JOINT WORKSESSION COUNCIL & EDA
SSP City Hall
125 3rd Avenue North
Training room

Monday, January 13, 2020
7:00 pm

AGENDA:

1. Snow Plowing/Tagging Procedures

2. Dakota Broad Band (DBB) Project Update

3. Serbian Home Discussion

4. 103 Concord Exchange – Proposed Zoning Text Amendment

5. Council Comments & Questions
AGENDA ITEM: Discussion regarding current Snow Plowing Policy

DESIRED MEETING OUTCOMES:

1. REVIEW AND DISCUSS CURRENT SNOW PLOW POLICY
2. DISCUSS CURRENT PLOWING/TAGGING/TOWING PROCEDURES
3. DISCUSS PROPOSED CHANGES TO POLICY
4. DISCUSS POSSIBLE REVISIONS TO ORDINANCE #58-101

OVERVIEW:

The current Snow Plow Policy has been in effect for a long time with only some minor revisions over the years (copy of policy dated 11/9/06 is attached for your review). After a request by Council Member Dewey to review plowing/tagging procedures, staff felt it was advisable to evaluate the entire policy.

Based upon that review, staff prepared a new proposed policy for your consideration (copy attached).

Staff would like to review the revised policy with you and obtain feedback as appropriate. We have also asked the City Attorney to review the proposed policy and to address potential revisions to Ordinance #58-101 which reads as follows:


(a) General rule. Except when otherwise posted, marked, or metered, a vehicle may not be parked on the streets or alleys in such a manner as to obstruct or interfere with snowplowing or snow removal.

(b) Snow emergency. In case the width of a street is narrowed because of the accumulation of snow so as to restrict the passage of vehicles and fire protection equipment or emergency vehicles, or when necessary to adequately provide for snow removal from the street, the chief of police may cause such street or portion thereof to be posted with signs prohibiting parking on such street or portion thereof in words substantially as "No Parking Anytime: Snow Emergency." A person may not park a vehicle on any street, or portion thereof, which has been posted as provided in this subsection.

The highlighted area of the existing ordinance is the principal focus.

SOURCE OF FUNDS:

N/A
SNOW REMOVAL POLICY

GENERAL

The City of South St. Paul is responsible for the plowing of all publicly owned and maintained streets and alleys. The City typically plows for snowfalls of 2" or more. If there is less than 2" of snow or icy conditions, the City will plow, salt and sand the hills and main streets. If there are several light snowfalls in succession or warm weather loosens up the snow packed on the street, the City will plow when sufficient accumulation occurs to warrant plowing.

If the snow is falling during the day, the maintenance crews will begin their plowing routes right away and work until 6:00 PM. The crews will all go out again at 2:00 AM the next morning.

If the snowfall begins at night, plow crews begin their routes between 2:00 - 4:00 AM. They will plow for 10 - 13 hours (Due to safety concerns, 13 hours is the maximum they are allowed to plow.)

PRIORITIES

The City is separated into 6 plowing zones and there are usually two trucks per zone. The City plows the following areas on this priority basis:

1) Main streets and hills.
2) Local streets, Wakota Arena and City Hall parking lot.
3) Alleys and trails.
4) Sidewalks, steps, pumphouses and rinks, park parking lot (where needed).

Depending on the amount of snow, Priorities 1 and 2 are always done the first day. Priority 3 areas are often done the first day but sometimes the second day along with Priority 4 areas.

TAGGING & TOWING

Once the city crews have completed plowing the Priority 1 & 2 areas, the police department is notified to begin tagging cars which have not been moved for the snowplowing operation (snowbirds). The tagging will begin at 10:00 PM. The police use Community Service Officers (CSO=s) and sworn officers to tag snowbirds. The tagging is usually completed by 6:00 AM. Starting at 7:00 AM the next morning, the City=s maintenance crews inspect their plowing zones and notify the police department of any snowbirds that may not have been tagged. Then at 9:00 AM the city maintenance crew sends out two plow trucks to accompany the tow trucks as the towing of snowbirds begins. Once the vehicle is towed, the plows push back the snow around the snowbird, then proceed to the next vehicle to be towed. The maintenance workers must complete a written towing report for each vehicle towed. Once all of the initially tagged vehicles are towed, the crew then continues with the vehicles tagged earlier that day. The tow trucks and plows should not stop until all snowbirds are towed.

SPECIAL AREAS

There are certain Aproblem@ streets to which the police department will be paying AImmediate@ attention (the 100 & 700 blocks of 12th Avenue North, 100 block of 8th Avenue North, and the 100 & 200 block of 4th Avenue North, are examples). These streets will have the snowbirds tagged immediately after the plows are done. Towing will occur in the normal sequence outlined earlier. The Chief of Police can anc will post streets, >No Parking Anytime<, that become too narrow due to accumulation of snow. The maintenance crews will push back or remove the snow as time allows. The >No Parking< signs will then be removed.
CITY OF SOUTH ST. PAUL
SNOW AND ICE MANAGEMENT POLICY

January 10, 2020

A. Introduction

It is among the responsibilities of the City of South St. Paul to manage snow and ice on City streets and public property under the City’s jurisdiction. The purpose of this document is to set policies for how the City will fulfill this responsibility and to identify those City officials and employees who are authorized to set subordinate policies and make judgments in the course of carrying out snow and ice management activities.

Setting policies for snow and ice management involves evaluating and weighing a number of considerations, including the following:

1. **Public safety.** The safety of those traveling by motor vehicle, on foot and by other modes of transportation is of high priority. The goal of the City is to provide for surface conditions that are safe for travel in consideration of surrounding conditions and circumstances. Also, vehicles and personnel engaged in snow and ice management activity can increase risk to the public by virtue of their presence on public ways during times when travel conditions and vision are impaired.

2. **Personnel safety.** City personnel incur risk by their presence on public ways while managing snow and ice. The safety of City personnel is also of the utmost importance.

3. **Cost.** City funds are limited and taxpayers require that they be spent cost-effectively. It is not possible to address all snow and ice issues simultaneously, completely, and to everyone’s satisfaction. It is not practical to maintain equipment and personnel availability at a level that is sufficient for all circumstances.

4. **Environment.** Materials to maintain or improve surface traction contribute pollutants such as sand and chlorides to surface waters and to City storm water basins and other facilities, which in turn can increase the cost of maintaining those facilities. It is important not to use an excess of these materials. Chloride harms fish and other freshwater aquatic life and also negatively affects infrastructure, vehicles, plants, soil, pets, and wildlife, as well as impair groundwater and drinking water supplies. Once in the water, chloride becomes a permanent pollutant and continues to accumulate in the environment over time. The data shows that salt concentrations are increasing impairments to both surface waters and groundwater across the state.

5. **Priority setting to optimize outcomes.** Because consideration must be given to all factors, it is necessary to set priorities for snow and ice management activities.
Considerations include, though are not limited to, maintenance area classification and vehicle use level, need for emergency vehicle access, areas of known safety risk, reported conditions, costs, and impact on the environment. (Source: MPCA)

6. **Management/professional/technical judgment.** Policies and practices rest on management, professional, and technical knowledge, on prevailing weather and travel conditions and on other circumstances that operators encounter.

