

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, July 28, 2014
Council Chambers, City Hall
Meeting No. 13-14

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:07 p.m. by Mayor Slawik.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Nora Slawik, Mayor	Present
Marylee Abrams, Councilmember	Present
Robert Cardinal, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present

D. APPROVAL OF AGENDA

N1 National Night Out
N2 Recreational Fires
N3 The Passing of Cable Commission Member Robert Weisenburger
N4 League of Minnesota Cities Legislator of Distinction
N5 Gateway Corridor Commission Alignment
N6 Parks & Recreation

Councilmember Juenemann moved to approve the agenda as amended.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of July 14, 2014 City Council Workshop Minutes

Councilmember Juenemann moved to approve the July 14, 2014 City Council Workshop Minutes as submitted.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

2. Approval of July 14, 2014 City Council Meeting Minutes

Councilmember Juenemann moved to approve the July 14, 2014 City Council Meeting Minutes as submitted.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

None

G. CONSENT AGENDA

Councilmember Juenemann requested agenda items G4, G9, G12 and G15 be highlighted and a question for G6.

Mayor Slawik requested agenda item G8 be highlighted.

Councilmember Juenemann moved to approve agenda items G1-G16.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

1. Approval of Claims

Councilmember Juenemann moved to approve the Approval of Claims.

ACCOUNTS PAYABLE

\$ 177,841.28	Checks #92827 thru # 92876 dated 07/01/14 thru 07/08/14
\$ 215,317.40	Disbursements via debits to checking account dated 06/30/14 thru 07/03/14
\$ 1,452,742.58	Checks # 92877 thru #92933 dated 07/10/14 thru 07/15/14
\$ 515,538.14	Disbursements via debits to checking account dated 07/07/14 thru 07/11/14
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\$ 2,361,439.40	Total Accounts Payable

PAYROLL

\$ 539,282.80	Payroll Checks and Direct Deposits dated 06/20/14
\$ 640.00	Payroll Deduction check # 990073 thru # 990074 dated 07/03/2014
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\$ 539,922.80	Total Payroll
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<u>\$ 2,901,362.20</u>	GRAND TOTAL

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

2. Approval of Resolution for 2014 Pay Rates for Temporary/Seasonal and Casual Part-Time Employees

Councilmember Juenemann moved to approve the Resolution for 2014 Pay Rates for Temporary/Seasonal and Casual Part-Time Employees.

Resolution 14-7-1101

WHEREAS, according to the Minnesota Public Employees Labor Relations act, part-time employees who do not work more than 14 hour per week and temporary/seasonal employees who work in positions that do not exceed 67 days in a calendar year, or 100 days for full-time students, are not public employees and are therefore not eligible for membership in a public employee union.

NOW, THEREFORE, BE IT RESOLVED, that the following pay ranges and job classifications are hereby established for temporary/seasonal, casual part-time employees effective August 1, 2014 upon Council approval.

Accountant	\$10.00-30.00	per hour
Accounting Technician	\$9.00-22.00	per hour
Administrative Assistant	\$9.00-23.00	per hour
Background Investigator	\$25.00-35.00	per hour
Building Inspector	\$14.00-35.00	per hour
Building Attendant	\$8.00-15.00	per hour
Customer Service Assistant	\$8.00-15.00	per hour
CSO	\$14.50-19.50	per hour
Data Entry Operator	\$8.00-12.00	per hour
Election Judge	\$8.00-12.00	per hour
Election Judge - Assistant Chair	\$9.00-15.00	per hour
Election Precinct Chair	\$9.00-16.00	per hour
Engineering Aide	\$8.00-16.00	per hour
Engineering Technician	\$10.00-16.00	per hour
Fire Maintenance/Engineer **	\$14.71	per hour
Firefighter-in-Training (new hire) **	\$10.51	per hour
Firefighter/EMT **	\$12.61	per hour
Firefighter/Paramedic **	\$13.66	per hour
Firefighter/EMT Captain **	\$14.71	per hour
Firefighter/Paramedic Captain **	\$15.76	per hour
Battalion Chief **	\$16.81	per hour
Intern	\$8.00-20.00	per hour
IT Technician	\$15.00-20.00	per hour
Laborer	\$8.00-14.00	per hour
Lifeguard	\$8.00-14.00	per hour
Manager-on-Duty Differential	\$1.00	per hour
Office Specialist	\$8.50-18.00	per hour
Receptionist	\$8.00-16.00	per hour

The motion passed.

8. Approval of a Conditional Use Permit Review, Greenhouse at Harmony Learning Center, 1961 County Road C East

Interim City Manager Coleman gave the staff report.

Councilmember Juenemann moved to approve to review the Conditional Use Permit for a Greenhouse at the Harmony Learning Center again only if a problem arises or a major change is proposed.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

9. Approval of Resolution Accepting a Donation to the Fire Department from Bradley Werdal

Fire Chief Lukin gave the staff report.

Councilmember Juenemann moved to approve the Resolution Accepting a Donation in the amount of \$55.83 to the Maplewood Fire Department from Bradley Werdal; and the necessary budget adjustments be made so the funds can be expended by the Fire Department as needed.

