

**AGENDA  
OF THE CITY COUNCIL  
CITY OF EAST GRAND FORKS  
TUESDAY, MAY 7, 2013 - 5:00 P.M.**

**CALL TO ORDER:**

**CALL OF ROLL:**

**DETERMINATION OF QUORUM:**

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

*“An opportunity for members of the public to address the City Council on items not on the current Agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate.” If you would like to address the City Council, please come up to the podium to do so.”*

**APPROVAL OF MINUTES:**

1. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of April 16, 2013.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of April 23, 2013.

**SCHEDULED BID LETTINGS: NONE**

**SCHEDULED PUBLIC HEARINGS: NONE**

**CONSENT AGENDA:**

*Items under the “Consent Agenda” will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.*

3. Consider adopting Resolution No. 13-05-46 declaring that the City of East Grand Forks acts as the legal sponsor for an application for the FY 2013/2014 funding to the State of Minnesota Department of Natural Resources for the trail maintenance of snowmobile trails managed by the Red River Snowmobile Club.
4. Consider approving a temporary liquor license application for the American Legion for June 20, 2013 for Business After Hours in the Hugo’s Parking Lot.
5. Consider approving the following “Off Sale” Non-Intoxicating Malt Liquor License Applicant:
  - a. East Side Travel Plaza located at 607 Gateway Drive NE, East Grand Forks, MN 56721.

6. Consider approving the following “Off Sale” Weekday Liquor License Applicant Renewals:
  - a. Hugo’s Wine & Spirits located at 310 14<sup>th</sup> St NE, East Grand Forks, MN 56721.
  - b. Pop’s Liquor located at 122 4<sup>th</sup> St NE, East Grand Forks, MN 56721
7. Consider approving the following “On Sale Weekday & Sunday” Liquor License Applicant Renewals:
  - a. Mike’s Pizza & Pub located at 411 2<sup>nd</sup> St NW, East Grand Forks, MN 56721
  - b. Blue Moose Bar & Grill located at 507 2<sup>nd</sup> St NW, East Grand Forks, MN 56721
  - c. Dacotah Aerie, Eagles #350, located at 227 10<sup>th</sup> St NW/PO Box 482, East Grand Forks, MN 56721.
  - d. Valley Golf Association located at 2407 River Road NW, East Grand Forks, MN 56721.
  - e. VFW #3817 located at 312 Demers Ave, East Grand Forks, MN 56721.
  - f. Mamma Maria’s located at 211 Demers Ave Suite 16, East Grand Forks, MN 56721

**ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, AND COMMISSIONS:**

8. Regular meeting minutes of the Water, Light, Power, and Building Commission for April 4, 2013.
9. Regular meeting minutes of the Resurrection Cemetery Commission Meeting for May 1, 2013.

**COMMUNICATIONS:**

10. Acknowledge the hiring of Justin Kitzberger as a Patrol Officer for the Police Department with effective start date of May 6, 2013.
11. Acknowledge the resignation of Scott Huizenga as City Administrator effective May 31, 2013.

**OLD BUSINESS:**

12. Consider adopting Ordinance No. 9 4<sup>th</sup> Series Repealing and Amending Certain Sections of the City Code Dealing with Sexually Oriented Businesses and Adult Uses. (2<sup>nd</sup> Reading)
13. Consider adopting Ordinance No. 10 4<sup>th</sup> Series Placing Temporary Location Requirements on Sexually Oriented Businesses in the City and Directing a Study to Be Conducted. (2<sup>nd</sup> Reading)

**NEW BUSINESS:**

14. Consider adopting the Rental Structure for arenas and items available from the Parks Department.
15. Consider adopting Resolution No. 13-05-47 opposing new total phosphorus restrictions in the Red River basin.
16. Consider approving Ordinance Summaries for publication in the newspaper.

**CLAIMS:**

17. Consider adopting Resolution No. 13-05-48 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 15679 for a total of \$1167.51 whereas Council Member Buckalew is personally interested financially in the contract.
18. Consider authorizing the City Administrator/Clerk-Treasurer to issue payment of recommended bills and payroll.

**ADJOURN:**

Upcoming Meetings:

- Work Session – May 14, 2013 – 5:00 PM - Training Room
- Regular Council Meeting – May 21, 2013 – 5:00 PM – Council Chambers
- Work Session – May 28, 2013 – 5:00 PM – Training Room
- Regular Council Meeting – June 4, 2013 – 5:00 PM – Council Chambers
- Work Session – June 11, 2013 – 5:00 PM Training Room

**UNAPPROVED MINUTES  
OF THE CITY COUNCIL  
CITY OF EAST GRAND FORKS  
TUESDAY, APRIL 16, 2013 - 5:00 P.M.**

**CALL TO ORDER:**

*The Regular Meeting of the East Grand Forks City Council for April 16, 2013 was called to order by Council President Craig Buckalew at 5:00 P.M.*

**CALL OF ROLL:**

*On a Call of Roll the following members of the East Grand Forks City Council were present: Mayor Lynn Stauss, Council President Craig Buckalew, Council Vice President Greg Leigh, Council Members Clarence Vetter, Ron Vonasek, Henry Tweten, Mark Olstad, and Chad Grassel.*

*Dave Aker, Parks & Recreation Superintendent; Karla Anderson, Finance Director; Greg Boppre, City Engineer; Dan Boyce, Water & Light Manager; Nancy Ellis, City Planner; Ron Galstad, City Attorney; Mike Hedlund, Police Chief; Charlotte Helgeson, Library Director; Gary Larson, Fire Chief; Megan Nelson, Executive Assistant; Jim Richter, EDHA Director; and Jason Stordahl, Public Works Director.*

**DETERMINATION OF QUORUM:**

*The Council President Determined a Quorum was present*

**PLEDGE OF ALLEGIANCE:**

Mayor Stauss asked that before the meeting continues a moment of silence is observed for those affected by the tragedy in Boston.

**OPEN FORUM:**

*“An opportunity for members of the public to address the City Council on items not on the current Agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate.” If you would like to address the City Council, please come up to the podium to do so.”*

**APPROVAL OF MINUTES:**

1. Consider approving the minutes of the “Regular Meeting” for the East Grand Forks, Minnesota City Council of April 2, 2013.
2. Consider approving the minutes of the “Work Session” for the East Grand Forks, Minnesota City Council of April 9, 2013.

**A MOTION WAS MADE BY COUNCIL MEMBER OLSTAD, SECONDED BY COUNCIL MEMBER VONASEK, TO APPROVE ITEM ONE (1) THROUGH TWO (2).**

*Voting Aye: Vetter, Vonasek, Buckalew, Tweten, Olstad, Leigh, and Grassel.*

*Voting Nay: None.*

**SCHEDULED BID LETTINGS: NONE**

**SCHEDULED PUBLIC HEARINGS: NONE**

**CONSENT AGENDA: NONE**

*Items under the "Consent Agenda" will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.*

**ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, AND COMMISSIONS:**

- 3. Regular meeting minutes of the Water, Light, Power, and Building Commission for March 21, 2013.

**COMMUNICATIONS:**

- 4. Acknowledge the retirement of Garry Hadden effective April 30, 2013 and thank him for his years of dedicated service to the City of East Grand Forks.

Mr. Aker announced that there will be a party for Mr. Hadden held on April 30<sup>th</sup> from 1-5 in the training room so people will be able to come and help him celebrate. Mayor Stauss presented Mr. Hadden with a plaque while commenting how he helped hire Garry almost 30 years ago. The mayor thanked Garry for all of projects he was a part of, for the great job he has done, and for his years of dedicated service.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

- 5. Consider approving the recruitment and hiring of two park maintenance workers.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER GRASSEL, TO APPROVE THE RECRUITMENT AND HIRING OF TWO PARK MAINTENANCE WORKERS.**

*Voting Aye: Vetter, Vonasek, Buckalew, Tweten, Olstad, Leigh, and Grassel.*

*Voting Nay: None.*

- 6. Consider adopting Resolution No. 13-04-43 supporting the East Grand Forks Post Office.

