

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, October 12, 2015
Council Chambers, City Hall
Meeting No. 19-15

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:03 p.m. by Mayor Slawik.

B. PLEDGE OF ALLEGIANCE

Mari Smith 8th grader at John Glenn Middle School led the council in the 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

The following items were added to the agenda:

N1	Meeting with Independent School District 622
N2	Domestic Abuse Program Presentation by John Choi
N3	Lights on After School Event by Roseville Schools
N4	20 Year Celebration for Homestead at Maplewood
N5	Suburban Family Ramsey County Collaborative Project

Councilmember Juenemann moved to approve the agenda as amended.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of September 28, 2015 City Council Workshop Minutes

Councilmember Abrams moved to approve the September 28, 2015 City Council Workshop Minutes as submitted.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

2. Approval of September 28, 2015 City Council Meeting Minutes

Councilmember Cardinal moved to approve the September 28, 2015 City Council Meeting Minutes submitted.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

1. Approval of Proclamation for Red Ribbon Week

Councilmember Cardinal read the proclamation. Mari Smith, 8th grade student at John Glenn Middle School addressed the council give information about Red Ribbon Week and accepted the proclamation.

Councilmember Juenemann moved to approve the proclamation demonstrating the City of Maplewood’s commitment to healthy, drug-free lifestyles by proclaiming October 26th through 30th as Red Ribbon Week.

Seconded by Councilmember Cardinal Ayes – All

The motion passed.

G. CONSENT AGENDA

Councilmember Cardinal moved to approve consent agenda items G1-G8.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

1. Approval of Claims

Councilmember Cardinal moved to approve the Approval of Claims.

ACCOUNTS PAYABLE:

\$ 479,236.51	Checks # 95828 thru # 95870 dated 9/22/15 thru 9/29/15
\$ 261,986.32	Disbursements via debits to checking account dated 09/21/15 thru 09/25/15
\$ 602,097.79	Checks #95871 thru #95907 dated 09/30/15 thru 10/06/15
\$ 665,740.09	Disbursements via debits to checking account dated 09/28/15 thru 10/02/15

\$ 2,009,060.71 Total Accounts Payable

PAYROLL:

\$ 524,260.48 Payroll Checks and Direct Deposits dated 09/25/15

\$ 1,495.33 Payroll Deduction check # 99101847 thru #99101849 dated 09/25/15

\$ 525,755.81 Total Payroll

\$ 2,534,816.52 GRAND TOTAL

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

2. Approval of Resolution Accepting 2016 Minnesota State Art Board Learning Grant

Councilmember Cardinal moved to approve the resolution of accepting the 2016 Minnesota State Arts Board Learning Grant. In addition, staff is requesting the City Council to direct the Finance Director to establish a program budget in the amount of \$107,960 for the *Kid City Project*.

Resolution 15-8-1260
Acceptance of 2016 Minnesota State Arts Board Learning Grant

WHEREAS, this grant contract is between the State of Minnesota, acting through its Board of the Arts (referred to as the “Board”), and City of Maplewood (referred to as the “Grantee”);

WHEREAS, Minnesota Statutes 2014, section 129D.04, authorizes the Board to distribute grants, loans, and other forms of assistance for artistic activities; and

WHEREAS, the Minnesota State Legislature in the 2015 Special Session, chapter 2, article 4, section 2, subdivision 3, appropriated \$26,819,000 from the arts and cultural heritage fund to Minnesota State Arts Board for fiscal year 2016 arts grant programs and services; and

WHEREAS, the Minnesota State Legislature in the 2015 Regular Session, chapter 77, article 1, section 24, subdivision 1, appropriated \$7,522,000 from the State’s general fund to the Minnesota State Arts Board for fiscal year 2016 arts grant programs and services; and

WHEREAS, the United States Congress, acting through the National Endowment for the Arts, has awarded \$741,100 to the Minnesota State Arts Board for fiscal year 2016 for arts programs and priorities in Minnesota;

WHEREAS, the Board has instituted a pilot grant program, Arts Learning, to broaden opportunities for Minnesotans to participate in the arts; and

Mayor Slawik closed the public hearing.

Councilmember Cardinal moved to approve the Resolution Ordering the Improvement for the Bellaire Avenue Improvements, City Project 15-16.

Resolution 15-8-1261
Ordering Improvement

WHEREAS, a resolution of the City Council adopted the 14th day of September 2015, fixed a date for a council hearing on the proposed street improvements for the Bellaire Avenue Improvements, City Project 15-16, which is a joint public improvement project led by the City of North St. Paul (North St. Paul Project No. S.A.D. 16-01).

AND WHEREAS, ten days mailed notice and two weeks published notice of the hearing was given, and the hearing was duly held on October 12, 2015, and the council has heard all persons desiring to be heard on the matter and has fully considered the same;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, as follows:

1. That it is necessary, cost-effective and feasible, as detailed in the feasibility report, that the City of Maplewood make improvements to the Bellaire Avenue Improvements, City Project 15-16.

2. Such improvement is hereby ordered as proposed in the council resolution adopted the 12th day of October, 2015.

3. The North Saint Paul City Engineer, or his designee, is the designated engineer for this improvement and is hereby directed to prepare final plans and specifications as previously directed by the City Council at the September 14, 2015 council meeting.

4. The finance director was authorized to make the financial transfers necessary to implement the financing plan for the project by the city council at the September 12, 2015 council meeting. A project budget of \$93,250.00 was established. The approved financing plan is as follows and shall be implemented:

Special Assessments =	\$44,850.00
Utility Funds/G.O. Bonds =	\$48,400.00

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

I. UNFINISHED BUSINESS

1. **Consider Approval of Conifer Ridge Apartments, County Road D East, between Hazelwood Street North and Kennard Street**
 - a) **Planned Unit Development Revision**
 - b) **Public Easement Vacations**

- c) Lot Division
- d) Design Review
- e) Development Agreement

Economic Development Coordinator Martin gave the staff report and answered questions of the council.

