

**AGENDA
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, APRIL 9, 2013 - 5:00 P.M.**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

- 1. Parking Issues 4th Ave NW – Greg Leigh**
- 2. Corridor Investment Management Strategy Grant – Nancy Ellis & Greg Boppre**
- 3. Adult Use Ordinance – Nancy Ellis & Ron Galstad**
- 4. Workers For Parks & Recreation Dept – Dave Aker**
- 5. Planning Commission Update – Craig Buckalew**
- 6. Polk County Planning Board Update – Ron Vonasek**

ADJOURN:

Upcoming Meetings

Work Session – April 9, 2013 – 5:00 PM – Training Room
Regular Council Meeting – April 16, 2013 – Council Chambers
Work Session – April 23, 2013 – Training Room
Regular Council Meeting – May 7, 2013 – 5:00 PM – Council Chambers
Work Session – May 14, 2013 – 5:00 PM – Training Room

Work Session Item

Date: April 9, 2013

To: East Grand Forks City Council and Mayor Lynn Stauss

Cc: File

From: Nancy Ellis, City Planner; Greg Boppre and Steve Emery, WSN Engineering

RE: Application to MnDOT Corridor Investment Management Strategy (CIMS) grant

Recommendation:

Consideration of CIMS application to construct a northbound 4-lane along Hwy 220 from 17th St. NE to 23rd St. NE, add traffic signal at the intersection of 23rd Street and Hwy 220 and make ADA and sidewalk improvements to the intersection and east half of Hwy 220 (from 20th St. NE to 23rd St NE)

Request:

Attached is the MnDOT solicitation letter for a new pilot program called Corridor Investment Management Strategy (CIMS). Through CIMS, MnDOT allows for projects to be funded that address issues on state highways for which MnDOT has no performance target and will not normally address through their programming process for funding. It places a strong emphasis on projects that maintain a sustainable transportation system and ensure a high return-on-investment, complementing the unique social, natural and economic features of MN. MnDOT projects \$30 million in funds of which no more than 60% can be used in the metro area.

Our project idea for this solicitation is to construct an additional lane (4th lane) along the east side of Hwy 220 from 17th St NE to 23rd St NE. In addition, a traffic signal and ADA intersection improvements will be added at 23rd St NE and Hwy 220; and a sidewalk will be build on the east side of 220 from 20th St to 23rd St. This project is critical to the economic growth of EGF, provides accessibility to the NCTC and future residential and commercial development, and provides a corridor that is consistent with future plans and studies. We

feel that this project is worthy of applying for funds. We do not foresee MnDOT constructing this project in the next 10+ years and this project will help our community, the Tech College (and potential housing) and future development north of 23rd St NE.

The total cost estimate for the construction of the project will be handed out at the work session. The City can request up to 90% of the total project costs from the State of MN through the CIMS program. The following supporting documents are attached or will be provided at the meeting:

1. Solicitation letter from MNDOT.
2. Map/drawing of the proposed CIMS location and cost estimate (mtg handout).



Minnesota Department of Transportation

395 John Ireland Boulevard
Saint Paul, MN 55155

February 28, 2013

Dear Key Stakeholder:

I am pleased to announce the pilot of MnDOT's new Corridor Investment Management Strategy (CIMS) solicitation. MnDOT anticipates having \$30 million for this competitive solicitation to fund trunk highway projects that improve quality of life, environmental health or economic competitiveness consistent with the Minnesota GO vision. Full details on the program, the solicitation schedule, and the downloadable application are now available on the CIMS webpage: <http://www.dot.state.mn.us/cims/solicitation.html>

Through CIMS, MnDOT places a strong emphasis on building and maintaining a sustainable transportation system through the use of solutions that ensure a high return-on-investment and complement the unique social, natural and economic features of Minnesota. The CIMS solicitation is intentionally casting a wide net for types of projects, as the funding is provided to address issues for which MnDOT has no system performance target and is therefore unlikely to address through the normal programming process.

Funding for the solicitation will come from the state trunk highway fund and is included in MnDOT's 2014-2015 biennial budget request to the Legislature. Selection of projects will be contingent on the inclusion of requested funding in the final authorized budget. As the solicitation will be funded through MnDOT's biennial budget, all funding for the program must be encumbered by June 30, 2015. Therefore, selected projects must be let for construction by early June 2015. Projects unable to meet this timeline will not be considered for funding in this pilot round of the solicitation.

In order to award funds to multiple projects and to fund projects of varying sizes and scales, the maximum award provided to any one project in this solicitation will be \$10 million. The minimum award will be \$200,000. Applicants are required to identify other public and/or private funding sources that will be leveraged to contribute to the project. Under this program, MnDOT will provide up to 90% of the total project costs or the trunk highway share as determined by MnDOT's Cost Participation Policy, whichever is less. Project proposals that request less than 90% of total project costs will receive additional consideration in the project scoring. No more than 60% of funding will go to either metro area projects or projects in Greater Minnesota.

MnDOT projects and projects initiated and led by cities, counties and tribes on any state trunk highway are eligible to apply for funding through this program. Applications for this program are due April 30, 2013.

To provide potential applicants more information about the solicitation and an opportunity to ask questions and receive guidance on completing the application, MnDOT has scheduled several information sessions throughout the state. For those unable to attend in person, the March 11 session will be available online through Adobe Connect and will be recorded.