**A MOTION WAS MADE BY COUNCIL MEMBER VETTER, SECONDED BY COUNCIL MEMBER TWETEN, TO ADOPT RESOLUTION NO. 13-04-43 SUPPORTING THE EAST GRAND FORKS POST OFFICE.**

*Voting Aye: Vetter, Vonasek, Buckalew, Tweten, Olstad, Leigh, and Grassel.*

*Voting Nay: None.*

7. Consider adopting Resolution No. 13-04-44 accepting responsibility as the sponsoring agency for the Corridor Investment Management Strategy (CIMS) grant.

**A MOTION WAS MADE BY COUNCIL MEMBER OLSTAD, SECONDED BY COUNCIL MEMBER LEIGH, TO ADOPT RESOLUTION NO. 13-04-44 ACCEPTING RESPONSIBILITY AS THE SPONSORING AGENCY FOR THE CORRIDOR INVESTMENT MANAGEMENT STRATEGY (CIMS) GRANT.**

*Voting Aye: Vetter, Vonasek, Buckalew, Tweten, Olstad, Leigh, and Grassel.*

*Voting Nay: None.*

8. Consider approving Ordinance No. 9 4<sup>th</sup> Series Repealing and Amending Certain Sections of the City Code Dealing with Sexually Oriented Businesses and Adult Uses. (1<sup>st</sup> Reading)

**A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER GRASSEL, APPROVING ORDINANCE NO. 9 4<sup>th</sup> SERIES REPEALING AND AMENDING CERTAIN SECTIONS OF THE CITY CODE DEALING WITH SEXUALLY ORIENTED BUSINESSES AND ADULT USES. (1<sup>st</sup> READING)**

*Voting Aye: Vetter, Vonasek, Buckalew, Tweten, Olstad, Leigh, and Grassel.*

*Voting Nay: None.*

9. Consider approving Ordinance No. 10 4<sup>th</sup> Series Placing Temporary Location Requirements on Sexually Oriented Businesses in the City and Directing a Study to Be Conducted. (1<sup>st</sup> Reading)

**A MOTION WAS MADE BY COUNCIL MEMBER OLSTAD, SECONDED BY COUNCIL MEMBER GRASSEL, APPROVING ORDINANCE NO. 10 4<sup>th</sup> SERIES PLACING TEMPORARY LOCATION REQUIREMENTS ON SEXUALLY ORIENTED BUSINESSES IN THE CITY AND DIRECTING A STUDY TO BE CONDUCTED. (1<sup>ST</sup> READING).**

*Voting Aye: Vetter, Vonasek, Buckalew, Tweten, Olstad, Leigh, and Grassel.*

*Voting Nay: None.*

**CLAIMS:**

10. Consider adopting Resolution No. 13-04-45 authorizing the City of East Grand Forks to approve purchases from Hardware Hank the goods referenced in check numbers 15456 for a total of \$545.54 whereas Council Member Buckalew is personally interested financially in the contract.

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER VONASEK, ADOPTING RESOLUTION NO. 13-04-45 AUTHORIZING THE CITY OF EAST GRAND FORKS TO APPROVE PURCHASES FROM HARDWARE HANK THE GOODS REFERENCED IN CHECK NUMBERS 15456 FOR A TOTAL OF \$545.54 WHEREAS COUNCIL MEMBER BUCKALEW IS PERSONALLY INTERESTED FINANCIALLY IN THE CONTRACT.**

*Voting Aye: Vetter, Vonasek, Tweten, Olstad, Leigh, and Grassel.*

*Voting Nay: None.*  
*Abstain: Buckalew*

11. Consider authorizing the City Administrator/Clerk-Treasurer to issue payment of recommended bills and payroll.

**A MOTION WAS MADE BY COUNCIL MEMBER OLSTAD, SECONDED BY COUNCIL MEMBER GRASSEL, TO AUTHORIZE THE CITY ADMINISTRATOR/CLERK-TREASURER TO ISSUE PAYMENT OF RECOMMENDED BILLS AND PAYROLL.**

*Voting Aye: Vetter, Vonasek, Buckalew, Tweten, Olstad, Leigh, and Grassel.*  
*Voting Nay: None.*

**COUNCIL/STAFF REPORTS:**

Mayor Stauss stated that with the snow melting, cars will need to be moved so the streets can get cleaned up.

Council Member Vonasek thanked Garry for all his years working for the city.

Council Member Buckalew commented how there was nothing that Garry couldn't fix and nothing that he wouldn't try. He thanked Garry for his years of dedicated service to the city.

Council Member Tweten stated how the council is proud of the city and it's because of the great employees of the city that gives it such a good reputation.

Council Member Olstad congratulated Garry on his retirement and said how he hopes Garry is able to enjoy his time off.

Council Member Leigh thanked Garry along with the rest of the city employees for their work and dedication to the city. He then asked if there was a Flood Update. Chief Larson informed the council how the National Weather Service was trying to create a new model and hopefully there will be more information on Friday.

Council Member Grassel congratulated Garry and remarked how much he will be missed.

Attorney Galstad asked to acknowledge the high school students who were attending the meeting. The girls stood up and stated their names of Maddie Larson, Abby Delisle, and Taryn Ohmann.

**ADJOURN:**

**A MOTION WAS MADE BY COUNCIL MEMBER LEIGH, SECONDED BY COUNCIL MEMBER TWETEN, TO ADJOURN THE APRIL 16, 2013 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 5:16 P.M.**

*Voting Aye: Vetter, Vonasek, Buckalew, Tweten, Olstad, Leigh, and Grassel.*  
*Voting Nay: None.*

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Scott Huizenga, City Administrator/Clerk-Treasurer

**UNAPPROVED MINUTES  
OF THE CITY  
COUNCIL WORK SESSION  
CITY OF EAST GRAND FORKS  
TUESDAY, APRIL 23, 2013 - 5:00 P.M.**

**CALL TO ORDER:**

*The Work Session of the East Grand Forks City Council for April 23, 2013 was called to order by Council President Craig Buckalew at 5:00 P.M.*

**CALL OF ROLL:**

*On a Call of Roll the following members of the East Grand Forks City Council were present: Mayor Lynn Stauss, Council President Craig Buckalew, Council Vice President Greg Leigh, Council Members Clarence Vetter, Henry Tweten, Mark Olstad, and Chad Grassel.*

*Karla Anderson, Finance Director; Bonnie Abel, Customer Service and Energy Manager, Dave Aker, Parks & Recreation Superintendent; Brad Bail, City Engineer; Nancy Ellis, City Planner; Ron Galstad, City Attorney; Charlotte Helgeson, Library Director; Scott Huizenga, City Administrator; Gary Larson, Fire Chief; Randy Rapacz, Water Plant Superintendent; and Jason Stordahl, Public Works Director.*

**DETERMINATION OF A QUORUM:**

**1. Arena Rentals – Dave Aker**

Mr. Aker presented a proposed fee schedule revision for arena rental rates. Aker explained that the proposed fee schedule combines several of the former categories of rentals into the broader categories of profit and non-profit. Mr. Aker also recommending adding rates for profit and non-profit sporting events such as baseball, lacrosse, and soccer practice. Mayor Stauss said that the arena initially was built based on the number of activities that could use the arena, and now propose charging for those events. Mr. Galstad clarified that the City has charged for these events for many years and that the revised schedule simply consolidates and reduces the number of fee categories. Council Member Leigh asked that the fee schedule be clarified to note that school activities are covered under the existing lease agreement between the East Grand Forks school district and the City.