7. **Need for adaptability.** Particularly with respect to effectiveness, cost and environmental consequences, snow and ice management is a realm of innovation. It is important that City policy allow for personnel to maintain awareness of developments and allow for practices to be adjusted as appropriate. The public must practice due care given the continuously changing hazards presented by natural snow and ice concerns.

The policies stated in this document, as well as any delegations of authority to set subordinate policies, rest on an assessment and balancing of these considerations. It is not possible or practicable for snow and ice to be fully removed from all surfaces or prevented from accumulating on surfaces. The City encourages and expects that City residents and other members of the traveling public will at all times conduct their activities mindful of conditions, hazards, and what is necessary to remain safe.

**B. Snow and Ice Management Priorities**

The City differentiates among maintenance areas based on a variety of factors, including traffic volume and location (e.g., business district). The established City priority is as follows:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Target Regain Time</th>
<th>Road Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector streets and hills</td>
<td>Area 1 - 0-3 hours</td>
<td>High volume routes that connect major sections of the City and provide access for emergency fire, police, and medical services</td>
</tr>
<tr>
<td>Low Volume Residential Streets, Woog Arena and City Hall parking lot</td>
<td>Area 2 - 3-8 hours</td>
<td>Residential streets with few connections to major through streets</td>
</tr>
<tr>
<td>Alleys and trails</td>
<td>Area 3 - 3-8 hours</td>
<td>City Alleys and trails supporting commuter routes</td>
</tr>
<tr>
<td>Sidewalks, Steps, Pump houses, Rinks Sidewalks and Park parking lots (where needed)</td>
<td>Area 4 - 24-36 hours</td>
<td>Pedestrian walks, steps and parking lots</td>
</tr>
</tbody>
</table>
However, the City will also consider localized safety concerns, reported hazardous conditions and other relevant information in adjusting priorities. The City Administrator or delegated authority has discretion to direct the resources contained in this Policy, and those directives set by the City Administrator or delegated authority. City Administrator delegated authority directs resources and adjusts priorities during an event with due attention to the considerations listed in Section A, above. Within the policies and directives set by the City Administrator or delegated authority, operations personnel may adjust their activity as well to address safety concerns, improve effectiveness, reduce costs, and limit environmental impacts. Section A, paragraph 1, is a significant operational consideration for Cities when making such adjustments.

The City is not responsible for managing snow and ice on streets, sidewalks, or other areas not within City jurisdiction.

C. Tagging and Towing

Once the city crews have completed plowing of the Priority 1 & 2 areas, the Police Department will be notified to begin citing vehicles which have not been moved for the snowplowing operation (snowbirds). The citing of vehicles will typically begin after 10:00 PM and only when plowing will occur the following morning. The City will use Social Media platforms, website, and the “Snowbird Notification” system to notify residents to move their vehicles to avoid receiving a citation. Starting the next morning, The Police Department will begin towing vehicles which have still not been moved since receiving a citation (A minimum of at least four (4) hours from receiving citation until towing will commence.) Again, the City will use Social Media platforms and the “Snowbird Notification” system to notify residents to move their vehicles to avoid having their vehicles towed. Once the vehicle is towed, the plows will push back the snow around the snowbird, then proceed to the next vehicle to be towed. The Police Department will complete a tow report for each vehicle towed. The towing of vehicles will continue until all cited vehicles have been removed or until the tow trucks or plows are no longer available to assist with removal operations.

D. Training

It is important that personnel involved in snow and ice management receive appropriate training to inform their operational capacities and the judgment that they must exercise in performing their responsibilities. The City Public Works Director is delegated the authority to determine and provide for appropriate training and tasked to inform the City Council of training funding needs during budgeting. The City Administrator will consider training for other City personnel who may not have specific responsibilities for snow and ice management but whose awareness and coordination is important to the City’s efforts.

The City will document, or require documentation of, all training that it requires or conducts.
E. Delegations of Authority

Authority with respect to snow and ice management decisions is delegated as follows:

1. **City Administrator or delegated authority.** The City Administrator or delegated authority will exercise general oversight of snow and ice management activities and will make recommendations to the City Council on staffing, purchases and funding as a part of annual budgeting. The City Administrator or delegated authority will exercise responsibility with respect to personnel training as indicated in Section D, above.

2. **The City Public Works Director or delegated authority.** The City Public Works Director or delegated authority is authorized to establish subordinate policies and directives with respect to the following:

   a. Adjustments to snow and ice management priorities as indicated in Section B, above.

   b. Protocols and directives concerning the initiation and cessation of snow and ice management activities. Cessation protocols and directives will consider conditions that endanger employee or equipment safety, or that cause management activities to be ineffective.

   c. Protocols for application of salt and other means to preserve/reestablish traction. The City Public Works Director or delegated authority will give particular consideration to safety, environmental, and cost concerns, will maintain City awareness of best practices and innovations, and in his or her judgment will adjust protocols in accordance with such practices and innovations.

In making the judgments underlying these actions, the City Public Works Director or delegated authority will give due attention to the considerations listed in Section A, above. The City Public Works Director or delegated authority should consider providing for awareness of best practices, including those contained in the Winter Parking Lot and Sidewalk Maintenance Manual (MPCA, 2015) and the Minnesota Snow and Ice Control Field Handbook for Snowplow Operators (Minnesota Local Road Research Board, 2012), as they may be updated, and to provide for incorporation of best practices as appropriate.

3. **Operators.** City personnel engaged in snow and ice management operations are authorized to adjust activities in accordance with Section B, above. Such personnel, in their judgment and communication with Public Works Director or delegated authority, also may adjust plowing and other operational methods and may implement hazard warnings, consistent with the policies and directives set by the City Public Works Director or delegated authority. Operators are to use professional judgment and
discretion to determine the best course of action to complete snow and ice management responsibilities under the circumstances, considering public and driver safety.

F. Operational Framework

1. Documentation: The Street Lead and operators will document control practices and decisions and keep written or printed records of application and other decisions in carrying out this Policy. An event record will be completed by the Street Lead for each storm event and should include operating times, weather conditions, material used, and personnel and equipment resources committed.

2. Service Delivery: The City of South St. Paul believes that it is in the best interest of the residents for the City to assume basic responsibility for control of snow and ice on City streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The City will use City employees, equipment and/or private contractors as may be necessary to provide this service.

In addition to the responsibility for public streets and alleys, the City provides snow removal and/or ice control for public parking areas, Fire Station driveways, and other privately owned/operated areas where written contractual arrangements exist.

Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of City employees and equipment. Factors that may delay snow removal and ice control operations include severe cold, significant winds, and limited visibility. The City typically schedules snowplow operators to work normal 8-hour shifts. In severe snow emergencies, snowplow operators may be expected to work in excess of eight-hours. For the safety of the public and its employees, the City will endeavor to limit snowplow operations to a 13-hour shift in any 24-hour period.

