

MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 4, 2003
7:00 P.M.

ROLLCALL Answering rollcall were Members Housh, Hovland, Kelly, Masica and Mayor Maetzold.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Kelly and seconded by Member Hovland approving the Council Consent Agenda as presented with the exception of Agenda Item V.B. Amendment to the 2003 Community Health Service Agreement; Agenda Item V.C. Animal Impound Agreement; and Agenda Item V.H. Resolution - South Metro Public Safety Training Facility.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2003-26 - DR. KENNETH DRAGSETH, 2003 AASA SUPERINTENDENT OF THE YEAR Mayor Maetzold stated that Edina School's Superintendent, Dr. Kenneth Dragseth had been chosen as the 2003 AASA Superintendent of the year.

Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION NO. 2003-26

RESOLUTION OF CONGRATULATIONS

WHEREAS, Dr. Kenneth Dragseth was named 2003 Minnesota Association of School Administrators (MASA) Superintendent of the Year; which placed him in national running among other state winners for National Superintendent of the Year, to be announced at the American Association of School Administrators (AASA) convention in New Orleans in February 2003; and

WHEREAS, criteria demonstrated by Dr. Dragseth includes leadership for learning, communications skills, professionalism, community involvement; and

WHEREAS, Dr. Dragseth holds doctorate and master's degrees from the University of Minnesota, and a bachelor's degree from Gustavus Adolphus College, has participated in the Harvard University Superintendent's Summer Seminar, and is a Fellow in the Bush Public Schools Executive Development Program; and

WHEREAS, Dr. Dragseth has been the Edina Public Schools superintendent since 1992, but has served the school district since 1977 in a variety of leadership roles including Dean of Students, Instruction Assistant, Curriculum Coordinator, Principal, Planning Director and Assistant Superintendent; and

WHEREAS, in addition to this year's National and Minnesota Superintendent of the Year awards, Dr. Dragseth has been honored with the Exemplary Board/Superintendent Relationship Award, Executive Educator 100, Administrator of the Year, Bush Executive Fellow and several Who's Who lists; and

WHEREAS, Dr. Dragseth is especially noted for his ability to create and support an environment for learning.

NOW, THEREFORE, BE IT RESOLVED, by Edina City Council that congratulations be extended to Dr. Kenneth Dragseth in honor of his being named

2003 AASA SUPERINTENDENT OF THE YEAR

AND BE IT FURTHER RESOLVED, that this Resolution be recorded in the Minutes of the Edina City Council.

ADOPTED this 4th day of March 2003. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

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Motion carried.

BOY SCOUT TROOP 123 WELCOMED Mayor Maetzold welcomed Boy Scout Troop 123 from Shepherd of the Hills Church who was working on their Communication and Citizenship Badges.

***MINUTES OF THE REGULAR MEETING OF FEBRUARY 18, 2003, AND WORK SESSION OF FEBRUARY 4, 2003, APPROVED** Motion made by Member Kelly and seconded by Member Hovland, approving the Minutes of the Regular Meeting of the Edina City Council for February 18, 2003, and Work Session of February 4, 2003.

Motion carried on rollcall vote - five ayes.

***HEARING DATE SET FOR PLANNING MATTER** Motion made by Member Kelly and seconded by Member Hovland setting March 18, 2003, for the following planning matter:

1. Final Development Plan for Edina A & P, LLC, (4000 Hazelton Road) - Generally located West of France Avenue and South of West 70th Street

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2003-27 APPROVED - 2003 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM Planner Larsen explained the current entitlement for Edina in 2003 was \$175,942, which was unchanged from 2002. Hennepin County has advised all cities that Congress was not expected to approve the FY2003 budget until after the March 7, 2003, deadline for budget submissions. For planning purposes, the cities have been instructed to use the 2002 figures. Staff recommended submitting the same budget to the County that was submitted in 2002. Mr. Larsen said that the Human Relations Commission has reviewed and agrees with the proposed budget.

Member Hovland asked if the Federal Government were to allocate additional monies would the same ratio be used to allocate the funds as was used for the present proposed allocation. Mr. Larsen replied affirmatively.

Member Housh commented that it was positive to see that the City's contribution to the scattered site housing assisted the Metropolitan Council in purchasing and rehabbing the six units in Edina.

Member Masica asked how much of the CDBG budget was slated for the Met Council's housing program. Mr. Larsen replied that \$80,000 from the current allocation plus \$263,554 from previous years. Mr. Hughes noted that 85% of the CDBG funds must be spent on affordable housing.

Wayne Prochniak, 5912 Dewey Hill Road, Human Relations Commission First Vice Chair, pointed out that from the Human Services portion of the 2003 allocation, three agencies also provide assistance with low-income housing. Housing and Outdoor Maintenance (H.O.M.E.) for the Elderly, provides housekeeping and chore service to Edina seniors who pay for services on a sliding fee scale; Community Action for Suburban Hennepin (CASH) provides housing programs for low and moderate-income homeowners and homebuyers; and HOME Line provides tenant advocacy services for Edina renters. He added the only human services provider not affiliated with housing was the Greater Minneapolis Day Care Association (GMDA).

Member Masica asked what amount of the allocation came back into Edina. Mr. Prochniak replied he was uncertain, but he believed that between twelve and twenty families were currently being served by GMDA; that HOME Line received over 100 calls annually and said he did not have figures on the

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other two agencies. Mr. Larsen added that staff was certain the human service agencies have been spending more in Edina than the CDBG allotment granted each year.

Public Comment

Carla Jacobson, Community Support Department Manager, Great Minneapolis Day Care Association, thanked the Council for their continued support and said that the monies come directly back into Edina to service families in need.

Member Kelly made a motion seconded by Member Housh closing the public hearing.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold
Motion carried.

Member Kelly made a motion approving the following resolution:

RESOLUTION NO. 2003-27

**RESOLUTION APPROVING PROPOSED USE OF 2003 URBAN COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS
AND AUTHORIZING EXECUTION OF SUBRECIPIENT AGREEMENT
WITH HENNEPIN COUNCIL AND ANY THIRD PARTY AGREEMENTS**

WHEREAS, the City of Edina, through execution of a Joint Cooperation Agreement with Hennepin County, is cooperating in the Urban Hennepin County Community Development Block Grant Program; and

WHEREAS, the city of Edina has developed a proposal for the use of 2003 Urban Hennepin County Community Development Block Grant funds made available to it; and

WHEREAS, the City held a public hearing on March 4, 2003, to obtain the views of citizens on housing and community development needs and priorities and the City's proposed use of \$175,942 from the 2003 Urban Hennepin County Community Development Block Grant.

BE IT RESOLVED, that the City Council of the City of Edina approves the following projects for funding from the 2003 Urban Hennepin County Community Development Block Grant Program and authorizes submittal of the proposed Hennepin County.

| <u>Activity</u> | <u>Budget</u> |
|---|---------------|
| Rehabilitation of Private Property | \$69,551 |
| Scattered Site Affordable Housing | \$80,000 |
| Greater Minneapolis Daycare Association | \$15,041 |
| Senior Community Services (HOME) | \$ 9,350 |
| Community Action for Suburban Hennepin (CASH) | \$ 1,000 |
| HOME Line | \$ 1,000 |

BE IT FURTHER RESOLVED, that the City Council hereby authorizes and directs the Mayor and the City Manager to execute the Subrecipient Agreement and any required Third Party Agreement on behalf of the City to implement the 2003 Community Development Block Grant Program.

ADOPTED: the 4th day of March 2003. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold
Motion carried.