- March 6 – 1:00 – 3:00 pm, MnDOT District Office, 1000 Highway 10 West, Detroit Lakes, MN 56501

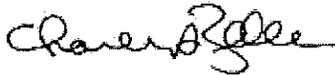
An Equal Opportunity Employer



- March 8 – 10:00 am – noon, Brooklyn Park City Hall, 5200 85th Avenue North, Brooklyn Park, MN 55443
- March 11 – 10:00 am – noon, MnDOT District Office, 2151 Bassett Drive, Mankato, MN 56001
- March 21 – 10:00 am – noon, MnDOT District Office, 7694 Industrial Park Road, Baxter, MN 56425
- March 21 – 2:00 – 4:00 pm, MnDOT District Office, 3920 Highway 2 West, Bemidji, MN 56601
- March 22 – 10:00 am – noon, MnDOT District Office, 1123 Mesaba Avenue, Duluth, MN 55811
- March 25 – 1:00 – 3:00 pm, MnDOT District Office, 2900 48th Street NW, Rochester, MN 55901
- March 26 – 10:00 am – noon, MnDOT District Office, 2505 Transportation Road, Willmar, MN 56201

Information about the MnDOT/DEED Transportation Economic Development program will also be presented at the sessions. Registration for the information sessions is requested for planning purposes, but not required. To RSVP for a session, email cims.dot@state.mn.us

Thank you for your interest.



Charles A. Zelle
Commissioner
Minnesota Department of Transportation

An Equal Opportunity Employer



TH220 - 17TH to 23RD

**TH220 RECONSTRUCTION
17TH street NE to 23RD street NE
EAST GRAND FORKS**

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
2021.501	Mobilization	LS	1	\$20,000.00	\$20,000.00
2104.501	Remove Curb and Gutter	LF	2,800	\$15.00	\$42,000.00
2104.505	Remove Concrete Pavement	SY	1,000	\$20.00	\$20,000.00
2104.509	Remove Sign Panel Type C	EA	20	\$150.00	\$3,000.00
2104.509	Remove Casting	EA	12	\$250.00	\$3,000.00
2104.511	Sawing Concrete Pavement (Full Depth)	LF	3,000	\$7.00	\$21,000.00
2104.523	Salvage Sign	EA	20	\$125.00	\$2,500.00
2105.501	Common Excavation (P)	CY	3,500	\$20.00	\$70,000.00
2105.523	Common Borrow	CY	800	\$25.00	\$20,000.00
2105.525	Topsoil Borrow (LV)	CY	350	\$25.00	\$8,750.00
2211.607	Aggregate Base, Class 5	CY	2,000	\$40.00	\$80,000.00
2301.604	Construct Pavement	SY	3,400	\$75.00	\$255,000.00
2350.501	Wearing Course Mixture	TON	200	\$100.00	\$20,000.00
2503.601	Storm Sewer & Box Culvert	LS	1	\$200,000.00	\$200,000.00
2504.602	Adjust Gate Valve & Box	EA	6	\$300.00	\$1,800.00
2506.522	Adjust Frame and Ring Casting	EA	12	\$1,000.00	\$12,000.00
2521.501	4" Concrete Walk	SF	15,000	\$8.00	\$120,000.00
2531.501	Concrete Curb and Gutter, Design B624	LF	2,800	\$25.00	\$70,000.00
2531.618	Truncated Domes	SF	200	\$60.00	\$12,000.00
2563.601	Traffic Control	LS	1	\$30,000.00	\$30,000.00
2564.536	Install Sign Panel	EA	18	\$500.00	\$9,000.00
2564.602	F&I Sign Panel Type C	EA	18	\$500.00	\$9,000.00
2565.511	Traffic Light	LS	1	\$500,000.00	\$500,000.00
2571.601	Landscaping	LS	1	\$50,000.00	\$50,000.00
2573.530	Storm Drain inlet Protection	EA	12	\$200.00	\$2,400.00
2575.501	Seeding	SY	2,800	\$6.00	\$16,800.00
2582.502	Linear Marking	LF	6,000	\$3.00	\$18,000.00
2582.502	Cross-walk Marking - Epoxy	LS	1	\$20,000.00	\$20,000.00
TOTAL CONSTRUCTION COST					\$1,636,250.00
Plans and Specifications					\$163,625.00
Staking and Inspection					\$130,900.00
Legal and Administration					\$32,725.00
Contingencies					\$163,625.00
TOTAL					\$2,127,125.00

Work Session Item

Date: April 9, 2013
 To: East Grand Forks City Council and Mayor Lynn Stauss
 Cc: File
 From: Nancy Ellis, City Planner and Ron Galstad, City Attorney
 RE: Repeal Adult Use regulations from current City Code and adopt Moratorium Ordinance on Adult Uses

STAFF RECOMMENDATION

Staff recommends approval of repealing the current Adult Use regulations and adopting a moratorium ordinance on Adult uses until further study is completed.

GENERAL INFORMATION

APPLICANTS: City of East Grand Forks

REQUESTED ACTION: Applicant is requesting amending text in the Zoning Code

SITE ZONING/LAND USE: General Industrial District (1-2) and Definitions section

SURROUNDING ZONING/LAND USE: NA

The definitions for our Adult Use Ordinance need to be amended to with stand legal scrutiny; the City of East Grand Forks is repealing its Adult Use regulations within the I-2 District (Section 152.247) including the Adult Use definitions in the Definition Section (Section 152.006). It is also repealing Section 150.13 and then adopting a moratorium ordinance for adult use/sexually oriented businesses until the City of East Grand Forks can adequately study and adopt a new ordinance pertaining to Adult Uses.