Resolution 14-7-1103
AUTHORIZING GIFT TO CITY

WHEREAS, Maplewood is AUTHORIZED to receive and accept grants, gifts and devices of real and personal property and maintain the same for the benefit of the citizens and pursuant to the donor's terms if so-prescribed, and;

WHEREAS, Bradley Werdal wishes to grant the city of Maplewood the following: \$55.83, and;

WHEREAS, Bradley Werdal has instructed that the City will be required to use the aforementioned for: use by the fire department to directly improve the community, and;

WHEREAS, the city of Maplewood has agreed to use the subject of this resolution for the purposes and under the terms prescribed, and;

WHEREAS, the City agrees that it will accept the gift by a four-fifths majority of its governing body's membership pursuant to Minnesota Statute §465.03;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Minnesota Statute §465.03, that the Maplewood City Council approves, receives and accepts the gift aforementioned and under such terms and conditions as may be requested or required.

provide reasonable levels of public safety resources to respond to and meet the core needs of its residents and those within its jurisdictional boundaries; and

Whereas, advances in technology and a shared public safety dispatch center makes it possible to know the location of a given public safety resource (police, fire, emergency medical service) relative to the location of a reported life safety emergency; and

Whereas, a life safety emergency is any event where, based upon reported circumstances and uniformly established and agreed-upon protocols, the life safety of a person(s) is believed to be in immediate danger; and

Whereas, the geographic boundaries of a given political subdivision typically determines legal responsibility for a life safety emergency response, the moral, reasonable, and publically expected responsibility is to provide those whose life may be in immediate jeopardy with the closest available and qualified public safety resource; and

Whereas, the City of Maplewood has a desire to provide its citizens and those within its boundaries experiencing a life safety emergency with the closest available and qualified public safety resource, including an available and qualified response resource from a neighboring political subdivision. Similarly, the City of Maplewood pledges to make its public safety resources available to another political subdivision when that resource is determined able to provide immediate services in a life safety emergency; and

Whereas, it is acknowledged that response to such a life safety emergency should be limited to addressing immediate life safety needs until such time as a public safety resource from the political division of incident occurrence and responsibility is able to assume control of the incident and/or event.

Now, therefore, the City Council of the City of Maplewood in recognition of its civic, legal, and moral obligation resolves support for a defined cross-jurisdictional dispatching policy of closest, available, qualified public safety resource deployment in certain emergency situations where it is believed the life safety of a person is in immediate jeopardy; and

Further, it is recommended, that public safety leaders serving the various political subdivisions within Ramsey County convene to discuss establishment of a reasonable, limited, and defensible closest unit dispatching policy to effectively serve the immediate life safety needs of those who live, work, or visit our respective jurisdictions; and

Further, it is acknowledged that this recommendation is not without a range of legal, communication, economic, and liability implications that must be addressed. It is also understood that such a policy does not reduce or mitigate the responsibility of this or any political subdivision to provide adequate resources to meet the emergency needs of people within their political subdivision; and

Finally, be it known that the City of Maplewood has only the highest regard for our neighboring political subdivisions and that these recommendations are made for the

Establishments—Second Reading

City Clerk Guilfoile gave the staff report.

Councilmember Juenemann moved to approve the second reading of the proposed amendments to Chapter 14, Article XVII to become as restrictive as or more restrictive than State Statute and to include the regulation of body art establishments.

Ordinance 940

ARTICLE XVII. BODY ART ESTABLISHMENTS

Sec. 14-1330.50. Adoption of state law by reference

The provisions of Minn. Stats. Ch. 146B are hereby adopted by reference and are made a part of this article as if set out in full. It is the intention of the council that all future amendments of Minn. Stats. Ch. 146B are hereby adopted by reference or referenced as if they had been in existence at the time this article was adopted. Minn. Stats. Ch. 146B is hereby modified by deleting the term "commissioner" and substituting the term "environmental health official" in place thereof, or other successor designated or authorized by the city council.

Sec. 14-1330.55 City may be more restrictive than state law

The council is authorized by the provisions of Minn. Stats. Ch. 146B, as it may be amended from time to time, to impose, and has imposed in this article, additional restrictions on body art establishments within its limits beyond those contained in Minn. Stats. Ch. 146B, as it may be amended from time to time.

Sec. 14-1331. Purpose.

The purpose of this article is to regulate the business of body art in order to protect the health and welfare of the general public. The city council finds that the experience of other cities indicates that there is a connection between body art and hepatitis and other health problems. The city council finds that stringent regulations governing body art can minimize the hepatitis and disease risk and therefore protect the general health and welfare of the community.

Sec. 14-1332. 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:

Aftercare means written instructions given to a client, specific to the procedure rendered, on caring for the body art and surrounding area. These instructions must include information on when to seek medical treatment.

Body art or body art procedures means physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

Body art establishment or Establishment means any structure or venue, whether permanent, temporary, or mobile, where body art is performed. Mobile establishments include vehicle-mounted units, either motorized or trailered, and readily moveable without disassembling and where body art procedures are regularly performed in more than one geographic location.

Body piercing means the penetration or puncturing of the skin by any method for the purpose of inserting jewelry or other objects in or through the body. Body piercing also includes branding, scarification, suspension, subdermal implantation, microdermal, and tongue bifurcation. Body piercing does not include the piercing of the outer perimeter or the lobe of the ear using a presterilized single-use stud-and-clasp ear-piercing system.