The following people spoke:

- 1. Bob Fix, 1600 Legacy Parkway E. #4
- 2. Les Kotiello, 3003 Hazelwood Street

Councilmember Abrams moved to approve the resolution approving a revision to the Legacy Village planned unit development as it relates to the previously-approved rental townhomes and executive-office suites and clubhouse sites. Approval of this revision is based on the findings required by the ordinance and subject to the following conditions:

- 1. The development shall follow the plans date-stamped September 8, 2015, except where the city requires changes. The director of environmental and economic development may approve minor changes.
- 2. The proposed construction must be substantially started within one year of council approval or the permit shall end. The council may extend this deadline for one year.
- 3. The city council shall review this permit in one year.
- 4. The applicant shall comply with the requirements in the engineer's report dated - August 10, 2015 and the environmental report dated September 8, 2015 and October 5, 2015.
- 5. Prior to the issuance of a grading permit, the applicant must contribute \$20,000 to the city's tree preservation fund in order to comply with city ordinance.
- 6. The following changes are hereby made to the approved PUD conditions:
Apartments:
 - a. The project will be constructed according to the plans dated September 8, 2015 in all details, except as specifically modified by these conditions;
 - b. Overstory trees will be planted along Hazelwood Street and Kennard Street at an average of 30'-40' on center;
 - c. Visitor parking spaces for the rental apartments will be added or modified as follows:
 - i. Parking spaces or proof of parking spaces will be added so there is a total of at least 40 spaces to serve all three buildings.
 - d. The storage space areas of each building shall be reconfigured to allow as many units as possible to have at least 120 cubic feet for storage.
 - e. One studio apartment is allowed in each building with a minimum floor area of

580 square feet.

- f. An easement over the power line trail on this parcel will be provided to the city for access and maintenance.
- g. A natural wood chip trail shall be installed based on the plan dated September 23, 2015. This plan shall be revised to include connections to the Lake Links trail and the sidewalk along Hazelwood Street. This trail shall include benches and is required to be maintained properly and refreshed with new wood chips by the end of every June of odd-numbered years.
- h. The applicant shall submit plans for an interpretive sign to be reviewed and approved of by the Maplewood Heritage Preservation Commission. The plans shall include detailed information on the history of the Hajicek property, proposed text and graphics, and suggested placement of the sign along the Lake Links trail. Once the plans are approved by the Heritage Preservation Commission, the applicant shall construct the sign and install the sign in the approved location.
- i. The applicant shall submit plans for a development monument sign that is consistent in design with the existing monuments signs in Legacy Village.
- j. The applicant shall commit to a five-year maintenance plan with the City to ensure the removal and management of buckthorn on the site.

RESOLUTION 15-8-1262
Conditional Use Permit Revision Resolution
for a Planned Unit Development

WHEREAS, Peter Stalland of Conifer Ridge Apartments, LLC applied for a conditional use permit to revise the Legacy Village planned unit development by eliminating the use of a 1.5 -acre commercial building site and 11-acre townhomes development and propose instead an apartment complex.

WHEREAS, this permit applies to the 12.5-acre site in Legacy Village lying south of County Road D East between Hazelwood Street and Kennard Street. The legal description is:

Lot 1 Block 1, Legacy Village of Maplewood

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

- 1. On August 18, 2015, the planning commission held a public hearing. The city staff published a hearing notice in the Maplewood Review 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 recommended that the city council approve the land use plan change.
- 2. On October 12, 2015 the city council discussed the conditional use permit revision. They considered reports and recommendations from the planning commission and city staff.

NOW, THEREFORE, BE IT RESOLVED that the city council approved the above-described conditional use permit revision 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 not exceed the design standards of any affected street.
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. The development shall follow the plans date-stamped September 8, 2015, except where the city requires changes. The director of environmental and economic development may approve minor changes.
2. The proposed construction must be substantially started within one year of council approval or the permit shall end. The council may extend this deadline for one year.
3. The city council shall review this permit in one year.
4. The applicant shall comply with the requirements in the engineer's report dated June 1, 2006 August 10, 2015 and the environmental report dated September 8, 2015 and October 5, 2015.
5. Prior to the issuance of a grading permit, the applicant must contribute \$20,000 to the city's tree preservation fund in order to comply with city ordinance.

6. The following changes are hereby made to the approved PUD conditions:
Apartments:
- a. The project will be constructed according to the plans dated September 8, 2015 in all details, except as specifically modified by these conditions;
 - b. The storage space areas of each building shall be reconfigured to allow as many units as possible to have at least 120 cubic feet for storage.
 - c. One studio apartment is allowed in each building with a minimum floor area of 580 square feet.
 - d. An easement over the power line trail on this parcel will be provided to the city for access and maintenance.
 - e. A natural wood chip trail shall be installed based on the plan dated September 23, 2015. This plan shall be revised to include connections to the Lake Links trail and the sidewalk along Hazelwood Street. This trail shall include benches and is required to be maintained properly and refreshed with new wood chips by every June of odd-numbered years.
 - f. The applicant shall submit plans for an interpretive sign to be reviewed and approved of by the Maplewood Heritage Preservation Commission. The plans shall include detailed information on the history of the Hajicek property, proposed text and graphics, and suggested placement of the sign along the Lake Links trail. Once the plans are approved by the Heritage Preservation Commission, the applicant shall construct the sign and install the sign in the approved location.
 - g. The applicant shall submit plans for a development monument sign that is consistent in design with the existing monuments signs in Legacy Village.
 - h. The applicant shall commit to a five-year maintenance plan with the City to ensure the removal and management of buckthorn on the site.

Seconded by Councilmember Juenemann

Ayes – Mayor Slawik, Council
Members Abrams,
Juenemann and Koppen
Nays – Councilmember Cardinal

The motion passed.

