

City Council/Manager

Jan 8, 2019 – 6:30 pm
Council Conference Room
Golden Valley City Hall
7800 Golden Valley Road

REGULAR MEETING AGENDA

	<u>Pages</u>
1. Joint Emergency Management Training	2
2. Massage License and Regulation Discussion	3-13
3. Review of October 29 th Waste Hauling Forum	14-19
4. South Douglas Drive Redevelopment District	20-23
5. Council Review of Future Draft Agendas: Housing and Redevelopment Authority January 15, City Council January 15, City Council February 5 and Council/Manager February 12, 2019	24-27

Council/Manager meetings have an informal, discussion-style format and are designed for the Council to obtain background information, consider policy alternatives, and provide general directions to staff. No formal actions are taken at these meetings. The public is invited to attend Council/Manager meetings and listen to the discussion; public participation is allowed by invitation of the City Council.



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.





MEMORANDUM

Fire Department

763-593-8079 / 763-593-8098 (fax)

Executive Summary

Golden Valley Council/Manager Meeting

January 8, 2019

Agenda Item

1. Joint Emergency Management Training

Prepared By

John Crelly, Fire Chief

Summary

Joe Kelly, Director of Homeland Security & Emergency Management at the Minnesota Department of Public Safety will be in attendance. Director Kelly will provide joint emergency management training with the City Council and the M-Team.



MEMORANDUM

City Attorney

763-593-8096

Executive Summary

Golden Valley Council/Manager Meeting

January 8, 2019

Agenda Item

2. Massage Licensing and Regulation Discussion

Prepared By

Maria Cisneros, City Attorney

Kris Luedke, City Clerk

Summary

The City's massage licensing and regulation ordinance has not been updated in several decades. (City Code § 16-230 *et. seq.*) Staff recommends updating this section of the code because (1) it contains outdated language and overlaps with other sections of the code; (2) the organization of the ordinance and application requirements are confusing; and (3) there are legitimate uses for massage that the Council may wish to exempt from licensing requirements, such as services provided in nursing homes or to in-home hospice care patients.

Staff reviewed similar ordinances in several metro cities to inform the recommended changes and recommends enacting a new massage licensing and regulation ordinance that:

- Clarifies the application requirements and procedures to reduce the number of questions received from current and potential license holders.
- Does not contain references to rap parlors, conversation parlors, adult encounter groups or adult sensitivity groups.
- Updates massage therapist training and certification requirements to align with current industry standards.
- More clearly differentiates between enterprise license requirements and individual permit requirements.
- Updates the exemptions to include legitimate medical uses for massage that are not allowed under the current code, for example, in-home massage for hospice patients and massage provided to residents of nursing homes where the service is prescribed by a licensed medical professional.

- Updates the exemptions to include students of an accredited massage therapy program who are performing services in the course of a clinical component of an accredited program of study.
- Updates the exemptions to include certified athletic trainers.
- Updates the exemptions to include chair massage provided in a place of business.
- Modifies the appeal process for the revocation, suspension or non-renewal of a license so that it is governed by the administrative appeal process in section 2-2 of the City Code.

Staff recommends keeping many of the more general requirements of the current ordinance (although in an updated order and format), including the following:

- Character and fitness requirements for individual permit holders and owners of enterprise license holders.
- Property maintenance and cleanliness requirements.
- Prohibitions on certain kinds of contact and dress.
- Limiting the number of enterprise licenses issued to six.

Attachments

- Current City Code sections 16-230 through 16-245 (9 pages)

**ARTICLE VIII. - MASSAGE PARLORS, SAUNAS,
AND OTHER ADULT-ORIENTED SERVICES**

Sec. 16-230. - Findings and Statement of Policy.

- (a) The Council deems it necessary to provide for the special and express regulation of businesses or commercial enterprises which operate as massage parlors, saunas, rap parlors, conversation parlors, adult sensitivity groups, adult encounter groups, escort services, dancing services, hostess services and similar adult-oriented services operating under different names in order to protect the public health, safety and welfare and to guard against the inception and transmission of disease. The Council further finds that commercial enterprises such as the type described above, and all other similar establishments whose services include sessions offered to adults, conducted in private by members of the same or the opposite sex, and employing personnel with no specialized training, are susceptible to operation in a manner contravening, subverting or endangering the morals of the community by being the site of acts of prostitution, illicit sex and occasions of violent crimes, thus requiring close inspection, licensing and regulation.
- (b) The Council also finds that control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the Police Department and other departments of the City. As a consequence, the concentrated use of City services in such control detracts from and reduces the level of service available to the rest of the community and thereby diminishes the ability of the City to promote the general health, welfare, morals and safety of the community. In consideration for the necessity on the part of the City to provide numerous services to all segments of the community, without a concentration of public services in one area working to the detriment of the members of the general public, it is hereby decided that the number of licenses issued pursuant to this article for massage parlors, saunas, rap parlors, conversation parlors, adult encounter groups, adult sensitivity groups, escort services, model services, dancing services, hostess services or for similar adult-oriented services which may be in force at any one time be no more than a total of six such licenses.

(Code 1988, § 6.36(1); Ord. No. 203, 2nd Series, 6-23-1999)

Sec. 16-231. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate: A certificate issued by the City authorizing the holder to practice or administer a massage.