RESOLUTION NO. 2003-28 - FINAL PLAT APPROVED FOR PARKWOOD KNOLLS 26TH ADDITION

Mr. Larsen stated the Council approved the revised master plan for the remaining 33.5 acres in Parkwood Knolls in June 1992. The proponents have now requested Final Plat approval for the first 17 lots. Two of the lots will be from Malibu Drive with the remainder located in the southeast portion of the site. He stated the proposed Final Plat was consistent with the approved master plan.

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Mr. Larsen said staff recommended approval of Final Plat for Parkwood Knolls 26th Addition as requested.

Member Housh asked how the road would be developed in this area since the proposed Final Plat was only a small portion of the overall development. Mr. Larsen explained the roads would dead end until it was necessary and practical to continue them.

Member Masica made a motion introducing the following resolution and moving its adoption:

**RESOLUTION NO 2003-28
APPROVING FINAL PLAT
FOR PARKWOOD KNOLLS 26TH ADDITION**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "PARKWOOD KNOLLS 26TH ADDITION", platted by The Parkwood Knolls Construction Company, a Minnesota Corporation, fee owner of the property and presented at the regular meeting of the City Council on March 4, 2003, be and is hereby granted Final Plat Approval.

Adopted this 4th day of March 2003. Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2003-29 - FINAL PLAT APPROVED FOR FRETAM ADDITION Mr. Larsen noted Council had approved the preliminary plat for Fretam Addition at its February 18, 2003, regular meeting. He said the developer has satisfied all requirements and there will not be any developers agreement required. Mr. Larsen stated the subdivision dedication will be based upon a \$60,000 raw land value for the newly created lot.

Member Masica asked what percentage would be used for the subdivision dedication. Mr. Larsen explained subdivision dedication would be calculated at eight percent of the raw land value.

Member Masica made a motion introducing the following resolution and moving its adoption approving the FRETAM ADDITION Final Plat with a subdivision dedication based upon \$60,000 raw land value:

**RESOLUTION NO 2003-29
APPROVING FINAL PLAT
FOR FRETAM ADDITION**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "FRETAM ADDITION", platted by Curtis J. Fretam, a single person, owner, and presented at the regular meeting of the City Council on March 4, 2003 be and is hereby granted Final Plat.

Adopted this 4th day of March 2003. Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

ORDINANCE NO. 2002-11 APPROVED - REGULATION OF BODY ART Sanitarian Velde reported the Council had expressed concern regarding the proposed ordinance regulating body art would have a negative impact upon Claire's Boutique which operates at Southdale. Mr. Velde stated he contacted the Southdale Claire's store manager, Ms. Debbie Herbst, and discussed the matter. He

stated he advised her that the proposed ordinance would prohibit piercing the cartilage of the ear and that Claire's would not be exempt from the requirements of the proposed ordinance. Mr. Velde reported that currently Claire's did use their ear piercing system to pierce the cartilage of the ear, but their corporate office informed him they would comply with the requirements of the proposed ordinance.

Public Comment:

Deb Rossi, 408 Arthur Street, asked why the City felt it necessary to regulate piercing or body art. Mr. Velde explained that Hennepin County has already adopted an ordinance governing body art, which would affect local entities. Edina felt it could better regulate such establishments within its own boundaries so the proposed ordinance was developed.

Member Hovland said he felt the ordinance should be adopted in its present form. He added he was pleased to see communication from EPMUS a manufacturer of ear piercing systems.

Member Masica said she was satisfied that area establishments have had the opportunity to review the proposed ordinance.

Member Hovland made a motion to grant second reading to the following ordinance:

EDINA ORDINANCE NO. 2002-11

AN ORDINANCE ADDING NEW

SECTION 745 - BODY ART ESTABLISHMENTS

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. The following new section 745 is added in its entirety.

"Section 745 - Body Art Establishments

745.01 Purpose. This ordinance is enacted to establish standards to protect health, safety and general welfare of the people of Edina through regulation of body art establishments.

The general objectives of this ordinance are:

- A. To prevent disease transmission;**
- B. To correct and prevent conditions that may adversely affect persons utilizing body art establishments;**
- C. To provide standards for the design, construction, operation, and maintenance of body art establishments; and**
- D. To meet consumer expectations of the safety of body art establishments.**

745.02 General Provisions.

2.01 Subd. 1. Scope. This ordinance shall apply to all individuals performing body art procedures and all body art establishments where tattooing and body piercing are conducted.

Subd. 2. Exemptions. Licensed medical or dental personnel that tattoo or pierce as part of a medical or dental procedure are exempt from this ordinance. Also, individuals piercing only the lobe of the ear using a pre-sterilized single use ear-piercing system with the stud and clasp contained in a single use cartridge or cassette following the manufacturers instructions are exempt from this ordinance's license requirements.

Subd. 3. Prohibitions. No individual shall:

- A. Conduct branding, cutting, implantation, suspension, or scarification of another individual;**
- B. Use an ear piercing system on any part of the client's body other than the lobe of the ear;**
- C. Pierce or tattoo the genitalia or nipples of a minor;**

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- D. Practice tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, section 152.01, subd. 4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182; or
- E. Operate a body art establishment or perform body art procedures as described in this ordinance without a license.

745.03 Definitions.

- 3.01 Aftercare means written instructions given to the client, specific to the procedure(s) rendered, on caring for the body art and surrounding area. These instructions shall include information on when to seek medical treatment.
- 3.02 Antiseptic means an agent that destroys disease-causing microorganisms on human skin or mucosa.
- 3.05 Body Art means physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing. This definition does not include practices that are considered part of a medical procedure performed by licensed medical or dental personnel, such as, but not limited to, implants under the skin. Such medical procedures shall not be performed in a body art establishment.
- 3.06 Body Art Establishment means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.
- 3.07 Body Piercing means the penetration or puncturing of human skin by any method, for the purpose of inserting jewelry or other objects, in or through the human body. "Body Piercing" shall not refer to any medical procedure performed by licensed medical or dental personnel. Also, "Body Piercing" shall not refer to the puncturing of the lobe of the ear using a pre-sterilized ear-piercing system with the stud and clasp contained in a single use cartridge or cassette following the manufacturers instructions.
- 3.08 Body Scarification or Scarring shall mean any method of applying a scar to the body for the purpose of creating a permanent mark or design on the skin.
- 3.09 Branding shall mean any method using heat, cold, or any chemical compound to apply a scar to the body for the purpose of creating a permanent mark or design on the skin.
- 3.10 Contaminated Waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in Code 29 of Federal Regulations Part 1910.1030, known as "Occupational Exposure to Bloodborne Pathogens."
- 3.11 Cosmetic Tattooing. See definition of tattooing.
- 3.12 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 licensed medical or dental personnel.
- 3.13 Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering the objects safe for use or handling.
- Ear Piercing System means an instrument designed to puncture the ear lobe using a pre-sterilized single use stud and clasp earring.
- 3.14 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.
- 3.15 Establishment Plan means a to-scale drawing of the establishment's layout illustrating the requirements of this ordinance.

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3.17 Handsink means a lavatory equipped with hot and cold water held under pressure, used solely for washing hands, wrists, arms or other portions of the body.

3.18 Health Department means the Edina Health Department, its designated employees, or other designated agents.

3.19 Hot Water means water at least 110°F.

3.20 Implanting means to fix or set securely an object in or under tissue and includes, but is not limited to, 3-dimensional body art applications. Implanting does not include medical procedures performed by licensed medical and dental personnel.

3.21 Individual means a human being.

3.22 Jewelry means any personal ornament inserted into a newly pierced area.

3.23 Liquid Chemical Germicide means a disinfectant or sanitizer registered with the Environmental Protection Agency.

3.24 Operator or Technician means any individual who controls, operates, manages, conducts or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the direction of the operator and perform body art activities.