**2. Quarterly Reports – Karla Anderson**

Ms. Anderson presented the 1<sup>st</sup> Quarter Report for the General Fund and Special Revenue Funds. She reported that the City has collected approximately 10 percent of the annual revenue thus far. Most tax collections and Local Government Aid receipts do not arrive at the City until July and December. Expenses are at approximately 20 percent of the total budget. Typically, summer activities incur higher expenses with seasonal work.

### **3. Phosphorus Regulations – Scott Huizenga**

Mr. Huizenga explained a proposed resolution to be forwarded, if passed, to the Minnesota Pollution Control Agency (MPCA). The resolution is requested by the City of Moorhead. It opposes a proposed phosphorus discharge limit of 1.0 milligrams per liter (mg/L) for municipal treatment facilities. The resolution also calls upon MPCA to develop a nutrient budget for Lake Winnipeg and the Red River basin based upon sound scientific study. Municipal facilities comprise less than 0.5 percent of total phosphorus discharge into the Red River, but yet the MPCA is proposing to regulate only municipal facilities. Further, North Dakota has no proposed regulations regarding phosphorus discharge.

### **4. Senior Citizen Board Update – Greg Leigh**

Council Vice President Leigh updated the Council on Senior Citizen Board activities. He mentioned upcoming events including the Senior Citizens board annual meeting, a rummage sale, a defensive driving course, and a classic car show.

### **5. Water and Light Commission Update – Henry Tweten**

Council Member Tweten introduced Bonnie Abel and Randy Rapacz to present new programs in the Water and Light Department. Ms. Abel discussed “prescriptive” commercial lighting rebates in which energy rebates now will be based upon the type of fixture replaced rather than one rate for all types of fixtures. She explained that energy savings from the Water and Light energy savings program has increased from approximately 160,000 kilowatts in 2006 to over 2.3 million kilowatts in 2012.

Mr. Rapacz presented the Water and Light water distribution modeling study under a joint venture with Progressive Consulting Engineers and Widseth, Smith, Nolting the study will look at several variables in the water distribution system throughout the city include water pressure, nutrient levels, leaking, and sedentary water.

Mayor Stauss asked Mr. Rapacz why the City of Moorhead won an award for their water treatment. Mr. Rapacz responded that East Grand Forks is working on some new treatment techniques that could make the City eligible for future wards.

Mr. Huizenga announced that City crews would begin construction of the “invisible” flood wall along the boardwalk on Thursday, April 25.

Ms. Ellis reported that she would hold a local contractors meeting on Monday, April 29, to solicit feedback on the building inspections program.

Mr. Galstad reported his research into a citizen inquiry regarding the possibility of establishing an indoor shooting range in City limits. He recommended that the City review its zoning ordinance so include shooting ranges in the code. He also recommended establishing a licensing ordinance to regulate shooting ranges.

**ADJOURN:**

**A MOTION WAS MADE BY COUNCIL MEMBER TWETEN, SECONDED BY COUNCIL MEMBER LEIGH, TO ADJOURN THE APRIL 23, 2013 COUNCIL MEETING OF THE EAST GRAND FORKS, MINNESOTA CITY COUNCIL AT 6:00 P.M.**

*Voting Aye: Grassel, Vetter, Buckalew, Tweten, Olstad, and Leigh.*

*Voting Nay: None.*

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Scott Huizenga, City Administrator/Clerk-Treasurer

**RESOLUTION NO. 13 – 05 - 46**

**A RESOLUTION DECLARING THAT THE CITY OF EAST GRAND FORKS ACT AS THE LEGAL SPONSOR FOR AN APPLICATION FOR THE FY 2013/2014 FUNDING TO THE STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR THE TRAIL MAINTENANCE OF SNOWMOBILE TRAILS MANAGED BY THE RED RIVER SNOWMOBILE CLUB.**

Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, introduced the following Resolution and moved its adoption:

BE IT RESOLVED, that City of East Grand Forks will act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance of snowmobile/ski trails managed by the Red River Snowmobile Club.

BE IT FURTHER RESOLVED, that upon approval of its application by the state, the City of East Grand Forks may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED, that City Administrator/Clerk-Treasurer, is hereby authorized to serve as the fiscal agent for the above referenced project.

Voting Aye:  
Voting Nay:  
Absent:

The President declared the resolution passed.

Passed: May 7, 2013

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 7<sup>th</sup> of May, 2013.

\_\_\_\_\_  
Mayor



Minnesota Department of Public Safety  
**ALCOHOL AND GAMBLING ENFORCEMENT DIVISION**  
 444 Cedar Street Suite 133, St. Paul MN 55101-5133  
 (651) 215-6209 Fax (651) 297-5259 TTY (651) 282-6555  
 WWW.DPS.STATE.MN.US



**APPLICATION AND PERMIT  
 FOR A 1 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION <i>AMERICAN LEGION Post 157</i>	DATE ORGANIZED	TAX EXEMPT NUMBER <i>0925</i>	
STREET ADDRESS <i>1009 CENTRAL AVE. NW</i>	CITY <i>EAST GRAND FORKS</i>	STATE <i>mn</i>	ZIP CODE <i>56721</i>
NAME OF PERSON MAKING APPLICATION <i>LORI WALSTAD</i>	BUSINESS PHONE <i>(218) 773-1129</i>	HOME PHONE <i>(701) 741-0249</i>	
DATES LIQUOR WILL BE SOLD <i>JUNE 20, 2013</i>	TYPE OF ORGANIZATION <input checked="" type="checkbox"/> CLUB <input type="checkbox"/> CHARITABLE <input type="checkbox"/> RELIGIOUS <input type="checkbox"/> OTHER NONPROFIT		
ORGANIZATION OFFICER'S NAME <i>JEFF CAPP</i>	ADDRESS <i>311 LEWIS AVE. LARAMORE, ND 58251</i>		
ORGANIZATION OFFICER'S NAME <i>LYLE ROSE</i>	ADDRESS <i>20165 430 AVE SW EAST GRAND FORKS, MN 56721</i>		
ORGANIZATION OFFICER'S NAME <i>DAVID MARTIN</i>	ADDRESS <i>516 N 7th GRAND FORKS, ND 58203</i>		

Location license will be used. If an outdoor area, describe

*Parking lot of Hugo's #5 for Chamber of Commerce*

Will the applicant contract for intoxicating liquor service? If so, give the name and address of the liquor licensee providing the service.

Will the applicant carry liquor liability insurance? If so, please provide the carrier's name and amount of coverage.

*YES INSURANCE ADVISORS \$2,000,000.00*

**APPROVAL**

**APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL & GAMBLING ENFORCEMENT**

CITY/COUNTY *City of East Grand Forks* DATE APPROVED \_\_\_\_\_

CITY FEE AMOUNT *\$100.00* LICENSE DATES \_\_\_\_\_

DATE FEE PAID *5/3/13*

SIGNATURE CITY CLERK OR COUNTY OFFICIAL

APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the License for the event



Minnesota Department of Public Safety

Alcohol and Gambling Enforcement

444 Cedar Street, Suite 222  
St. Paul, MN 55101

651-201-7507 • TTY 651-282-6555 • Fax 651-297-5259



5

**RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES**

No license will be approved or released until the \$20 Retailer ID Card fee is received by MN Liquor Control • (3.2% Licenses exempt)

**Licensee:** Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. **City Clerk/County Auditor are also required by M.S. 340A.404 S. 3 to report any license cancellation.**

License Code 3.20FSL License Period Ending 6/30/2013 ID# 35166  
City/County where license approved. East Grand Fks

Licensee Name Northdale Oil Inc.  
Trade Name East Side Travel Plaza  
Licensed Location address 607 Gateway Dr NE  
City, State, Zip Code East Grand Fks, MN 56721  
Business Phone 218/773-4345

**LICENSE FEES:** Off Sale \$ 137.50 On Sale \$ 0.00 Sunday \$ 0.00  
~~137.50~~

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. See back of this application for further information needed to complete this renewal.