I am attaching the Ordinance with the repealed sections and the moratorium ordinance for you to discuss. The City of East Grand Forks is currently working with the Attorney's Office to review the moratorium ordinance; review the City of Grand Forks licensing ordinance pertaining to Adult Uses; and write new definitions and regulations regarding Adult Uses to adopt by ordinance to the City Code and Zoning Ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the City's request to repeal the regulations relative to the I-2 requirements for Adult Uses (Section 152.247), including the Adult Use definition (Section 152.006); repeal Section 150.13 of the City Code; and adopt a moratorium ordinance for adult use/sexually oriented businesses until the City of East Grand Forks can adequately study and adopt a new ordinance pertaining to Adult Uses.

NOTICE TO CONSIDER CITY CODE TEXT CHANGE TO REPEAL THE I-2 ADULT USE REGULATIONS AND ADOPT A MORATORIUM ORDINANCE FOR ADULT USES UNTIL THE ISSUE HAS BEEN STUDIED AND A NEW ORDINANCE IS IN PLACE

You are hereby notified that the Planning Commission will meet in the Training Room of City Hall located at 600 DeMers Ave on April 12, 2013 at 12:00 p.m. NOON, or as soon as possible thereafter, to consider amendments to Title 150.13, 152.006 and 152.247 of the City Code, Zoning Code, to repeal the regulations relative to the I-2 requirement for Adult Uses, including the Adult Use definition. The City of East Grand Fork has made a request to the Planning Commission to repeal the regulations for Adult Uses in the I-2 Zoning District, remove the definition of Adult Use in the definition's section, remove Section 150.13 and adopt a moratorium ordinance for adult use/sexually oriented businesses until the City of East Grand Forks can adequately study and adopt a new ordinance pertaining to Adult Uses. Chapter 10, Zoning Regulations would also be amended if changes to the I-2 special use requirements are repealed and a moratorium ordinance is in place.

At this meeting, the Planning Commission will decide if it will recommend to City Council to repeal the I-2 Adult Use regulations and adopt a moratorium ordinance to the City Code and Zoning Ordinance text. If you wish to comment on the said applications, you are encouraged to attend this meeting.

Dated this 27th day of March, 2013.

Scott Huizenga
Administrator/Clerk-Treasurer
City of East Grand Forks, MN

CITY OF EAST GRAND FORKS

ORDINANCE NO. _____, 4th Series

**AN ORDINANCE REPEALING AND AMENDING CERTAIN
SECTIONS OF THE CITY CODE DEALING WITH SEXUALLY ORIENTED
BUSINESSES AND ADULT USES**

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. Section 150.13 of the East Grand Forks City Code is repealed.

Section 2. Section 152.006 of the East Grand Forks City Code is amended by deleting the definition of “ADULT USES” as follows:

~~ADULT USES. Uses which include a sexually oriented arcade; sexually oriented bookstore; sexually oriented video store; sexually oriented store; sexually oriented cabaret; sexually oriented conversation/rap parlor; sexually oriented massage parlor; sexually oriented motel; sexually oriented theater; sexually oriented steam room, bath house or sauna; or a nude model studio. Activities classified as obscene as defined by M.S., § 617.241, as it may be amended from time to time, are not included.~~

Section 3. Section 152.247 of the East Grand Forks City Code is amended to read as follows:

§ 152.247 SPECIAL USES

In addition to other uses specifically identified elsewhere in this subchapter, the following are special uses in an I-2, General Industrial District, and require a special use permit based upon procedures and criteria set forth in and regulated by § 152.022.

~~(A) Adult uses provided that:~~

~~(1) The adult use is located 1,000 feet from any other sensitive receptor.~~

~~(2) The adult use has frontage on an arterial roadway.~~

(B) Billboards as regulated by §§ 152.390 *et seq.*

(C) Bulk fuel storage.

(D) Concrete mixing plant.

(E) Essential services- public utility uses, transmission services, buildings and storage.

- (F) Fairs and fairgrounds.
- (G) Freight transportation terminal.
- (H) Grain terminal.
- (I) Railroad yard.
- (J) Recycling center.
- (K) Salvage yard.
- (L) Sanitary or demolition landfill.
- (M) Solid and hazardous waste transfer station.
- (N) Solid waste processing facility.
- (O) Wireless communications tower and antennas, as regulated by §§ 152.315 *et seq.*
- (P) Yard and tree waste composting site.

Section 4. Effective Date. This ordinance shall take effect the day after its passage and publication and be given the Number _____, 4th Series.

VOTING AYE: _____
 VOTING NAY: _____
 ABSENT: _____

The President declared the Ordinance passed.

ATTEST: _____ PASSED: _____, 2013

 City Administrator/Clerk-Treasurer

 President of Council

I hereby approve the foregoing Ordinance this ____ day of _____ 2013.

 Mayor

CITY OF EAST GRAND FORKS

ORDINANCE NO. _____, 4th Series

**AN INTERIM ORDINANCE PLACING TEMPORARY
LOCATION REQUIREMENTS ON SEXUALLY ORIENTED
BUSINESSES IN THE CITY AND DIRECTING A STUDY
TO BE CONDUCTED**

WHEREAS, the City of East Grand Forks has previously determined that sexually oriented businesses cause secondary effects that are detrimental to the public health, safety, and general welfare of the citizens of the City of East Grand Forks; and

WHEREAS, the City's comprehensive plan, zoning, licensing and development regulations may not adequately address various impacts to the public health, safety, morals and general welfare that adult uses and sexually oriented businesses present; and

WHEREAS, to provide for adequate time for study, analysis, and the finalization of a city code amendments regarding sexually oriented businesses and to preserve the status quo within the City, the City desires to enact temporary location requirements and a temporary prohibition on the applications for and the issuance of permits and licenses of sexually oriented businesses.