3.25 Person means any individual, partnership, corporation, or association.

Procedure means body art as defined in this Section.

3.26 Procedure Area means the physical space or room used solely for conducting body art procedures.

3.27 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. "Procedure Surface" also means 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.

3.28 Remodel means any change to the current establishment requiring either a building or trades permit for the work to proceed. "Remodel" does not include changes to the front desk area, waiting area, painting, wallpapering, or carpeting, even if a permit is otherwise required. Adding a new workstation, plumbing changes, or expanding into an adjacent space to add workstations are examples of remodeling. "Remodeling" also means any changes to an establishment plan previously submitted to the Edina Health Department.

3.29 Sanitization (or to sanitize) means a process of reducing the numbers of microorganisms on clean surfaces and equipment to a safe level.

3.30 Safe Level means not more than 50 colonies of microorganisms per 4 square inches of equipment or procedure surface.

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

3.32 Sharps Container means a puncture-resistant, leak-proof container that is closed for handling, storage, transportation and disposal. The "Sharps Container" shall be labeled with the international biohazard symbol.

3.33 Single Use means products or items intended for one time use and are disposed of after use on each client. Examples of "Single Use" items include cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, tattoo needles, stencils, ink cups, and protective gloves.

3.34 Standard Precautions (or "universal precautions") means a set of guidelines and controls, published by the Center for Disease Control (CDC) as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-care and Public-Safety Workers". This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HVB and other blood pathogens. Precautions include handwashing, gloving, personal protective equipment,

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injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

~~3.35~~ **Sterilization** means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

~~3.36~~ **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.

~~3.37~~ **Tattooing** means any method of placing 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. This includes all forms of cosmetic tattooing.

745.04 License Administration.

Subd. 1. License Required. No person shall own or operate a body art establishment without an establishment license. Each license shall be obtained from the City Clerk pursuant to Section 160 of this Code.

Subd. 2. Licensing Procedure.

A. All applications, new and renewal, for licenses shall be made upon forms furnished by the City Clerk. The application shall be submitted to the City Clerk accompanied by a fee as set forth in Section 185 of this Code.

B. Each establishment license application shall describe the general nature of the business, the location, and any other information deemed necessary by the Health Department.

Subd. 4. Location Restricted. No individual shall engage in body art activities at any place other than a licensed establishment.

~~4.06~~ Subd. 5. License Expiration. Licenses issued pursuant to this code shall commence and expire on the dates indicated on the license.

~~4.07~~ Subd. 6. Transfer and Display of License. Only a person who complies with the requirements of this ordinance shall be entitled to receive a license. A license shall not be transferable as to person or place. A valid license shall be posted pursuant to Section 160 of this Code.

745.05 Inspection and Plan Review.

~~5.01~~ Subd. 1. Inspection Required. The Health Department shall inspect each body art establishment:

- ~~A.~~ A. Before issuing a license for a new establishment;
- ~~B.~~ B. As part of a construction or remodeling plan review;
- ~~C.~~ C. As part of a complaint investigation; or
- ~~D.~~ D. At least once a year for a routine inspection.

~~5.02~~ Subd. 2. Construction Inspections. The body art establishment shall be constructed in conformance with the approved plans. The Health Department shall inspect the body art establishment as frequently as necessary during the construction to ensure that the construction occurs in conformance with this ordinance. The Health Department shall conduct a final construction inspection prior to the start of operations and issuance of a license.

~~5.03~~ Subd. 3. Access to Premises and Records. The operator of the body art establishment shall, upon request of the Health Department and after proper identification, permit 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 Health Department to ascertain compliance to this ordinance.

~~5.04~~ Subd. 4. Interference with the Health Department. No person shall interfere with or hinder the Health Inspector in the performance of its duties, or refuse to permit the Health Department to make such inspections.

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Subd. 5. Removal and Correction of Violations. Operator(s) or technician(s) shall correct or remove each violation upon receipt of an inspection report giving notification of one or more violations of this ordinance in a reasonable length of time as determined by the Health Department. The length of time for the correction or removal of each such violation shall be noted on the inspection report. Failure to remove or correct each violation within the time period noted on the inspection report shall constitute a separate violation of this ordinance. The Health Department may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this ordinance.

745.06 Grounds for Closure.

~~6.01~~ Subd. 1. Violations. If any violation of this Code exist, the operator(s) or technician(s) may be ordered to discontinue all operations of the body art establishment. Body art establishments shall only reopen with permission from the Health Department.

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745.07 Standards for Health and Safety. No operator or body art establishment shall engage in body art activities without complying with the following regulations:

Subd. 1. Facilities.

A. Any new or remodeled establishment shall submit to the Health Department a to-scale establishment plan in sufficient detail to ascertain compliance with conditions in this ordinance.

~~B.~~ B. There shall be no less than one hundred fifty (150) 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. For clients requesting privacy, dividers, curtains, or partitions at a minimum shall separate multiple procedure areas.

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~~C.~~ C. Each establishment shall have a readily accessible handsink that is not in a public restroom and is equipped with:

- ~~(1)~~ (1) Hot and cold running water under pressure;
- ~~(2)~~ (2) No touch faucet controls such as wrist or foot operated;
- ~~(3)~~ (3) Liquid hand soap;
- ~~(4)~~ (4) Single use paper towels; and
- ~~(5)~~ (5) A garbage can.

~~D.~~ D. Every establishment shall have at least one available bathroom equipped with a toilet and a hand lavatory. The hand lavatory shall be supplied with:

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- ~~(1)~~ (1) Hot and cold running water under pressure;
- ~~(2)~~ (2) Liquid hand soap;
- ~~(3)~~ (3) Single use paper towels or mechanical hand drier/blower;
- ~~(4)~~ (4) A garbage can;
- ~~(5)~~ (5) A door that closes; and
- ~~(6)~~ (6) Adequate ventilation.

~~E.~~ E. The establishment shall have an artificial light source equivalent to 20 foot-candles at three feet above the floor. At least 100 foot-candles of light shall be provided at the level where body art procedures are performed, where sterilization takes place, and where instruments and sharps are assembled.

~~F.~~ F. All procedure surfaces shall be smooth, nonabsorbent and easily cleanable.

~~G.~~ G. All ceilings shall be in good condition.

~~H.~~ H. All walls and floors shall be free of open holes or cracks and washable.

~~I.~~ I. All facilities shall be maintained in good working order.

~~J.~~ J. All facilities shall be maintained in a clean and sanitary condition.

~~K.~~ K. No establishment shall be used or occupied for living or sleeping quarters.

~~L.~~ L. Only service animals may be allowed in the establishment. No animals shall be allowed in the procedure area(s).

~~M~~.M. Effective measures shall be taken by the operator to prevent entrance, breeding, and harborage of insects, vermin, and rodents in the establishment.

Subd. 2. Equipment and Instruments.

~~A~~.A. All jewelry used as part of a piercing procedure shall be sterilized before use. All reusable instruments shall be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use. All needles shall be sterilized single use needles. All sterilization shall be conducted using steam heat. Steam heat sterilization units shall be operated according to the manufacturer's specifications. a method approved by the Health Authority

~~B~~.B. Jewelry must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, and/or a dense low-porosity plastic. Jewelry must be free of nicks, scratches or irregular surfaces and must be properly sterilized prior to use.

~~D~~.C. All inks, dyes, and other pigments shall be specifically manufactured for tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with distilled water or alcohol is acceptable.

~~E~~.D. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded.

~~F~~.E. All tables, chairs, furniture or other procedure surfaces that may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material that will allow complete sanitization, and shall be sanitized between uses with a liquid chemical germicide.