**Applicant's signature on this renewal confirms the following: Failure to report any of the following will result in fines.**

1. Licensee confirms it has no interest whatsoever, directly or indirectly in any other liquor establishments in Minnesota. If so, give details on back of this application.
2. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
3. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
4. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, then sign below.
5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. \$100,000 in cash or securities or \$100,000 surety bond may be submitted in lieu of liquor liability. (3.2% liquor licenses are exempt if sales are less than \$25,000 at on sale, or \$50,000 at off sale).

Licensee Signature *Morgan* DOB [REDACTED] SS# [REDACTED] Date 4/10/13  
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature \_\_\_\_\_ Date \_\_\_\_\_

County Board issued licenses only (Signature certifies licensee is eligible for license).

Police/Sheriff Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Signature certifies licensee or associates have not been cited during the past five years for any state/local liquor law violations (criminal/civil). Report violations on back, then sign here.)

PS 9093-10



Minnesota Department of Public Safety

Alcohol and Gambling Enforcement

444 Cedar Street, Suite 222

St. Paul, MN 55101

651-201-7507 • TTY 651-282-6555 • Fax 651-297-5259



6

### RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES

No license will be approved or released until the \$20 Retailer ID Card fee is received by MN Liquor Control • (3.2% Licenses exempt)

**Licensee:** Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. **City Clerk/County Auditor are also required by M.S. 340A.404 S. 3 to report any license cancellation.**

License Code OFSL License Period Ending 6/30/2013 ID# 32136  
City/County where license approved. East Grand Fks

Licensee Name Valley Liquors Inc.  
Trade Name Hugo's Wine & Spirits  
Licensed Location address 310 14th St NE  
City, State, Zip Code East Grand Fks, MN 56721  
Business Phone 218/773-2418

**LICENSE FEES:** Off Sale \$ 150.00 On Sale \$ 0.00 Sunday \$ 0.00

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. See back of this application for further information needed to complete this renewal.

**Applicant's signature on this renewal confirms the following: Failure to report any of the following will result in fines.**

1. Licensee confirms it has no interest whatsoever, directly or indirectly in any other liquor establishments in Minnesota. If so, give details on back of this application.
2. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
3. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
4. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, then sign below.
5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. \$100,000 in cash or securities or \$100,000 surety bond may be submitted in lieu of liquor liability. (3.2% liquor licenses are exempt if sales are less than \$25,000 at on sale, or \$50,000 at off sale).

Licensee Signature [Signature] DOB [Redacted] SS# [Redacted] Date \_\_\_\_\_  
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature \_\_\_\_\_ Date \_\_\_\_\_  
County Board issued licenses only (Signature certifies licensee is eligible for license).

Police/Sheriff Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Signature certifies licensee or associates have not been cited during the past five years for any state/local liquor law violations (criminal/civil). Report violations on back, then sign here.)

PS 9093-10



Minnesota Department of Public Safety

Alcohol and Gambling Enforcement

444 Cedar Street, Suite 222

St. Paul, MN 55101

651-201-7507 • TTY 651-282-6555 • Fax 651-297-5259



### RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES

No license will be approved or released until the \$20 Retailer ID Card fee is received by MN Liquor Control • (3.2% Licenses exempt)

**Licensee:** Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. **City Clerk/County Auditor are also required by M.S. 340A.404 S. 3 to report any license cancellation.**

License Code OFSL License Period Ending 6/30/2013 ID# 3241  
City/County where license approved. East Grand Fks

Licensee Name Pop's Liquor LLC

Trade Name Pop's Liquor

Licensed Location address 122 Fourth St NE

City, State, Zip Code East Grand Fks, MN 56721

Business Phone 218/773-3036

**LICENSE FEES:** Off Sale \$ 150.00 On Sale \$ 0.00 Sunday \$ 0.00

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5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

**Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. \$100,000 in cash or securities or \$100,000 surety bond may be submitted in lieu of liquor liability. (3.2% liquor licenses are exempt if sales are less than \$25,000 at on sale, or \$50,000 at off sale).**

Licensee Signature [Signature] DOB [Redacted] SS# [Redacted] Date 4-30-13  
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature \_\_\_\_\_ Date \_\_\_\_\_  
County Board issued licenses only (Signature certifies licensee is eligible for license).

Police/Sheriff Signature \_\_\_\_\_ Date \_\_\_\_\_  
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PS 9093-10



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License Code ONSS License Period Ending 6/30/2013 ID# 15193  
City/County where license approved. East Grand Fks

Licensee Name SJA Thunder Corporation

Trade Name Mike's Pizza & Pub

Licensed Location address 411 2nd St NW

City, State, Zip Code East Grand Fks, MN 56721

Business Phone 218/773-2479

**LICENSE FEES:** Off Sale \$ 0.00 On Sale \$ 3800.00 Sunday \$ 200.00

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Licensee Signature Sherry Carner DOB [REDACTED] SS# [REDACTED] Date 4/30/2013  
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City Clerk/County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
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License Code DNSS License Period Ending 6/30/2013 ID# 7862  
City/County where license approved. East Grand Fks

Licensee Name East River's Edge Corp.  
Trade Name Blue Moose Bar & Grill  
Licensed Location address 507 Second St NW  
City, State, Zip Code East Grand Fks, MN 56721  
Business Phone 218/773-6516

**LICENSE FEES:** Off Sale \$ 0.00 On Sale \$ 3800.00 Sunday \$ 200.00

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Licensee Signature [Signature] DOB [Redacted] SS# [Redacted] Date 4-4-2013  
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
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County Board issued licenses only (Signature certifies licensee is eligible for license).

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License Code ONSS License Period Ending 6/30/2013 ID# 822  
 City/County where license approved. East Grand Fks  
 Licensee Name FOE Aerie 350  
 Trade Name Dacotah Aerie  
 Licensed Location address 227 10th St NW/PO Box 482  
 City, State, Zip Code East Grand Fks, MN 56721  
 Business Phone 218/773-0077

**LICENSE FEES:** Off Sale \$ 0.00 On Sale \$ 3800.00 Sunday \$ 200.00

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Licensee Signature Dean M. Kuntz DOB [REDACTED] SS# [REDACTED] Date 5-7-2013  
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City Clerk/County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
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License Code DNSS License Period Ending 6/30/2013 ID# 12467  
 City/County where license approved. East Grand Fks  
 Licensee Name Valley Golf Association  
 Trade Name Valley Golf Course  
 Licensed Location address 2407 River Road NW  
 City, State, Zip Code East Grand Fks, MN 56721  
 Business Phone 218/773-1207

**LICENSE FEES:** Off Sale \$ 0.00 On Sale \$ 3805.00 Sunday \$ 2-200.00  
~~2.00~~ ~~2.00~~ ~~2.00~~

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Licensee Signature Doug Weir DOB [REDACTED] SS# [REDACTED] Date 5-2-13  
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License Code DNSS License Period Ending 6/30/2013 ID# 825
City/County where license approved. East Grand Fks

Licensee Name VFW 3817
Trade Name Red River Valley Post
Licensed Location address 312 DeMers Ave
City, State, Zip Code East Grand Fks, MN 56721
Business Phone 218/773-2481

LICENSE FEES: Off Sale \$ 0.00 On Sale \$ 3800.00 Sunday \$ 200.00

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License Code DNSS License Period Ending 6/30/2013 ID# 26865  
City/County where license approved. East Grand Fks

Licensee Name MM Restaurant Group Inc.