The City of East Grand Forks Ordains as follows:

SECTION 1. THE FOLLOWING MORATORIUM ORDINANCE IS ADOPTED:

PURPOSE.

1.1. The purpose of this interim ordinance is to protect the planning process and the health, safety and welfare of the citizens of East Grand Forks by placing temporary location requirements on adult uses within the City. The ordinance will allow adult uses as defined in this ordinance, but subject to certain location requirements until the City can complete a comprehensive study and enact permanent zoning regulations relating to adult uses. This ordinance does not have the effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials protected by the First Amendment.

FINDINGS.

2.1. Studies conducted by the Minnesota Attorney General and the Texas City Attorneys' Association, as well as the cities of St. Paul, Alexandria, and Rochester, Minnesota; Indianapolis, Indiana; Phoenix, Arizona; Los Angeles, California; Seattle, Washington; St. Croix County, Wisconsin; Adams County and the City of Denver, Colorado, have examined the impact that adult establishments have on their respective communities. These studies concluded that adult establishments have an adverse impact on surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks. The City Council of the City of East Grand Forks recognizes that the

same or similar adverse impacts could occur in a smaller city. Therefore, the City Council makes the following findings regarding the need to regulate adult establishments:

- a) Adult uses have an impact on the neighborhoods surrounding them, which is distinct from the impact caused by other commercial uses;
- b) Residential neighborhoods located within close proximity to adult theaters, bookstores and other adult uses experience increased crime rates (sex-related crimes in particular), lower property values, increased transiency and decreased stability of ownership;
- c) The adverse impacts that adult uses have on surrounding areas diminish as the distance from the adult uses increases;
- d) Studies of other cities have shown that among the crimes which tend to increase either within or in the near vicinity of adult uses are rapes, prostitution, child molestation, indecent exposure and other lewd and lascivious behavior;
- e) Many members of the public perceive areas within which adult uses are located as less safe than other areas which do not have such uses;
- f) Studies of other cities have shown that the values of both commercial and residential properties either are diminished or fail to appreciate at the rate of other comparable properties when located in proximity to adult uses; and

2.2 The East Grand Forks City Council finds that adult uses will have secondary effects upon certain pre-existing land uses within the City.

2.3 The City Council is also concerned that the City's zoning regulations may be inadequate to accomplish the purpose for which they were intended.

2.4 In addition to the proper zoning classification of such uses there are a number of significant planning and land use issues pertaining to the regulation of such uses, including the following:

- a) The particular districts in which such uses shall be allowed as permitted uses;
- b) The concentration and density of such uses in the City and its neighborhoods; and
- c) The effect of such uses on other uses in the surrounding area.

2.5 There is a need for a study to be conducted so that the City, as part of its planning process, can adopt comprehensive land use and zoning regulations pertaining to adult uses.

2.6 Minnesota Statutes, Section 462.355, sub. 4, permit the adoption of interim zoning ordinances during the planning process.

DEFINITIONS.

For the purposes of this ordinance, the following terms shall have the meanings given below:

3.1. Adult Establishments.

- a) any business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise, or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from, items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas as described herein; or
- b) any business that engages in any Adult Use as defined in Section 3.2 of this ordinance.

3.2. Adult Use. An adult use is any of the activities and businesses described below:

- a) **Adult Uses.** Adult uses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statutes 617.241 are not included.
- b) **Adult Use- Body Painting Studio:** An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to the body of a patron when such body is wholly or partially nude in terms of Specified Anatomical Areas.
- c) **Adult Use- Bookstore:** A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape or motion picture film if such building or portion of a building is not open to the public generally and if a substantial or significant portion of such items are distinguished and characterized by an emphasis on the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- d) **Adult Use- Cabaret.** A building or portion of a building used for dancing or other live entertainment that is distinguished or characterized by an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- e) **Adult Use- Companionship Establishment:** A companionship establishment that provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished and characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

- f) Adult Use- Conversation/Rap Parlor: A conversation/rap parlor that provides the services of engaging in or listening to conversation, talk or discussion, if such service is distinguished and characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- g) Adult Use- Health/Sport Club: A health/sport club that is distinguished and characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- h) Adult Use- Hotel or Motel: Adult hotel or motel means a hotel or motel from that minors are specifically excluded from patronage and where material is presented that is distinguished and characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.
- i) Adult Use- Massage Parlor, Health Club: A massage parlor or health club that provides the services of massage, if such service is distinguished and characterized by an emphasis on Specific Sexual Activities or Specified Anatomical Areas.
- j) Adult Use- Mini-Motion Picture Theatre: A building or portion of a building with a capacity for less than 50 persons used for presenting material if such material is distinguished and characterized by an emphasis on matter depicting, describing or relating to a Specified Sexual Activities or Specified Anatomical Areas.
- k) Adult Use- Modeling Studio: An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engaged in Specified Sexual Activities or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- l) Adult Use- Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished and characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
- m) Adult Use- Motion Picture Theatre: A building or portion of a building with a capacity of 50 or more persons used for presenting material if such business as a prevailing practice presents material distinguished or characterized by a emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.
- n) Adult Use- Novelty Business: A business that has as a principal activity the sale of devices that stimulate human genitals or devices that are designed for sexual stimulation.
- o) Adult Use- Sauna: A sauna that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

p) **Adult Use- Steam Room/Bathhouse Facility:** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if the service provided by the steam room/bathhouse facility is distinguished and characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

3.3. Specified Sexual Activities:

Any of the following, whether performed directly or indirectly through clothing or other covering: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; (2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; and (4) excretory functions as part of or in connection with any of the other activities described in (1) through (3) of this paragraph.