Branding "Branding" means an indelible mark burned into the skin using instruments of thermal cautery, radio hyfrecation, and strike branding.

Clean means the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

Guest artist means an individual who performs body art procedures according to the requirements under Minn. Stats. Ch.146B.04.

Good repair means free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Issuing authority means the city clerk.

Microdermal "Microdermal" means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

Micropigmentation or cosmetic tattooing means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

Scarification means an indelible mark fixed on the body by the production of scars.

Subdermal implantation means the implantation of an object entirely below the dermis.

Suspension means the suspension of the body from affixed hooks placed through temporary piercings.

Tattooing means any method of placing indelible ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. Tattooing also includes micropigmentation and cosmetic tattooing.

Technician or Body art technician means any individual who is licensed under Minn. Stats. Ch. 146B as a tattoo technician or as a body piercing technician or as both.

Temporary body art event means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 4 consecutive days in conjunction with a single event or celebration.

Tongue bifurcation means the cutting of the tongue from the tip to the base, forking at the end.

Cross reference— Definitions generally, § 1-2.

Sec. 14-1333. License required; exception.

No person shall operate any establishment where body art is practiced nor engage in the practice of tattooing or body piercing without such establishment being licensed pursuant to this article. An establishment of a state-licensed physician who, within the scope of practice, engages in the practice of tattooing or body piercing or both shall be exempt from the license requirements.

Sec. 14-1334. License application.

Every application for a license under this article shall be made on a form supplied by the issuing authority and shall request the following information:

- (1) Individual applicants. If the applicant is a natural person:
 - a. The name, place and date of birth, street residence address, and phone number of the applicant.
 - b. Whether the applicant is a citizen of the United States, a resident alien, or is able to legally be employed in the United States.
 - c. Whether the applicant has ever used or has been known by a name other than the applicant's name and, if so, the name used and information concerning dates and places where used.
 - d. The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minn. Stats. § 333.01.
 - e. The street addresses at which the applicant has lived during the preceding five years.
 - f. The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five years and the names and addresses of the applicant's employers and partners, if any, for the preceding five years.
 - g. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a petty misdemeanor. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.
- (2) Partnership applicants. If the applicant is a partnership:

- a. The names and addresses of all general and limited partners and all information concerning each general partner required in subsection (1) of this section.
 - b. The names of the managing partners and the interest of each partner in the body art establishment.
 - c. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minn. Stats. § 333.01, a certified copy of such certificate shall be attached to the application.
- (3) Corporations and other associations. If the applicant is a corporation or other type of business association:
- a. The name of the corporation or business formed, and if incorporated the state of incorporation.
 - b. A true copy of the certificate of incorporation. If the applicant is a foreign corporation, a certificate of authority as required by Minn. Stats. § 303.06 shall be attached to the application.
 - c. The name of the managers, proprietors, or other agents in charge of the business and all information concerning each manager, proprietor, or agent required in subsection (1) of this section.
- (4) All applicants. For all applicants:
- a. Whether the applicant holds a current body art establishment license from any other governmental unit.
 - b. Whether the applicant has previously been denied a body art establishment license from any other governmental unit.
 - c. The location of the business premises and the legal description thereof.
 - d. Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid the years and amounts that are unpaid.
 - e. Establishment plan review is required for all new, remodeled, and altered establishments prior to commencement of construction. An establishment owner must submit an establishment plan to the issuing authority for approval of such plans and specifications. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with all local building and zoning codes and Minn. Stats. Ch. 146B. Failure to submit a plan for approval may result in the closing down of operations until plans have been approved.
 - f. Verification of compliance with all applicable local and state codes.

g. A description of the general nature of the business; and

h. Such other information the city council or the issuing authority may require.

Sec. 14-1335. License fee.

Upon the filing of an application for the issuance of a license under this article, the applicant must pay to the city clerk, in full, the amount of the license fee therefore as imposed, set, established and fixed by the city council by resolution from time to time. The city clerk must give the applicant a receipt for the payment.

Sec. 14-1336. License application execution.

All applications for a license under this article shall be signed and sworn to. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

Sec. 14-1337. License application verification, consideration and inspection.

- (1) Verification. Applications for licenses under this article shall be submitted to the issuing authority. The issuing authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant.
- (2) Consideration. Within a reasonable period of time after the completion of the license verification process by the issuing authority, the issuing authority shall accept or deny the license application in accordance with this article. If the application is denied, the issuing authority shall notify the applicant of the determination in writing. The notice shall be mailed by certified and regular mail to the applicant at the address provided in the application, and it shall inform the applicant of the applicant's right, within 20 days after receipt of the notice by the applicant, to request an appeal of the issuing authority's determination to the city council. If an appeal to the city council is timely received by the issuing authority, the hearing before the city council shall take place within a reasonable period of receipt of the appeal by the issuing authority.
- (3) Inspection. Before issuance of a license, and thereafter as frequently as deemed necessary to ensure that the standards required under this article are met. The environmental health officer shall have the authority to enter a premise to conduct an inspection of the body art establishment and a review of any records deemed necessary. Refusal to permit an inspection constitutes valid grounds for licensure denial or revocation.

Sec. 14-1338. Persons ineligible for license.