Trade Name Mamma Maria's Italian Rest

Licensed Location address 211 DeMers Ave Ste 16

City, State, Zip Code East Grand Fks, MN 56721

Business Phone 218/773-2225

**LICENSE FEES:** Off Sale \$ 0.00 On Sale \$ 3800.00 Sunday \$ 200.00  
~~0.00~~ ~~0.00~~ ~~0.00~~

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Minutes of the regular meeting of the Water, Light, Power and Building Commission of the City of East Grand Forks, Minnesota held April 4, 2013 at 5:00 P.M.

Present: Brickson, Quirk, Ogden, Tweten

Absent: None

It was moved by Commissioner Quirk second by Commissioner Ogden that the minutes of the previous meeting of March 21, 2013 be approved as read.

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

It was moved by Commissioner Tweten second by Commissioner Quirk to authorize the Secretary to issue payment of the recommended bills and payroll in the amount of \$357,586.53.

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

One essay was received for the MMUA Tom Bovitz Memorial Scholarship program.

It was moved by Commissioner Ogden second by Commissioner Quirk to award the local entrant, Paige Vetter, a prize of \$100.00 and to submit the essay to the statewide contest.

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

It was moved by Commissioner Ogden second by Commissioner Quirk to approve a partnership with WSN & PCE for the water distribution system modeling project.

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

It was moved by Commissioner Quirk second by Commissioner Tweten to decline participation in the Medora Corporation national ad campaign on the SolarBee active mixers.

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

It was moved by Commissioner Ogden second by Commissioner Quirk to approve participation in the Vermillion Community College Summer Internship program at the Water Treatment Plant if a student is available for our area.

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

It was moved by Commissioner Quirk second by Commissioner Ogden to approve a new format for the Commercial Lighting rebates effective May 1, 2013.

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

It was moved by Commissioner Quirk second by Commissioner Ogden to approve updates to the New Construction Lighting Rebate program.

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

It was moved by Commissioner Ogden second by Commissioner Tweten to approve a contract with Energy Insight Inc (formerly Energy Mgmt Solutions Inc) to provide consulting services for the conservation improvement program (CIP).

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

It was moved by Commissioner Quirk second by Commissioner Ogden to adjourn to the next regular meeting on April 18, 2013 at 5:00 P.M.

Voting Aye: Brickson, Quirk, Ogden, Tweten

Voting Nay: None

Lori Maloney  
Sec'y

Resurrection Cemetery Commission Meeting  
 May 1, 2013  
 12:00 Noon  
 City Hall – Conference Room

MINUTES

The East Grand Forks Resurrection Cemetery Commission met Wednesday, May 1, 2013 at City Hall at 12:00 pm. Commissioner Tucker called the meeting to order at 12:00 p.m.

Present were: Commissioner Dave Tucker, Commissioner George Wogaman, Commissioner Julie Marek, Alderman Chad Grassel and Executive Secretary Dave Aker. Guests included Mark Amundson, Darren Nelson, Dean Gruel, Dan Dahl and Brian Larson.

Commissioner Wogaman made a motion to accept the minutes for November 28, 2013, motion was seconded by Alderman Grassel motion passed.

Executive Secretary Aker reviewed the financial minutes for November, December, Annual of 2012, January, February and March 2013. Commissioner Wogaman motioned that we accept the financial minutes; Alderman Grassel seconded the motion and motion passed.

**OLD BUSINESS:**

Commissioner Tucker brought up the bills that were past due, Secretary Aker reviewed the status of Hipsher and said they are all paid up with two payments of \$3,325.00. Secretary Aker said that Campos is being sent another certified letter and then after 30 days they will give him a call.

Secretary Aker discussed winter burials again and what price we should charged. Darren Nelson talked about winter burials being not being so bad as far as grooves. Winter burials cost for digging is \$725.00 for a full lot and \$275 for a cremation. Nelson also talked about taking markers out that are frozen, he said they would be an extra \$100. Dean Gruel brought up the fact that if a marker is damaged who is responsible for replacing it. Secretary Aker said he talked to the insurance company and each person should have their marker covered by insurance policy. Commissioner Wogaman said that may have to be added on the insurance policy. Secretary Aker said right now the price of a winter burial is \$1,000.00 with a deposit of \$250, Dan Dahl said he is not going to collect the \$250 for a deposit. Commissioner Grassel motioned to have the winter burials at \$1,000.00 and if they need to remove markers they work between the funeral home and Stennes Granite Company; Commissioner Wogaman seconded the motion; motion carried.

Commissioner Tucker brought up the review of 2<sup>nd</sup> interment. Secretary Aker said we are charging 50% of whatever the cost of the lot, Dan Dahl said that means if they bought a lot in the upright that would cost \$500 and they could buy one in the ground level for \$250. Mark Amundson said if we charged the same price as a ground level grave and an opening of \$250 that would be fair. Commissioner Grassel motioned to have the price of a second right interment is 50% of a ground level grave and charge \$250 for the opening of the grave; Commissioner Marek seconded the motion; motion carried.

Commissioner Tucker asked if anyone has talked to Wayne Gregoire about getting the flags out for Memorial Day since he has been doing it since 1988. Secretary Aker said he

would call him and go out to the cemetery and help him with getting the flags up this year.

Handbook was discussed and agreed that Deb writes a new handbook and gives a copy to each commissioner two weeks before the next meeting, June 19.

Secretary Aker brought a design for upright markers to look at. Brian Larson said the maximum base length for a single should be 3 feet 6 inches wide with a maximum of 3 feet 10 inches wide. The rest of it looked good.

#### **NEW BUSINESS:**

Secretary Aker said they have to get a new bid for sprinkler system that would cover six rows of planks. It is not known if they can use the pumping system already in place or if they need a new one. Secretary Aker said he would get hold of everyone when he has the bids.

Brian Larson brought up that he needs new doors on the vault, he said instead of getting two doors like the ones we have he would get an overhead door. The door would probably be much cheaper and work just as good if not better.

Alderman Grassel brought up that the Mayor wanted the entry to the cemetery to have some depth with the flowers. Secretary Aker said they are looking at different levels to make it look better.

Commissioner Marek made a motion to adjourn the meeting; Commissioner Wogaman seconded it; Motion passed.

Meeting was adjourned!

**CITY OF EAST GRAND FORKS**

**ORDINANCE NO. 9, 4<sup>th</sup> 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

**ORDINANCE NO. 10, 4<sup>th</sup> 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

ICE RENTALS

(Payment required in advance)

\$120 - per hour - Winter Rate (November - March)

\$120 - per hour - Summer Rate (April - October)

(Games and Specials extra charge)

ICE SEASON

Civic Center - November 1 - March 30

VFW Arena - October 15 - March 30

VFW Arena - June 1 - August 1

Blue Line Arena - November 1 - March 30

Non- Ice Events

Commercial and Profit Events	\$600 a day \$400 ½ day
Non-Profit Events	\$500 a day \$300 ½ day
Sports Activities	\$25 a time
Sports Activities for profit	\$50 a time
School Function	FREE
Deposit for cleaning	\$500 (negotiable)

Facilities are suitable for almost any event. Please

Call for further information: (218) 773-8000

Fax number: (218) 773-8003

- Rental rate per day does not include cost of additional equipment rented. Extra rental costs: Band mobile - \$200 per day plus 50 cents per mile for traveling out of Greater Grand Forks Area. Tables - \$2.00 per table.

All rentals requiring extra electrical hook ups

Add \$50.00

# Request for Council Action

Date: 4/18/13

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

Cc: File

From: Scott Huizenga, City Administrator

RE: Total Phosphorus regulation

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The City of Moorhead seeks support from other basin cities to oppose efforts by MPCA or other interests to enact unilateral imposition of a new phosphorus standard. Moorhead is in the processing of renewing its waste water discharge permit, and the city is in the early stages of planning waste water expansion projects. Moorhead officials have been told to expect a total phosphorus (TP) discharge limit of 1.0 milligrams per liter (mg/L).