3.4. Specified Anatomical Areas:

a) The showing of the human male or female genitals, pubic area, buttocks, or anus with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola; or

b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3.5. Substantial or significant portion means 25% or more.

PLANNING AND ZONING STUDY; MORATORIUM.

4.1 A study is authorized to be conducted by City staff to determine how adult uses should be regulated within the City. The scope of the study should include, but is not limited to, the following:

a) The particular zoning districts in which adult establishments should be allowed as permitted uses;

b) The density and concentration of such uses; and

c) The effect of such uses on other uses in the surrounding area.

4.2 Upon completion of the study, the matter is to be considered by the planning commission for its review and recommendation to the city council.

4.3 Temporary Location Requirements. Pursuant to Minn. Stat § 462.355, subd. 4, the following temporary location requirements are imposed on adult uses within the City:

- a) Adult uses are permitted uses in the General Industrial District (I-2) of the City;
- b) Adult uses must be located at least 250 feet from the following uses:
 - 1) Property used or zoned for residential uses;
 - 2) A daycare facility, school, library, park, playground, state or federal wildlife area or preserve; religious institution, or other public recreational facility;
 - 3) Premises licensed under Chapter 117, Alcoholic Beverages; and,
 - 4) Another adult use.
- c) Distances must be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the boundary lines of the parcels where the two uses are located.

4.4 Pending completion of the study and adoption of any amendments to the City's official controls, a moratorium is established on the issuance of any development approvals, including but not limited to preliminary plats, re-zonings, variances, conditional use permits, site plans, or building permits for adult uses, except those proposed to be located in the temporary area established by Section 4.3 of this ordinance.

4.5 Except in the temporary area established by Section 4.3 of this Ordinance, applications for any adult uses shall not be accepted by the City nor shall the planning commission or city council consider or grant approval of any such application during the period of the moratorium. The moratorium applies to applications that are pending with the City as of the date of the adoption of this ordinance.

4.6 This ordinance will be effective for a period of _____ months after its effective date.

ENFORCEMENT.

5.1. Violation of any portion of this ordinance shall be a misdemeanor punishable by imprisonment for up to 90 days and a fine of \$1000 or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense.

5.2. The City may enforce any provision of this ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.

SEPARABILITY.

6.1 Every section, provision or part of this ordinance is declared separable from every section, provision or part of this ordinance. If any section, provision, or part of this ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this ordinance.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect the day after its adoption and publication.

ATTEST:

PASSED: _____, 2013

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing Ordinance this ___ day of _____, 2013.

Mayor

Request for Council Action

Date: April 2, 2013

To: East Grand Forks City Council, Mayor Lynn Stauss, President Craig Buckalew, Council Vice President Greg Leigh, Council Members: Chad Grassel, Mark Olstad, Henry Tweten, Clarence Vetter, and Ron Vonasek

Cc: File

From: Dave Aker

RE: Workers in Park and Recreation Department

Background:

I am asking for a change in the way the Parks and Recreation Department has organized its employees for the following positions: VFW Arena Manager, maintenance workers and job titles. To hire two more full time employees and still save money. The City would be better on coverage for all the things they do.

Recommendation: My recommendation is move Dale Gulbranson to the VFW Arena as a foreman. He would be in charge of parks and the arena, along with the Senior Center. Hire two more full time maintenance workers, one to work at the Civic Center and one at the VFW Arena in the winter time.

Enclosures: My proposal for workers at the Civic Center, VFW Arena and Parks.

Current Employees:

Civic Center:

Brian Larson: Arena Manager \$73,733.92
\$11,060.09 charged to Cemetery-Not in the total

Operators: Four operators (35 hours) - \$9.50 per hour
\$332.50 per operator x 4 (26 weeks) - \$34,580.00

Sweepers: Three sweepers (30 hours) - \$7.50 per hour
\$225.00 per sweeper x 3 (24 weeks) - \$16,200.00

Cemetery: One person (40 hours) \$9.50 per hour
\$6,080.00 for working 16 weeks

TOTAL COST: \$119,533.83

VFW Arena:

Garry Hadden: Arena Manager \$73,733.92

Operators: 3 – 4 operators (35 hours) - \$9.50 per hour
\$332.50 per operator x 3 (26 weeks) - \$25,935.00

Sweepers: Three sweepers (30 hours) - \$7.50 per hour
\$225.00 per sweeper x 3 (24 weeks) - \$16,200.00

TOTAL COST: \$115,868.92

Parks:

Dale Gulbranson: Park Forman \$69,910.89

Maintenance Worker: \$15.12 per hour - \$50,307.46

Part Time Workers \$48,000.00

TOTAL COST: \$168,218.35

Proposed employees:

Civic Center:

Brian Larson: \$25.03/hr \$53,000.00/year \$73,733.92
\$11,060.09 charged to Cemetery-Not in the total

Maintenance II: \$15.12/hr. \$31,449.60/year \$50,307.46

Operators: Two operators 10 hours each - \$9.50 per hour
\$95.00 per operator x 2 (26 weeks) - \$4,940.00

Sweepers: Two sweepers 20 hours each - \$7.50 per hour
\$150.00 per sweeper x 2 for 24 weeks - \$7,200.00

TOTAL COST: \$125,121.29

Proposed employees:

VFW Arena:

Dale Gulbranson: \$25.03/hr \$53,000.00/year \$73,733.92

Maintenance II: \$15.12/hr \$31,449.60/year \$50,307.46

Operators: Two operators 10 hours each - \$9.50 per hour
\$95.00 per operator x 2 for 26 weeks - \$4,940.00