Escort Service or Model Service or Dancing Service or Hostess Service: Any person advertising, offering, selling, trading or bartering the services of itself, its employees or agents as hostesses, models, dancers, escorts, dates or companions whether or not goods or services are simultaneously advertised, offered, sold, traded or bartered and regardless of whether said goods or services are also required to be licensed.

Massage: The rubbing, stroking, kneading, tapping or rolling of the body of another with hands or objects for the exclusive purpose of physical fitness, relaxation, beautification and for no other purpose. The term "massage" does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry and persons duly licensed in this State to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, nurses who work solely

under the direction of any such persons, beauty culturists and barbers who do not give, or hold themselves out to give, massage treatments, as defined herein, other than is customarily given in such shops or places of business, for the purpose of beautification only. Provided, however, that the persons practicing such excluded activities hold valid licenses from the State.

Massage Parlor: Any establishment or place providing to the public at large massage services, other than a hospital, sanitarium, rest home, nursing home, boarding home, or other institution for the hospitalization or care of human beings.

Massage Services: A business offering or providing massages to others where a fee is charged and whether or not the massage services are rendered at the licensed location.

Massage Therapist: Person who practices or administers a massage.

Rap Parlor or Conversation Parlor or Adult Encounter Group or Adult Sensitivity Group: Any person or entity advertising, offering, selling, trading or bartering the services of itself, its employees or agents as non-professional counselors, teachers or therapists who may talk to, discuss or have conversation with patrons or who deal in any way with patron's physical senses whether or not other goods or services are simultaneously advertised, offered, sold, traded or bartered and regardless of whether said goods or services are also required to be licensed.

Sauna: Any public facility used for the purpose of bathing, reducing or relaxing, utilizing steam as a cleaning, reducing or relaxing agent.

Similar Adult-Oriented Services: Is meant to include all other services which fall within the definitions of "escort service," "massage parlor," "massage services," "rap parlor" and "sauna" but are operated under different names.

(Code 1988, § 6.36(2))

Sec. 16-232. - License Required.

- (a) *Persons.* It is unlawful for any person to operate a massage parlor or massage establishment, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, model service, escort service, dancing service, hostess service or any other adult-oriented services either exclusively or in connection with any other business enterprise, or hold himself/herself out as being a massage therapist or engaged in or offering his/her services as a model, hostess, dancer, escort or counselor in a rap parlor, conversation parlor, adult sensitivity or adult encounter group without a license from the City.
- (b) *Establishments.* It is unlawful for any person or entity to hold out any establishment as providing services as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group or model service, escort service, dancing service, hostess service or similar adult-oriented service without a license from the City. Whenever any establishment ceases to be licensed as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group or model service, escort service, dancing service, hostess or other adult oriented services, whether through the suspension, cancellation, revocation or expiration, its owners shall immediately remove from public view any sign or display which identifies the establishment as being a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group or as offering a model service, escort service, dancing service, hostess service or other adult-oriented service.

(Code 1988, § 6.36(3))

Sec. 16-233. - Certificate Required.

It is unlawful for any person to engage in or hold himself/herself out as being engaged in the practice of massage nor shall any person administer or practice massage commercially or for hire, or for the exchange of any valuable consideration without a certificate therefor from the City.

(Code 1988, § 6.36(4))

Sec. 16-234. - Exceptions.

This article does not apply to the following individual persons and establishments:

- (1) Bona fide legal, medical, psychiatric, psychological, family or marriage counseling services licensed by the State.
- (2) Bona fide financial counseling services or bona fide educational institutions completely complying with State and local regulations or the regulation of any licensing authorities nor does it apply to bona fide churches, synagogues or institutions or organized religions or to seminars, panel discussions or group classes sponsored by bona fide religious institutions or educational institutions.
- (3) Bona fide health/sports establishments which meet the following criteria:
 - a. The primary purpose of the establishment is health and fitness; massage service is subsidiary
 - b. No more than 10 percent of the establishment revenue is derived from massage
 - c. The financial records of the establishment are at all times available to the City for inspection; and
 - d. The establishment has an ongoing membership which list is available to City officials for inspection at any time.

Massage therapists employed by such establishments are not required to be certified under this article.

(Code 1988, § 6.36(5))

Sec. 16-235. - Contents of Application for License.

- (a) Application for a license shall be made only on the forms provided by the City Manager or his/her designee. A complete copy of the application must be submitted to the City Clerk's office containing the address and legal description of the property to be used, the name, address and telephone number of two persons who shall be residents of the County who may be called upon to attest to the applicant's, manager's or operator's character; whether the applicant, manager or operator has ever been convicted of a crime or offense and, if so, complete and accurate information as to the crime, place and nature of such crime or offense, including the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, furnishing, or acquiring the premises, personal effects, equipment or anything incidental to the establishment maintenance and operation of a massage

parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service, hostess service or similar adult-oriented service.