Typical criteria for decisions to dispatch response to snow and ice conditions are:

A. Snow accumulation of two (2) inches or more
B. Drifting of snow that causes problems for travel
C. icy conditions that seriously affect travel
D. Time of snowfall in relationship to heavy use of streets

3. Snow Emergency: In addition to ordinary on-street parking prohibitions, South St. Paul Municipal Code, Sec. 58-101, allows for the declaration of a Snow Emergency, at which time the City would notify residents via radio or television broadcasts, newspaper announcement, public posting, social media or other reasonable means of notification. During this period, on-street parking would be prohibited, and authorized City employees or agents can order tagging and/or towing in conjunction with the South St. Paul Police department. Typically this is considered an emergency measure, to be declared when
conditions indicate that the City’s normal snow removal/ice control resources are likely to be overwhelmed.

4. **Property Damage**: Snow plowing and ice control operations can cause property damage even under the best of circumstances and care on the part of the operators. The major types of damage are to improvements in the City right-of-way that typically extends approximately 10-15 feet beyond the curb location. The intent of the right-of-way is to provide room for snow storage, utilities, sidewalks and other City uses. If a mailbox, conforming to US Postal requirements is damaged due to direct contact by City operated snow removal vehicle or equipment, the City, at its option, will repair or replace the mailbox and post. Mailbox’s damaged by the weight of the snow discharged from the plow are not considered direct contact and will not be repaired or replaced by the City. Newspaper boxes are not repaired or replaced by the City.

Damage to fences, trees, irrigation systems or other structures will not be repaired or replaced by the City if they are within the public right-of-way. Turf areas that are scraped or gouged by City equipment will be repaired by top dressing and seeding the following spring. Residents are requested to assist by watering the areas that are repaired.

5. **Deviation from Policy.** If a person with delegated authority determines deviation from this Policy to be in the best interest of the City, or that a change is needed, the deviation will be documented. Documentation includes identifying: the cause, why the response was necessary, and how long the deviation will be in effect.

6. **Review and Modification of Policy.** The Public Works Director, Street Lead and Street Crews will review this policy annually and recommend modifications as conditions change.

**G. Assuming Responsibility for Private Roadways, Parking Areas, Sidewalks, and Trails**

The City is not responsible for snow and ice management on any roadway or parking area not owned by or dedicated to the City, except as may be provided in a legally binding, written acceptance of that responsibility in the context of a development approval or otherwise.

1. **Sidewalks and Trails**: The City generally provides winter maintenance on some public sidewalks and trails. The types of winter maintenance are typically sweeping, plowing, and snow blowing. The City may also elect not to provide winter maintenance on portions of the sidewalk and trail system for various winter recreational activities.

**No Rights Created**
This policy is for internal use only in order to specify the policies and distribution of authority for snow and ice management. The policy is for the benefit of serving the general public and not for the benefit of any individual or specific group of individuals. It is not intended to and does not create any right or expectation in any third party. The City Council may amend this policy or make exceptions to it as it deems appropriate.

Disclaimer

The City will begin snow and ice management as soon as reasonably possible. The City of South St. Paul does not have a bare pavement standard but will attempt to keep main line, hills, and intersections as safe as practical. Cold, wind, visibility, equipment failure or disability, rapid snow and ice accumulation, and/or other unforeseen conditions or emergencies may prevent safe or effective management and cause delays in management operations. Drivers should always be aware of the road conditions which could impact normal driving practices.
**Agenda Item:** Dakota Broadband (DBB) Project Update

**Action to be considered:**
IT Administrator Ian Hardie and Mayor Francis will update the Council on the status of the Dakota County Broadband project.

**Overview:**
In early 2018, the City entered into a joint powers agreement as one of 12 entities to create Dakota Broadband. The purpose of this entity is to provide for Institutional Network (I-net) to provide IP based services to its members and a Commercial Network (C-net) to aid in business attraction, retention, and job creation. (More background information is attached to this memo.)

At Monday’s worksession, an update will be provided to the Council as to how things have progressed since the creation of the JPA entity.

**Source of Funds:**
N/A
Goals of the JPA

- Create a high performance institutional network (I-Net) for efficient management of physical network assets owned among the members (e.g. telecom conduit, fiber cable, handholes, cabinets, network equipment).
- Provide improved management of fiber and conduit lease agreements and IRUs.
- Use the I-Net to enable more efficient and lower cost price agreements for a variety of IP-based services, including Internet, network services, and other services that could benefit from shared member purchases.
- Create a commercial network infrastructure (C-Net) in Dakota County to enhance business attraction, business retention and jobs creation. The C-Net will provide wholesale access to private sector service providers to deliver a variety of services to business, commercial and residential customers. The JPA will not be a retail provider of services to businesses and residents in Dakota County.

Cost Sharing

Implementation of the concept will include three kinds of costs:

- One-time capital costs for the I-Net,
- One-time capital costs for the C-Net and
- Operational costs.

Prospective members will need to know what the proposed costs are for them. The following chart shows the cost sharing, based on the principals articulated in the Plan.

One-Time Capital Costs for the I-Net

It is proposed that the city members bear the cost of providing and installing their switches and the accompanying optics as well as any costs relating to furnishing an appropriate location for the equipment at their sites. They will also bear their proportionate share of splicing and other construction related costs. They must also bear the costs of any lateral fiber cable necessary to reach their site (no municipal member would be required to install more than 2,000 feet of fiber optic cable). Dakota County would fund the costs of lateral fiber optic cable installations of more than 2,000 feet and would also fund the costs related to the core nodes necessary to run the I-Net.

One-Time Capital Costs for the C-Net

The Plan proposes that the Dakota County Community Development Agency (CDA) fund this one-time C-Net cost. This is seen as a continuation of the CDA’s ongoing role in fostering economic development in the County.

Operational Costs

The Plan proposes to share operational costs based on a series of distribution parameters. The general rule governing these parameters is that members who own larger portions of the infrastructure that will be operated and managed on their behalf will bear a proportionately larger share of the operational
costs. Considerable effort has been expended to inventory existing assets to provide a basis for this sharing. More work remains. The chart reflects assets whose details have been confirmed by as-built records and physical inspection. This is most of the system but additions to the inventory will be made throughout this calendar year. It is also important to remember that members, especially the municipal members, will be adding to the system as time passes—adding to their share of the assets managed by the consortium. Thus, this cost sharing chart will be updated each year, modifying the members’ relative costs sharing based on changes that have occurred during the year.

**Revenue Sharing**

There has been consensus from the earliest discussions on this concept that the primary goals of the effort are to enhance governmental operations through the I-Net and to foster economic development through the C-Net. “Profit” has never been the primary consideration. Nevertheless, revenue will be generated from the operations of the C-Net. Prospective members need to understand how they might share in that revenue if and when it is generated. The Plan proposes that revenue be shared based on three concepts—a portion would be retained by individual city members who sponsor the C-Net implementation within their city limits—45%. A larger share will go to those members who have provided and will be providing the infrastructure necessary to make the I-Net and C-Net functional—50%. This infrastructure share will in turn be shared based on the portion of the infrastructure provided by each member.

Finally, the plan proposes a 5% share of any C-Net revenue to be dedicated to a “pool” to be shared by all members in proportion to their population. The reasoning there is that by the time the I-Net and C-Net are mobilized all members will be providing some portion of the infrastructure and that the countywide nature of the consortium provides a value in and of itself.