Sweepers: Two sweepers 15 hours each - \$7.50 per hour
\$112.50 per sweeper x 2 for 24 weeks - \$5,400.00

TOTAL COST: \$134,381.38

Proposed employees: Park Shop

Maintenance worker: \$15.12 per hour \$31,449.60/year \$50,307.46

Part Time Workers \$48,000.00

TOTAL COST: \$98,307.46

TOTAL COST OF CURRENT EMPLOYEES: \$403,621.10

TOTAL OF PROPOSED EMPLOYEES: \$357,810.13

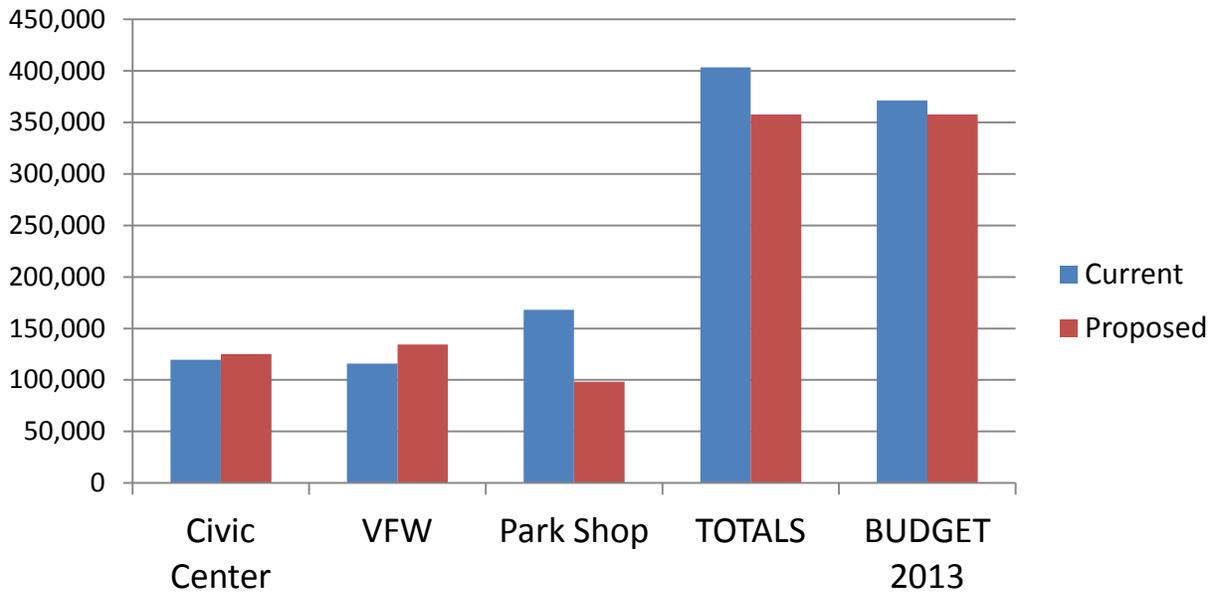
DIFFERENCE: \$45,810.97

PROPOSED 2013 BUDGET: \$371,464.00

SAVINGS WITH NEW PROPOSAL: \$13653.87

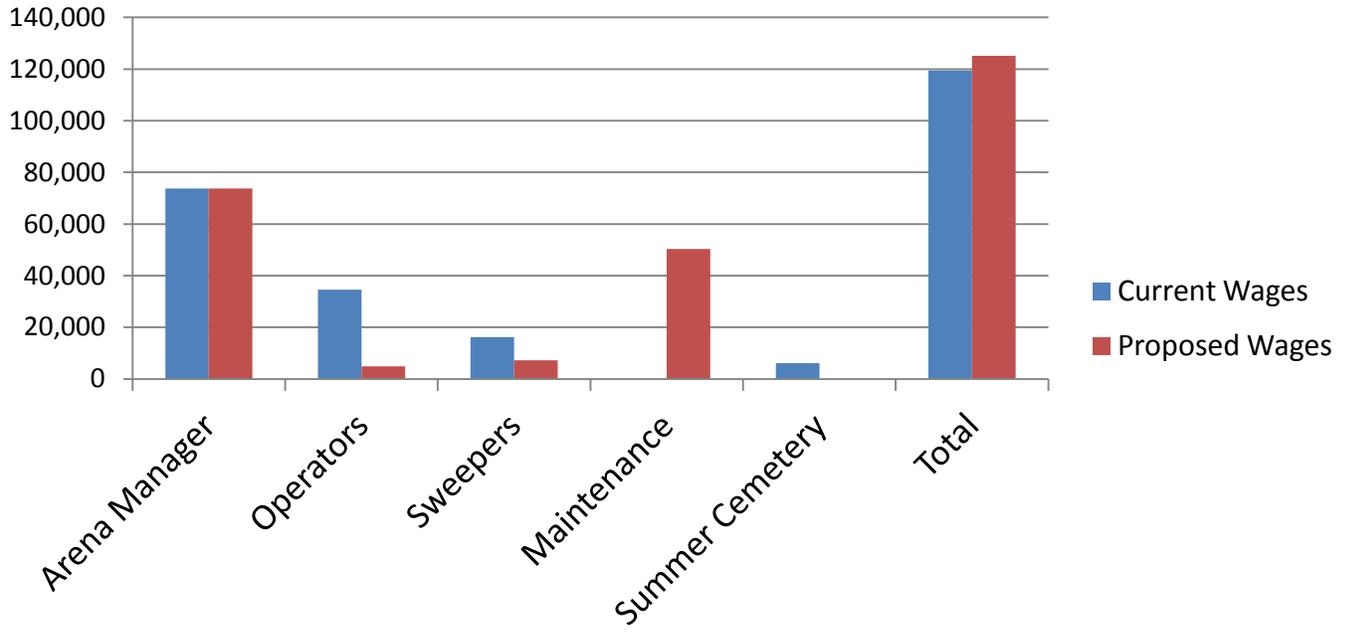
	BUDGET	2010	2011	2012	2013
Civic Center		Actual	Actual	Actual	Budget
101-45-140-41010	Salaries & Wages	39,005	44,716	45,036	44,331
101-45-140-41020	Salaries & Wages - Overtime	968	704	1,532	1,000
101-45-140-41030	Salaries & Wages - PT	26,827	28,189	26,331	30,000
101-45-140-41210	PERA Contributions	2,190	3,199	3,302	3,214
101-45-140-41220	FICA Contributions	4,359	5,314	5,230	5,763
101-45-140-41290	Sick Leave Contributions	-	(162)	1,000	1,000
101-45-140-41300	Insurance Contributions	10,713	12,106	12,655	11,074
101-45-140-41510	Worker's Compensation	1,476	1,109	1,387	1,300
	TOTAL	85,538	95,176	96,474	97,682
VFW Arena					
101-45-141-41010	Salaries & Wages	49,693	50,032	53,238	52,235
101-45-141-41020	Salaries & Wages - Overtime	252	-	466	1,000
101-45-141-41030	Salaries & Wages - PT	20,991	19,130	22,748	22,500
101-45-141-41050	Salary & Wages - PT Overtime	756	-	-	-
101-45-141-41210	PERA Contributions	1,650	1,505	3,783	3,787