- (b) If the application is made on behalf of a joint business venture, partnership or any legally constituted business association other than a corporation, it shall submit, along with its application, accurate and complete business records showing the names and addresses of all partners, officers, directors, managers and owners and, in the case of a corporation, the names and addresses of all officers, managers and members of the board of directors.
- (c) If the application is made on behalf of a joint business venture, partnership, legally constituted business association or corporation, the applicant shall also submit the names and addresses of any and all creditors who have extended credit for the acquisition, maintenance, operation or furnishing of the establishment.
- (d) All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or in the furnishings thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage, credit arrangement, loan agreements, security agreements and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise offering services as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, model service, escort service, dancing service, hostess service or similar adult-oriented service.
- (e) Insurance in the amount of \$1,000,000.00 in professional liability and general liability shall be in force and effect as a condition of maintaining a valid licensed premises.
- (f) All applicants shall state any other licenses for which they have applied within the last 10 years and any denial, suspension or revocation of a license along with an explanation of any such denial, suspension or revocation.

(Code 1988, § 6.36(6); Ord. No. 203, 2nd Series, 6-23-1999)

Sec. 16-236. - Contents of the Application for Certificate.

Application shall be made only on forms provided by the City Manager or his/her designee. The application shall include the following information together with any information which the City Manager or his/her designee may require:

- (1) Applicants must possess a certificate from a licensed school of massage, certifying their successful completion of a course of study of not less than 400 hours of training in massage therapy.
- (2) Evidence of applicant's practical qualifications to practice massage.
- (3) Evidence that the applicant is of good moral character.
- (4) The names and addresses of two persons, residents of the County, who can attest to the applicant's character.
- (5) Whether the applicant has ever been convicted of a crime or offense and, if so, information as to the time, place and nature of such crime or offense.
- (6) Evidence that the applicant is at least 18 years of age.

(Code 1988, § 6.36(7); Ord. No. 203, 2nd Series, 6-24-1999)

Sec. 16-237. - Licensing Conditions.

- (a) Licenses shall be issued only if the applicant or all of its owners, managers, employees, agents or interested parties are persons of good moral character and repute.
- (b) Licenses shall be issued only if the applicant and all of its owners, managers, agents, employees or interested parties are free of convictions for offenses which involve moral turpitude or which relate directly to such person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the licensed activity.
- (c) Licenses shall be issued only to applicants who have not, within three years prior to the date of application, had a license of this type revoked or suspended in or by any community or political entity and whose owners, managers, or any interested parties have not been similarly revoked or suspended.
- (d) Licenses shall be issued only to applicants who have answered fully and truthfully all of the information requested in the application, who have paid the full license fee and fee for investigation and have cooperated fully and truthfully with the City in the review of the application.
- (e) Licenses may only be granted when the premises involved are in complete conformity with Chapter 113, pertaining to zoning.
- (f) Licenses shall be granted only to establishments which meet the safety, sanitary and building code requirements of the City.
- (g) A license shall not be granted if granting the license:
 - (1) Would be inconsistent with the comprehensive development of the City; or
 - (2) Would otherwise have a detrimental effect upon other property or properties in the vicinity.

(Code 1988, § 6.36(8); Ord. No. 203, 2nd Series, 6-24-1999)

Sec. 16-238. - Certification Conditions.

- (a) Certificates shall be issued only to persons of good moral character and repute and persons who are in good health and free from any communicable disease.
- (b) Certificates shall be issued only to persons free of convictions of offenses which involve moral turpitude or which relate directly to the person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the occupation.
- (c) Certificates shall not be issued to persons who, within one year prior to the date of application, have been denied certification licensing or who has had his/her certificate or license revoked or suspended by any community, political entity or by the State.
- (d) Certificates shall be issued only to persons who have fully and truthfully answered all of the information requested in the application and have paid the full certification fee and certification investigation fee.
- (e) Certificates shall be issued only to persons 18 years of age or older.

(Code 1988, § 6.36(9))

Sec. 16-239. - Granting or Denial of Licenses and Certificates.

- (a) License applications and certificate applications shall be issued by the Police Department upon review by the Inspections Department, Planning Department, and such other departments as the City Manager shall deem necessary. The review of license applications shall include an inspection of the premises covered by the application to determine whether the premises conform to all applicable code requirements.
- (b) A license permitting the conduct of an establishment offering services as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service, hostess service or similar adult-oriented service is non-transferable and non-renewable, and application must be made each year for a license permitting and allowing the conduct of such business for the succeeding year.
- (c) A certificate permitting the holder thereof to practice or administer massage commercially is non-renewable and non-transferable and application must be made each year at least 60 days before the expiration of the existing certificate for a certificate permitting and allowing the holder thereof to administer or practice massage for the succeeding year.

(Code 1988, § 6.36(10); Ord. No. 203, 2nd Series, 6-24-1999)

Sec. 16-240. - Restrictions and Regulations.