- (1) Natural persons. No license required under this article shall be issued to an applicant who is a natural person if such applicant:
 - (a) Is not 18 years of age or older on the date the license application is submitted

to the issuing authority;

- (b) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minn. Stats. § 364.03, subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minn. Stats. § 364.03, subd. 3;
 - (c) Is not a citizen of the United States, a resident alien, or does not have the legal authority to be employed in the United States;
 - (d) Is not of good moral character or repute;
 - (e) Knowingly falsifies or misrepresents information on the license application;
 - (f) Owes taxes and assessments to the state, county, school district, or city that are due and delinquent; or
 - (g) Is not the real party in interest in the business to be licensed.
- (2) Partnerships. No license required under this article shall be issued to a partnership if such partnership has any general partner or managing partner:
- (a) Who is not 18 years of age or older on the date the license application is submitted to the issuing authority;
 - (b) Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minn. Stats. § 364.03, subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minn. Stats. § 364.03, subd. 3;
 - (c) Who is not a citizen of the United States, a resident alien, or does not have the legal authority to be employed in the United States;
 - (d) Who is not of good moral character or repute;
 - (e) Who knowingly falsifies or misrepresents information on the license application;
 - (f) Who owes taxes and assessments to the state, county, school district, or city that are due and delinquent; or
 - (g) Who is not the real party in interest in the business to be licensed.
- (3) Corporate or other organizations. No license required under this article shall be issued to a corporation or other organization if such applicant has any manager, proprietor, or agent in charge of the business to be licensed:
- (a) Who is not 18 years of age or older on the date the license application is submitted to the issuing authority;

- (b) Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minn. Stats. § 364.03, subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation as prescribed by Minn. Stats. § 364.03, subd. 3;
- (c) Who is not a citizen of the United States, a resident alien, or does not have the legal authority to be employed in the United States;
- (d) Who is not of good moral character or repute;
- (e) Who knowingly falsifies or misrepresents information on the license application;
- (f) Who owes taxes and assessments to the state, county, school district, or city that are due and delinquent; or
- (g) Who is not the real party in interest in the business to be licensed.

Sec. 14-1339. Locations ineligible for a license.

The following locations shall be ineligible for a license under this article:

- (1) Taxes due on property. No license shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the state, county, school district, or city are due, delinquent, or unpaid. If a suit has been commenced under Minn. Stats. §§ 278.01—278.13, questioning the amount of validity of taxes, the city council may on application waive strict compliance with this subsection. No waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one year after becoming due.
- (2) Improper zoning. No license shall be granted if the property is not properly zoned for body art establishments under chapter 44 unless the business is a legal, nonconforming use.
- (4) Premises licensed for alcoholic beverages. No license shall be granted or renewed if the premises is licensed for the furnishing of alcoholic beverages pursuant to chapter 6 or is licensed as a sexually oriented business pursuant to this chapter.
- (5) Private Residence. A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters shall not be licensed as a body art establishment.

Sec. 14-1340. License requirements.

- (1) Procedures on Minors. No tattooing, nipple or genital piercing, branding, scarification, suspension, subdermal implantation, microdermal, or tongue bifurcation shall be performed by any technician on any individual under the age of eighteen (18) regardless of parental or guardian consent..

- (2) Prohibited Procedures. No person shall engage in the branding, implantation, suspension, or scarification of another person.
- (3) Prohibition on license transfer. The license granted under this article is for the person and the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without first complying with the requirements of an original application, except when an existing noncorporate licensee is incorporated and incorporation does not affect the ownership, control, and interest of the existing licensed establishment.
- (4) Hours of operation. A licensee under this article shall not be open for business for body art procedures before 7:00 a.m. or after 11:00 p.m.
- (5) Licensed premises. The body art establishment license is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered, or extended, the licensee shall inform the issuing authority.
- (6) Effect of license suspension or revocation. No person shall solicit business or offer to perform body art services while under license suspension or revocation by the city.
- (7) Maintenance of order. The licensee shall be responsible for the conduct of the business being operated and shall at all times maintain conditions of order.
- (8) Employee lists. The following information for each technician employed or performing body art procedures in the establishment:
 - (a) name;
 - (b) home address;
 - (c) home telephone number
 - (d) date of birth;
 - (e) copy of an identification photo; and
 - (f) copy of current license as required by MN Stats. Ch. 146B.03 or current guest artist license as required by MN Stats. Ch. 146B.04
- (9) Liability insurance. All licensees shall have at all times a valid certificate of insurance issued by an insurance company licensed to do business in the state indicating that the licensee is currently covered in the body art business by a liability insurance policy. The minimum limits of coverage for such insurance shall be as follows:
 - (a) Each claim, at least \$200,000.00.
 - (b) Each group of claims, at least \$500,000.00.

Such insurance shall be kept in force during the term of the license and shall provide for notification to the city prior to termination or cancellation. A certificate of insurance shall be filed with the city.

- (10) License verification and issuance. The police department is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant. Within seven days of receipt of a complete application, the issuing authority shall grant or deny the application. An applicant who is denied a license by the issuing authority shall be granted a right to appeal to the city council.

Sec. 14-1341. Health and sanitation restrictions.