Councilmember Abrams moved to approve the resolution vacating two storm sewer easements on this site, since:

1. The easements would serve no public purpose after the applicant redevelops the property into Conifer Ridge.

This vacation is conditioned upon the following:

1. Provide the city with legal descriptions of the easement areas to be vacated and for the new areas to be dedicated for storm sewer purposes.

2. The applicant meets all and any conditions within Jon Jarosch's August 10, 2015 report.

RESOLUTION 15-8-1263
Public Easement Vacations Resolution

WHEREAS, Peter Stalland of Conifer Ridge Apartments, LLC applied for the vacation of two existing storm sewer easements.

WHEREAS, this request applies to the 12.5-acre site in Legacy Village lying south of County Road D East between Hazelwood Street and Kennard Street. The legal description is:

Lot 1 Block 1, Legacy Village of Maplewood

WHEREAS, the history of this vacation is as follows:

1. On August 18, 2015, the planning commission held a public hearing. The city staff published a hearing notice in the Maplewood Review 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 recommended that the city council approved the land use plan change.
2. On October 12, 2015 the city council discussed the public easement vacations. They considered reports and recommendations from the planning commission and city staff.

NOW, THEREFORE, BE IT RESOLVED that the city council approve the above-described vacations for the following reasons:

1. The easements would serve no public purpose after the applicant redevelops the property into Conifer Ridge.

This vacation is subject to:

1. Provide the city with legal descriptions of the easement areas to be vacated and for the new areas to be dedicated for storm sewer purposes.
2. The applicant meets all and any conditions within Jon Jarosch's August 10, 2015 report.

Seconded by Councilmember Juenemann

Ayes – Mayor Slawik, Council
Members Abrams,
Juenemann and Koppen
Nays – Councilmember Cardinal

The motion passed.

Councilmember Juenemann moved to approve the lot division for Conifer Ridge, subject to the following conditions:

1. The applicant shall comply with the requirements in the city's engineering report dated August 10, 2015.
2. The applicant shall sign a developer's agreement with the city engineer before the issuance of a grading permit.
3. The applicant shall dedicate any easements and provide any written agreements that the city engineer may require as part of this lot division.
4. The applicant shall pay the city escrow for any documents, easements and agreements that the city engineer may require.
5. A cross access easement agreement shall be submitted to city staff covering the two parcels accessed from Hazelwood Street.

Seconded by Councilmember Abrams

Ayes – Mayor Slawik, Council
Members Abrams,
Juenemann and Koppen
Nays – Councilmember Cardinal

The motion passed.

Councilmember Juenemann moved to approve the plans date-stamped September 8, 2015, for the Conifer Ridge apartment development. Approval is subject to the developer complying with the following conditions:

1. Obtain city council approval of a comprehensive land use plan amendment from MDR (medium density residential) to HDR (high density residential) to build apartments on this site.
2. Obtain city council approval of a revision to the previously-approved planned unit development for this project.
3. Obtain city council approval of the lot division for this project.
4. All requirements of the fire marshal and building official must be met.
5. The applicant shall obtain all required permits from the Ramsey-Washington Metro Watershed District.
6. All driveways and parking lots shall have continuous concrete curbing.
7. All requirements of the city engineer, or his consultants working for the city, shall be met regarding grading, drainage, erosion control, utilities and the dedication of any easements found to be needed. All conditions of the Maplewood engineering report dated August 10, 2015 must be complied with.

8. Repeat this review in two years if the city has not issued a building permit for this project by that time.
9. Any identification or monument signs for the project must meet the requirements of the city sign ordinance and the PUD approval. Identification or monument signs shall be designed to be consistent with similar signs existing in Legacy Village.
10. The setbacks are approved as proposed.
11. The applicant shall:
 - a. Install reflectorized stop signs at all driveway connections to Hazelwood Street and Kennard Street.
 - b. Install and maintain an in-ground lawn irrigation system for all landscaped areas.
 - c. Install all required trails, sidewalks and carriage walks.
 - d. Install any traffic signage within the site that may be required by staff.
 - e. Provide a revised landscaping plan for staff approval which includes the required overstory trees along Hazelwood Street and Kennard Street and detailing how screening requirements are being met for the parking lots facing residential areas. The landscape plan shall also incorporate native plantings, subject to the approval of the city's naturalist.
 - f. Provide revised building elevations for staff approval incorporating design elements at the foundation and first floor level of brick or stone into the buildings and adding architectural features to the gable areas of the buildings.
 - g. Provide a screening plan to staff for approval for any visible utility meters on the outside of the building.
 - h. Provide a detailed soils analysis to the building official and city engineer prior to applying for building permits to ensure that there is proper soil stability for construction.
 - i. The applicant will provide two additional quotes for buckthorn removal to be done by a licensed contractor with a licensed herbicide applicator. If chemicals are used it should be done by a licensed herbicide applicator through the Department of Agriculture.
12. The applicant shall ensure that site lights do not exceed a .4-foot-candle spillover at all property lines.
13. Prior to the issuance of a building permit, the applicant shall provide the city with cash escrow or an irrevocable letter of credit for the exterior landscaping and site improvements. Staff shall determine the dollar amount of the escrow.
14. All work shall follow the approved plans. The director of environmental and economic development may approve minor changes.

15. The applicant shall work with staff to maximize the amount of additional parking to be shown on the site plan.

Seconded by Councilmember Abrams

Ayes – Mayor Slawik, Council Members Abrams, Juenemann and Koppen
 Nays – Councilmember Cardinal

The motion passed.

Councilmember Juenemann moved to approve the terms of the Development Agreement with Peter Stalland of Conifer Ridge Apartments LLC for development of LEGACY VILLAGE, LOT 1, BLOCK 1, Parcel ID 03-29-22-12-0025, and authorize the Mayor and City Manager to execute the agreement signifying City Council approval. The City Attorney is authorized to approve the final format of the agreement and also approve minor modifications to the agreement.

Seconded by Councilmember Abrams

Ayes – Mayor Slawik, Council Members Abrams, Juenemann and Koppen
 Nays – Councilmember Cardinal

The motion passed.