- (a) The licensee and any persons in the employ of such licensee or agents or officers thereof and any and all persons with an interest in said business shall comply with all applicable provisions of the City Code, the State, and the United States.
- (b) If the licensee is a partnership or corporation, the applicant shall designate a person to be manager and in responsible charge of the business and employees. Such person shall remain responsible for the conduct of the business and employees until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the Police Department in writing of any such change, indicating the name, address and telephone number of the new manager and the effective date of such change.
- (c) Every licensee shall allow an examination and inspection of every part of the premises by the Police Department, inspections or health authority of the City during normal business hours. Refusal to allow such inspection or to answer the request of the Police Department, inspections, or health authority to be admitted to a licensed premises shall be grounds for suspension or revocation of all licenses and certificates issued under this article.
- (d) The licensed premises shall not be open for business nor shall patrons be permitted on the premises between the hours of 11:00 p.m. and 7:00 a.m. on any day.
- (e) Upon demand of any police officer, any person employed in any licensed premises shall provide identification by giving such person's true legal name, date of birth, and current address.
- (f) No person under 18 years of age shall be employed in an establishment requiring a license under the provisions of this article.
- (g) The licensee shall furnish the Police Department with a list of current employees, indicating their names and addresses and designating the duties of the employees within the licensed premises. The licensee shall promptly notify the Police Department of any additions or deletions in the list of employees or changes in their job descriptions or duties.
- (h) The licensed premises must be kept and maintained in a sanitary condition defined as being free from the vegetative cells of pathogenic microorganisms and all equipment, personal property,

tables, beds, towels, clothing and the like used in or for the licensed premises shall also be maintained in a sanitary condition as defined herein.

- (i) No licensee shall employ any person as a massage therapist without first ensuring that said employee possesses a valid certificate for the administration or practice of massage.
- (j) Except as otherwise provided in this article, any person acting as a massage therapist shall have such person's certificate displayed in a prominent place at such person's place of employment and upon demand by any police officer or other authorized officer or agent of the City, any person engaged in practicing massage shall provide identification by giving such person's true legal name, date of birth, correct address and phone number.
- (k) Except as otherwise provided in this article, any person practicing massage within the City shall initially advise the City of such person's current address and telephone number and shall further advise the City of any changes in address or telephone number within 30 days of such change.
- (l) Any massage therapist practicing massage shall remain fully clothed in a non-transparent uniform or clothing at all times. The therapist must require that the person who is receiving the massage will at all times have that person's breasts, buttocks, anus and genitals covered with non-transparent material or clothing.

(Code 1988, § 6.36(11); Ord. No. 203, 2nd Series, 6-24-1999)

Sec. 16-241. - Construction and Maintenance Requirements.

- (a) The premises shall have private restrooms and changing facilities available for patrons. The changing room need not be separate from the massage room.
- (b) All massage rooms, locker rooms, restrooms and bathrooms used in connection therewith shall be maintained in a sanitary condition. All equipment, personal property, beds, towels, clothing and the like used in the massage parlor shall be of a sanitary design and kept in a sanitary condition.
- (c) All restrooms shall be provided with mechanical ventilation meeting the ventilation requirements of the Building Code, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.
- (d) All rooms in the licensed premises including, but not limited to, massage rooms, sauna rooms, restrooms, bathrooms, rap rooms, conversation rooms, modeling rooms, dancing rooms, janitor's closets, hallways and reception areas shall be illuminated with not less than five foot candles of illumination.
- (e) Each licensed premises shall have a janitor's closet which shall provide for the storage of cleaning supplies.
- (f) Floors, walls and equipment in massage rooms, sauna rooms, restrooms, bathrooms, rap rooms, conversation rooms, modeling rooms and dancing rooms must be kept in a state of good repair and sanitary at all times. Linen and other materials shall be stored at least 12 inches off the floor. Clean towels, washcloths and linens must be available for each customer utilizing the sauna or shower facilities.
- (g) Such establishments shall provide adequate refuse receptacles which shall be emptied as required.

(Code 1988, § 6.36(12); Ord. No. 203, 2nd Series, 6-24-1999)

Sec. 16-242. - Revocation, Suspension or Non-Renewal of License.

The license may be revoked, suspended or not renewed by the Council upon recommendation of the City Manager or his/her designee by showing that the licensee, its owners, managers, employees, agents or any other interested parties have engaged in any of the following conduct:

- (1) Fraud, deception or misrepresentation in connection with the securing of the license.
- (2) Habitual drunkenness or intemperance in the use of drugs including, but not limited to, the use of drugs defined in Minn. Stats. ch. 152, barbiturates, hallucinogenic drugs, amphetamines, Benzedrine, Dexedrine or other sedatives, depressants, stimulants or tranquilizers.
- (3) Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers, or employees in engaging in conduct involving moral turpitude.
- (4) Failure to fully comply with any requirements of the City Code regarding sanitary and safety conditions, zoning requirements, building code requirements; or failure to fully comply with the City Code, the violation of which involves moral turpitude, or failure to comply fully with any requirements of this article.
- (5) Conviction of an offense involving moral turpitude by any court of competent jurisdiction.
- (6) Operation of the establishment without a valid license or during periods in which the license has been suspended or revoked.
- (7) Engaging in any conduct which would constitute grounds for refusal to issue a license herein.
- (8) The licensee may appeal such suspension, revocation or non-renewal to the Council. The Council shall consider the appeal at the next regularly scheduled Council meeting on or after 10 days from service of the notice of appeal to the City Manager or his/her designee. At the conclusion of the hearing, the Council may order:
 - a. That the revocation, suspension or non-renewal be affirmed
 - b. That the revocation, suspension or non-renewal be lifted and that the license be returned to the license holder; or
 - c. The Council may base either suspension or issuance of the certificate upon any additional terms, conditions and stipulations which it may, in its sole discretion, impose.