No person shall engage in the practice of body art at any place in the city without complying with the following:

- (1) Lavatory requirement. Every place where body art is practiced shall be equipped with an adequate and conveniently located toilet room and hand lavatory for the accommodation of employees and patrons. The hand lavatory shall be supplied with hot and cold running water under pressure, shall be maintained in good repair at all times, and shall be kept in a clean and sanitary condition. Toilet fixtures and seats shall be of a sanitary open-front design and readily cleanable. Easily cleanable, covered receptacles shall be provided for waste materials. Every lavatory facility shall be provided with an adequate supply of hand-cleansing compound and single-service sanitary towels or hand-drying devices.
- (2) Skin infection. No person having any skin infection or other diseases of the skin shall obtain body art.
- (3) Sterilization and disposal of biohazardous materials. All needles and razor blades shall be individually prepackaged, presterilized and disposable. No such equipment shall be used on more than one customer. All biohazardous waste shall be disposed of in accordance with law, and disposal procedures shall be approved by the environmental health officer. Sterilizing solutions and methods may be used for the purpose of sterilizing instruments other than needles and razor blades when such sterilizing solutions and methods are approved by the environmental health officer.
- (4) Skin preparation procedures. The following procedures shall be used for skin preparation:
 - a. Each operator shall wash his hands thoroughly with soap and water and then dry them with a clean towel before and after each body art procedure . Operators with skin infections of the hand shall not perform any body art services.
 - b. Whenever it is necessary to shave the skin, prepackaged, pre-sterilized, disposable, razor blades shall be used.
 - c. The skin area receiving a body art procedure shall be thoroughly cleaned with germicidal soap, rinsed thoroughly with water, and sterilized with an antiseptic solution approved by the environmental health officer. Only single-service towels and wipes shall be used in the skin cleaning process.
- (5) Operating furniture. All tables, chairs, furniture, or areas on which a patron

receives body art shall be covered by single-service disposable paper or clean linens, or in the alternative the table, chair, or furniture on which the patron receives body art shall be impervious to moisture and shall be properly sanitized after each body art procedure.

- (6) Towels. Every operator shall provide single-service towels or wipes for each customer or person, and such towels or wipes shall be stored and disposed of in a manner acceptable to the environmental health officer.
- (7) Garments of operator. Every operator shall wear clean, washable garments when engaged in the practice of body art. If garments are contaminated with blood or body fluids, such garments shall be removed and changed.
- (8) Pigments. Pigments used in tattooing shall be sterile and free from bacteria and noxious agents and substances including mercury. The pigments used from stock solutions for each customer shall be placed in a single-service receptacle, and such receptacle and remaining solution shall be discarded after use on each customer in accordance with procedures approved by the environmental health officer.
- (9) Minimum floor space. There shall not be less than 150 square feet of floor space at the place where the practice of body art is conducted, and such place shall be so lighted and ventilated as to comply with the standards approved by the environmental health officer.
- (10) Influence of alcohol and drugs. No person shall practice body art while under the influence of alcoholic beverages or illicit drugs. No customer shall receive a body art procedure while under the influence of alcoholic beverages or illicit drugs.
- (11) Aftercare. A technician shall provide each client with verbal and written instructions for the care of the tattooed or pierced site upon the completion of the procedure. The written instructions must advise the client of the difference between normal skin or tissue irritation and infection and to consult a health care professional upon indication of infection of the skin or tissue.

Sec. 14-1342. Sanctions for license violations.

- (1) Suspension or revocation. The city manager, at the recommendation of the issuing authority, may suspend or revoke a license issued pursuant to this article for a violation of the following:
 - (a) Fraud, misrepresentation, or false statement contained in a license application or a renewal application.
 - (b) Fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.
 - (c) Any violation of this article or state law.
 - (d) A licensee's criminal conviction that is directly related to the occupation or business licensed as defined by Minn. Stats. § 364.03, subd. 2, provided that

the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by Minn. Stats. § 364.03, subd. 3.

- (e) Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.
- (2) Notice and hearing. A revocation or suspension by the city manager shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular and certified mail to the licensee at the most recent address listed on the license application.

Sec. 14-1343. Temporary Suspension

The health authority, with the approval of the city manager, shall immediately suspend the license of any body art establishment for the violation of any section of this article if such violation constitutes an imminent public health hazard. Upon notification by the health authority of a temporary suspension of the license by posting of this report at the time of the inspection, the licensee shall forthwith cease operation. Upon notification in writing by the licensee to the health authority that all violations have been corrected, for which temporary suspension was invoked, the health authority shall re-inspect the body art establishment within a reasonable length of time. If all violations constituting the ground for the temporary suspension have been corrected, the health authority shall forthwith terminate the suspension.

Sec. 14-1344. Issuance of temporary body art event license.

- (1) Requirements. The city council may issue a temporary body art event license, provided that the following license requirements are met:
- (a) Duration of event. The event is no longer than four continuous days.
 - (c) Number of events. The same person or organization has had no more than four body art events in the same calendar year.
 - (c) Security measures. The chief of police has approved the security measures for the event.
 - (d) Health inspection. The environmental health officer has reviewed the health and sanitation measures for the event and has inspected each vendor space for the event.
 - (e) Liability insurance. Liability insurance has been obtained to cover the event or in the alternative each vendor has procured insurance to cover the vendor's operations at the event. The minimum limits of coverage for such insurance shall be as follows:
 - I. Each claim, at least \$200,000.00.