The core of the city's argument includes the following. First, 1.0 mg/L is an arbitrary standard. Several border water territories in Minnesota are subject to the same level. The MPCA simply proposes to expand this restriction to the Red River basin without conducting any analysis to determine the actual impact of phosphorus levels in the Red River. Also, most agree that agricultural runoff generates the overwhelming majority of phosphorus discharge into the river. Municipal facilities *combined* generate 0.5% or less of the total phosphorus into the river. Yet, the current proposed rules affect only municipal discharges, and not agricultural uses. Finally, North Dakota and South Dakota, the other states in the Red River basin, have no plans to implement phosphorus limits on municipal facilities. Those two states have a much larger share of the already-miniscule ratio of municipal phosphorus discharge. Therefore, the proposed Minnesota rules would place border cities at another disadvantage relative to its counterparts west of the Red River.

One can reasonably surmise that any rules that are placed into the next Moorhead permit will be carried forward to permits in other cities. Therefore, Moorhead requests that cities support its efforts to oppose new phosphorus restrictions in the Red River basin. There is no financial commitment to East Grand Forks at this time.

**Recommendation:**

Approve the resolution opposing new total phosphorus restrictions in the Red River basin.

**Attachments**

Proposed resolution

Total phosphorus limits for Red River basin wastewater dischargers background and fact sheet

**RESOLUTION NO. 13 – 05 – 47**

Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, introduced the following resolution and moved its adoption:

WHEREAS, the governments of the United States and Canada entered into a *Treaty Between the United States and Great Britain Relating to Boundary Waters, and Questions Arising Between the United States and Canada* in 1909 (the “1909 Treaty”) pertaining to among other matters the water quality of Lake Winnipeg in Manitoba, Canada; and

WHEREAS, it is recognized that Lake Winnipeg receives excess loadings of nutrients, including phosphorus and nitrogen, that interfere with Canadians’ desired uses of the lake; and

WHEREAS, the International Joint Commission, the Province of Manitoba, and non-governmental organizations have studied water quality in Lake Winnipeg for decades, but neither the government of the United States or nor that of Canada, as parties to the 1909 Treaty, have prescribed effluent limits for phosphorus or nitrogen for point sources in Minnesota; and

WHEREAS, the City of East Grand Forks owns and operates a wastewater treatment facility that discharges treated wastewater to the Red River of the North, which in turn empties into Lake Winnipeg; and

WHEREAS, this wastewater treatment facility operates under a permit issued by the Minnesota Pollution Control Agency (MPCA), pursuant to authority delegated to it by the U.S. Environmental Protection Agency (USEPA) under the Clean Water Act; and

WHEREAS, the MPCA has proposed phosphorus effluents of one part per million (1.0 mg/L) in the draft permits for the Cities of Moorhead and Breckenridge, who also discharge to the Red River of the North, based on the 1909 Treaty and not on the Clean Water Act or any other federal or state statute or regulation; and

WHEREAS, the City of East Grand Forks, as a point source discharger to the Red River Basin, stands at risk of being assigned a similar phosphorus effluent limit despite the lack of data to quantify how much of the phosphorus load reaching Lake Winnipeg, if any, is attributable to the City’s discharge of treated wastewater.

**NOW THEREFORE BE IT RESOLVED THAT:**

The City of East Grand Forks stands in support of the proposition that phosphorus effluent limits in wastewater treatment permits should be based on accurate data and a solid legal foundation.

FURTHERMORE, the City of East Grand Forks calls upon the MPCA to request that the governments of the United States and Canada, and the International Joint Commission, develop a nutrient budget for Lake Winnipeg that honors the terms and spirit of the 1909 Treaty and will enable Canadians to use Lake Winnipeg for its desired purposes.

FURTHERMORE, the City of East Grand Forks calls upon the MPCA to request that the USEPA translate the results of said nutrient budget into effluent limits for phosphorus and nitrogen for point sources located in the United States that accurately reflect the point sources' relative contributions to the aforementioned nutrient budget.

FURTHERMORE, the City of East Grand Forks calls upon the MPCA to defer the imposition of effluent limits for phosphorus and nitrogen in the permits of point sources in Minnesota, based solely on nutrient impairment in Lake Winnipeg and/or the 1909 Treaty, unless and until the aforementioned nutrient budget and effluent limits have been developed.

City staff is hereby directed to send a copy of this executed Resolution to the Commissioner of the Minnesota Pollution Control Agency.

*Voting Aye:*

*Voting Nay:*

*Absent:*

The President declared the resolution passed.

Passed: May 7, 2013

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 7<sup>th</sup> day of May, 2013.

\_\_\_\_\_  
Mayor

# Total Phosphorus Limits for Red River Basin Wastewater Dischargers

## Background and Fact Sheet

- In response to comments by the Minnesota Center for Environmental Advocacy (MCEA), the Minnesota Pollution Control Agency (MPCA) produced a memo outlining a decision to implement 1.0 milligram per liter (mg/L) total phosphorus (TP) effluent limits for wastewater dischargers in the Red River Basin that discharge more than 1,800 pounds of TP per year.
- Currently, no MN statute or rule requires the MPCA to include TP limits in Red River Basin permits. In the memo, the MPCA points to nutrient issues in Lake Winnipeg and cites obligations in the Boundary Waters Treaty of 1909 between the United States and Canada related to pollution as a basis for a limit.
- **Complying with a 1.0 mg/L TP limit will require considerable expense for Red River Basin cities in MN** and there are no plans to implement TP limits in North Dakota or South Dakota. This discrepancy creates additional economic competitiveness issues between MN and ND cities in the Red River Basin.
- An estimated 46,000 pounds of phosphorus enter Lake Winnipeg every day. Combined, all MN dischargers who will be affected by a limit discharge approximately 220 pounds of TP per day or 0.5% of the total (assuming all discharged phosphorus makes it to Lake Winnipeg).
- The vast majority of phosphorus entering the Red River is from agricultural runoff, stream erosion, and other sources. Imposing a 1.0 mg/L limit on wastewater dischargers will result in no measurable improvement to nutrient issues in Lake Winnipeg.
- No analysis of phosphorus sources to the Red River has been performed by the MPCA to determine the contributions of these other sources.
- The communities of Breckenridge, Dilworth, East Grand Forks, Hawley, Mahnommen, Moorhead, Roseau, Thief River Falls, Warroad and the American Crystal Sugar Company will be impacted. The Breckenridge permit was recently public noticed and included a 1.0 mg/L limit while the Moorhead permit reissuance is delayed pending inclusion of a limit.
- The City of Moorhead and Breckenridge have both challenged inclusion of a 1.0 mg/L total phosphorus limit in their discharge permits. Many of the cities listed above have pledged informal and formal support in this matter.
- Red River Basin cities intend to advocate for a comprehensive approach with a scientifically-based phosphorus budget for Lake Winnipeg that addresses all sources (i.e. a Total Maximum Daily Load approach) on both sides of the river. Then, and only then, is it appropriate to move forward with limits in discharge permits.



**CITY OF EAST GRAND FORKS**

**ORDINANCE NO. 4 - 4TH SERIES**

**AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, TO AMEND TITLE XV LAND USAGE CHAPTER 10 TO ESTABLISH RULES AND REGULATIONS RELATIVE TO GROUND/STREET LEVEL RESIDENTIAL OR SENIOR HOUSING IN THE DOWNTOWN COMMERCIAL (C-1) DISTRICT; AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. That Chapter 152 entitled “Zoning Code shall have the following changes:

a. That in the (C-1) Downtown Commercial District Section §152.196 (U) shall be removed and the following language shall be inserted:

U. Combination of residential or senior citizens housing with Commercial uses (mixed use) provided that:

1. No less than 35% of the main/street level is a commercial use permitted in the C-1 district.

2. The Commercial use located within the building is adjacent to the front property line.

Section 2. City Code Chapter 10 entitled "General Provisions" applicable to entire city code including penalty for violation and Section 10.99 entitled "General Penalty" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number 4 - 4th Series.