(Code 1988, § 6.36(14))

Sec. 16-243. - Revocation, Suspension or Non-Renewal of Certificate.

Certification may be revoked or suspended by the City Manager or his/her designee or not renewed by the Council for any of the following:

- (1) Fraud, deception or misrepresentation in connection with the securing of the certification.
- (2) Habitual drunkenness or intemperance in the use of drugs including, but not limited to, the use of drugs defined in Minn. Stats. ch. 152, barbiturates, hallucinogenic drugs, amphetamines, Benzedrine, Dexedrine or other sedatives, depressants, stimulants or tranquilizers.
- (3) Conduct, inimical to the interests of the public health, safety, welfare or morals.
- (4) Engaging in conduct involving moral turpitude.
- (5) Failure to fully comply with the requirements of this article.
- (6) Conviction of an offense involving moral turpitude.

- (7) The certificate holder may appeal such suspension, revocation or non-renewal to the Council. The Council shall consider the appeal at the next regularly scheduled Council meeting on or after 10 days from service of the notice of appeal to the City Manager or his/her designee. At the conclusion of the hearing, the Council may order:
- a. That the revocation, suspension or non-renewal be affirmed
 - b. That the revocation, suspension or non-renewal be lifted and that the certificate be returned to the certificate holder; or
 - c. The Council may base either suspension or issuance of the certificate upon any additional terms, conditions and stipulations which it may, in its sole discretion, impose.

(Code 1988, § 6.36(15))

Sec. 16-244. – Prohibited Acts.

It is unlawful for any employer to employ a person to practice or administer massage nor permit, suffer or allow a person to practice or administer massage unless that person has been granted a valid certificate pursuant to this article and every employer shall require that the certification be prominently and openly displayed on the premises in plain view.

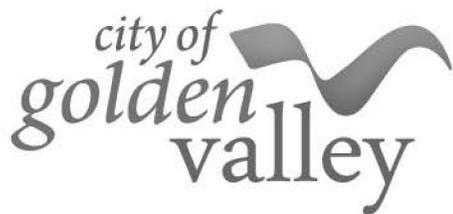
(Code 1988, § 6.36(16))

Sec. 16-245. – Illegal Acts.

It is unlawful for any person to commit or attempt to commit, conspire to commit or aid and abet in the commission of any act constituting a violation of this article or any act, which constitutes an omission and, therefore, a violation of this article, whether individually or in connection with one or more persons or as principal, agent or accessory, and any person who does so shall be guilty of such offense and it is unlawful for any person to falsely, fraudulently, forcibly or willfully induce, cause, coerce, require, permit or direct another to violate any of the provisions of this article.

(Code 1988, § 6.36(17))

Secs. 16-246 – 16-268. - Reserved.



MEMORANDUM
Physical Development Department
763-593-8030 / 763-593-3988 (fax)

Executive Summary
Golden Valley Council/Manager Meeting
January 8, 2019

Agenda Item

3. Review of October 29th Waste Hauling Forum

Prepared By

Marc Nevinski, Physical Development Director

Summary

One of the Council's 2018 goals was to review the process of waste collection in Golden Valley. Staff provided Council some basic information regarding waste hauling in the City and options that the Council might consider. Council then established five goals for waste collection and staff used these to guide discussions with the haulers licensed in Golden Valley. Council then directed staff to engage residents in a discussion regarding waste hauling. A panel discussion was organized in October which included representatives from the waste hauling industry and several cities with different collection methods. Each panelist made brief remarks about their unique perspective on waste hauling and the moderator managed questions and comments from the audience. Approximately 75 residents attended the forum, which was also broadcast and available for viewing.

Attachments

- Forum Agenda/Panelist Biographies (1 page)
- FAQ for Forum (2 pages)

Summary of Comments

Panelists

- Both haulers had a neutral position on Open vs Organized systems
- Golden Valley has a good start; good to have goals and engage stakeholders – important!
- Open system works well to meet customer needs, drive innovation, allow haulers to grow
- Organized system has benefits to streets and environment
- Organized system is likely to increase demands on City staff
- Limiting licenses and number of haulers is a good way to achieve goals
- Haulers have capital costs to recover in an organized system
- Organized system does not guarantee lowest price but does ensure consistent service level and pricing; consumer protection

- Organized systems evolve over time
- Organized systems can be very different from city to city (e.g. billing, staff involvement, services offered, public investments, etc...)
- Consider City values and goals to help guide decisions. No right or wrong. Use data to drive decision.