II. Each group of claims, at least \$500,000.00.

A certificate of insurance shall be filed with the city clerk.

- (f) Hours of operation. No body art procedures can take place before 7:00 a.m. nor after 11:00 p.m.
- (g) Maintenance of order. The licensee shall be responsible for the conduct of persons during the event and shall at all times maintain conditions of order.
- (h) Toilet rooms. The event shall take place at a location equipped with adequate and conveniently located toilet rooms and hand lavatories for the accommodation of employees and patrons. The hand lavatory shall be supplied with hot and cold running water under pressure, shall be maintained in good repair at all times, and shall be kept in a clean and sanitary condition. Toilet fixtures and seats shall be of a sanitary open-front design and readily cleanable. Easily cleanable, covered receptacles shall be provided for waste materials. Every lavatory facility shall be provided with an adequate supply of hand-cleansing compound and single-service sanitary towels or hand-drying devices.
- (i) Skin infections. No person having any skin infection or other disease of the skin shall receive a body art procedure during the event.
- (j) Sterilization and disposal of biohazardous materials. All needles and razor blades shall be individually prepackaged, presterilized and disposable. No such equipment shall be used on more than one customer. All biohazardous waste shall be disposed of in accordance with law, and disposal procedures shall be approved by the health officer. Sterilizing solutions may be used for the purpose of sterilizing instruments other than needles and razor blades when such sterilizing solutions are approved by the environmental health officer.
- (k) Skin preparation procedures. The following procedures shall be used for skin preparation:
 - I. Each operator shall wash his hands thoroughly with soap and water and then dry them with a clean towel before and after each body art procedure . Operators with skin infections of the hand shall not perform any body art procedures.
 - II. Whenever it is necessary to shave the skin, prepackaged, presterilized, disposable, razor blades shall be used.
 - III. The skin area receiving a body art procedure shall be thoroughly cleaned with germicidal soap, rinsed thoroughly with water, and sterilized with an antiseptic solution approved by the environmental health officer. Only single-service towels and wipes shall be used in the skin cleaning process.
- (l) Garments of operator. Each operator at the event shall wear clean, washable

garments when engaged in the practice of body art. If garments are contaminated with blood or body fluids, such garments shall be removed and changed.

- (m) Pigments. Pigments used in tattooing during the event shall be sterile and free from bacteria and noxious agents and substances including mercury. The pigments used from stock solutions for each customer shall be placed in a single-service receptacle, and such receptacle and remaining solution shall be discarded after use on each customer in accordance with procedures approved by the environmental health officer.
 - (n) Influence of alcohol and drugs. No person shall practice body art while under the influence of alcoholic beverages or illicit drugs. No customer shall receive a body art procedure during the event while under the influence of alcoholic beverages or illicit drugs.
 - (o) Aftercare. A technician shall provide each client with verbal and written instructions for the care of the tattooed or pierced site upon the completion of the procedure. The written instructions must advise the client of the difference between normal skin or tissue irritation and infection and to consult a health care professional upon indication of infection of the skin or tissue
 - (p) No tattooing, nipple or genital piercing, branding, scarification, suspension, subdermal implantation, microdermal, or tongue bifurcation shall be performed by any technician on any individual under the age of eighteen (18) regardless of parental or guardian consent.
- (2) Application. The temporary license application issued by the city clerk shall request the following information:
- (a) The applicant's name and current address.
 - (b) The applicant's current employer.
 - (c) The applicant's addresses for the previous five years.
 - (d) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
 - (e) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a petty misdemeanor and, if so, the time, place, and offense for which convictions were had.
 - (f) Whether the applicant has ever used or been known by a name other than the applicant's name and, if so, the name and information concerning dates and places where used.
 - (g) The location where the event will be conducted.
 - (h) The number of body art booths that will be operational at the event.

- (i) The names and addresses of persons in charge of the event.
 - (j) Employee lists. The following information for each technician employed or performing body art procedures at the event:
 - (i) name;
 - (ii) home address;
 - (iii) home telephone number;
 - (iv) date of birth;
 - (v) copy of an identification photo; and
 - (vi) copy of current license as required by MN Stats. Ch. 146B.03 or current guest artist license as required by MN Stats. Ch. 146B.04
- (3) License verification and issuance. The police department is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant. Within seven days of receipt of a complete application, the issuing authority shall grant or deny the application. An applicant who is denied a license by the issuing authority shall be granted a right to appeal to the city council.

Sec. 14-1345. Penalty.

A violation of this article shall be a misdemeanor and, upon conviction, shall be punishable in accordance with section 1-15.

Secs. 14-1346—14-1370. Reserved.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

2. **Approval of the Following Requests for the Days Inn Conversion to Senior Housing at 3030 Southlawn Drive**
 - a. **A Conditional Use Permit to Allow Multi-Family Housing in a Business Commercial District**
 - b. **A Parking Reduction for Fewer Parking Spaces than Required**
 - c. **A Unit-Size Reduction Variance**
 - d. **Design Plans**

Senior Planner Ekstrand gave the staff report and answered questions of the council. City Attorney Kantrud gave additional information and answered additional questions. Fire Chief Lukin answered additional questions. Link Wilson with Kaas Wilson Architects addressed the council and gave a presentation on the proposed senior housing. Albert Miller, the developer of the project addressed the council and gave additional information and answered questions.