2. Consider Approval of 2016 Charitable Gambling Awards

City Manager Coleman gave the staff report.

Councilmember Cardinal moved to approve the suggested award amounts.

Organization	Amount Requested	Proposed Award
Ashland Productions	\$3,000.00	\$800.00
Boy Scouts of America Pack 9471	\$2,500.00	\$1,450.00
Carver Elementary PTO	\$5,000.00	\$930.00
CHILD Inc	\$1,200.00	\$440.00
Dispute Resolution Center	\$3,000.00	\$790.00
District 622 Education Foundation	\$2,500.00	\$1,680.00
Ecumen Lakeview Commons	\$350.00	\$0.00
Erickson Merkel Foundation	\$1,000.00	\$0.00
Friends of Maplewood Nature	\$2,800.00	\$1,280.00
Fusion Drumline Parent Booster Organization	\$1,900.00	\$780.00
Hmong American Education Fund	\$3,500.00	\$810.00
ISD 622 Northern Lights Show Choir	\$6,000.00	\$1,260.00
LENA Youth Connect, Inc.	\$1,000.00	\$420.00
Maple Tree Monastery Childcare Center	\$1,430.00	\$0.00

Maplewood Area Historical Society	\$7,065.00	\$3,793.00
Maplewood Monarchs S.O. Team	\$3,500.00	\$810.00
Maplewood Police Reserves	\$5,000.00	\$3,530.00
Maplewood Youth Scholarship Fund	\$3,500.00	\$2,347.00
Minnesota Krampus	\$2,000.00	\$0.00
North High School Robotics Team	\$5,000.00	\$2,040.00
Ramsey County Care Center	\$1,550.00	\$400.00
Ramsey County Fair	\$3,800.00	\$2,150.00
St. Jerome Catholic School	\$1,457.88	\$280.00
Tubman Family Alliance	\$1,200.00	\$710.00
Weaver Elementary School	\$5,000.00	\$1,280.00
Webster Elementary School	\$2,500.00	\$1,050.00
White Bear Area YMCA	\$5,000.00	\$970.00
TOTALS:	\$81,752.88	\$30,000.00

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

3. **Consider Approval of Change to City Code of Ordinances – Second Reading**
 - a) **Ordinance Adopting the Republication of the City Code of Ordinances**
 - b) **Ordinance Repealing Chapter 8, Article V Pertaining to Billiard Parlors and Poolrooms Licenses**
 - c) **Ordinance Repealing Chapter 14, Article XIV Pertaining to Private School Licenses**
 - d) **Ordinance Repealing Chapter 14, Article XVI Pertaining to Tanning Facilities**
 - e) **Ordinance Repealing Chapter 42, Article I and Article II Pertaining to Taxi Cab Licenses**

City Clerk/Citizen Services Director Haag gave the staff report and answered questions of the council.

Councilmember Cardinal moved to approve the second reading of the ordinances and direct staff to proceed with the next code supplementation.

Ordinance No. 954

An Ordinance Adopting and Enacting the Republication of the City Code of Ordinances; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective

BE IT ORDAINED BY THE CITY OF MAPLEWOOD:

Section 1. The Code entitled "The Maplewood City Code," published by Municipal Code Corporation, consisting of Chapters 1 through 44, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before December 10, 2012, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days or by both fine and imprisonment. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City of Maplewood may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City of Maplewood to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after December 10, 2012 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective upon the second reading and subsequent publication of the same.

Ordinance No. 955

An Ordinance Repealing all Provisions of the Municipal Code Chapter 8- Amusements and Entertainment, Article V Pertaining to Billiard Parlors and Poolrooms Licenses

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MAPLEWOOD THAT:

Section 1. Chapter 8, sections 8-131 through 8-144 of the Maplewood City Code relating to Billiard Parlors and Poolrooms are hereby REPEALED IN THEIR ENTIRETY.

Section 2. This ordinance shall take effect after publishing in the official newspaper.

Ordinance No. 956

An Ordinance Repealing all Provisions of the Municipal Code Chapter 14- Businesses and Licensing, Articles XIV

Pertaining to Private School Licenses

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MAPLEWOOD THAT:

Section 1. Chapter 14, sections 14-1196 through 14-1230 of the Maplewood City Code relating to Private Schools are hereby REPEALED IN THEIR ENTIRETY.

Section 2. This ordinance shall take effect after publishing in the official newspaper.

Ordinance No. 957
An Ordinance Repealing All Provisions of Chapter 14,
Article XVI of the Code of Ordinances Pertaining to
Tanning Facilities

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MAPLEWOOD THAT:

Section 1. Chapter 14, sections 14-1296 through 14-1301 of the Maplewood City Code relating to Tanning Facilities are hereby REPEALED IN THEIR ENTIRETY.

Section 2. This ordinance shall take effect after publishing in the official newspaper.

Ordinance No. 958
An Ordinance Repealing all Provisions of the Municipal
Code Chapter 42- Vehicles for Hire, Articles I and II
Pertaining to Taxi Cab Licenses

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MAPLEWOOD THAT:

Section 1. Chapter 42, sections 42-26 through 42-93 of the Maplewood City Code relating to Vehicles for Hire are hereby REPEALED IN THEIR ENTIRETY.

Section 2. This ordinance shall take effect after publishing in the official newspaper.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

**4. Consider Approval of an Ordinance Amending Chapter 20, Article IV
Pertaining to Fireworks – Second Reading**

City Clerk/Citizen Services Director Haag gave the staff report.

Councilmember Abrams moved to approve the second reading of amendments to Chapter 20, Article IV – Fireworks.

Ordinance No. 959
An Ordinance Amendment to Chapter 20, Article IV – Fireworks

BE IT ORDAINED by the Mayor and City Council of the City of Maplewood that Chapter 20, Article IV – Fireworks is hereby amended to read as follows:

ARTICLE IV. - FIREWORKS Sec. 20-96. - Purpose.