**OFFICIAL SUMMARY OF ORDINANCE NO. 5, 4<sup>th</sup> Series**

**AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, ANNEXING THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 152 NORTH, RANGE 49 WEST OF THE 5<sup>th</sup> PRINCIPAL MERIDIAN, LYING EASTERLY OF THE INDUSTRIAL PARK 1<sup>st</sup> RESUBDIVISION TO THE CITY OF EAST GRAND FORKS, MINNESOTA.**

The following is the official summary of Ordinance No. 5, 4<sup>th</sup> Series, conforming to MN Statute 331A.01 Subd 10, which was passed by the City Council on December 18, 2012. A printed copy of this ordinance is available for inspection by any person at the office of the city clerk during normal business hours or on the city website at [www.egf.mn](http://www.egf.mn).

**Section 1** This annexation is being passed and adopted pursuant to the provisions of Minnesota Statute § 414.033 subd. 2 clause 3.

**Section 2** Clarifies the City of East Grand Forks will be referenced as “City” and RJ Zavoral & Sons Inc. will be referenced as “RJ Zavoral & Sons Inc”.

**Section 3** Defines the current classification of the property that will be annexed.

**Section 4** None of the property is located in an area designated for orderly annexation pursuant to Minn. State Section 414.0325.

**Section 5** Describes the 5 acres to be annexed and how this area is not currently served by public facilities.

**Section 6** States the land is not located within the floodplain or shoreland area.

**Section 7** That the Notice requirement for the Public hearing of Minnesota Statute § 414.033 subd. 2b has been met and all parties involved have been notified.

**Section 8** The Public hearing required under Minnesota Statute § 414.033 subd. 2b has been held.

**Section 9** That Minnesota Statute § 414.033 subd. 3 does not apply because it is appropriate for annexation under Minnesota Statute § 414.033 subd. 2, clause 3.

**Section 10** The Petitioners were provided the 30 day notice required by Minnesota Statute § 414.033 subd. 13.

**Section 11** Provides the legal description of the property.

**Section 12** Any taxes or special assessments collected by the city would need to be returned to Minn. Stat. §414.036.

**Section 13** Establishes the fact there is no outstanding debt or special assessments that would need to be reimbursed to the township.

**Section 14** Directs the City Administrator/Clerk-Treasurer to file certified copies of the ordinance with necessary offices and agencies.

**Section 15** provides for penalties for violating this ordinance, including a schedule of civil penalties.

**Section 16** establishes the effective date of the ordinance which is the date of the publication of this summary of the ordinance.

## **OFFICIAL SUMMARY OF ORDINANCE NO. 6, 4<sup>th</sup> Series**

**AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE TITLE XV LAND USAGE BY ADDING CHAPTER 154 ENTITLED "ILLICIT DISCHARGE AND CONNECTION ORDINANCE" AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

The following is the official summary of Ordinance No. 6, 4<sup>th</sup> Series, conforming to MN Statute 331A.01 Subd 10, which was passed by the City Council on February 19, 2013. A printed copy of this ordinance is available for inspection by any person at the office of the city clerk during normal business hours or on the city website at [www.egf.mn](http://www.egf.mn).

**Section 1** States Title XV of the City Code has been amended to include Chapter 154 Storm Water Management. This chapter provides the Illicit Discharge and Connection Ordinance which includes what the purpose of this ordinance is, definitions of what consists of prohibited discharges and illicit connections, how this system is to be monitored, and penalties for violating this ordinance.

**Section 2** City Code Chapter 10 entitled "General Provisions" Including Penalty for Violation and Section 10.99 entitled "General Penalties" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

**Section 3** establishes the effective date of the ordinance which is the date of the publication of

this summary of the ordinance.

**OFFICIAL SUMMARY OF ORDINANCE NO. 7, 4<sup>th</sup> Series**

**AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, REVOKING IN ITS ENTIRETY TITLE IX, CHAPTER 99: BACKGROUND CHECKS; MUNICIPAL EMPLOYEES AND APPOINTEES AND REPLACING IT WITH CHAPTER 99 ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES;**

**AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 10.99 WHICH, AMONGST OTHER THINGS CONTAINS PENALTY PROVISIONS.**

The following is the official summary of Ordinance No. 7, 4<sup>th</sup> Series, conforming to MN Statute 331A.01 Subd 10, which was passed by the City Council on March 5, 2013. A printed copy of this ordinance is available for inspection by any person at the office of the city clerk during normal business hours or on the city website at [www.egf.mn](http://www.egf.mn).

The ordinance amending and replacing Title IX, Chapter 99 with a new Chapter 99 which contains the following provisions.

**Section 1** Includes the new chapter 99 Criminal History Background for Applicants for City employment and City Licenses with explanations on why and who would be subject to a background check.

**Section 2** provides for penalties for violating this ordinance, including a schedule of civil penalties.

**Section 3** establishes the effective date of the ordinance which is the date of the publication of this summary of the ordinance.

**OFFICIAL SUMMARY OF ORDINANCE NO. 8, 4<sup>th</sup> Series**

**AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE PROVISION IN TITLE VII: TRAFFIC CODE, CHAPTER 72 ENTITLED "PARKING REGULATIONS" BY AMENDING SECTION 72.10 PARAGRAPH (D) SNOW EMERGENCY AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

The following is the official summary of Ordinance No. 8, 4<sup>th</sup> Series, conforming to MN Statute 331A.01 Subd 10, which was passed by the City Council on March 5, 2013. A printed copy of this ordinance is available for inspection by any person at the office of the city clerk during normal business hours or on the city website at [www.egf.mn](http://www.egf.mn).

**Section 1** Declares the purpose and intent of the ordinance is to clarify City snow removal policy.

**Section 2** Removes section 72.10(D) the definition of a snow emergency.

**Section 3** Replaces section 72.10(D) and defines a snow emergency, the duration of an emergency, unlawful acts, exceptions, towing, and rules and regulations.

**Section 4** provides for penalties for violating this ordinance, including a schedule of civil penalties.

**Section 5** establishes the effective date of the ordinance which is the date of the publication of this summary of the ordinance.

**OFFICAL SUMMARY OF ORDINANCE NO. 9, 4<sup>th</sup> Series  
AN ORDINANCE REPEALING AND AMENDING CERTAIN  
SECTIONS OF THE CITY CODE DEALING WITH SEXUALLY ORIENTED  
BUSINESSES AND ADULT USES**

The following is the official summary of Ordinance No. 9, 4<sup>th</sup> Series, conforming to MN Statue 331A.01 Subd 10, which was passed by the City Council on May 7, 2013. A printed copy of this ordinance is available for inspection by any person at the office of the city clerk during normal business hours or on the city website at [www.egf.mn](http://www.egf.mn).

**Section 1** repeals section 150.13 of the East Grand Forks City Code .

**Section 2** amends section 152.006 of the East Grand Forks City Code by deleting the definition of “ADULT USES”.

**Section 3** amends section 152.247 of the East Grand Forks City Code by removing the provision providing the location of adult uses.

**OFFICAL SUMMARY OF ORDINANCE NO. 10, 4<sup>th</sup> Series  
AN INTERIM ORDINANCE PLACING TEMPORARY  
LOCATION REQUIREMENTS ON SEXUALLY ORIENTED  
BUSINESSES IN THE CITY AND DIRECTING A STUDY  
TO BE CONDUCTED**

The following is the official summary of Ordinance No. 10, 4<sup>th</sup> Series, conforming to MN Statue 331A.01 Subd 10, which was passed by the City Council on May 7, 2013. A printed copy of this ordinance is available for inspection by any person at the office of the city clerk during normal business hours or on the city website at [www.egf.mn](http://www.egf.mn).