~~G~~.F. Single use towels or wipes shall be provided to the client. These towels shall be dispensed in a manner that precludes contamination and disposed of in a cleanable garbage container with a liner.

~~H~~.G. All bandages and surgical dressings used shall be sterile or bulk-packaged clean and stored in a clean, closed container. All instruments and supplies shall be stored clean and dry in covered containers.

~~I~~.H. All equipment and instruments shall be maintained in a good working order and in a clean and sanitary condition.

~~7.03~~Subd. 3. Skin Preparation.

~~A~~.A. Whenever it is necessary to shave the skin, a new disposable razor must be used for each client.

~~B~~.B. 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 shall be used in the skin cleaning process.

~~C~~.C. No body art procedure shall be performed on any area of the skin where there is an evident infection, irritation, or open wound.

~~7.04~~Subd. 4. Hand Washing and Hygiene.

~~A~~.A. Each technician shall scrub his or her hands and wrists thoroughly for 20 seconds before and after performing a body art procedure.

~~B~~.B. Technicians with skin infections of the hand shall not perform body art procedures.

~~C~~.C. The technician must wash his or her hands after contact with the client receiving the procedure or after contact with potentially contaminated articles.

D. Technicians shall wear clean clothing and use a disposable barrier such as a lap cloth when performing body art procedures.

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~~E.~~ For each client, single use disposable barriers shall be provided on all equipment used as part of the procedure that cannot be sterilized according to 745.07. Subd. 2.

~~F.~~ Examples may include, but not limited to spray bottles, procedure light fixture handles, and tattoo machines.

~~E.~~G. Technicians shall not smoke, eat, or drink while performing body art procedures.

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~~7.05~~745.08 Glove Use.

Subd. 1. While performing body art procedures, single use gloves of adequate size and quality as to preserve dexterity shall be used for touching clients, for handling sterile instruments, or for handling blood or body fluids. Gloves must be changed if:

~~(1)~~A. They become damaged;

~~(2)~~B. They come in contact with any non-clean surface or objects; or

~~(3)~~C. They come in contact with a third person.

~~C.~~Subd. 2. At a minimum, gloves shall be discarded after the completion of a procedure on a client.

Subd. 3. Hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves. Gloves shall not be reused.

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~~7.06~~745.09. Disposal of Contaminated Products.

~~A.~~Subd. 1. 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. It must be disposed of by a licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

~~B.~~Subd. 2. 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.

~~C.~~Subd. 3. Sharps ready for disposal shall be disposed of in an approved sharps container.

~~D.~~Subd. 4. Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

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745.10. Technician Requirements and Professional Standards.

~~8.01~~Subd. 1. Technician Information. The following information shall be kept on file for two years on the premises and available for inspection by ~~clients and~~ the Health Department for each technician:

~~A.~~A. Full name;

~~B.~~B. Home address;

~~C.~~C. Home phone number;

~~D.~~D. Date of birth;

~~E.~~E. Identification photo, and;

~~F.~~F. Exact duties.

Subd. 2. Operation Records. The following information shall be kept on file for two years on the premises and available for inspection by the Health Department:

~~A.~~A. A description of all body art procedures performed;

B. An inventory of instruments, body jewelry, sharps, and inks or pigments used for all procedures including the names of manufacturers, serial and lot numbers. Invoices or orders shall satisfy this requirement; and

C. A copy of this ordinance shall be available at all times on premises.

Subd. 3. Parental Consent. No technician shall tattoo or pierce any person under the age of 18 years unless the person provides written consent from both the custodial and

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noncustodial parents where applicable, if required by M. S. 609.2246, and the written consent from a custodial parent given by the parent in person at the establishment.

Subd. 4. Proof of Age. Technicians shall request proof of age prior to performing procedures on any client. Proof of age is established by one of the following:

- A. A valid driver's license or identification card issued by the State of Minnesota, or other state, and including the photograph and date of birth of the person;
- B. A valid military identification card issued by the United States Department of Defense;
- C. A valid passport; **or**
- D. A resident alien card; **or** ~~A school picture identification card.~~

~~D.~~Subd.5. Client Records. In order to aid in proper healing following the procedure, the technician shall provide a release form to the client and the client may indicate if he or she has:

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- ~~(1)~~A. Diabetes;
- ~~(2)~~B. A history of hemophilia;
- ~~(3)~~C. A history of skin diseases, skin lesions, or skin sensitivities to soap, disinfectants, etc.;
- ~~(4)~~D. A history of allergies to metals;
- ~~(5)~~E. A history of epilepsy, seizures, fainting or narcolepsy;
- ~~(6)~~F. A condition where the client takes medications, such as anticoagulants, that thin the blood and/or interferes with blood clotting; or
- ~~(7)~~G. Any other information that would aid the technician in body art procedure process evaluation.

Subd. 6. Release and Consent.

A. The technician shall ask the client to sign and date the release form confirming that the information listed in 745.10. Subd. 5. was obtained or was attempted to be obtained.

~~E.~~B. Before administering a body art procedure, the client must sign and date a consent form. The consent form shall disclose:

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- ~~(1)~~(1) That any tattoo should be considered permanent; it may only be removed with a surgical procedure; and any effective removal may leave scarring; or
- ~~(2)~~(2) That any piercing may leave scarring.

~~F.~~Subd. 7. Grounds to Refuse Service. Body art procedures shall not be performed on any individual who appears to be under the influence of alcohol; controlled substances as defined in Minnesota Statutes, Section 152.01, subd. 4; or hazardous substances as defined in rules adopted under Minnesota Statutes, Chapter 182.

Subd. 8. Client Record Maintenance. The body art establishment operator shall maintain proper records for each client. The records of the procedure shall be kept for two years and shall be available for inspection by the Health Department upon request. The records shall include the following:

- ~~A.~~A. The date of the procedure;
- ~~B.~~B. Record of information on picture identification showing name, age, and current address of the client;
- ~~C.~~C. Copy of the release form signed and dated by the client;
- ~~D.~~D. The nature of the body art procedure performed;
- ~~E.~~E. The name of the technician performing the procedure;
- F. A copy of the consent form to perform the body art procedure on a minor with required signatures as defined in 745.10. Subd. 3., if applicable.

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Subd. 9. Aftercare. Technicians shall provide each client with printed instructions on recommended care of the body art during the healing process.

Subd. 10. Notification. Operators and technicians shall notify the Health Department immediately of any reports they receive of a potential bloodborne pathogen transmission.

Subd. 11. Industry Self-Survey and Training Responsibility. Every licensee of a body art establishment shall arrange for and maintain a program of sanitation self-inspection conducted by the owner, operator, technician, or apprentice and approved by the Health Department. The self-inspection program shall include written policies, appropriate forms for logging self-inspections, and evidence that routine self-inspection of all aspects of the body art establishment takes place. Records of the body art establishment self-inspection program shall be available for review."

Section 2. This ordinance shall be in full force and effect on July 1, 2003.

Adopted this 4th day of February 2003.

First Reading: December 17, 2002

Second Reading: March 4, 2003

Published: March 13, 2003

Attest

City Clerk

Mayor

Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

ORDINANCE NO. 2003-2 APPROVED - CENTERPOINT ENERGY MINNEGASCO FRANCHISE RENEWAL Mr. Hughes stated the Council at their February 18, 2003, meeting had granted first reading to the franchise renewal ordinance from CenterPoint Energy Minnegasco. Mr. Hughes noted there have been no changes since the first reading nor has any correspondence been received relating to the franchise renewal.