It is the purpose of this article to govern the possession, use, sale, storage, exportation and display of fireworks in the city.

Sec. 20-97. - 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:

Consumer Fireworks means wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 500 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than 0.25 grains of explosive mixture. The term also includes toy pistols, toy guns, in which paper caps containing 0.25 grains or less of explosive compound are used and toy pistol caps which contain less than 0.20 grains of explosive mixture.

Consumer Fireworks Retail Sales (CFRS) Area means the portion of a consumer fireworks retail sales facility or store, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public.

Consumer Fireworks Retail Sales Facility means a permanent or temporary building or structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.

Consumer Fireworks Retail Sales Stand means a temporary or permanent building or structure that has a floor area not greater than 800 ft, other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

Distributor means any person selling fireworks to wholesalers and retailers for resale.

Fire Marshal means the chief fire inspector of the fire department.

Fireworks Display means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than 2 grains of explosive materials, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits of explosive materials for classification as “consumer fireworks.”

Manufacturer means any person engaged in the manufacture of fireworks.

Retailer means any person purchasing fireworks for resale to consumers.

Store means a building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of consumer fireworks.

Tent means a temporary membrane structure, with or without sides, including canopies.

Sec. 20-98. - Consumer fireworks

- (a) Consumer fireworks for sale to the general public shall be understood to mean fireworks legal for sale and use in the state under Minn. Stats. § 624.20.
- (b) No individual, firm, partnership, corporation or association shall possess for retail sale in the city, sell or offer for sale at retail or use or possess any fireworks other than consumer fireworks. The use of consumer fireworks is not permitted on public property.

Sec. 20-99. - Permit for sale or distribution.

- (a) No person may sell, hold for sale, import, distribute or offer for sale, as specialty retailer or retailer, any fireworks in the city unless such person has first obtained the appropriate permit.
- (b) The fire marshal shall enforce this article. All permit applications shall be submitted to the office of the city clerk at least fifteen (15) days in advance of the date of the sales or retail display. The applications shall be promptly delivered to the planning department and the fire marshal for their review.
- (c) The application for a permit under this section shall contain the following information:
 - (1) The name, address, date of birth, and telephone number of the applicant;
 - (2) The address and the phone number of the location where the consumer fireworks will be sold;
 - (3) The nature of the site: Building () Vehicle () Tent () other ()
 - (4) The type of consumer fireworks to be sold;
 - (5) The estimate of the quantity of consumer fireworks;
 - (6) A letter from the property owner granting permission to the applicant for use of the property;
 - (7) A statement that applicant understands that the persons selling and purchasing fireworks must be at least 18 years of age;
 - (8) A proof of insurance policy of public general liability in the amount of \$300,000; property damage in the amount of \$100,000 and workers' compensation in the amount of \$50,000;
 - (9) A floor plan designating the area of the sales display, storage for commercial purposes, along with a list documenting the name, weight, and quantity of the fireworks within the building, exits, extinguisher locations, sales counter and the material safety data sheets. The plan shall also include the following:
 - a. minimum distance from public ways, buildings, other consumer fireworks retail sales facilities, fuel dispensing stations and other combustibles;
 - b. vehicle access and parking areas;
 - c. location and type of portable fire extinguishers;
 - d. means of egress;
 - (10) A statement that the retail structure is in compliance with National Fire Protection Association Standards 1124 (2003 edition).
- (d) An applicant for a permit shall pay to the city a refundable annual fee, per location, as established from time to time by the city council but not to exceed the statutory

fee limits. The expiration date of such permit is as may be imposed, set, established and fixed by the city clerk, from time to time.

- (e) Following an inspection of the location where the consumer fireworks are to be sold, the city clerk shall issue a retailer permit if the conditions for permit approval are satisfied and the location of the property is zoned either commercial or industrial.
- (f) No retail permit shall be issued for any period of time in excess of one year, and any permit may be revoked by the city clerk when it shall appear that the permittee has violated any of the sections of this article or has engaged in activities contradictory to the best interest of the residents of the city. The permit issued shall be nontransferable either to a different person or location.

Sec. 20-100. - Retail sales or storage.

- (a) The sale of consumer fireworks only shall occur within the approved permanent and temporary facilities defined in Chapter 7, National Fire Protection Association (NFPA) 1124 (2003 edition). Permanent buildings and structures include stores and consumer fireworks retail sales (CFRS) facilities. Temporary facilities include CFRS stands, tents, canopies, membrane structures. No fireworks may be sold at retail without a retail permit. The permit shall be posted at each location where the retail sale takes place, and a list of all consumer fireworks sold at the location shall be available upon request.
- (b) The requirements of Chapter 7 of NFPA 1124 will not apply to CFRS facilities or stores where the total quantity of consumer fireworks on hand does not exceed 125 lb (net) of pyrotechnic composition, or, in a building protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, *Standards for the installation of sprinkler systems*, 250 lb (net) of pyrotechnic composition. Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including the packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.
- (c) At all places where fireworks are stored, sold or displayed, the words "No Smoking" shall be posted in letters at least four inches in height at each entrance or within 10 ft of every aisle directly serving the retail area in a store. Smoking and/or any discharge of any object that could cause a spark or open flame is prohibited within 50 feet of any fireworks stock.
- (d) No fireworks shall be stored, kept, sold or discharged within 50 feet of any gasoline pump or gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.
- (e) All fireworks permittees shall keep and maintain upon the premises a minimum of two portable extinguishers with a minimum rating of 2A, at least one of which shall be of the pressurized water type. Temporary consumer fireworks retail stands less than 200 ft² shall be required to have only one portable fire extinguisher.
- (f) A sales clerk who is at least 18 years of age shall be on duty to serve consumers at the time of purchase or delivery. Every sales clerk shall distribute with each sale a one-page information sheet from the city containing firework safety guidelines. It shall be the responsibility and expense of the permittee to obtain a copy of the information sheet from the city and make the appropriate number of copies for distribution. All fireworks sold and shipped to consumers within the city shall be

sold and shipped only by an individual, firm, partnership or corporation holding the proper permit.