Resident Questions of Panelists

- What about curbside collection of organics?
 - *Environmental Commission will study in 2019*
- Concerns about safety of trucks. Perception that trucks are not safe.
 - *No data to suggest trucks are not safe.*
- Does organized collection mean more efficiency for a hauler?
 - *Fuels and labor efficiencies but there are capital investments made by haulers to operate in organized communities.*
- Concern that organics collection would be difficult for a small, local scale hauler.
 - *Organics collection is new territory; SLP received proposals from smaller haulers; opportunities to collect MSW semi-weekly.*
- Service is important. Single hauler might not meet service expectations.
- Organized system may negatively impact snowbirds or residents who summer at cabins as they are paying for a service they do not use.
- Impact to haulers of zones (such as St. Anthony Village)
 - *No chance to grow; pricing the same among haulers; Route density is important*
- What happens to waste once collected?
 - *May go to HERC or landfill*
- Are there limitations to yard waste collection?
 - *Generally April to November, but could vary by hauler or city*
- Organized system is a monopoly
 - *2018 Statute – contract must be at least seven years*
- What licensing requirements should a city consider?
 - *Right number to meet community needs; Insurance, equipment, fee, etc...*
- Resident stated they were told by hauler that everyone pays a different rate
 - *St. Anthony asked residents for bills*
- Comment that SLP has a lot of staff managing organized collection system.
 - *2 FTEs; Fund through fees and SCORE funds*
- Comment that there are too many trucks on roads. We all pay taxes for services we don't use.
- Consider a hybrid model – zoning and reduced number of haulers; collect on same day; increase density to lower price
- How can truck designs help achieve goals?
 - *Always new innovations; Investments in CNG (Compressed Natural Gas) trucks and infrastructure; Artificial intelligence*
- Organized system may be best. There are many things we organize that most of us benefit from to manage costs, environmental impacts, etc...
- Seems that prices for collection are going up.
 - *Price is about value; Competition drives prices; Intro rate is just that – haulers fight for customers.*

- St. Paul recently organized and there is concern about impacts on low income residents; another resident shared anecdotal experience that costs are less in St. Paul.

Summary of Emailed or Written Comments

- Pick up Monday - Thursday, not Friday
- Have at least two haulers so there is choice
- Organize to reduce truck traffic, reduce pollution and costs, increase efficiency, eliminate need to shop for hauler, improve safety. Zones would be acceptable.
- Glad to hear organics collection is being studied
- Support for single hauler
- Price is important. Supportive of free enterprise but eight haulers in GV is too many. Organized system would likely provide better pricing, fewer trucks and less road damage.
- Support organized collection to reduce environmental and neighborhood impacts. Use a sound decision making process and take some risk.
- Organized system is better to reduce the number of trucks on the road
- Retain choice for residents. Currently no choice for recycling.

Action Requested

Council discussion is requested.

Waste Hauling Forum
October 29, 2018
6:30 PM – 8:30 PM



AGENDA

1. Welcome and Introductions

Marc Nevinski – Physical Development Director

2. Panelist Presentations

Barbara Raye – Center for Policy, Planning, and Performance
Moderator

Marc Nevinski – City of Golden Valley
Summary of the discussion process and goals for tonight's forum

Chris DeLaForest – DeLaForest Consulting, ACE Solid Waste
What perspectives does a regional/medium sized hauler have on the Council's waste hauling goals?

Brandon Schuler – Republic Services, General Manager
What perspectives does a national scale hauler have on the Council's waste hauling goals?

Mark Casey – St. Anthony Village, Administrator
The City recently implemented an organized waste collection system. What led to this decision? What did it mean for the organization and residents?

Clay Wilfahrt – City of Big Lake, City Administrator
The City recently considered organized collection but opted to remain with an open system. What prompted this consideration? How did the City Council arrive at its conclusion?

Kala Fischer – City of St. Louis Park, Solid Waste Program Coordinator
St. Louis Park has had an organized waste collection system for many years. What is the City's role in waste collection? How do other cities manage an organized collection system different?

3. Question & Answer

Audience members are encouraged to ask questions of the panelists, provide comments, or submit written feedback.

Waste Hauling Forum October 29, 2018



1. What is the purpose of tonight's forum?

The City Council is considering what the future of waste collection in Golden Valley might look like. It is critical to understand residents' perspectives and priorities as the Council considers this topic.

2. Why is the City talking about waste hauling?

One of the City Council's goals for 2018 is to review and discuss waste collection in Golden Valley. The goal was prompted by previous discussion, resident comments, and regulatory and market trends.

3. What goals did the Council identify for waste hauling?

The Council identified five goals for waste hauling:

- Ensure that residents have options for the type and level of waste disposal services they desire.
- Establish waste disposal practices that improve environmental outcomes.
- Establish standards for waste collection that minimize impacts to infrastructure and enhance neighborhood livability (cleaner, safer, quieter, and healthier).
- Avoid significant operational or capital cost increases to the City and residents.
- Increase the City's and community's understanding of the waste disposal process in order to achieve its goals and those of its partner agencies.

4. What has the City done to date to review waste collection?

Since the Council established the above goals, city staff have met with the licensed haulers in Golden Valley to discuss the Council's goals. The haulers provided feedback on the goals and insight into the industry.

5. How many haulers operate in Golden Valley?

There are currently eight licensed residential haulers operating in Golden Valley:

- Waste Management
- Randy's Environmental Services
- Aspen Waste
- Republic Services
- Suburban Waste
- Ace Solid Waste
- Dick's Sanitation
- Curbside Waste

6. What is the current waste collection system in Golden Valley?

Currently recyclable materials (paper, glass, plastics, metal) are collected from residential properties in Golden Valley by Republic Services under a contract with the City. Residents select their own waste (non-recyclable materials) hauler.

