

Council Chambers, Cloquet, Minnesota
7:00 o'clock P.M. January 6, 2015

Regular Meeting.

Roll Call.

Councilors Present: Bjerkness, Kolodge, Langley, Maki, Rock, Wilkinson,
and Mayor Hallback.

Councilors Absent: None.

OATH OF OFFICE

New Mayor Dave Hallback took the Oath of Office for his new term as Mayor.

New Councilor Jeff Rock and incumbents David Bjerkness and Roger Maki took the Oath of Office for their new terms as City Councilors.

AGENDA

MOTION: Councilor Bjerkness moved and Councilor Kolodge seconded the motion to approve the January 6, 2015 agenda. The motion carried unanimously (7-0).

MINUTES

MOTION: Councilor Bjerkness moved and Councilor Wilkinson seconded the motion to approve the minutes of the work session and regular meeting of December 16, 2014. The motion carried unanimously (7-0).

CONSENT AGENDA

MOTION: Councilor Maki moved and Councilor Bjerkness seconded the motion to adopt the consent agenda of January 6, 2015 approving the necessary motions and resolutions. The motion carried unanimously (7-0).

- a. Resolution No. 15-01, Authorizing the Payment of Bills and Payroll.
- b. Resolution No. 15-02, A Resolution Designating Official Depositories for 2015.
- c. Indemnity Bond for City Employees.
- d. Standing Rules of the City Council.
- e. Official Newspaper for 2015.
- f. 2015 Budgeted Transfers.

PUBLIC HEARINGS

There were none.

PRESENTATIONS

There were none.

CITY COUNCIL MEETING CALENDAR

MOTION: Councilor Maki moved and Councilor Kolodge seconded the motion to adopt the 2015 City Council meeting calendar. The motion carried unanimously (7-0).

2015 ACTING MAYOR

MOTION: Councilor Bjerkness moved and Councilor Rock seconded the motion to appoint Councilor Langley as Acting Mayor for the 2015 calendar year. The motion carried unanimously (7-0).

2015 FEE SCHEDULE

MOTION: Councilor Bjerkness moved and Councilor Kolodge seconded the motion to adopt **ORDINANCE NO. 438A, AN ORDINANCE OF THE CITY OF CLOQUET ESTABLISHING THE CITY FEES AND CHARGES FOR 2015**. The motion carried unanimously (7-0).

The City Council of the City of Cloquet hereby ordains as follows:

Section 1.

- A. Policy and Purpose. By enactment of this Ordinance, the City Council intends to establish fees and charges required by the City Code for the year 2015 and to comply with Minnesota Statutes, §462.353, Subd. 4.
- B. Fees and Charges. The fees and charges for the City for the year 2015 are as set forth on “Exhibit A” hereto.
- C. Application. Where a direct conflict exists between the amount of a fee or charge set by any provision of the City Code and a fee or charge set by this Ordinance, the fee or charge set by the Ordinance applies.

Section 2. Effective Date. This Ordinance shall be effective immediately upon its passage and publication according to law.

PROFESSIONAL THERAPEUTIC MASSAGE

MOTION: Councilor Wilkinson moved and Councilor Langley seconded the motion to adopt **ORDINANCE NO. 439A, AN ORDINANCE TO AMEND SECTION 6.9 OF THE MUNICIPAL CODE AS IT PERTAINS TO THE REGULATION AND LICENSING OF PROFESSIONAL THERAPEUTIC MASSAGE.** The motion carried unanimously (7-0).

The City Council of the City of Cloquet does hereby ordain as follows:

Section 1. That **Section 6.9.01** be amended as follows:

6.9.01 Purpose. It is the purpose of this section to expand the availability of therapeutic massage services and to provide for the separate licensing of therapeutic massage businesses and massage therapists within the City of Cloquet. The City Council finds that individuals and commercial enterprises conducting massage in private by and between members of the same or opposite sex and employing personnel with no specialized training are susceptible to operation in a manner contravening, subverting, or endangering the morals of the community. It is the further purpose of this Section to protect the ~~public~~ health, safety and welfare of the general public ~~and to guard against the inception and transmission of disease~~ by strictly regulating the profession of therapeutic massage within the City of Cloquet.

Accordingly, this section provides for a method of making therapeutic massage available but requires inspection, licensing and regulation. The City Council also finds that it is important that certain levels of specialized training exist in order to safely and properly provide therapeutic massage services to the public.

Section 2. That **Section 6.9.02, A, Subd. 1** be amended as follows:

Subd. 1. Therapeutic Massage Distinguished: The practice of therapeutic massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, by persons duly licensed in this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry. ~~Nurses who work solely under the direction of any such persons, and~~

a. Exceptions.

- 1. Persons duly licensed or registered to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, registered nurses and nurses who work under the direction of such persons, are hereby

expressly excluded from the requirements of this section, provided the massage is administered in the regular course of a prescribed or authorized medical treatment and not provided as part of a separate and distinct massage business, shall be exempt from obtaining a license under this section.