- (g) All fuses must be covered. A consumer fireworks device shall be considered as having a covered fuse if the fireworks device is contained within a packaged arrangement, container, or wrapper that is arranged and configured such that the fuse of the fireworks device cannot be touched directly by a person handling the fireworks without the person having to puncture or tear the packaging or wrapper, unseal or break open a package or container, or otherwise damage or destroy the packaging material, wrapping, or container within which the fireworks are contained. Individual consumer fireworks items displayed for sale in temporary CFRS stands where the interior is not accessible to the public shall not be required to have covered fuses.
- (h) Aisles shall have a minimum clear width of 48 inches. The required width of aisles shall be maintained unobstructed at all times the facility is occupied by the public. In temporary CFRS stands where the interior is not accessible to the public, the minimum clear width shall be no less than 28 inches.
- (i) To provide for visual access of the retail sales area, partitions, counters, shelving, cases, and similar space dividers shall not exceed 6 ft in height above the floor surface. Merchandise on display or located on shelves or counters or other fixtures shall not be displayed to a height greater than 6 ft above the floor surface within the CFRS area. Where located along the perimeter of the consumer fireworks retail sales area, the maximum height of sales displays shall be limited to 12 ft. In temporary CFRS stands where the interior is not accessible to the public, the maximum height of sales display shall be limited to 8 ft.

Sec. 20-101. - Exportation from city.

Nothing in this article shall prohibit wholesalers, distributors, importers, specialty retailers, or manufacturers from storing, selling, shipping or otherwise transporting fireworks by the United States Department of Transportation to any person outside the city.

Sec. 20-102. - Use and Possession.

All use, display, or discharge of consumer fireworks is strictly prohibited in the area on, below, above, within, or in close proximity to the following:

- (a) Recreational areas, roadways, streets, highways, bicycle lanes, pedestrian paths, sidewalks, rights-of-way, lakes, rivers, waterways and all other property owned or leased by the city, the county, or the state and located in whole or in part within the city limits;
- (b) Private property within the city limits that has conspicuously posted written signs or notices that no fireworks discharge is allowed;
- (c) Within 300 feet of any consumer fireworks retail sales facility or storage area;
- (d) Within, into or at a motor vehicle or from a motor vehicle;
- (e) At or near any persons or animals;
- (f) Any property, area or structure or material that, by its physical condition or the physical conditions in which it is set, would constitute a fire or personal safety hazard; and
- (g) Upon order of the fire marshal if dry conditions exist within the city limits.

Sec. 20-103. Fireworks display permit.

- (a) A fireworks display may be conducted only by a fair association, amusement park or other public or private organization and only after a permit for the display has first been secured. The application for the permit shall be submitted to the city clerk at least 15 days in advance of the date of the display. The permit fee shall be set by the city council from time to time.
- (b) The application for a fireworks display permit under this section shall contain the following information:
 - (1) The name of the organization sponsoring the fireworks display, including the name, address and phone number of a contact person representing that organization;
 - (2) The name and certification number of the certified operator that will be supervising the display;
 - (3) The date, time of day and exact location of the proposed display;
 - (4) A diagram of the grounds where the display will be held. The diagram must show the point at which the fireworks are to be discharged; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained;
 - (5) The approximate number and types of fireworks to be discharged;
 - (6) Proof of a bond or certificate of insurance in the amount of at least \$1,000,000 dollars;
- (c) The application shall be promptly forwarded to the planning department and fire marshal for their review.
- (d) The permit shall be valid for the duration of the display event only and shall not be transferrable.
- (e) All indoor fireworks displays must receive a permit from the Minnesota State Fire Marshal Division.

Sec. 20-104. - Criminal penalty.

Any individual who or firm, partnership or corporation that violates any section of this article is guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-15.

Sec. 20-105. - Civil penalty; additional remedies.

- (a) If an individual, firm, corporation or partnership is found guilty of violating any of the sections of this article, that entity's permit shall be revoked or suspended by the city clerk.
- (b) No individual, firm, corporation or partnership shall possess any fireworks for sale within the city, other than those authorized in this article. The fire marshal, law enforcement officer, code enforcement officer, deputies or designees may at reasonable hours enter and inspect the permittee's premises, building or permanent structure to determine compliance with this article. If any retailer has in his possession any fireworks in violation of this article, his permit shall be revoked and all such fireworks seized, and the fireworks in violation of this article shall be kept to be used as evidence. If any person has in his possession any fireworks in violation of this article, a warrant may be issued for the seizure of fireworks, and the fireworks shall be safely kept to be used as evidence. Upon conviction of the

offender, the fireworks shall be destroyed, but if the offender is discharged, the consumer fireworks shall be returned to the person in whose possession they were found; provided, however, that nothing in this article applies to the transportation of fireworks by regulated carriers.

- (c) Nothing in this article shall apply to or prohibit any employees of the state department of natural resources or the United States Fish and Wildlife Service from possessing fireworks for control of game birds and animals; to prohibit any law enforcement officer from possessing fireworks in the performance of his duties; or to prohibit any organization from sponsoring and conducting, in connection with any public celebration, an officially supervised and controlled fireworks display.

Seconded by Councilmember Juenemann

Ayes – All

The motion passed.

5. Consider Approval of an Ordinance Amending Chapter 28 – Peddlers, Solicitors and Vendors – Second Reading

City Clerk/Citizen Services Director Haag gave the staff report.

Councilmember Cardinal moved to approve the second reading of the amendments to Chapter 28 – Peddlers, Solicitors and Vendors.

Ordinance No. 960
An Ordinance Amending Chapter 28 – Peddlers,
Solicitors and Vendors

BE IT ORDAINED by the Mayor and City Council of the City of Maplewood that Chapter 28, Peddlers, Solicitors and Vendors is hereby amended to read as follows:

Chapter 28 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

ARTICLE I. - IN GENERAL

Sec. 28-1. - Definitions.