Following a brief discussion, Member Housh made a motion, seconded by Member Hovland to grant second reading to the following franchise ordinance for CenterPoint Energy Minnegasco:

**FRANCHISE ORDINANCE FOR
CENTERPOINT ENERGY MINNEGASCO
ORDINANCE NO. 2003-2**

CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

AN ORDINANCE GRANTING CENTERPOINT ENERGY MINNEGASCO, A DIVISION OF RELIANT ENERGY RESOURCES CORPORATION, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN FACILITIES AND EQUIPMENT FOR THE TRANSPORTATION, DISTRIBUTION, MANUFACTURE AND SALE OF GAS ENERGY FOR PUBLIC AND PRIVATE USE AND TO USE THE PUBLIC WAYS AND GROUNDS OF THE CITY OF EDINA, MINNESOTA, FOR SUCH PURPOSE; AND, PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF.

THE CITY COUNCIL OF THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA, ORDAINS:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

CITY. The City of Edina, County of Hennepin, State of Minnesota.

CITY UTILITY SYSTEM. Facilities used for providing public utility service owned or operated by City or agency thereof, including sewer, storm sewer, water service, street lighting and traffic signals, but excluding facilities for providing heating, lighting, or other forms of energy.

COMMISSION. The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all or part of the authority to regulate gas retail rates now vested in the Minnesota Public Utilities Commission.

COMPANY. CenterPoint Energy Minnegasco, a division of Reliant Energy Resources Corporation, a Delaware corporation, its successors and assigns including all successors or assigns that own or operate any part or parts of the Gas Facilities subject to this franchise.

EFFECTIVE DATE. The date on which the ordinance becomes effective under Section 2.2.

GAS FACILITIES. Gas transmission and distribution pipes, lines, ducts, fixtures, and all necessary equipment and appurtenances owned or operated by the Company for the purpose of providing gas energy for public or private use.

GAS. Natural gas, manufactured gas, mixture of natural gas and manufactured gas or other forms of gas energy.

NON-BETTERMENT COSTS. Costs incurred by Company from relocation, removal or rearrangement of Gas Facilities that do not result in an improvement to the Gas Facilities.

NOTICE. A writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to CenterPoint Energy Minnegasco, V.P., Regulatory & Supply Service, 800 LaSalle Avenue, Minneapolis, MN 55402-2006. Notice to the City shall be mailed to the City Manager, City of Edina, 4801 West 50th Street, Edina, Minnesota 55424. Any party may change its respective address for the purpose of this Ordinance by written notice to the other parties.

PUBLIC WAY. Public right-of-way within the City as defined in Minn. Stat. § 237.162, subd. 3.

PUBLIC GROUND. Land owned or otherwise controlled by the City for park, open space or similar public purpose.

SECTION 2. ADOPTION OF FRANCHISE.

2.1. **Grant of Franchise.** City hereby grants Company, for a period of 20 years from the Effective Date, the right to import, manufacture, distribute and sell gas for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. This right includes the provision of Gas that is (i) manufactured by the Company or its affiliates and delivered by the Company, (ii) purchased and delivered by the Company or (iii) purchased from another source by the retail customer and delivered by the Company. For these purposes, Company may construct, operate, repair and maintain Gas Facilities in, on, over, under and across the Public Ways and Public Grounds, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject however, to such lawful regulations as may be adopted by separate ordinance and as currently exist under Section 421 of the City Code. The City shall give the Company notice 60 days in advance of proposed changes to Section 421 of the City Code. The City and Company shall negotiate in good faith to reach mutually acceptable changes. If the City and Company are unable to agree, disputes will be handled under the terms of Section 2.5 of this Ordinance. If a provision of Section 421 of the City Code conflicts with a provision on the same subject in this Ordinance, this Ordinance will control.

2.2. **Effective Date; Written Acceptance.** This franchise shall be in force and effect from and after its passage of this Ordinance and publication as required by law and its acceptance by Company. If Company does not file a written acceptance with the City within 90 Days after the date the City Council adopts this Ordinance, or otherwise places the City on written notice, at any time, that the Company does not accept all terms of this franchise, the City Council by resolution may either repeal this ordinance or seek its enforcement in a court of competent jurisdiction.

2.3. Service and Gas Rates. The service to be provided and the rates to be charged by Company for gas service in City are subject to the jurisdiction of the Commission

2.4. Publication Expense. The expense of publication of this Ordinance shall be paid by Company.

2.5. Dispute Resolution. If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief permitted by law.

2.6. Continuation of Franchise. If the City and the Company are unable to agree on the terms of a new franchise by the time this franchise expires, this franchise will remain in effect until a new franchise is agreed upon, or until 90 days after the City or the Company serves written Notice to the other party of its intention to allow the franchise to expire.

SECTION 3. LOCATION, OTHER REGULATIONS.

3.1. Location of Facilities. Subject to regulation under Section 421 of the City Code, Gas Facilities in the Public Way shall be located, constructed, and maintained so as not to disrupt normal operation of any City Utility System. Gas Facilities may be located on Public Grounds as determined by the City.

3.2. Restoration of Public Ways and Public Ground. Restoration of the Public Way shall be subject to Section 421 of the City Code. After completing work requiring the opening of Public Ground, the Company shall restore the Public Ground to as good a condition as formerly existed, and shall maintain the surface in good condition for six (6) months thereafter. All work shall be completed as promptly as weather permits. If Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground in the said condition and after demand to Company to cure, City shall, after passage of a reasonable period of time following the demand, but not to exceed five days, have the right to make the restoration of the Public Ground at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section.

3.3. Waiver of Performance Security. The City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required under Section 421 of the City Code currently or in the future. The City reserves all other rights under Section 421 of the City Code to enforce Company performance requirements for work in the Public Way or Public Ground.

3.4. Avoid Damage to Gas Facilities. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Gas Facilities while performing any activity.

SECTION 4. RELOCATIONS.

4.1. Relocation of Gas Facilities. Relocation of Gas Facilities in Public Ways shall be subject to Section 421 of the City Code. City may require Company at Company's expense to relocate or remove its Gas Facilities from Public Grounds upon a finding by City that the Gas Facilities have become or will become a substantial impairment to the existing or proposed public use of the Grounds. Relocation Gas Facilities in Public Ground shall comply with applicable City ordinances consistent with law.

4.2. Projects with Federal Funding. Relocation, removal, or rearrangement of any Company Gas Facilities made necessary because of the extension into or through City of a

federally-aided highway project shall be governed by the provisions of Minnesota Statutes Section 161.46.

4.3. No Waiver. The provisions of Section 4 apply only to Gas Facilities constructed in reliance on a permit or franchise from City and Company does not waive its rights under an easement or prescriptive right or State or County permit.

SECTION 5. CHANGE IN FORM OF GOVERNMENT.

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 6. FRANCHISE FEE.

6.1 Separate Ordinance. During the term of the franchise hereby granted, the City may impose on the Company a franchise fee. In addition to the franchise fee, the Company shall be required to pay only such other fees, charges, costs or taxes, which are generally required to be paid by other businesses or persons in the city. The franchise fee must be imposed by a separate ordinance adopted by the City Council, which ordinance may not be adopted until at least 60 days after Notice enclosing such proposed ordinance has been served upon the Company by certified mail. A fee imposed under this section does not become effective until 60 days after Notice enclosing the adopted ordinance has been served upon the Company by certified mail.

6.2 Condition of Fee. The separate ordinance imposing the fee shall not be effective against the Company unless it lawfully imposes a fee or tax of the same or greater equivalent amount on the sale and/or delivery of energy within the City by any other energy supplier, provided that, as to such supplier, the City has the authority to require a franchise fee or impose a tax. The Company may petition the City to exempt or reduce the franchise fee applicable to customers who bypass or pose an imminent threat of physically bypassing the Company's distribution system for economic reasons, including the existence of the franchise fee. The City shall not unreasonably withhold such exemption or reduction in franchise fees for such customers.