The amount of overall C-Net revenue that may be available and the timing for when that revenue will begin are very difficult to predict. The report authors believe that revenue clearly will be generated at some point. In order to demonstrate how these principals might play out, example revenues for the various members were assumed to show what percentage of the overall revenues would accrue to the various members based on those assumptions. That exercise is the genesis of the Revenue Sharing column in the chart. Please bear in mind that the numbers and percentages will vary based on the revenues that are ultimately generated.
<table>
<thead>
<tr>
<th>Member</th>
<th>I-Net &quot;Gap&quot; Project Capital Costs</th>
<th>Operational Costs</th>
<th>EXAMPLE Revenue Sharing - 2</th>
<th>C-Net &quot;Gap&quot; Capital Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Apple Valley</td>
<td>27,566</td>
<td>27,584</td>
<td>29,644</td>
<td>-</td>
</tr>
<tr>
<td>Burnsville</td>
<td>112,267</td>
<td>82,079</td>
<td>76,663</td>
<td>-</td>
</tr>
<tr>
<td>Dakota County</td>
<td>1,151,544</td>
<td>333,215</td>
<td>143,250</td>
<td>-</td>
</tr>
<tr>
<td>Eagan</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Farmington</td>
<td>34,941</td>
<td>7,635</td>
<td>11,960</td>
<td>-</td>
</tr>
<tr>
<td>Hastings</td>
<td>25,773</td>
<td>17,197</td>
<td>15,482</td>
<td>-</td>
</tr>
<tr>
<td>Inver Grove Heights</td>
<td>93,682</td>
<td>9,308</td>
<td>12,391</td>
<td>-</td>
</tr>
<tr>
<td>Lakeville</td>
<td>25,773</td>
<td>31,000</td>
<td>30,878</td>
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</tr>
<tr>
<td>Mendota Heights</td>
<td>93,682</td>
<td>7,277</td>
<td>11,623</td>
<td>-</td>
</tr>
<tr>
<td>Rosemont</td>
<td>30,250</td>
<td>8,094</td>
<td>11,967</td>
<td>-</td>
</tr>
<tr>
<td>South St. Paul</td>
<td>28,150</td>
<td>9,068</td>
<td>10,155</td>
<td>-</td>
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<td>West St. Paul</td>
<td>25,773</td>
<td>11,343</td>
<td>10,967</td>
<td>-</td>
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<tr>
<td>Dakota County CDA-1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>339,178</td>
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<tr>
<td>Total</td>
<td>1,649,441</td>
<td>543,800</td>
<td>365,000</td>
<td>339,178</td>
</tr>
</tbody>
</table>

Note 1 - The revenues shown are based on a series of assumptions regarding C-Net revenues in each member’s territory. The numbers are intended only to demonstrate how the revenues may be shared. C-Net expansions in the municipalities will directly affect their shares.
AGENDA ITEM: Serbian Home Discussion

DESIRED OUTCOMES:
- Provide opportunity for property owner to discuss condition of the building and desires for future use.
- Discuss current zoning and comprehensive plan considerations as related to the property and desired use.
- Determine how to respond to property owner’s situation.

OVERVIEW:
The property owner at 404 3rd Avenue South (Serbian Home) is interested in re-establishing a community event center at the property. If supported, he would like to relocate the existing home immediately west of the Hall at 405 4th Avenue South (which he owns) in order to construct an off-street parking facility directly adjacent to the hall. Currently, the 404 3rd Avenue South property is not properly zoned to allow for a community/event center use.

About the Property
South St. Paul’s “Serbian Home”, located at 404 3rd Avenue South, was built in 1924 to cater to a burgeoning community of Serbian immigrants by providing a venue for community gathering, fellowship, and events. The building is a modest two-story brick structure measuring approximately 4,500 square feet per floor. The building hosted numerous events and gatherings until its closing in the 1980s, and was added to the National Register of Historic Places in 1992. The building remains standing today in much the same layout as it was originally constructed and intended. Nonetheless, the building has not been used as a “community center” since the 1980s, and its most recent incarnation as a (fledgling) cultural museum/center ceased operation a little over a year ago.

Current Zoning and Land Use Guiding
The current property owner, Alex Stojmenovic, is interested in conducting general renovations to the building, along with some more intensive upgrades to the building’s core systems, in order to re-open the building to rent out for events and gatherings. The property is located within an R-2 Single- and Two-Family Residence Zoning District. South St. Paul’s Zoning Code would define the proposed use as a “Club or Lodge, private”, which is neither a permitted nor conditional use in the R-2 District.

Uses within close proximity to the hall are predominately residential, with single-family being the most common but a number of smaller-scale multi-unit residences scattered within the neighborhood. The Serbian Eastern Orthodox Church is located approximately two blocks east of the property. The Croatian Hall is located one block east and one block south of the property.
The property is guided for Institutional Use in the City’s Comprehensive Plan. Among the included uses in this Land Use District is “social facilities” which would seem to be generally consistent with a community/event center use (although not explicitly so). However, the City’s definition of “Institutional” uses as found in the Zoning Ordinance would indicate that “charitable, nonprofit clubs and lodges” and “facilities for philanthropic or fraternal uses” are specifically consistent with Institutional (versus for-profit/private clubs, lodges and facilities). There is very limited additional guidance within the comprehensive plan about this property in particular, however the comprehensive plan does note that properties on the Historic Register (like this one) should be considered for adaptive reuse as multifamily residential facilities.

**The Owner’s Proposal**

The current owner would like to rehabilitate the building and re-open the facility as an event space, for hosting cultural and social events, family gatherings, and other special events. The owner has no interest or intention in integrating a kitchen or liquor license into the proposed facility at this time. If the Serbian Home were permitted to operate as an events facility, the owner would propose relocating the single-family home immediately to the west (405 4th Avenue South, which he also owns) from the lot on 4th Avenue to a vacant lot elsewhere in South St. Paul, and constructing a surface parking lot on the 4th Avenue property. At about 10,000 square feet, the 4th Avenue lot might be able to accommodate up to 25 parking stalls (this is purely an estimation). Hypothetically, if the entire building (9,000 square feet) were proposed to be used as the community center, a total of 57 off-street parking spaces would be required for the facility per code. If only the first floor were proposed to be used, that total would be 27 required off-street spaces.

**Alternatives to Consider**

- **Option 1 - Advise the property owner that the use is not and will not be permitted** - Fundamentally, the issue at hand is that the property owner wants to do something with the property that is not permissible within the existing zoning. Typically, this is a black and white issue and it is well within the City’s rights to reject any proposal to use the property in the proposed way with no further deliberation.

- **Option 2 – Establish special provisions for Historic Structures and Require CUP/IUP** – If the Council is of the consensus that the proposal could be successfully executed at the property with certain conditions, one option would be to establish an “Historic Register” provision to the Ordinance. In concept, this approach would generally provide that properties that are on the National Register of Historic Places but whose historic use is not consistent with current zoning could apply for a Conditional Use Permit to use the property in the way that the property was constructed and operated for originally.