101-45-141-41220	FICA Contributions	3,470	3,142	5,849	5,794
101-45-141-41290	Sick Leave Contributions	-	(189)	1,000	1,000
101-45-141-41300	Insurance Contributions	26	17	206	-
101-45-141-41510	Worker's Compensation	1,476	1,109	1,387	1,300
	TOTAL	78,313	74,745	88,678	87,616
Blue Line Arena					
101-45-142-41010	Salaries & Wages	430	-	-	-
101-45-142-41020	Salaries & Wages - Overtime	-	27	-	-
101-45-142-41030	Salaries & Wages - PT	5,018	9,978	10,913	7,000
101-45-142-41210	PERA Contributions	30	-	-	-
101-45-142-41220	FICA Contributions	417	765	835	536
	TOTAL	5,894	10,770	11,748	7,536
	TOTAL ARENAS	169,745	180,691	196,900	192,834
Park Areas					
101-45-202-41010	Salaries & Wages	104,802	84,227	46,814	75,504
101-45-202-41020	Salaries & Wages - Overtime	603	1,237	1,010	1,000
101-45-202-41030	Salaries & Wages - PT	55,174	41,325	45,629	48,000
101-45-202-41050	Salary & Wages - PT Overtime	-	-	-	-
101-45-202-41210	PERA Contributions	6,721	4,689	3,410	5,547
101-45-202-41220	FICA Contributions	11,429	10,159	6,711	9,525
101-45-202-41290	Sick Leave Contributions	-	691	-	-
101-45-202-41300	Insurance Contributions	21,730	16,393	12,661	26,056
101-45-202-41510	Worker's Compensation	8,671	12,220	14,709	13,000
	TOTAL PARK	209,130	170,941	130,946	178,631
TOTAL		378,875	351,632	327,846	371,464

Wages



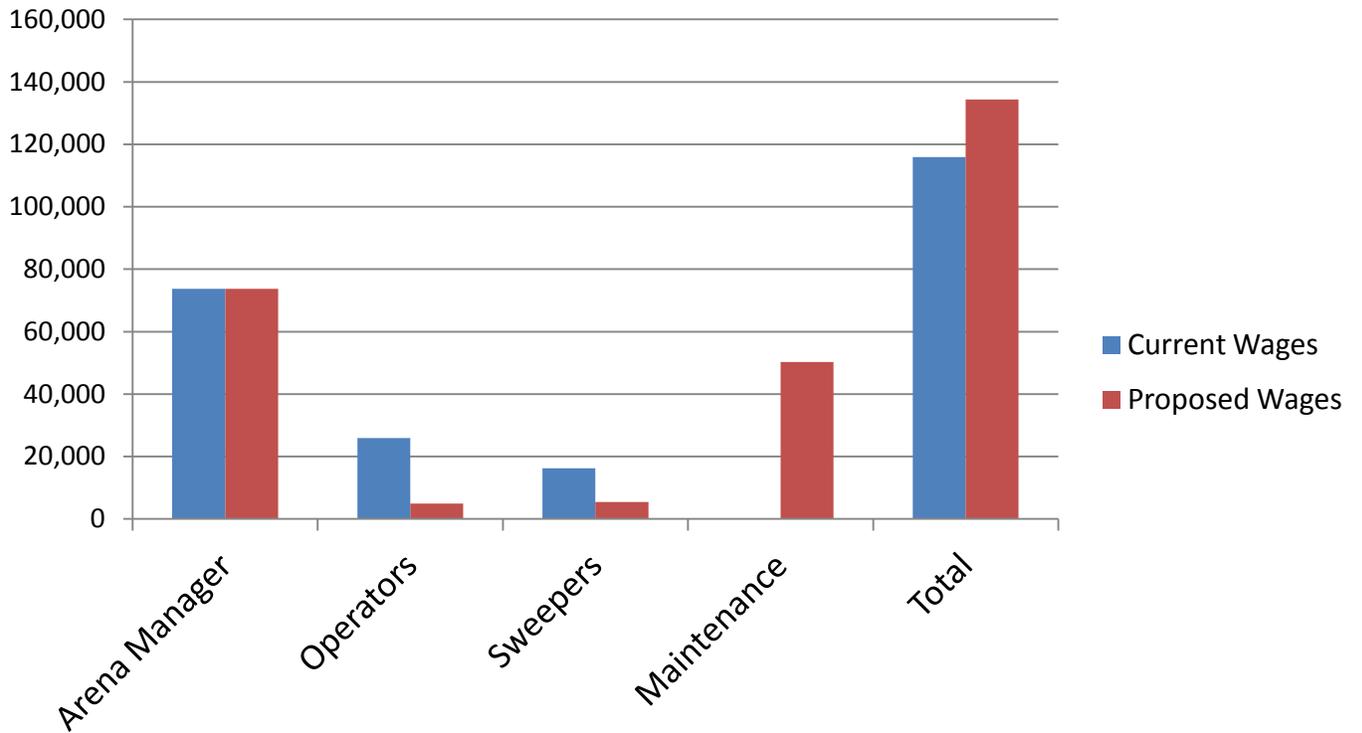
Civic Center	119,533	125,121
VFW	115,869.00	134,381
Park Shop	168,218.00	98,307
TOTALS	403,620	357,809
BUDGET 2013	371,464	357,810