6.3 Calculation of Fee. The City may impose the franchise fee: (i) as a combination of percentage of gross revenues received from customers in the Residential Customer Class for its utility operations within the City or as a flat meter fee per customer, for customers in non-residential customer classes ("Combination Fee Method"), or (ii) as a flat meter fee per customer within the City ("Flat Fee Method"), or (iii) as a fee based on units of gas delivered to any class of retail customers within the corporate limits of the City ("Unit Fee Method"). The method of imposing the franchise fee: the percent of revenue rate, the flat rate and the per unit rate may differ for each customer class. If prior to the expiration of this franchise, customers in the Company's Residential Customer Class begin to purchase and/or transport gas from companies other than the Company, the City may only impose the Flat Fee Method or the Unit Fee Method, as a way of collecting fees. If the percentage of Combination Fee Method has previously been implemented, it must be changed to the Flat Fee Method or the Unit Fee Method.

6.4 Collection of the Fee. The franchise fee will be payable not less often than quarterly and based on any of the alternative formulas described in Section 6.3 during complete billing months of the period for which payment is to be made. The franchise fee formula may be changed by ordinance from time to time; however, each change must meet the same notice requirements and may not be made more often than annually. Such fee shall not exceed any amount that the Company may legally charge to its customers prior to payment to the City. Such fee is subject to subsequent reductions to account for uncollectibles and customer refunds incurred by the Company. The Company agrees to make available for inspection by the City at reasonable times all records necessary to audit the Company's determination of the franchise fee payments.

SECTION 7. LIMITATION ON APPLICABILITY; NO WAIVER.

This Ordinance constitutes a franchise agreement between the City and its successors and the Company and its successors and permitted assigns, as the only parties. No provision of this

franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto. This franchise agreement shall not be interpreted to constitute a waiver by the City of any of its defenses of immunity or limitations on liability under Minnesota Statutes, Chapter 466.

SECTION 8. AMENDMENT PROCEDURE.

Either party to this franchise agreement may at any time propose that the agreement be amended. This Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 60 days after the effective date of the amendatory ordinance.

SECTION 9. PREVIOUS FRANCHISES SUPERSEDED.

This franchise supersedes and replaces previous franchises granted to the Company or its predecessors. Upon Company acceptance of this franchise under Section 2.2, the previous franchise shall terminate.

Passed and approved on February 18, 2003

First Reading: February 18, 2003
Second Reading: March 4, 2003
Published: March 13, 2003

Attest

Debra A. Mangen, City Clerk

Dennis F. Maetzold, Mayor

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

AWARD OF BIDS FOR CITY HALL/POLICE FACILITY Assistant Manager Anderson stated the bids for City Hall/Police Facility that were opened on February 13, 2003. The bids as received were very favorable since the Construction Manager's estimate was \$6,429,460.09, and Mr. Anderson reported the recommended award of \$6,124,346.00 included two add alternates. He stated staff recommended rejection and re-bid of categories 3D (stenciled and colored concrete) and 10B (signage), as noted in the matrix. Mr. Anderson indicated the bids left to award included: elevators, signage, detention equipment, stenciled and colored concrete, and painting representing approximately \$400,000. Mr. Anderson introduced John Huyett from Adolfson & Peterson for questions.

Member Housh inquired about the process with bids that were received via FAX. Manager Hughes responded that the bidder who FAXed their bid did not understand the City's bid process required a sealed bid. The sealed bid that was received, bid a material that was unacceptable. Therefore, both bids were rejected and will be re-bid.

Member Masica asked what type of external signage was proposed identifying the building. Mr. Anderson explained the building signage and type required more deliberation.

Member Hovland asked for more information about the sizable disparity in the locker bid. John Huyett, Adolfson & Peterson Construction, explained the bid was accurate but the estimate had been too low. Member. Hovland inquired about the carpentry bid. Mr. Huyett said the project has a lot of carpentry and also includes a lot of millwork. Overall he said the participation has been excellent and with good prices.

Member Housh asked how many bids were received for the carpentry. Mr. Huyett said three bids were received.

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The individual bid tabulations are as follows:

| Bid Cat. | Description | Current Pricing | Recommended Bid |
|--|---------------------------------|------------------------|-------------------------------|
| 2C | Asphalt Concrete Paving | \$ 97,000.00 | Northland Paving |
| 2E | Landscaping | \$ 199,616.00 | Minnesota Valley Landscape * |
| 3D | Stenciled & Colored Concrete | \$ 139,852.00 | REJECT & REBID |
| 5B | Steel Erection | \$ 197,750.00 | Western Steel Erectors |
| 5C | Metal Fabrication Supply | \$ 90,560.00 | Amtech Designs |
| 6A | Carpentry | \$ 410,800.00 | George F. Cook Construction |
| 6B | Architectural Woodwork Supply | \$ 328,240.00 | Wilkie Sanderson |
| 7B | Roofing | \$ - | MG McGrath 7B/7C/8C |
| 7C | Copper Siding | \$ 847,767.00 | MG McGrath 7B/7C/8C |
| 7D | Sealants and Caulking | \$ 33,950.00 | Sunrise Specialty Contractors |
| 8A | Steel Doors/Frames/Hardware | \$ 194,895.00 | Kendell Doors |
| 8B | Sectional Overhead Doors | \$ 8,400.00 | Industrial Door Company |
| 8C | Aluminum Windows/Curtain wall | \$ - | MG McGrath 7B/7C/8C |
| 9A | Drywall | \$ 579,770.00 | Minuti Ogle |
| 9B | Ceramic Tile | \$ 56,875.00 | Grazzini Brothers |
| 9C | Acoustic Ceilings & Wall Panels | \$ 67,870.00 | Twin City Acoustics |
| 9D | Carpet/VCT/Linoleum Flooring | \$ 184,750.00 | Spectra Contract Flooring * |
| 9E | Epoxy Flooring | \$ 6,148.00 | Diversified Coatings |
| 10C | Lockers | \$ 71,300.00 | Hauenstein & Burmeister |
| 10B | Signage | \$ 7,583.00 | REJECT & REBID |
| 12A | Blinds | \$ 23,755.00 | Custom Expressions |
| 15A | Mechanical | \$ 1,640,000.00 | McGuire Mechanical |
| 15B | Fire Sprinkler | \$ 88,000.00 | Northstar Fire Protection |
| 16A | Electrical | \$ 996,900.00 | Gephart Electric |
| Totals - Not Including Rejections | | \$ 6,124,346.00 | |

* - packages reflect additions for add/alternates selected

Member Masica made a motion for award of bid for City Hall/Police Facility as presented. Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***BID AWARDED FOR ONE ARTICULATED TRACKLESS SIDEWALK PLOW WITH BLOWER**
Motion made by Member Kelly and seconded by Member Hovland for award of bid for one articulated trackless sidewalk plow with blower to recommended bidder, MacQueen Equipment under State Contract #428854 at \$71,983.35.

Motion carried on rollcall vote - five ayes.

BLOOMINGTON PUBLIC HEALTH UPDATE ON SMALLPOX VACCINATIONS Sanitarian Velde informed the Council that funding has been received from the Center for Disease Control to start developing public health emergency preparedness activities. At the top of the agenda to develop was a Health Alert Network, i.e. electronic e-mail network with all local public health agencies in Minnesota that would be immediately notified if there were a public health emergency, and lately

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instrumental with the response plan for the smallpox preparedness. Mr. Velde said public health staff from Edina has been participating in training for recognition of bio-terrorism or biological agents. The City has received a \$47,425.00 grant from the Center for Disease Control (CDC) to specifically address smallpox and other health emergencies. Edina, Richfield and Bloomington will have a cooperative effort and pool resources to fund activities, e.g. vaccination sites (Braemar Arena and Edina Community Center, and secondary sites at Edinborough Park and the Edina Senior Center) and table-top exercises, etc.