- **Option 3 – Amend Zoning (language and/or map)** - If the Council feels that event centers could be successfully integrated into residential neighborhoods under certain conditions, an option would be for the applicant to request that the ordinance be amended to add such facilities as Conditional Uses in one or more residential districts. At the risk of stating the obvious, this would mean that any location within said zoning district(s) could apply for a CUP for such a use. Alternatively, the applicant could seek to re-zone the Serbian Home property to a C-1 Zoning District (which permits private clubs and lodges). Staff would STRONGLY suggest that neither of these options is in the best interest of the Council, the neighborhood, or the City.
Summary/Conclusion
The Serbian Home property is an important element of the City’s history, which unfortunately has fallen into vacancy, underutilization, and moderate decay. It is difficult to argue that the property could feasibly or economically be converted to a use that would be permissible under existing zoning (generally, residential), although admittedly the City has not strongly pursued such a conversion in the private market. The current owner’s attempt to preserve the building at a reasonable cost is understandable, however we have to recognize that establishing a renewed event/community center at this property will represent a change for the neighborhood. A Community Center would unquestionably impact surrounding residential properties and the neighborhood at large, with special event traffic and parking demands, potentially intrusive hours of operation, and increased noise, lighting, and indoor/outdoor activity and noise levels versus a residential use. These considerations should be kept front and center if the Council entertains the applicant moving forward, and we should assure that any approval be contingent and conditioned upon minimizing impacts to the neighborhood as much as possible.

Source of Funds:
N/A
404 3RD AVENUE SOUTH – SERBIAN HOME
SERBIAN HOME DISCUSSION

404 3<sup>rd</sup> Ave S – Serbian Home

405 4<sup>th</sup> Ave S – Residence owned by same owner

Information accurate as of November 2018
SERBIAN HOME DISCUSSION

404 3rd Ave S – Serbian Home

405 4th Ave S – Residence owned by same owner
AGENDA ITEM: 103 Concord Exchange North – Proposed Zoning Text Amendment

DESIRED OUTCOMES:
- Provide opportunity for property owner and potential tenant to discuss proposal for vacant space at 103 Concord Exchange (Vandalia Glassworks building).
- Discuss current zoning/ordinance considerations as related to the property and desired use.
- Provide property owner with feedback and guidance as related to the proposal.

OVERVIEW:
The property owner at 103 Concord Exchange North has been approached by – as staff understands it - a licensed tattoo artist about leasing the vacant storefront space in his building for a tattoo studio and glass art store (jewelry). The Property is currently zoned Concord Gateway Mixed-Use-1 (CGMU-1) and body art establishments (as tattoo studios are called in the Zoning Code) are not listed as a permitted or conditional use in this district. The property owner would be interested in pursuing a zoning text amendment to the CGMU-1 ordinance if the Council is of general consensus that a use meeting the requirements of the City’s ordinances related to Tattoo Parlors (specifically Chapter 18 Section XX) could otherwise be met.

Summary of the Property and Proposed Use
103 Concord Exchange North is an approximately 10,000 square foot commercial building that has recently undergone renovation and is currently home to Vandalia Glassworks. In addition to the building, the site has an approximately 20-stall surface parking lot on the north side of the building. The owner of the property, Erick Schmidt, has been attempting to lease out approximately 1,700 square feet of storefront (in the southern portion of the building) with limited market interest. Recently, he has been approached by a professional tattoo artist that is interested in establishing a shop in the vacant portion of the building.

Current Zoning and Other Code Considerations
The CGMU-1 Zoning District lists over 50 (generally) commercial and retail-oriented uses as permitted or conditional uses within the district, however a body art establishment is not one of them (body art establishments are only allowed in the GB-General Business District). The CGMU-1 district encompasses the properties on both sides of Concord Exchange from Bridgepoint Drive northward to Hardman Avenue (just north of the Post Office). This district has been an area of focus for revitalization by the City in recent years, with several properties recently completed or in the development pipeline.

Body art establishments are generally regulated in South St. Paul by Chapter 18 (Businesses) Article XX (Body Art Establishments); the zoning code provides little in the way of specific regulating language for these uses. Key provisions of the Ch. 18 Article XX section of code for the purposes of this discussion:
- Requires a licensed body art professional to operate a body art establishment. (Sec. 18-610 (5)). Licensing is through the Minnesota Department of Health.
- Requires a City License (Sec. 18-642 – Sec. 18-653 outlines the license process, procedures and standards).
- Limits the total number of licenses in the City to two.

In addition to these standards, staff notes that the General Business District – which is the only district within which body art establishments are permitted (as a CUP) currently – includes the following provisions:
- Body art establishments can’t be any closer than 300 feet from the nearest part of a residential building located within a residential district.
- Body art establishments can’t be any closer than ½ mile from the nearest part of a building in which another body art establishment is located.

Theoretically, these conditions could also be integrated into a similar CUP provision in the CGMU-1 District, if these “proximity” concerns are still important to the Council and the community. By doing so, the ordinance would by all appearances mean that this location – if licensed and approved – would be the only such facility that could be established in the CGMU-1 District.

Finally, the City’s 2040 Comprehensive Plan, within the economic development chapter, lists the following policy (Policy 5.1.11): “Nurture a ‘craft’ economy focused on attracting and developing art/artisan uses, small locally sourced and or locally targeted industry and unique retail opportunities that can thrive in South St. Paul’s unique character and proximity to both Saint Paul and Minneapolis.” It would seem that, if effectively licensed and operated using the guidance in existing code, the proposed body art establishment would align rather well to this policy.

**Staff Recommendation**

Staff’s opinion is that the proposed use can be effectively integrated into the revitalizing CGMU-1 district. We would recommend amending the text of the CGMU-1 district to allow for body art establishments as a conditional use permit, potentially mirroring the language currently found in the GB District. The use would seem to be a compliment to the glass blowing studio in the same building, and although small and somewhat niche should help to increase the vitality and visibility of the Concord Exchange corridor. CGMU-1 lists many land uses as permitted and conditional that are often found in retail corridors and retail developments, and in looking around the Twin Cities metro one can see that modern body art establishments are thriving in retail locations. The City, in its foresight, has authored a robust ordinance and licensing procedure for such facilities, which staff is confident would establish a particularly high standard of operation for the facility if a license is applied for.

**Source of Funds:**

N/A
ARTICLE XX. - BODY ART ESTABLISHMENTS

Footnotes:
--- (11) ---

Section 2 of the ordinance changed the title of Art. XX to read as herein set out and amended Div. 1 in its entirety by enacting the new provisions set out therein.

State Law reference—Tattooing of minors, Minn. Stats. § 609.2246.

DIVISION 1. - GENERALLY

Sec. 18-608. - Purpose.

It is the purpose and intent of this section [article] to establish standards and regulations relating to the practice of body art in order to prevent the transmission of communicable diseases and promote the general welfare of the public.

(Ord. No. 2011-1243, § 2, 6-20-2011)

Sec. 18-609. - Exemptions.

The following individuals may perform body art procedures within the scope of their practice without a technician's license:

(1) A physician licensed under Minn. Stats. ch. 147;
(2) A nurse licensed under Minn. Stats. §§ 148.171 to 148.285;
(3) A chiropractor licensed under Minn. Stats. ch. 148;
(4) An acupuncturist licensed under Minn. Stats. ch. 147B;
(5) A physician's assistant licensed under Minn. Stats. ch. 147A;
(6) A dental professional licensed under Minn. Stats. ch. 150A;
(7) A guest artist under Minn. Stats. § 146B.04 may perform body art procedures in accordance with the requirements of Minn. Stats. § 146B.04; or
(8) A person piercing only the outer perimeter or lobe of the ear using a pre-sterilized single-use stud-and-clasp ear-piercing system.