2. Athletic directors or trainers under contract to a school district, private or public college, are hereby expressly excluded from the provisions of this section.
3. Beauty culturists and barbers who do not give, or hold themselves out to give, massage services other than are customarily given in such shops or places of business shall be exempt from the provisions of this section.

Section 3. That **Section 6.9.02, B**, be amended as follows:

- B. Therapeutic Massage Therapist:** Means a person who practices or administers therapeutic massage and who has received a minimum of ~~400~~ 500 hours of certified therapeutic massage training and certification which has been recognized and accepted by a national or state professional therapeutic massage organization.

Section 4. That **Section 6.9.03, Subd. 1, A, 7**, be amended as follows:

7. Any premises proposed to be licensed shall be first inspected by the City's building official, ~~police department, and/or fire department.~~ These premises must comply with all applicable building codes, fire codes, and health codes of the City of Cloquet, Carlton County and State of Minnesota; and

Section 5. That **Section 6.9.03, Subd. 1, A**, be amended to add the following Number 11 and the remaining be renumbered accordingly.

11. Applicant's Social Security Number and Minnesota Business Identification Number.
- ~~11.~~ 12. The applicant for a therapeutic massage business license shall furnish the City with a list of current employees, listing their names, addresses, and the designated duties of the employee. The licensee shall promptly notify the City of any additions or changes to the list of employees and their job descriptions or duties.
- ~~12.~~ 13. Any other such information as the City Council may require.

Section 6. That **Section 6.9.03, Subd. 1, B, 1**, be amended as follows:

1. The applicant's name, social security number, Minnesota Business Identification Number, and date of birth, ~~place of birth, weight, height, color of eyes, color of hair;~~ and

Section 7. That **Section 6.9.03, Subd. 1, B, 6, a**, be amended as follows:

- a. Can document at least ~~400~~ 500 hours of certified therapeutic massage training recognized and accepted by a national or state professional therapeutic massage organization and any and all continuing education

requirements so required by that organization;
and

Section 8. That **Section 6.9.03, Subd. 1, B, 6, b**, be amended as follows:

- b. Proof of membership in good standing in a recognized national and/or state professional therapeutic massage organization; and

Section 9. That **Section 6.9.03, Subd. 1, B, 6, d**, be deleted.

- ~~d. — Medical certificate from a physician duly licensed to practice medicine in the State of Minnesota stating that the applicant has no communicable disease.~~

Section 10. That **Section 6.9.06, Subd. 3**, be amended as follows:

Subd. 3. License Transfers. No license shall be transferred or sold. A licensee under this section shall not transfer a license to another, ~~nor shall a~~ A licensee of a therapeutic massage business or massage therapist may not change the location licensed for massage therapy of a therapeutic massage business without prior approval of the City. No refund shall be made for the unexpired portion of any license surrendered to the City or revoked as provided in this Section.

Section 11. That **Section 6.9.08, Subd. 14**, be amended to add the following and the remaining be relettered accordingly.

- a. Rest Homes.
- b. Nursing Homes.
- c. Hospitals.
- d. Assisted Living Facility.
- ~~d.~~ e. The private residence of patrons.
- e. f. The location of the patron's place of employment provided that the place of employment does not serve or sell intoxicating or non-intoxicating malt beverages.
- g. Onsite - chair massage at a public location (such as a fundraiser event, craft shows, grand openings) focusing on back, shoulders, neck, arms and hands. Chair massage is done fully clothed.

Section 12. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

CITY COUNCIL BOARDS/COMMISSION APPOINTMENTS

MOTION: Councilor Bjerkness moved and Councilor Wilkinson seconded the motion to reappoint the various residents identified in the staff memorandum dated December 23, 2014 to the Committees, Commissions and Boards identified. The motion carried unanimously (7-0).

MOTION: Councilor Kolodge moved and Councilor Langley seconded the motion to reappoint the members of the City Council to liaison positions with the various Boards and Commissions identified in the staff memorandum dated December 23, 2014 with the following changes: Councilor Wilkinson to the Economic Development Authority and Economic Development Partnership. The motion carried unanimously (7-0).

PUMPHOUSE OPERATOR APPOINTMENTS

MOTION: Councilor Langley moved and Councilor Maki seconded the motion to approve the one year probationary appointments of:

- Brent Halverson to the position of Qualified Pumphouse Operator in the Public Works-Utilities Department effective January 9, 2015; and
- Warren Haapoja to the position of Qualified Pumphouse Operator-Relief in the Public Works-Utilities Department effective January 12, 2015 and subject to Mr. Haapoja obtaining his water certification license during such probationary period.

The motion carried unanimously (7-0).

CITY COUNCIL iPADS and iPad POLICY

MOTION: Councilor Langley moved and Councilor Bjerkness seconded the motion to direct staff to proceed with the development of an iPad policy and purchase of iPads for the Council. The motion carried unanimously (7-0).

PUBLIC COMMENTS

There were none.

COUNCIL COMMENTS/UPDATES

There were none.

On motion duly carried by a unanimous yea vote of all members present on roll call, the Council adjourned.

Brian Fritsinger, City Administrator