Mr. Velde introduced Karen Zeleznak, the Bloomington Community Health Administrator.

Ms. Zeleznak stated, "It's All About Being Prepared" with regard to smallpox. She showed a graphic of the quarantine that used to be affixed to the front of homes that had smallpox. The Center for Disease Control (CDC) stated, "The probability of an intentional release of the smallpox virus is low, but since the consequences of an outbreak would be great, we must be prepared."

Smallpox History:

- Last naturally-occurring case of smallpox was in 1977
- Death rate is high - 30%
- Caused at least 500 million deaths in the 20th century
- Routine vaccination in U.S. ceased in 1972
- U.S.S.R. weaponized

Smallpox Disease Progression:

- Symptoms usually occur 12 - 14 days after exposure (fever, weakness, exhaustion, headache, backache)
- Rash Develops 1-2 days later (infectious). First appears on tongue, mouth, throat, spreads to face, forearms 2-3 days later then appears on trunk and legs
- Most infectious from rash onset to first 7-10 days of rash
- Death from smallpox occurs in second week of illness due to overwhelming toxins in the blood

Ms. Zeleznak showed a graphic depiction of the progression of the smallpox virus on the human body.

Smallpox Treatment:

- Supportive care is the mainstay of smallpox therapy: 1) Ensure adequate fluid intake, 2) Alleviate pain, fever, 3) Aggressive treatment of secondary infections
- Antiviral medication is experimental (Cidofovir)

Smallpox Transmission:

- Smallpox spreads primarily through respiratory droplets
- Direct contact and contaminated clothing; bedding can also spread infection
- Infectious period: from rash onset until scabs fall off
- Virus inactivated within 1-2 days in event of aerosol release

Smallpox Vaccination:

- Routine vaccination of civilians stopped in U.S. in 1982; the military stopped use in 1988
- Immune status of those previously vaccinated is unclear
- Assumed U.S. Population is susceptible to infection
- Vaccination up to 4 days after exposure can prevent disease or lessen symptoms

Smallpox Vaccination Adverse Events:

- 1/10,000 persons have serious side effects including: enlarged lymph nodes, fever, progressive vaccinia, eczema vaccinatum, encephalitis, death

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Vaccine Contraindications (Pre-exposure) For Vaccinees and Household Contacts:

- Immunodeficiency (e.g. HIV infection, AIDS, many cancers, lupus)
- Immunosuppressive therapy (cancer, transplants, steroid therapy)
- Eczema/ Atopic Dermatitis
- Skin Disorders (acne, burns, wounds, contact dermatitis)
- Pregnancy
- Child age 1 year or less in household
- Eye disease of the conjunctiva or cornea (vaccinee only)
- Allergies to Dryvax vaccine components (vaccinee only)

Smallpox Vaccine Administration:

- Bifurcated needle used to poke through the surface of skin
- 3-15 rapid strokes in upper arm
- Trace amount of blood at site indicates successful vaccine delivery

National Smallpox Vaccination Program:

- By protecting those who would be initially called upon to respond, we strengthen the ability to protect the public, increase capacity/capabilities of public health system to respond to and control a smallpox outbreak.

A Phased Voluntary Vaccination Approach:

- Phase I: 12/13/02 President announced voluntary vaccination program
1/24/03 Homeland Security Act liability protection began
2/03 Voluntary vaccinations began - West Metro regional
vaccination site for Edina
- Phase II: All healthcare workers, public health workers, first responders and
selected public safety personnel (approximately 200,000 in MN)
- Phase III: Voluntary vaccination of entire population (2-4 million in MN)

Issues/Concerns:

- Liability and Workers' Compensation
- Spread of virus to clients/co-workers/family members
- Reimbursement at local level

Weigh Risks - disease vs. vaccine

Member Hovland inquired further about progressive vaccinia. Ms. Zeleznak said the vaccine contains a relative of the smallpox virus and could become a concern in a small portion of the population. Member Hovland asked about data on persons who were vaccinated as children. Ms. Zeleznak responded that persons previously vaccinated had ten times fewer adverse events than those receiving it for the first time.

Member Housh asked if the plan was being implemented fast enough. Ms. Zeleznak said protocols had to be developed as well as educational materials.

Mr. Maetzold asked when Phase III would be implemented. Ms. Zeleznak said she has no idea how research is progressing on the new vaccine but staff believes Phase III might happen in 2004.

David Chin, 6801 Limerick Lane, asked what it would take to make Edina a 'Model City' in preparedness. Ms. Zeleznak noted she had not read the Michael Osterholm book nor does she know what his definition of a 'Model City' is. She added that education is the next step since efforts have been towards a vaccination program in the past.

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Member Hovland asked if the supply of vaccine at present was sufficient for Minnesota. Ms. Zeleznak said there was enough in the United States however, the vaccine was not in Minnesota but a supply could be available within 6-12 hours.

Thomas Jeffrey, 5713 St. John's Avenue, inquired if the vaccine were administered, how long would it last. Ms. Zeleznak responded approximately ten years. Mr. Jeffrey asked if there was a priority list of cities for acquisition of the vaccine within the 6-12 hour time period. Ms. Zeleznak said there were 12 designated depositories within the United States for the vaccine.

Joshua Schwartz, 5528 Dundee Road, asked what the difference would be for the vaccinated vs. the non-vaccinated, if the United States were attacked. Ms. Zeleznak said it was not known if smallpox has been weaponized. She explained the most virulent form of smallpox has a fatality rate of 30%.

No formal Council action was taken.

AMENDMENT APPROVED TO 2003 COMMUNITY HEALTH SERVICE AGREEMENT Member Masica asked that the Amendment to the 2003 Community Health Service Agreement be removed from the Consent Agenda for further information. She inquired what services would be cut with the reduction in funding. Mr. Velde explained that the core public health services would be maintained. Positions may not be filled as well as community outreach may be curtailed to offset the lack of funding. Member Masica asked what the current percentage of use of the service was by the participating cities. Mr. Velde said he would research this and disseminate the data to the Council.

Member Housh made a motion approving the amendment to the 2003 Community Health Service Agreement as presented. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold
Motion carried.

ANIMAL IMPOUND AGREEMENT AUTHORITY GRANTED Member Masica indicated she removed the Animal Impound Agreement Authority from the consent agenda for further information. She inquired about the discrepancy of either 7 or 10 days regarding disposal of animals. Mr. Siitari responded it depends upon whether it was licensed/un-licensed or a dangerous dog. He added it was rare for Edina to use Bloomington's service and equally rare that an animal be impounded for more than 2-3 days. Member Masica asked if the fees, as presented, were new. Mr. Siitari said the fees had not been updated for a long period of time, but were lower than those charged by Hopkins.

Motion made by Member Masica and seconded by Member Housh approving the Animal Impound Agreement between the City of Bloomington and the City of Edina for Animal Impound Services and authorizing the Mayor and Manager to sign the Agreement.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold
Motion carried.

ON-SALE INTOXICATING, CLUB ON-SALE AND SUNDAY SALE LIQUOR LICENSE RENEWALS APPROVED Mr. Hughes presented a list of restaurants holding On-Sale Intoxicating, Club On-Sale and Sunday Sale licenses which were recommended for approval. He explained that applications for renewal have been reviewed by the Edina Police Department. Paperwork has been submitted from all applicants in accordance with City Ordinances and State Statutes and license fees paid.