(Ord. No. 2011-1243, § 2, 6-20-2011)

Sec. 18-610. - Prohibitions.

No person shall:

(1) Conduct branding, cutting, subdermal implantation, microdermal, transdermal, suspension, tongue bifurcation, or scarification of another person;
(2) Tattoo a minor;
(3) Pierce or tattoo the genitalia or nipples of a minor;
(4) Practice tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minn. Stats. § 152.01, subd. 4, or hazardous substances as defined in the rules adopted under Minn. Stats. ch. 182; or
(5) Operate a body art establishment or perform body art procedures, unless exempted above, without a license.
Sec. 18-611. - 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.

**Antiseptic** means an agent that destroys disease-causing microorganisms on human skin or mucosa.

**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 dissembling 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, pocketing (“anti-piercing”) 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** means an indelible mark burned into the skin using instruments of thermal cautery, radio hyfrecation, and strike branding.

**Commissioner** means the commissioner of health.

**City** means the City of South St. Paul.

**Contaminated waste** means any liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; and sharps and any wastes containing blood and other potentially infectious materials, as defined in Code of Federal Regulations, title 29, section 1910.1030, known as "Occupational Exposure to Blood-borne Pathogens."

**Cutting** means the practice of cutting the skin, mucosa or part of the body to create a permanent scar or division of tissue for the purpose of body art. Cutting shall not refer to any medical procedure performed by board certified medical or dental personnel.

**Department** means the department of health.

**Equipment** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in the operation of a body art establishment.

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

**Hand sink** means a sink equipped with potable hot and cold water held under pressure, used for washing hands, wrists, arms, or other portions of the body.

**Hot water** means water at a temperature of at least 110 degrees Fahrenheit.

**Implanting** means to fix or set securely an object in or under tissue and includes, but is not limited to, three-dimensional body art applications. Implanting does not include medical procedures including, but not limited to, pacemaker insertion, cosmetic surgery and reconstructive surgery performed by board certified medical or dental personnel.
Jewelry means any ornament inserted into a pierced area.

Liquid chemical germicide means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.

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.

Operator means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for the establishment's compliance with these regulations, whether or not the person actually performs body art activities.

Procedure area means the physical space or room used for conducting body art procedures.

Procedure surface means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.

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

Sharps means any object, sterile or contaminated, that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, presterilized single-use needles, scalpel blades, and razor blades.

Sharps container means a closed, puncture-resistant, leakproof container, labeled with the international biohazard symbol, that is used for handling, storage, transportation, and disposal.

Single use means products or items intended for onetime use which are disposed of after use on a client. This definition includes, but is not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, disposable razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.

Sterilization means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

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

Supervision means the physical presence of a technician licensed under this chapter while a body art procedure is being performed.

Suspension means the piercing of human tissue with large gauge fishing hooks or other piercing apparatus to raise or lower an individual with pulleys or other apparatus.

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 this chapter [article] as a tattoo technician or as a body piercing technician or as both.

Temporary body art establishment means any place or premises operating at a fixed location where an operator performs body art procedures for no more than 21 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.

(Ord. No. 2011-1243, § 2, 6-20-2011)

Secs. 18-612—18-641. - Reserved.
DIVISION 2. - LICENSE [12]
Sec. 18-642. - License required.

No person acting individually or jointly with any other person may maintain, own, or operate a body art establishment in the city without being licensed by the city pursuant to this section. The city will issue no more than two body art establishment licenses at any time.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-643. - License application.

Each application for an initial establishment license and for renewal must comply with chapter 18, as well as all requirements of this section. Every applicant shall provide the following information:

1) If the applicant is a natural person:
   a. The name, place and date of birth, permanent 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 or names used and information concerning dates and places where used.
   d. The name of the business, if it is to be conducted under a designating 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 from the date of application.
   f. The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five years from the date of application, and the names and addresses of the applicant's employers and partners, if any, for the preceding five years from the date of application.
   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 from which convictions were had.

2) 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).
   b. The names of the managing partners and the interest of each partner in the tattooing or body piercing 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) If the applicant is a corporation or other business:
   a. The name of the corporation or business formed and the state of incorporation.
   b. A true copy of the certificate of incorporation and certificate of good standing, articles of incorporation or association agreement, and bylaws shall be attached to the application, in addition to a current certification of good standing from the state secretary office.
   c. The name of the manager, proprietor, or other agent in charge of the business and all information concerning each manager, proprietor, or agent required in subsection (1) of this section.

(4) For all applicants:
   a. Whether the applicant holds a current body art establishment or technician license from any other governmental unit.
   b. Whether the applicant has previously had a tattooing or body piercing license or body art establishment or technician license denied or revoked 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. Whether the application is for premises either planned or under construction or undergoing substantial alternations; in such case, the application shall be accompanied by a set of preliminary site and building plans, approved by the building official.
   f. Proof that all body art technicians are properly licensed pursuant to Minn. Stats. § 146B.03.
   g. The website and electronic mail address for the business and each of the individuals, partners, and corporate officers having an interest in the business.
   h. Such other information the city council may require.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-644. - Application verification.
All applications shall be submitted to the city clerk. The city shall verify any and all of the information requested of the applicant in the application, including the ordering of criminal background checks pursuant to section 19-47, and conduct any necessary investigation to ensure compliance with this section.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-645. - Fees.
(a) Application fee.
   (1) The application fee is set by chapter 26 of this Code.
   (2) The license application fee shall be paid in full before the application for a license shall be accepted. Upon rejection of any application, the license fee shall be refunded in full to the applicant except where rejection is for a willful misstatement in the license application.

(b) Investigation fee. An applicant for any license under this chapter [article] shall pay the city at the time an original application is submitted a nonrefundable fee as established by chapter 26 of this Code to cover the costs involved in verifying the license application and to cover the expense of any
investigation needed to ensure compliance with this division. In the event an establishment is adding more than one service at a different time, an additional investigation fee shall be paid for investigation needed to ensure compliance with this division.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-646. - Inspection.
(a) **Inspection report.** Pursuant to City Code section 18-26, proof of a satisfactory inspection report from the commissioner of health is required.

(b) **Access to premises.** The operator of the body art establishment shall, upon request of the city, permit city employees access to all parts of the establishment at any reasonable time for the purpose of inspection. The operator shall allow review of any records necessary for the city to ascertain compliance with this article.

(c) **Interference with city employees.** No person shall interfere with or hinder the city in the performance of its duties, or refuse to permit any city employee to make such inspections.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-647. - Drawing of premises.
The applicant shall submit a scaled drawing of the premises with the license application. If the licensed premises is enlarged, altered, or extended, the licensee shall inform the city and provide an amended drawing.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-648. - Locations and persons ineligible for a license.
(a) No license under this section shall be issued for a location:

1. That is a temporary body art establishment or mobile establishment.
2. That is located in a private residence.
3. That is licensed to sell intoxicating liquor, nonintoxicating liquor or is licensed as a sexually oriented business.
4. That is not a compact and contiguous space specified in the approved license application.
5. On which taxes, assessments, or other financial claims of the state, county, school district, or city are due, delinquent, or unpaid. In the event a suit has been commenced under Minn. Stats. §§ 278.01 through 278.03, questioning the amount of validity or taxes, the city council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one year after becoming due.
6. That is not properly zoned or does not have approved building permits, if required.