7. What option is the City considering for waste collection?

The City is not considering any specific option at this point. Rather, the City is collecting information about waste collection by talking with the haulers, learning from other cities, and reviewing published information. The City is also seeking input from residents about their perspectives and priorities regarding waste collection.

8. Aren't the only two options for waste collection either an open system or an organized system?

No. Waste collection systems operate on a spectrum ranging from Open to Organized. There are any number of variations or models within this spectrum, include enhanced licensing requirements, creating collection zones, and limiting the number of hauler licenses, among others.

9. How does recycling and organics collection fit into this discussion?

The recycling market has changed dramatically in recent years due to the decision by China to no longer import recyclable materials. This decision has greatly reduced the value of recyclable commodities and made recycling more challenging. The City recently extended its contract for residential curbside collection with Republic Services for an additional three years.

Interest in organics collection is increasing. Hennepin County identifies organics collection as a significant opportunity to reduce the amount of waste going to landfills. The County is expected to require curbside organics collection in all cities in starting in 2022. The City's Environmental Commission is expected to study curbside organics collection beginning next year.

10. What are the next steps in this process?

The City is collecting input and comments from residents at tonight's forum and will take further input in writing or on its website. Additionally, the League of Women Voters will provide a report on waste hauling in April 2019. No decision about future steps or direction is expected by the City Council until after April.

11. How can I share my input?

- a. Comment verbally or in writing at tonight's meeting
- b. Submit written comments on the City's website
- c. Contact Councilmembers
- d. Contact staff:

Marc Nevinski, Physical Development Director

mnevinski@GoldenValleyMN.gov

763-593-8008 Direct



MEMORANDUM

Physical Development Department

763-593-8095 / 763-593-8109 (fax)

Executive Summary

Golden Valley Council/Manager Meeting

January 8, 2019

Agenda Item

4. South Douglas Drive Redevelopment District

Prepared By

Marc Nevinski, Physical Development Director
Jason Zimmerman, Planning Manager

Summary

In October of 2017, staff discussed the future of the Douglas Drive Corridor with the City Council at a work session in light of the evolving situation at the south end of the corridor—namely, the new office development proposal from Tennant Company and the departure of Optum from its previous location at 6300 Olson Memorial Highway.

At that time, the Council directed staff to follow the vision of the 2009 Douglas Drive Corridor Study, which recommended guiding the south end of Douglas Drive for office redevelopment in campus-like settings with mixed use nodes further to the north. There was general agreement that the City should be wary of reguinding or rezoning to accommodate additional multi-family buildings beyond those documented in the 2040 Comprehensive Plan, given the recent conversion of many Industrial parcels to Residential use and the potential for further reductions in opportunities to retain or generate new employment.

Accordingly, the Future Land Use Map included in the approved 2040 Comprehensive Plan guides the west side of Douglas Drive (the former Optum site) for Office use and the east side of Douglas Drive (the location of the Lock Up, BNC Bank, and other industrial uses) for employment-centered Mixed Use (with no Residential uses).

Additionally, the Housing and Redevelopment Authority in 2018 amended the Douglas Drive Corridor Redevelopment Project Area to include area A-5 (both sides of Douglas Drive just north of Hwy 55). This area was targeted for commercial and industrial redevelopment with the goal of retaining and adding jobs.

With the pending adoption of the 2040 Comprehensive Plan, staff is now poised to take the next steps in implementation of the City's vision.

Next Steps

Staff has begun to educate and discuss with the Planning Commission the concept of a corridor overlay district which could be used to reinforce a more “urban” feel along the newly reconstructed Douglas Drive by modifying front yard setbacks, adjusting height requirements, and requiring pedestrian connections. An overlay district is a zoning tool that is created on top of (over) base zoning and adds to or limits the existing zoning regulations. A corridor overlay district can be applied to all properties that abut the roadway, or to the first XXX feet of depth of roadway frontage, in order to meet specific goals or development objectives of the City.

A Douglas Drive Corridor overlay district could help support the office campus concept at the south end of the corridor and provide a gateway from Hwy 55.

At its most recent Council Meeting on January 2, the City Council approved updates to the Office zoning district in order to expand the types of uses allowed. Staff recommended these changes, in part, to support future redevelopment of sites which may be better suited to include R & D or tech activities in contrast to traditional business professional offices.

While the future land use—and eventual zoning—of the Optum site targets office development, a handful of other uses have been discussed by developers when meeting with staff:

Residential

Pros – demand for additional residential buildings, especially senior housing, continues to be high for Golden Valley and other western suburbs

Cons – the location is isolated from amenities and other residential or commercial uses; residential uses detract from the employment focus of the area

Commercial

Pros – visible location along a major highway; stated community interest in new restaurants and entertainment options

Cons – stand-alone commercial uses could reinforce suburban automobile patterns; new commercial development would likely compete with efforts to strengthen the Downtown at Winnetka Ave and Hwy 55

In addition, concerns regarding traffic congestion were addressed as part of the Douglas Drive reconstruction, with design adjustments made to accommodate the number of vehicle trips being generated by Optum. Any deviation from an office use will need to be evaluated to ensure traffic continues to flow smoothly on Douglas Drive and Hwy 55.