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

Peddler means any person with no fixed place of business within the city, who goes from house- to- house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares or merchandise, or other personal property that the person is carrying or otherwise transporting.

Person means any natural individual, group, organization, corporation, partnership, or similar association.

Regular business day means any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

Solicitor means any person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of taking or attempting to take orders for the purchase of any goods, wares, products, merchandise, or other personal property, or service of which he or she may be carrying or transporting samples, or that may have been described in a catalog or by other means, and for which delivery or performance shall occur at a later time.

Transient merchant means any person, individual, co-partnership, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in the city, either in one locality, or in traveling from place to place in the city, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy, or use a building, structure, vacant lot, parking lot, motor vehicle, trailer, tent, boxcar, or any street, alley or other place within the city for the exhibition and sale of such goods, wares, and merchandise.

Sec. 28-2. – Exceptions to definitions.

For the purpose of the requirements of this ordinance, the terms peddler, solicitor and transient merchant shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property, to a retailer of the item(s) being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route. In addition, persons conducting the type of sales commonly known as garage sales, rummage sales or estate sales shall be exempt from the definitions of peddlers, solicitors, and transient merchants, as shall be anyone conducting an auction as a properly licensed auctioneer, newspaper delivery or any officer of the court conducting a court ordered sale. Exemption from the definitions for the scope of this ordinance shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

Sec. 28-3. - Hours.

No peddler, solicitor or transient merchant shall engage in any related activities within the city between the hours of 9:00 p.m. and 8:00 a.m.

Sec. 28-4. - Prohibited activities.

No peddler, solicitor, transient merchant or other person engaged in other similar activities shall conduct business in any of the following manner:

- (a) Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

- (b) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
- (c) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

Sec. 28-5. - Placard or sign prohibiting peddlers, solicitors and transient merchants.

- (a) Any resident of the city who wishes to exclude peddlers, solicitors and transient merchants from premises occupied by him may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers, Solicitors and Transient Merchants Prohibited."
- (b) Such placard shall be at least 4 inches long and 4 inches wide, and the printing thereon shall not be smaller than 48-point type.
- (c) No peddler, solicitor or transient merchant shall enter in or upon any premises or attempt to enter in or upon any premises where such placard or sign is displayed.
- (d) No person, other than the person occupying such premises, shall remove, injure or deface such placard or sign.

Secs. 28-6—28-35. - Reserved.

ARTICLE II. - PERMITS

Sec. 28-36. - Required; exception.

- (a) No person shall conduct business as a transient merchant within the city limits without first having obtained the appropriate license from the county as may be required by Minnesota Statutes Chapter 329 as it may be amended from time to time, if the county issued a license for the activity.
- (b) It shall be unlawful for any transient merchant to transact any transient business in the city without first having obtained a permit for this purpose from the city clerk.
- (c) Peddlers and solicitors shall be exempt from the permit requirement.
- (d) No permit shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for any product grown, produced, cultivated, or raised on a farm or garden occupied, rented, or used and cultivated by themselves.

Sec. 28-37. - Contents of application.

An application for a permit to conduct business as a transient merchant shall be made at least seven (7) regular business days before the applicant desires to begin conducting a business operation within the city. Application for a permit shall be made on a form approved by and available from the office of the city clerk. All applications shall be submitted to the city clerk and shall include the following information:

- (a) The applicant's full legal name.
- (b) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.
- (c) Full address of applicant's permanent residence.
- (d) Telephone number of applicant's permanent residence.
- (e) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.
- (f) Full address of applicant's regular place of business, if any exists.

- (g) Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.
- (h) The type of business for which the applicant is applying for a permit.
- (i) The dates during which the applicant intends to conduct business. If the applicant is applying for a daily permit, the number of days he or she will be conducting business within the city.
- (j) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where the vendor intends to set up his or her business.
- (k) A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.
- (l) A statement as to whether or not the applicant has had a license or permit to conduct business as a transient merchant revoked or denied within the past five (5) years.
- (m) Proof of any required county license.
- (n) Written permission of the property owner or the property owner's agent for any location to be used.
- (o) A general description of the items to be sold.
- (p) Any and all additional information as may be deemed necessary by the city council.
- (q) The applicant's driver's license number or other acceptable form of identification.
- (r) The license plate number, registration information, vehicle identification number, the name of the insurer providing liability coverage on the vehicle, and physical description of any vehicle to be used in conjunction with the licensed business operation.

Sec. 28-38. - Issuance; fee; fee exemptions.

- (a) Upon receipt of the application and payment of the permit fee, the city clerk will, within seven (7) regular business days issue the permit unless grounds exist for denying the permit application under Sec. 28-39, in which case the clerk must deny the request for a transient merchant permit. If the city clerk denies the permit application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the city council. The city council shall hear the appeal within twenty (20) days of the date of the request for a hearing.
- (b) All applications for a permit under this division shall be accompanied by the fee established by the city council as it may be amended from time to time.
- (c) Religious, charitable, patriotic or philanthropic organizations shall be exempt from the payment of the fee, provided that the organizations shall provide a copy of current tax-exempt status for the applying organization, and that shall be evidence of the exemption from the payment of such fee.