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Member Hovland made a motion to approve renewals for the following: ON-SALE INTOXICATING and SUNDAY SALE: Big Bowl Café, California Pizza Kitchen, Eden Avenue Grill, Maggiano's Restaurant & Bakery, P.F. Chang's Bistro, Romano's Macaroni Grill, Ruby Tuesday, Sidney's Pizza Café, Tejas, The Cheesecake Factory and Two Guys From Italy; CLUB ON-SALE and SUNDAY SALE: Edina Country Club and Interlachen Country Club. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold
Motion carried.

ON-SALE WINE AND ON-SALE 3.2 BEER LICENSE RENEWALS APPROVED Mr. Hughes presented the list of restaurants holding On-Sale Wine and On-Sale Beer Licenses recommended for approval. He noted that when licenses receiving both an on-sale Wine license and an on-sale 3.2 license may as per State Statute with no further license sell strong beer in their restaurants. Mr. Hughes reported that all necessary documentation has been submitted for renewal, fees collected, and the Police Department recommended renewal.

Member Hovland made a motion to approve issuance of ON-SALE and ON-SALE 3.2 BEER Licenses as follows: Beaujo's Bistro, Boundary Waters Restaurant, Chuck E. Cheese's, D'Amico & Sons, Edina Grill, Good Earth Restaurant, Locanda De Giorgio, Inc., Pizzeria Uno, Residence Inn Edina, Szechuan Star Restaurant, and Yorktown Cinema Grill. Member Masica seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold
Motion carried.

3.2 BEER LICENSE RENEWALS APPROVED Mr. Hughes presented a list of applicants for renewal of their 3.2 beer licenses, both On-Sale and Off-Sale. All necessary documentation has been submitted for renewal, fees have been collected and the Police Department recommended approval.

Member Masica made a motion approving issuance of beer license renewals as follows: ON-SALE 3.2 BEER LICENSES: Braemar Golf Course, Davanni's Pizza Hoagies, Fred Richards Golf Course, New Hong Kong Kitchen, TJ's Family Restaurant, and OFF-SALE 3.2 LICENSES: Cub Foods, Holiday Stationstore #217, Jerry's Food, and Speedway SuperAmerica LLC. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold
Motion carried.

REPORT PRESENTED ON STATE AID SIDEWALKS Engineer Houle explained the Municipal State Aid Sidewalk Report was held over from the February 18, 2003, Council meeting due to the late hour. Council had requested staff analyze the "missing sidewalk segments" on the Municipal State Aid roadway system. He informed the Council the City currently has 32 miles of Minnesota State Aid (MSA) and County State Aid Highway (CSAH) sidewalks. Many of the sidewalks and pathways were constructed with adjacent developments and are missing critical sidewalk segments. The Comprehensive Sidewalk/Pathway Plan was updated in 1999 as part of the City's Comprehensive Plan update. The plan includes all existing sidewalks along with proposed MSA/CSAH sidewalks and also proposed local roadway sidewalks.

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Mr. Houle stated the proposed MSA sidewalks will add approximately twelve miles of sidewalks to the existing system. Many of these segments will require extensive boulevard work to construct the sidewalk or pathway and will also transverse many residential boulevards.

Mr. Houle noted missing sidewalk segments of high priority were: 1) Tracy Avenue near the Crosstown, 2) Blake Road and Interlachen Boulevard, 3) Brookside, and 4) Valley View Road to Concord Avenue and Concord to Concord School. In order to complete all 12 miles, an additional \$550,000/year would be necessary in the State Aid budget. He reported the current Capital Improvement Plan has appropriated \$130,000 per year for MSA sidewalks, noting the City's adopted Sidewalk Adoption Policy requires initiation of sidewalks to be resident driven or if a state aid street were being constructed, sidewalks could be included with the project.

Mr. Houle noted that some of the proposed sidewalks, such as Interlachen Boulevard sidewalk/pathway, might qualify for Federal funding under the Transportation Enhancement Program. He added the program was competitive and administered by the Metropolitan Council and that would possible fill the need to develop creative funding sources for sidewalk construction.

Member Housh asked what process could to be followed to acquire funding through the Metropolitan Council. Mr. Houle said Met Council examines the route requested, and length of pathway and points were awarded in developing a priority list.

Member Masica said she was lobbying for sidewalks for the area between TH169 and Gleason Road on Valley View because of a lot of cut-through traffic going to facilities at Braemar. She said she believed the situation will worsen when the public safety training facility and medical building were completed. Mr. Houle responded that a possible funding source for this segment may be to construct it in conjunction with the Bredeson Park project.

Member Hovland indicated the City should go forward carefully noting the state's budget situation.

Member Housh said other than federal funds; the City should be seeking grants to complete the projects.

No formal Council action was taken.

RESOLUTION NO. 2003-30 APPROVING SOUTH METRO PUBLIC SAFETY TRAINING FACILITY GRANT Member Masica removed Resolution No. 2003-30 from the consent agenda for further information. She inquired whether the Joint Powers Agreement with the other involved cities must be amended to comply with the State's request. Mr. Hughes stated that that has already been accomplished.

Member Masica introduced the following resolution and moved its adoption:

RESOLUTION NO. 2003-30

WHEREAS, the City of Edina and the State of Minnesota propose to enter into a Grant Agreement with respect to the South Metro Public Safety Training Center, and

WHEREAS, the State of Minnesota requests that the City of Edina adopt a resolution clarifying ongoing operational responsibilities for said training center.

NOW THEREFORE BE IT RESOLVED that the City of Edina will assume responsibility for the operational maintenance cost of the South Metro Public Safety Training Center, which are not offset by operational revenues.

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Adopted this 4th day of March 2003. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

*2003 LABOR AGREEMENT FOR LOCAL IAFF (FIRE) APPROVED Member Kelly made a motion seconded by Member Hovland proving the 2003 Labor Agreement for Local IAFF (Fire) as follows:

1. Wages 3%
2. Insurance \$40/month increase of City contribution

Motion carried on rollcall vote five ayes.

*CONFIRMATION OF CLAIMS PAID Member Kelly made a motion and Member Hovland seconded the motion approving payment of the following claims as shown in detail on the Check Register dated February 20, 2003, and consisting of 37 pages: General Fund \$176,327.87; Communications Fund \$12,617.72; Working Capital Fund \$110,136.84; Art Center Fund \$7,092.82; Golf Dome Fund \$1,668.40; Aquatic Center Fund \$121,870.58; Golf Course Fund \$12,627.09; Ice Arena Fund \$18,312.27; Edinborough/Centennial Lakes Fund \$22,624.21; Liquor Fund \$140,476.46; Utility Fund \$56,992.77; Storm Sewer Fund \$319.54; Recycling Fund \$369.56; PSTF Agency Fund \$331,511.05; Payroll Fund \$440,000.00; TOTAL \$1,452,947.18; and for approval of payment of claims dated February 26, 2003, and consisting of 31 pages: General Fund \$252,360.57; Construction Fund \$192,907.06; Communications Fund \$355.29; Working Capital Fund \$41,702.00; Art Center Fund \$10,790.97; Golf Dome Fund \$8,955.15; Golf Course Fund \$15,619.99; Ice Arena Fund \$23,481.78; Edinborough/Centennial Lakes Fund \$14,803.48; Liquor Fund \$124,358.57; Utility Fund \$35,387.51; Storm Sewer Fund \$4,739.14; TOTAL \$725,461.51.

Motion carried on rollcall vote - five ayes.

CONCERN OF RESIDENT Addie Fitzsimmons 5025 Yvonne Terrace, again voiced concern with drainage issues caused by earth displacement due to a neighbors' addition. Ms. Fitzsimmons was informed there is nothing the Council can do to and that the issue is something that should be settled between the neighbors.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 9:25 P.M.

City Clerk