The following people addressed the council:

1. Mark Bradley, Maplewood Resident
2. Bob Zick, North St. Paul Resident

Councilmember Juenemann moved to approve:

- A. Approve a conditional use permit resolution to allow multi-family seniors housing in a BC zoning district. Approval is based on the findings required by ordinance and subject to the following conditions:
1. All construction shall follow the site plan date-stamped June 2, 2014 approved by the city. Staff may approve minor changes.
 2. The proposed use must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
 3. The city council shall review this permit in one year.
 4. If there is a need for additional parking spaces in the future, the applicant shall revise the plan to provide additional parking stalls to meet their needs, subject to staff approval. The applicant shall provide an adequate number of electrical power stations in the parking lot for residents to use plug-in heaters since there will not be any underground parking.
 5. The applicant shall comply with the conditions stated in the engineering report dated June 4, 2014.
 6. The applicant shall comply with the requirements of the city's building official, assistant fire chief and health officer.
 7. This permit allows 115 senior housing units consisting of assisted living and memory care units. Minor changes to this unit count may be approved by staff.
 8. The applicant shall work with the city engineer/director of public works to provide a safe walkway across Southlawn Drive for their residents as described in the analysis by SEH dated July 21, 2014. This installation shall be paid for by the applicant. The applicant shall also provide the sidewalk and ADA compliant ramps as shown on the Public Works Director's Suggested Pedestrian Way Additions detail dated July 18, 2014.
 9. Before the applicant obtains a building permit, he shall sign an agreement with the city agreeing to pay an annual assessment of \$1,000 per year for ten years to defray the cost of police calls to the facility.
- B. Approval of a parking waiver for fewer parking spaces than code requires, allowing 73 spaces. This proposal for 115 units of senior housing would require 230 parking spaces. The city finds that the proposed reduction to 73 parking spaces would be sufficient for this assisted-living and memory-care seniors housing facility since senior housing facilities do not require the amount of parking needed for typical multi-family housing needs. Should a parking shortage develop in the future, the applicant shall revise the plan to provide enough to meet their needs, subject to staff approval.
- C. Approval of a variance resolution to allow a living-unit size reduction. This variance

allows memory-care living units beginning at 312 square feet. Code requires a minimum of 580 square feet. This variance is based on the findings that:

1. Memory-care housing facilities do not require the amount floor area that would be needed for typical multi-housing developments. Therefore, smaller unit sizes would be in harmony with the general purposes of the zoning requirements based on the industry standards for such housing.
2. The proposed assisted-living and memory-care seniors housing facility would be consistent with the comprehensive plan since the Plan encourages the city to provide life-cycle housing for its residents.
3. The proposed unit sizes for memory-care units is reasonable since the city ordinance does not accommodate or address living-quarter sizes for senior citizen housing or special needs housing such as for memory-care residents. The city's requirements for studio or one-bedroom housing units are excessive for those with intensive-care or memory-care housing needs.

D. Approval of the plans date-stamped June 2, 2014, for the Days Inn Hotel Conversion to senior housing. Approval is subject to the following conditions:

1. Approval of design plans is good for two years. If the applicant has not begun construction within two years, this design review shall be repeated. Staff may approve minor changes to these plans.
2. The applicant shall obtain a conditional use permit from the city council for the proposed housing facility in a BC (business commercial) zoning district.
3. The applicant shall complete the site improvements as proposed in the plans. This includes all landscaping, trash enclosure upgrades, retaining wall repair, building painting and parking lot and driveway changes and improvements.
4. After its removal, the old parking lot surface shall be restored to lawn and kept maintained and mowed.
5. The applicant shall comply with the conditions noted in the engineering report by Jon Jarosch dated June 4, 2014.
6. The applicant shall comply with all requirements of the city's building official, assistant fire chief and health officer.
7. The applicant shall obtain approval of a parking waiver from the city council before beginning this project.
8. The applicant shall provide an irrevocable letter of credit or cash escrow in the amount of 150 percent of the cost of installing the landscaping, before getting a building permit.
9. The applicant shall work with the city engineer to provide a safe walkway across Southlawn Drive for their residents as described in the analysis by SEH dated July 21, 2014. This installation shall be paid for by the applicant. The applicant

shall also provide the sidewalk and ADA compliant ramps as shown on the Public Works Director's Suggested Pedestrian Way Additions detail dated July 18, 2014.

Resolution 14-7-1107
Conditional Use Permit

WHEREAS, Albert Miller has applied for a conditional use permit to put a multi-housing seniors housing facility in a BC (business commercial) zoning district;

WHEREAS, Section 44-512 (1) of the BC district requirements states that a conditional use permit may be granted for "all permitted uses in the R3 district."

WHEREAS, this permit applies to the property located at 3030 Southlawn Drive. The property identification number of this property is:

022922220010

WHEREAS, the history of this conditional use permit is as follows:

1. On June 17, 2014, the planning commission held a public hearing. The city staff published a notice in the paper and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission also considered the reports and recommendation of city staff. The planning commission recommended that the city council approve this permit.

2. On July 28, 2014, the city council considered reports and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council approved the above-described conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.

2. The use would not change the existing or planned character of the surrounding area.

3. The use would not depreciate property values.

4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.

5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.