(b) No license shall be issued to an applicant or an officer, director, partner or manager of body art establishment who is:

1. A minor at the time the application is filed; or
2. Not a citizen of the United States, a resident alien, or does not have the legal authority to be employed in the United States.

(Ord. No. 2011-1243, § 4, 6-20-2011)
Sec. 18-649. - Hours of operation.
A licensed premises shall not be open for business before 7:00 a.m. or after 11:00 p.m.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-650. - Records.
The following information must be kept on file for three years on the premises of the establishment and must be made available for inspection upon request by the city:

(1) A description of all body art procedures performed by the establishment;
(2) Copies of the spore tests conducted on each sterilizer; and
(3) The following information for each technician or guest artist 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;
   f. Exact duties; and
   g. License number or guest artist license number.
(4) For each client, the body art establishment operator shall maintain proper records of each procedure. The records of the procedure must be kept for three years and must be available for inspection by the city upon request. The record must include the following:
   a. The date of the procedure;
   b. The information on the required picture identification showing the name, age, and current address of the client;
   c. A copy of the authorization form signed and dated by the client required under section 18-656;
   d. A description of the body art procedure performed;
   e. The name and license number of the technician performing the procedure;
   f. A copy of the consent form required under section 18-658; and
   g. If the client is under the age of 18 years, a copy of the consent form signed by the parent or legal guardian as required under section 18-657.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-651. - Insurance.
(a) *Professional 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 has current coverage of professional liability insurance in the amount of at least $1,000,000.00.
(b) *Worker's compensation insurance.* All licensees shall provide the city with proof of worker's compensation insurance as required by Minn. Stats. § 176.182 for all its employees.

(Ord. No. 2011-1243, § 4, 6-20-2011)
Sec. 18-652. - Body art technicians.
(a) No individual may perform tattooing unless the individual holds a valid tattoo technician license issued by the commissioner of health under Minn. Stats. § 146B.03, unless it is exempt pursuant to section 18-609.
(b) No individual may perform body piercing unless the individual holds a valid body piercing technician license issued by the commissioner of health under Minn. Stats. § 146B.03, unless it is exempt pursuant to section 18-609.
(c) If an individual performs both tattooing and body piercing, the individual must hold a valid dual body art technician license.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-653. - Denial, suspension or revocation of license.
(a) Grounds for denial, suspension or revocation. In addition to the grounds stated in City Code subsection 18-31(a), any license may be denied, suspended or revoked if any of the following conditions exists and the owner or operator of a licensed establishment may be ordered by the city to discontinue all operations of a licensed body art establishment:
   (1) Evidence of a sewage backup in an area of the body art establishment where body art activities are conducted;
   (2) Lack of potable, plumbed, or hot or cold water to the extent that hand washing or toilet facilities are not operational;
   (3) Lack of electricity or gas service to the extent that hand washing, lighting, or toilet facilities are not operational;
   (4) Significant damage to the body art establishment due to tornado, fire, flood, or another disaster;
   (5) Evidence of an infestation of rodents or other vermin;
   (6) Evidence of any individual performing a body art procedure without a license as required under this chapter [article];
   (7) Evidence of existence of a public health nuisance;
   (8) Use of instruments or jewelry that are not sterile;
   (9) Failure to maintain required records;
   (10) Failure to use gloves as required;
   (11) Failure to properly dispose of sharps, blood or body fluids, or items contaminated by blood or body fluids;
   (12) Failure to properly report complaints of potential blood-borne pathogen transmission to the commissioner; or
   (13) Evidence of a positive spore test on the sterilizer if there is no other working sterilizer with a negative spore test in the establishment.
   (14) The correct license fee has not been tendered to the city and, in the case of a check or bank draft, honored with payment upon presentation.
   (15) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's business, zoning and health regulations.
   (16) The applicant has operated a tattoo or body piercing establishment and has had a license denied, revoked or suspended for any of the cases given in this section by the city or any other state or local agency within three years prior to the date of the application.
(17) The applicant, owner or operator has been convicted of any crime directly related to the business licensed and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed business as prescribed by Minn. Stats. § 364.03, subd. 3.

(18) The applicant, owner or operator denies access to city or state officials who are attempting to determine compliance with the City Code.

(19) Who is not of good moral character or repute.

(b) Hearing. The city council or its designee may hold a hearing to take action on an establishment license pursuant to City Code subsection 18-31(b).

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-654. - Health and safety standards.

(a) Establishment standards. The body art establishment must meet the health and safety standards in this subdivision [subsection] before a licensed technician may conduct body art procedures at the establishment.

(1) There shall be no less than 45 square feet of floor space for each procedure area. The procedure area(s) must be separated from the bathroom, retail sales area, hair salon area, or any other area that may cause potential contamination of work surfaces.

(2) For clients requesting privacy, at a minimum, a divider, curtain, or partition must be provided to separate multiple procedure areas.

(3) All procedure surfaces must be smooth, nonabsorbent, and easily cleanable.

(4) The establishment must have an accessible hand sink that is not in a public restroom and is equipped with:
   a. Hot and cold running water under pressure;
   b. No touch faucet controls such as wrist or foot operated;
   c. Liquid hand soap;
   d. Single-use paper towels or a mechanical hand drier or blower;
   e. A nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removable liner; and
   f. A sign reminding technicians to properly wash their hands.

(5) The establishment must have at least one available bathroom equipped with a toilet and hand lavatory. The hand lavatory shall be supplied with:
   a. Hot and cold running water under pressure;
   b. Liquid hand soap;
   c. Single-use paper towels or a mechanical hand drier or blower;
   d. A garbage receptacle;
   e. A door that closes; and
   f. Adequate ventilation.

(6) Ceilings in the body art establishment must be in good condition.

(7) All walls and floors must be free of open holes or cracks and be washable and no carpeting may be in areas used for body art procedures unless the carpeting is entirely covered with a rigid, nonporous, easily cleanable material.
(8) All facilities within the establishment must be maintained in a clean and sanitary condition and in good working order.

(9) No animals may be present during a body art procedure, unless the animal is a service animal.

(b) Standards for equipment, instruments, and supplies. Equipment, instruments, and supplies must comply with the health and safety standards in this subdivision before a licensed technician may conduct body art procedures.

(1) Jewelry used as part of a body art procedure must be made of surgical implant-grade stainless steel, solid 14-karat or 18-karat white or yellow gold, niobium, titanium, or platinum, or a dense low-porosity plastic. Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.

(2) Jewelry used as part of a body art procedure must be free of nicks, scratches, or irregular surfaces and must be properly sterilized before use.

(3) Reusable instruments must be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use.

(4) Needles must be single-use needles and sterilized before use.

(5) Sterilization must be conducted using steam heat or chemical vapor.

(6) All sterilization units must be operated according to the manufacturer's specifications.

(7) At least once a month, but not to exceed 30 days between tests, a spore test must be conducted on each sterilizer used to ensure proper functioning. If a positive spore test result is received, the sterilizer at issue may not be used until a negative result is obtained.

