

Minutes

PLANNING AND ZONING COMMISSION

September 19, 2022, 7:00 p.m.

There was a meeting of the Waterville Planning and Zoning Commission held in the Council Chambers at 7:00 p.m. on September 19, 2022.

Present: Brad Ferch (Arrived at 7:16 p.m.), Phillip Langerud, Rick Gregor, Dan Guarrero and Chairperson Howard Mack

Absent: None

Also Present: Administrator/Clerk Teresa Hill

Call to Order

Chairperson Howard Mack called the meeting to order at 7:00 p.m.

Approval of Minutes: June 20, 2022

Motion by Gregor, Seconded by Langerud to approve the June 20, 2022 Minutes. Motion Carried 4-0.

Adult Use Ordinance Review

The Commission received a request to review the City of Waterville Adult Use Ordinance to possibly change some of the regulations and licensing of the operation of Massage Therapy. Ordinance 150.22(L) License fees require a license application fee of \$1,000. Ordinance 150.22(M7) states that the premises to be licensed as a sexually-orientate business is currently licensed by the city as a tanning facility, tattoo establishment, pawnshop, Therapeutic massage enterprises or an establishment licensed to sell alcoholic beverages. Sample Ordinances were also provided from Albert Lea, Richfield, Sartell, New Hope, Cambridge and Inver Grove Heights. Administrator Hill suggested that the Commission eliminate all references to Massage Therapy in the Adult Use Ordinance and create its own standards. She also advised the commission that the first step would be the decision on what district is should be allowed and if it should be allowed as a home occupation or do nothing at all with it. Commissioner Guerrero commented that the City of Richfield's was comprehensive and who governs it and do they have to have insurance. Administrator Hill advised that that the ordinance could require it along with hours of operation. Commissioner Guarrero inquired if a they would need to come up with a list of disqualifications if a background check is required? Administrator Hill advised that they would need to formulate a list and sample Ordinances were reviewed. Chairperson Mack commented that he did not want to limit it to just the down town area but also eliminate the ability to do in home services. Discussion was held on compliance enforcement and inspection requirements. It was also suggested that if they are working under a licensed physical therapist, they should be exempt. It was suggested that message therapy could be allowed in the same districts that salons are allowed in B1, B3, B4. Commissioner Langerud commented that instead of a standalone ordinance could it be included in the zoning districts. Administrator Hill advised that if it was included then there would be licensing and could be opened without special permission. The Commission could do that if they choose to. Commissioner Ferch inquired how the County regulates it. Administration would need contact the County to gather the information. Discussion was held on the possibilities of Conditional Use. Chairperson Mack commented that we should set something up but should not be a home base business. Commissioner Guarrero inquired where they are allowed now. Administrator Hill informed the commission that it is allowed in a B4 district with distance restrictions from Schools and churches. Administrator Hill reiterated a comment from Commissioner Langerud for consideration on a stand along ordinance or incorporation into the existing ordinances. Chairperson Mack commented that we should have some governing ordinance on it. Commissioner Guarrero inquired how much bars and salons pays for their license. Administrator Hill advised that it is \$2,100 for their main liquor license and no license fee for salons. Discussion was held

on license and investigative fees. License fees can be determined by the City Council and Council would see the fee so an ordinance revision would not be necessary. Commissioner Guarrero comment that he would like more time to review the samples and come back to discuss the recommendations. Chairperson Mack suggested a conditional use be allowable only if you are in a current business. Administrator Hill suggested wording of a permitted conditional use in and existing business. Discussion was held on wording and would be reviewed or prepared by the City Attorney. Administrator updated the Commission on the CBD Moratorium. **Motion by Ferch, Seconded by Guarrero to table the discussion on the Adult Use Ordinance Review. Motion carried 5-0.**

Adjourn

Motion by Guarrero, Seconded by Ferch to Adjourn. Motion carried 5-0. Meeting adjourned at 7:49 p.m.

Howard Mack, Chairperson

Teresa Hill, Administrator-Clerk