7. The use would not create excessive additional costs for public facilities or services.

8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.

9. The use would cause minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the site plan date-stamped June 2, 2014 approved by the city. Staff may approve minor changes.

2. The proposed use must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.

3. The city council shall review this permit in one year.

4. If there is a need for additional parking spaces in the future, the applicant shall revise the plan to provide additional parking stalls to meet their needs, subject to staff approval. The applicant shall provide an adequate number of electrical power stations in the parking lot for residents to use plug-in heaters since there will not be any underground parking.

5. The applicant shall comply with the conditions stated in the engineering report dated June 4, 2014.

6. The applicant shall comply with the requirements of the city's building official, assistant fire chief and health officer.

7. This permit allows 115 senior housing units consisting of assisted living and memory care units. Minor changes to this unit count may be approved by staff.

8. The applicant shall work with the city engineer to provide a safe walkway across Southlawn Drive for their residents.

9. All costs to the city associated with retrieving memory-care residents that "walk-away" from the proposed seniors residence shall be paid by the applicant.

The Maplewood City Council approved this resolution on July 28, 2014.

Resolution 14-7-1108
Variance Resolution

WHEREAS, Albert Miller applied for a variance from the minimum unit size requirements for multi-family housing developments. Mr. Miller is requesting that the

minimum size of memory-care living units in his proposed senior housing facility start at 312 square feet in area;

WHEARAS, city ordinance requires a minimum multi-family unit size of 580 square feet;

WHEREAS, this variance applies to the property at 3030 Southlawn Drive. The property identification number for this property is:

022922220010

WHEREAS, the history of this variance is as follows:

1. The planning commission held a public hearing on June 17, 2014. City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners as required by law. The planning commission gave everyone at the hearing an opportunity to speak and present written statements. The planning commission also considered reports and recommendations from the city staff. The planning commission recommended that the city council approve this variance.

2. On July 28, 2014 the city council considered the recommendations of city staff and the planning commission and the testimony of persons present at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the city council approved the above-described variances since:

1. Memory-care housing facilities do not require the amount floor area that would be needed for typical multi-housing developments. Therefore, smaller unit sizes would be in harmony with the general purposes of the zoning requirements based on the industry standards for such housing.

2. The proposed assisted-living and memory-care seniors housing facility would be consistent with the comprehensive plan since the Plan encourages the city to provide life-cycle housing for its residents.

3. The proposed unit sizes for memory-care units is reasonable since the city ordinance does not accommodate or address living-quarter sizes for senior citizen housing or special needs housing such as for memory-care residents. The city's requirements for studio or one-bedroom housing units are excessive for those with intensive-care or memory-care housing needs.

The Maplewood City Council approved this resolution on July 28, 2014.

Seconded by Councilmember Abrams

Ayes – Mayor Slawik, Council Member Abrams and Juenemann

Nays – Council Member Cardinal and Koppen

The motion passed.

J. NEW BUSINESS

1. Approval of Agreement with Yale Mechanical for City-Wide HVAC Maintenance Services

Public Works Director/City Engineer Thompson gave the staff report.

Councilmember Cardinal moved to approve the Preventive Maintenance Agreement with Yale Mechanical for City-Wide HVAC Maintenance Services.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

2. Approval of Professional Services Agreement for Municipal Buildings Asset Management Study, City Project 14-12

Public Works Director/City Engineer Thompson gave the staff report.

Councilmember Cardinal moved to the Public Works Director to sign a Professional Services Agreement with SHE, Inc. for the Municipal Buildings Asset Management Study, City Project 14-12 in the amount of \$73,000; minor adjustments are approved if an adjustment in the scope of services is warranted.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

K. AWARD OF BIDS

None

L. VISITOR PRESENTATION

1. Bob Zick, North St. Paul Resident
2. John Wykoff, Maplewood Resident

M. ADMINISTRATIVE PRESENTATIONS

1. Council Calendar Update

Interim City Manager Coleman gave the council calendar update.

N. COUNCIL PRESENTATIONS

1. National Night Out

Councilmember Juenemann reminded everyone that next Tuesday, August 5th is National Night Out and encouraged everyone to participate.

2. Recreational Fires

Councilmember Juenemann mentioned that at the council workshop held prior to the council meeting, discussion was held regarding the recreation fire ordinance. The Fire Police Departments will continue to coordinate efforts to education and enforce the ordinance.

3. Cable Commission Member

Councilmember Cardinal requested a moment of silence for Robert Weisenburger. Robert was a member of the Cable Commission and an experienced public servant. Robert passed away on July 19, 2014. Councilmember Abrams contributed additional comments about Mr. Weisenburger and his contributions to the area.

4. League of Minnesota Cities Legislator of Distinction

Mayor Slawik reported details about a letter she received from the League of Minnesota Cities recognizing State Legislator Peter Fischer, who represents the City of Maplewood, as a Legislator of Distinction.

5. Gateway Corridor Commission Alignment

Mayor Slawik gave a report on the Gateway Corridor Commission and the work they are doing on the Gateway Corridor. Public Works Director/City Engineer Thompson gave a report on the TAC Planning Committee.

6. Parks & Recreation

This item was covered earlier in the meeting during agenda item G12.

O. ADJOURNMENT

Mayor Slawik adjourned the meeting at 9:20 p.m.