(8) All inks and other pigments used in a body art procedure must be specifically manufactured for tattoo procedures.

(9) Immediately before applying a tattoo, the ink needed must be transferred from the ink bottle and placed into single-use paper or plastic cups. Upon completion of the tattoo, the single-use cups and their contents must be discarded.

(10) All tables, chairs, furniture, or other procedure surfaces that may be exposed to blood or body fluids during the body art procedure must be constructed of stainless steel or other suitable material that will allow complete sanitization and must be sanitized after each client with a liquid chemical germicide.

(11) Single-use towels or wipes must be provided to the client. These towels must be dispensed in a manner that precludes contamination and disposed of in a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removal [removable] liner.

(12) All bandages and surgical dressings used must be sterile or bulk-packaged clean and stored in a clean, closed nonporous container.

(13) All equipment and instruments must be maintained in good working order and in a clean and sanitary condition.

(14) All instruments and supplies must be stored clean and dry in covered containers.

(15) Single-use disposable barriers or a chemical germicide must be used on all equipment that cannot be sterilized as part of the procedure as required under this section including, but not limited to, spray bottles, procedure light fixture handles, and tattoo machines.

(c) Standards for body art procedures. All body art procedures must comply with the health and safety standards in this subdivision [subsection].

(1) [Skin cleansing.] The skin area subject to a body art procedure must be thoroughly cleaned with soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only single-use towels or wipes may be used to clean the skin.
(2) **[Shaving.]** Whenever it is necessary to shave the skin, a new disposable razor must be used for each client. The disposable razor must be discarded after use.

(3) **[Skin infection, etc.]** No body art procedure may be performed on any area of the skin where there is an evident infection, irritation, or open wound.

(4) **Glove use.**
   a. Single-use nonabsorbent gloves of adequate size and quality to preserve dexterity must be used for touching clients, for handling sterile instruments, or for handling blood or body fluids.
   b. Nonlatex gloves must be used with clients or employees who request them or when petroleum products are used.
   c. Gloves must be changed if a glove becomes damaged or comes in contact with any nonclean surface or objects or with a third person.
   d. At a minimum, gloves must be discarded after the completion of a procedure on a client.
   e. Hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.
   f. Gloves shall not be reused.

(d) **Standards for technicians.** Technicians must comply with the health and safety standards in this subdivision [subsection].
   
   (1) Technicians must scrub their hands and wrists thoroughly before and after performing a body art procedure, after contact with the client receiving the procedure, and after contact with potentially contaminated materials.
   
   (2) A technician may not smoke, eat, or drink while performing body art procedures.
   
   (3) A technician may not perform a body art procedure if the technician has any skin infection of the hand or open sores visible or in a location that may come into contact with the client.
   
   (4) Technicians shall wear clean clothing and use a disposable barrier such as a lap cloth when performing body art procedures.
   
   (5) For each client, single-use disposable barriers shall be provided on all equipment used as part of a procedure that cannot be sterilized. Examples include spray bottles, light fixture handles, and tattoo machines.
   
   (6) Technicians shall not allow clients to leave the procedure area without first covering the tattooed area with a bandage or other clean covering.

(e) **Contamination standards.**
   
   (1) Infectious waste and sharps must be managed according to [Minn. Stats.] §§ 116.76 to 116.83 and must be disposed of by an approved infectious waste hauler at a site permitted to accept the waste, according to Minnesota Rules, parts 7035.9100 to 7035.9150. Sharps ready for disposal must be disposed of in an approved sharps container.
   
   (2) Contaminated waste that may release liquid blood or body fluids when compressed or that may release dried blood or body fluids when handled must be placed in an approved red bag that is marked with the international biohazard symbol.
   
   (3) Contaminated waste that does not release liquid blood or body fluids when compressed or handled may be placed in a covered receptacle and disposed of through normal approved disposal methods.
   
   (4) Storage of contaminated waste on site must not exceed the period specified by Code of Federal Regulations, title 29, section 1910.1030.

(Ord. No. 2011-1243, § 4, 6-20-2011)
Sec. 18-655. - Proof of age.
A technician shall require proof of age before performing any body art procedure on a client. Proof of age must be established by one of the following methods:

(1) A valid driver's license or identification card issued by the state of Minnesota or another state that includes a photograph and date of birth of the individual;
(2) A valid military identification card issued by the United States Department of Defense;
(3) A valid passport;
(4) A resident alien card; or
(5) A tribal identification card.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-656. - Disclosure and authorization form.
(a) Before performing any body art procedure, the technician must provide the client with a disclosure and authorization form that indicates whether the client has:

(1) Diabetes;
(2) A history of hemophilia;
(3) A history of skin diseases, skin lesions, or skin sensitivities to soap or disinfectants;
(4) A history of epilepsy, seizures, fainting, or narcolepsy;
(5) Any condition that requires the client to take medications such as anticoagulants that thin the blood or interfere with blood clotting; or
(6) Any other information that would aid the technician in the body art procedure process evaluation.

(b) The form must include a statement informing the client that the technician shall not perform a body art procedure if the client fails to complete or sign the disclosure and authorization form, and the technician may decline to perform a body art procedure if the client has any identified health conditions.

(c) The technician shall ask the client to sign and date the disclosure and authorization form confirming that the information listed on the form is accurate.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-657. - Minors; parent or legal guardian consent; prohibitions.
(a) A technician may perform body piercings on an individual under the age of 18 if the individual's parent or legal guardian is present and a consent form under section 18-658 and the authorization form under section 18-656 are signed by the parent or legal guardian in the presence of the technician, and the piercing is not prohibited under subsection 18-657(c).

(b) No technician shall tattoo any individual under the age of 18 regardless of parental or guardian consent.

(c) No 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 18 regardless of parental or guardian consent.

(d) No technician shall perform body art procedures on any individual who appears to be under the influence of alcohol, controlled substances as defined in Minn. Stats. § 152.01, subd. 4, or hazardous substances as defined in rules adopted under Minn. Stats. ch. 182.

(e) No technician shall perform body art procedures while under the influence of alcohol, controlled substances as defined under Minn. Stats. § 152.01, subd. 4, or hazardous substances as defined in the rules adopted under Minn. Stats. ch. 182.
(f) No technician shall administer anesthetic injections or other medications.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-658. - Consent form.
Before performing a body art procedure, the technician shall obtain from the client a signed and dated informed consent form. The consent form must disclose:

(1) That a tattoo is considered permanent and may only be removed with a surgical procedure and that any effective removal may leave scarring; or

(2) That body piercing may leave scarring.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-659. - Personal privacy.
Before performing any body art procedure, the technician shall offer and make available to the client personal draping, as appropriate.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-660. - Aftercare instructions.
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 to consult a health care professional at the first sign of infection.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-661. - State and local public health regulations.
An operator and technician shall comply with all applicable state, county, and city requirements regarding public health.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Sec. 18-662. - Notification.
The operator of the body art establishment shall immediately notify the commissioner of health and local health authority of any reports they receive of a potential blood-borne pathogen transmission.

(Ord. No. 2011-1243, § 4, 6-20-2011)

Secs. 18-663—18-670. - Reserved.