if not all, programs being operated at this time (this order runs through 11:59pm May 31, 2020). It is nearly impossible to predict what conditions and restrictions may be part of the next extension and/or other order impacting these types of activities, but we feel there is at least the possibility that some additional loosening of the restrictions will occur, which may allow at least some of the summer programs to be held.

The following information anticipates that Recreation Programs would be able to commence on Monday, **July 6**, with certain steps needed to be taken and procedures implemented:

### AQUATICS PROGRAMS

**Faribault Family Aquatic Center**
- Deadline for notice to open would be June 15
- Coordinator would need to return to work by June 15 (notice by June 1)
  - Swimming pool cleaned up, filled and chemicals circulated.
  - Need to contact/hire staff - approx. 40 staff (temp. seasonal) needed
    - in-service training and certification updates would be needed
  - Estimated attendance would be about 50% off for July and August (13,000)
  - Estimated Revenues = $80,000
  - Estimated Expenses = $130,000
  - Season Passes good for 2 years (2020-2021) to encourage purchases
- If the FFAC does not open, I would recommend advancing the pool “Diamond Bright” coating project in the C.I.P. from 2021 to 2020 ($350,000 – Fund 437)

**Community Center Pool**
- Deadline for notice to open would be June 21. The pool is filled and circulating, so with 2 weeks’ notice we can open back up at any time
- Bring back staff – approx. 30
  - Water Exercise – social distancing is possible; limit numbers
  - Swim Lessons – run child/parent and family lessons so instructors have no direct contact. Both classes would have parents in the pool with their children.
  - Lap Swim – social distancing at all times; limit numbers
- Revenues and expenses expected to return to pre-shutdown numbers
**Movies in the Park** – use 2 staff from CC pool
- Notified by June 22 to schedule movies
- Can be held pretty much anywhere
- Movies would need to be scheduled with the Swank Motion Pictures company

**ADULT RECREATION PROGRAMS**
- Coordinator would need to return to work by June 22 to hire staff and purchase supplies.

**Adult Softball** – 12 Umpires & 1 Umpire-in-Chief
- Program (league) would run for 10 weeks in July, August, and part of September
- Cancel the fall softball program
- Revenue loss would be $6000 and expenses decreased by $4000

**Youth Baseball** – 8 staff
- Program would run for 4 weeks – July–August
- Program estimate would be 75% of normal. About 90 youth participating
  - No games—run clinics and hold an “all-star” game
- Estimated revenue $2700 – expenses $2700

**Tae Kwon Do** (taught by private instructor)
- Resume with no contact

**Tennis & Golf Lessons**
- Cancel for the summer

**Community Center, Washington, & Armory** – 15 staff
- These facilities can open any time, if allowed under Governor’s orders, with 2 weeks’ notice
- Resume fitness room and group exercise programs
- Resume gym activities – pickle ball and open gym

**YOUTH RECREATION PROGRAMS**
- Coordinator would need to return to work by June 22 to hire staff and purchase supplies.

**Safety Camp** – July 27–29 - 6 staff
- 3-day camp (down from 4-day) in N. Alex.
- Maximum of 50 youth (down from 75)
- Revenue $1500 – expenses $2500 – sponsorships $1000
**Summer Ball Program** (at Jefferson School) – 10 staff
- Program would run 4 weeks
- Estimate about 75% participation – 50 youth

**Spirit Team** (at CC gym—private instructors)
- July 21 – August 6
- About 20 participants
- Revenue $600 – expenses $480

**Fun Center** – (at Jefferson School) 7 staff
- 2 – 2-week sessions
- Maximum of 50 participants (down from 75 + drop-ins)
- Program remains outside and closes if bad weather
- Revenue $3000 – expenses $4000

**Pet Parade** – August 6
- 30 staff (from other activities)
- No prizes to participants (business donations)

**Track and Field** – cancelled for summer
**Sports Sampler** – cancelled for summer
**Preschool Camps** (at Washington Rec Center) – cancelled for summer

**FITNESS/EXERCISE CLASSES**
- Instructor would need to return by June 28 to start programs back up
- Group Exercise at Washington Rec Center
  - Can restart with 2-weeks’ notice
- Yoga, Pilates, Tai Chi can restart with 2-weeks’ notice (at Buckham West)

**CONCERTS IN THE PARK**
- June 15 notification to bands to complete summer program
- June concerts would be cancelled – by May 26
- Expenses $6500 – Grant (if received) $6000 – sponsorships $1000

As soon as we know the summer programs would be scheduled to proceed, the Administrative Assistant and Communications Director would reopen the registration program and aggressively promote the available programs.

The two PT Receptionists would return to work on Monday, June 29 to assist with all the last-minute registrations and answer questions.

The PT Custodian would return on Monday, July 6 for building maintenance