While efforts to attract an office use to the Optum site have thus far been unsuccessful, at least one potential office/tech company was close to purchasing the property in 2018 and relocating to Golden Valley. Staff continues to believe that the site is well-suited for redevelopment or reuse as a future office campus, given its location and surrounding uses in the area.

Request

Staff is looking for direction from the City Council on moving forward with:

1. the development of a Douglas Drive Corridor overlay district; and
2. if any adjustments to potentially allow Residential and/or Commercial uses on the Optum site is desired.

Attachment

- South Douglas Drive Future Land Use Map (1 page)



2040 Future Land Use Map

- Residential**
- Low Density
- Moderate Density
- Medium Density
- High Density
- Mixed Use**
- Neighborhood
- Community
- Commercial**
- Office
- Retail/Service
- Industrial**
- Light Industrial
- Industrial
- Institutional**
- Assembly
- Civic
- Medical
- Open Space**
- Parks and Natural Areas
- Right-of-Way**
- Railroad
- Right-of-Way (public and private)
- Water**
- Open Water
- Other**
- Mixed Use Site

South Douglas Drive Future Land Use Map



A G E N D A
Regular Meeting of the
Housing and Redevelopment Authority
Golden Valley City Hall
7800 Golden Valley Road
Council Chamber
January 15, 2019
6:30 pm

Pages

1. Roll Call
2. Election of Officers
3. Approval of Agenda
4. Approval of Minutes - Regular Meeting - October 16, 2018
5. Reimbursement of City Expenditures
6. Receipt of December 2018 Financial Reports
7. Adoption of 2019 General Fund Budget 19-
8. Designation of Depositories 19-
9. North Wirth Redevelopment Area
 - A. Consider Fourth Amendment to Private Development Agreement - GVEC Properties, LLC
10. Adjournment



AGENDA
Regular Meeting of the
City Council
Golden Valley City Hall
7800 Golden Valley Road
Council Chamber
January 15, 2019
Immediately following the HRA meeting

PAGES

1. CALL TO ORDER

- A. Pledge of Allegiance
- B. Roll Call
- C. Citizen Award
- D. Presentation: Receive Award for Certificate of Achievement for Excellence in Financial Reporting
- E. Presentation: Thank you to Commissioner Linda Higgins
- F. Presentation: 2018 Year of End Report Discover St. Louis Park

2. ADDITIONS AND CORRECTIONS TO AGENDA

3. CONSENT AGENDA

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
 - 1. City Council Meeting - December 18, 2018
 - 2. City Council Meeting - January 2, 2019
- B. Approval of City Check Register
- C. Licenses:
 - 1. Temporary Liquor License - Chester Bird American Legion
- D. Minutes of Boards and Commissions:
- E. Bids and Quotes:
 - 1. Authorize Purchase 800 MHz Radios
- F. Waiver of Public Hearing for 2018 PMP Driveway Assessments
- G. Award Contract Invasive Species Control, Bassett Creek Nature Area
- H. Final Plat - Hunt Addition (1017 Ravine Trail)
- I. Authorization to Sign Agreement with Sojourner Project Inc. for Domestic Assault Intervention Services

4. PUBLIC HEARINGS

- A. 2019 Pavement Management Program
 - 1. 2019 Pavement Management Program - Improvement Project No. 19-01
 - 2. 2019 Pavement Management Program - Special Assessments

5. OLD BUSINESS

6. NEW BUSINESS

All Ordinances listed under this heading are eligible for public input.

- A. Amendment to Discover St. Louis Park /Golden Valley Master Marketing Agreement
- B. Review of Council Calendar
- C. Mayor and Council Communications

7. ADJOURNMENT



AGENDA
Regular Meeting of the
City Council
Golden Valley City Hall
7800 Golden Valley Road
Council Chamber
February 5, 2019
6:30 pm

1. CALL TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

PAGES

2. ADDITIONS AND CORRECTIONS TO AGENDA

3. CONSENT AGENDA

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
 - 1. City Council Meeting - January 15, 2019
- B. Approval of City Check Register
- C. Licenses:
- D. Minutes of Boards and Commissions:
- E. Bids and Quotes:
- F. Resolutions Supporting and Approving Hennepin County Grant Funding Applications
- G. Award I-394 I&I Lining Project - Phase 2
- H. Authorize Contract Extension for the Restoration and Maintenance of Native Plant Communities

4. PUBLIC HEARINGS

5. OLD BUSINESS

6. NEW BUSINESS

All Ordinances listed under this heading are eligible for public input.

- A. Review of Council Calendar
- B. Mayor and Council Communications

7. ADJOURNMENT



A G E N D A
Council/Manager Meeting
Golden Valley City Hall
7800 Golden Valley Road
Council Conference Room
February 12, 2019
6:30 pm

Pages

1. Chestnut & Cambronne Update
2. Flood Mitigation Policy
3. Review Council Salaries for 2020-2021
4. Dockless Bike and Scooter Ordinance Discussion
5. Council Review of Future Draft Agendas: City Council February 19, March 5 and Council/Manager March 12, 2019

Council/Manager meetings have an informal, discussion-style format and are designed for the Council to obtain background information, consider policy alternatives, and provide general directions to staff. No formal actions are taken at these meetings. The public is invited to attend Council/Manager meetings and listen to the discussion; public participation is allowed by invitation of the City Council.



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.