Civic Center



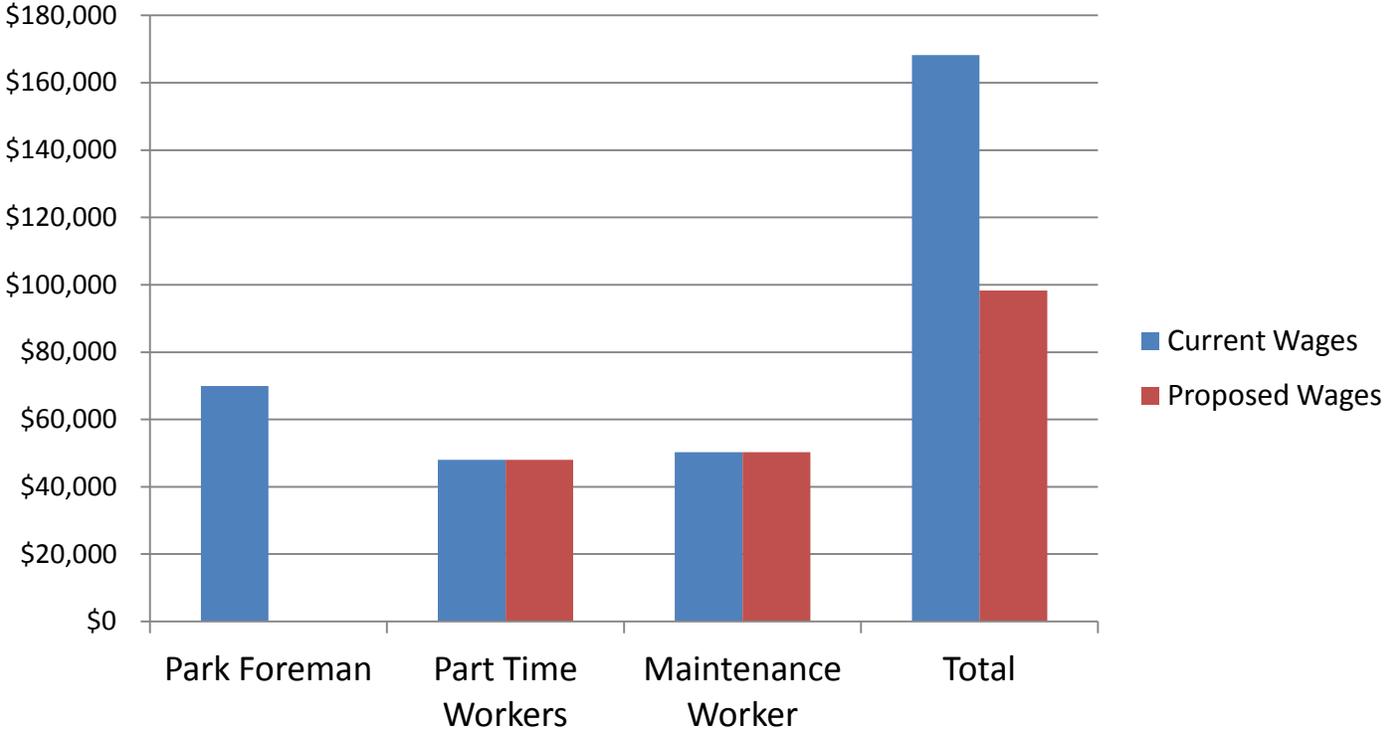
Arena Manager	73,733	\$73,733
Operators	34,580.00	4,940
Sweepers	16,200.00	7,200
Maintenance		50,307
Summer Cemetery	\$6,080	0
TOTAL	130,593	136,180
Minus cemetery	(\$11,060)	(\$11,060)
Total	119,533	125,120

VFW Arena



Arena Manager	73,733	73,733
Operators	25,935.00	4,940
Sweepers	16,200.00	5,400
Maintenance		50,307
Total	115,868	134380

Park Shop



Park Foreman	\$69,910	\$0
Part Time Workers	\$48,000	\$48,000
Maintenance Worker	\$50,307	\$50,307
Total	\$168,217	\$98,307