Sec. 28-39. – Term; permit ineligibility; revocation

- (a) No permit shall be issued pursuant to this article for any period of time in excess of one year. An annual permit shall be valid for one calendar year from the date of issuance. All other permits granted to transient merchants under this division shall be valid only during the time period indicated on the permit.
- (b) The following shall be grounds for denying a transient merchant permit:

- (1) The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.
 - (2) The failure of an applicant to truthfully provide any information requested by the city as part of the application process.
 - (3) A conviction within the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the permit is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person. (4) The revocation within the past five (5) years of any license or permit issued to an applicant for the purpose of conducting business as a transient merchant.
- (c) Any permit may be revoked by the city manager when it shall appear that the permittee has violated any of the sections of this chapter or has engaged in activities contradictory to the best interest of the residents of the city.
- (1) Notice. Prior to revoking or suspending any permit issued under this chapter, the city shall provide a permit holder with written notice of the alleged violations and inform the permittee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the permit application, or if no residential address is listed, to the business address provided on the permit application.
 - (2) Administrative hearing. Upon receiving the notice provided in part (1) of this section, the permittee shall have the right to request an administrative hearing. If no request for a hearing is received by the city clerk within ten (10) days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a hearing is requested within the stated timeframe, a hearing shall be scheduled within twenty (20) days from the date of the request for the administrative hearing. Within three (3) regular business days of the hearing, the city shall notify the permittee of its decision.
 - (3) Emergency. If, in the discretion of the city manager, imminent harm to the health or safety of the public may occur because of the actions of a transient merchant licensed under this ordinance, the city manager may immediately suspend the person's permit and provide notice of the right to hold a subsequent hearing as prescribed in part (2) of this section.
 - (4) Appeal. Any person whose permit is suspended or revoked under this section shall have the right to appeal that decision to city council.

Sec. 28-40. - Transferability.

All permits issued under this article shall be nontransferable. Each transient merchant shall secure a separate permit.

Sec. 28-41. - Possession, display.

All permits issued under this article shall be carried by the permittee or conspicuously posted in his place of business, and the permit shall be exhibited to any officer or citizen upon request.

Secs. 28-42—28-70. - Reserved.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

J. NEW BUSINESS

1. Consider Approval of an Off-Sale Intoxicating Liquor License for HM Liquor LLC—Maddie’s Liquor, 1690 McKnight Rd N

City Clerk/Citizen Services Director Haag gave the staff report. Applicant Anwar Bhimani addressed the council to answer questions of the council.

Councilmember Abrams moved to approve an off-sale intoxicating liquor license for HM Liquor LLC— Maddie’s Liquor, 1690 McKnight Rd N.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

2. Consider Approval of Resolution Authorizing City Staff to Negotiate Cable Franchise Agreement with Century Link and Schedule Public Hearing

City Attorney Kantrud gave the staff report.

Councilmember Juenemann moved to approve the Resolution Authorizing Staff to negotiate a Cable Franchise Agreement with CenturyLink and calling for a Public Hearing to discuss its terms. The expectation is that the matter will come back before Council on the 9th of November for a Public Hearing on the Agreement and again on November 23rd for full-consideration of the final agreement.

Resolution 15-8-1264

Resolution Approving and Authorizing the Negotiation of a Cable Franchise Agreement Between the City of Maplewood and Century Link

WHEREAS, the City published a Notice of Intent to Franchise and opened an Application Period for prospective Franchisees on September 3, 2015 and,

WHEREAS, the City received an Application for Franchise from CenturyLink on or about September 18, 2015 and,

WHEREAS, the City desires to negotiate and develop a mutually beneficial Franchise Agreement with the Applicant (CenturyLink) and,

WHEREAS, the City wishes to have a draft Agreement before it prior to consideration of the grant of a franchise to Applicant and public hearing so now,

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, that the City Council hereby approves and authorizes the negotiation of a Franchise

Agreement between the City and CenturyLink, and directs Staff to bring that draft Agreement before the Council as soon as practicable for review and Public Hearing on the proposed-granting of a Franchise to the Applicant.

Seconded by Councilmember Abrams

Ayes – Mayor Slawik, Council Members Abrams, Koppen, and Cardinal

Nays – Councilmember Cardinal

The motion passed.

3. Consider Approval of Resolution Authorizing Withdrawal as Member from JPA with Ramsey Washington Suburban Cable Commission

City Manager Coleman introduced the report. City Attorney Kantrud gave the staff report.

The following people spoke:

1. John Wykoff, 2345 Maryland Ave. E.
2. Tim Kinley, 1987 Mesabi Ave. E.
3. Bob Zick, North St. Paul Resident
4. Diana Longrie, 1771 Burr Street
5. Randy Hildebrandt, 1262 Myrtle Street

Councilmember Juenemann moved to approve Resolution Authorizing Withdrawal of Membership from the Ramsey Washington Suburban Cable Commission and authorizing Staff to give notice of intent to withdraw and to negotiate the terms of that withdrawal.

Resolution 15-8-1265
Resolution Approving and Authorizing the Withdrawal of Maplewood
from the Ramsey Washington Suburban Cable Commission

WHEREAS, the City is a member of the Ramsey Washington Suburban Cable Commission and,

WHEREAS, the Commission is organized pursuant to a Joint Powers Agreement, the latest version of which is from 1995 and,

WHEREAS, the JPA provides for and governs the orderly withdrawal from the JPA and the Commission by a member and,

WHEREAS, the City has determined that it is in its best interests to take a more direct role in managing its Cable Franchise(s) and its cable programming and,

WHEREAS, the City has determined that it is therefore in its best interests to withdraw from the Ramsey Washington Suburban Cable Commission and now, therefore,

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, that the City Council hereby approves and authorizes the withdrawal of the City from the Ramsey Washington Suburban Cable Commission and directs Staff to provide notice of the decision to the Commission in whatever form required.

Seconded by Councilmember Abrams

Ayes – Mayor Slawik, Council
Members Abrams, Koppen
and Juenemann

Nays – Councilmember Cardinal

The motion passed.

K. AWARD OF BIDS

None

L. VISITOR PRESENTATION

1. John Wykoff, 2345 Maryland Ave. E.
2. Tim Kinley, 1987 Mesabi Ave. E.

M. ADMINISTRATIVE PRESENTATIONS

1. Council Calendar Update

Council was adjourned before this item was heard.

N. COUNCIL PRESENTATIONS

Council was adjourned before Council presentations were heard.

O. ADJOURNMENT

Mayor Slawik adjourned the meeting at 9:07 p.m.