The recitals explain that the City of East Grand Forks has determined that sexually oriented businesses cause secondary effects that are detrimental to citizens of the City of East Grand Forks and the City’s comprehensive plan may not adequately address various detrimental impacts to its citizens and to address these issues an interim ordinance needs to be adopted to all for time to study the issues.

**Section 1** declares that the purpose and intent of the ordinance is to enact an interim ordinance regarding adult use business until a permanent ordinance is enacted.

**Section 2** discusses studies conducted in Minnesota and nationally regarding the adverse impacts of adult use business on their respective communities.

**Section 3** provides the specifically defines the various business establishments, specified sexual activities, and specified anatomical areas regulated by the ordinance.

**Section 4** authorizes the City staff to conduct a study to determine how adult uses should be regulated within the City and provides for temporary location until a permanent ordinance is passed.

**Section 5** address enforcement of the ordinance and that a violation is a misdemeanor punishable by imprisonment for up to 90 days and a fine of \$1000 or both, plus the costs of prosecution.

**Section 6** provides every part of this ordinance is declared separable from every section or part of this ordinance. If any section or part of this ordinance is adjudged to be invalid it shall not invalidate any other section, provision, or part of this ordinance.

*Voting Aye:*

*Voting Nay:*

All summaries were approved by the City Council of East Grand Forks, Minnesota, on May 7, 2013.

## RESOLUTION NO. 13 – 05 – 48

Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, introduced the following resolution and moved its adoption:

### RESOLUTION RATIFYING CONTRACTS

WHEREAS, the City of East Grand Forks purchased from Hardware Hank the goods referenced in check number 15679 for a total of \$1167.51.

WHEREAS, Craig Buckalew, was personally interested financially in the contract, but the purchases were made because the price was as low as or lower than other local vendors.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF EAST GRAND FORKS:

1. The above mentioned purchase by the City and the claim of the vendor based thereon are confirmed and the Mayor and Clerk are directed to issue an order-check in payment of such claim on the filing of the affidavit of official interest required under Minnesota Statutes, Section 471.89.
2. It is hereby determined that the total price of \$1167.51 paid for such goods is as low as, or lower than, the price at which they could have been obtained elsewhere at the time the purchase was made.
3. This resolution is passed to comply with the provisions of Minnesota Statutes, Section 471.87-89.
4. Resolution passed by unanimous vote of the council on May 7, 2013.

*Voting Aye:*

*Voting Nay:*

*Abstain:*

The President declared the resolution passed.

Passed: May 7, 2013

Attest:

\_\_\_\_\_  
City Administrator/Clerk-Treasurer

\_\_\_\_\_  
President of Council

I hereby approve the foregoing resolution this 7<sup>th</sup> of May, 2013.

\_\_\_\_\_  
Mayor

AFFIDAVIT OF OFFICIAL INTEREST CLAIM

STATE OF MINNESOTA )  
COUNTY OF POLK ) ss  
CITY OF EAST GRAND FORKS )

I, Craig Buckalew, being duly sworn states the following:

1. I am 3<sup>rd</sup> Ward Council Member of the City of East Grand Forks.
2. The City of East Grand Forks check number 15679 for a total of \$1167.51.
3. This resolution is passed to comply with the provisions of Minnesota Statutes, Section 471.87-89.
4. Resolution passed by unanimous vote of the council on May 7, 2013.

Affiant states further that to the best of his knowledge and belief (a) the contract price was as low as or lower than the price at which the services could be obtained from other sources.

Affiant further states that the affidavit constitutes a claim against the city for the contract price, that the claim is just and correct, and that no part thereof has been paid.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Official)

# Accounts Payable

## Check Register Totals Only



# City of East Grand Forks

P. O. Box 373  
 East Grand Forks, MN 56721  
 (218) 773-2483

User: lkatka  
 Printed: 5/2/2013 - 12:02 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
15634	05/07/2013	ACM001	Acme Electric Companies	221.63	0
15635	05/07/2013	ADV001	Advanced Business Methods Inc	564.87	0
15636	05/07/2013	ADV006	Advantage Signs & Graphics, Inc	224.43	0
15637	05/07/2013	ALB001	Albrecht Manufacturing	178.60	0
15638	05/07/2013	AMA001	Amazon.com	82.36	0
15639	05/07/2013	AME002	American Tire Service	12.00	0
15640	05/07/2013	AME005	Ameripride Linen & Apparel Services	378.88	0
15641	05/07/2013	AUT001	Auto Glass & Aftermarket Inc	345.00	0
15642	05/07/2013	BAK001	Baker & Taylor Co	11.88	0
15643	05/07/2013	BAR005	Barnes Distribution	159.24	0
15644	05/07/2013	BAR013	Joe Bartlette	211.88	0
15645	05/07/2013	BEA001	Beacon Athletics	2,245.00	0
15646	05/07/2013	BLU001	Blue Cross Blue Shield of ND	6,510.00	0
15647	05/07/2013	BOB001	Bobcat of Grand Forks	1,731.11	0
15648	05/07/2013	BOR001	Border States Electric Supply	30.36	0
15649	05/07/2013	BRA001	Brady Martz & Associates	3,400.00	0
15650	05/07/2013	BRY002	Yong Ae Bryan	400.00	0
15651	05/07/2013	BUS002	Business Essentials	73.89	0
15652	05/07/2013	BUT001	Butler Machinery Co	955.21	0
15653	05/07/2013	CAR504	Cardmember Service	2,035.78	0
15654	05/07/2013	CAR002	Carquest Auto Parts	700.57	0
15655	05/07/2013	CEN002	CENGAGE Learning	168.00	0
15656	05/07/2013	CEN006	Century Link	971.87	0
15657	05/07/2013	COL002	Cole Papers Inc	587.78	0
15658	05/07/2013	COM003	Complete Pest Control Inc	80.16	0
15659	05/07/2013	CRE001	Creative Product Source Inc	165.85	0
15660	05/07/2013	CRO002	Crowne Plaza-Minneapolis North	560.75	0
15661	05/07/2013	CUM001	Cummins NPower LLC	262.30	0
15662	05/07/2013	EAS006	Dale Gulbranson	40.00	0
15663	05/07/2013	DEM001	Demco Educational Corp	547.05	0
15664	05/07/2013	ECO001	Economy Plumbing	540.60	0
15665	05/07/2013	EXP002	Exponent	195.00	0
15666	05/07/2013	FPI001	Five Points Investments LLC & First S	375,000.00	0
15667	05/07/2013	FLA002	Flat Plains Services Inc	352.50	0
15668	05/07/2013	G&K001	G&K Services	248.09	0
15669	05/07/2013	GAF002	Gaffaney's	424.99	0
15670	05/07/2013	GFW001	GF Welding & Machine	130.86	0
15671	05/07/2013	GGF001	GGF Convention & Visitors Bureau	275.00	0
15672	05/07/2013	GOP002	Gopher State Lawn Sprinklers	240.00	0
15673	05/07/2013	GRA012	Grand Auto Leasing & Trailer Sales	115.36	0
15674	05/07/2013	GRA004	Grand Cities Towing	50.00	0
15675	05/07/2013	GFB002	Grand Forks Baseball	400.00	0
15676	05/07/2013	GRA008	Grand Forks City	6.00	0
15677	05/07/2013	GRA014	Gary Gravelle	143.37	0
15678	05/07/2013	HAJ002	Rick Hajicek	427.50	0
15679	05/07/2013	HAR001	Hardware Hank	1,167.51	0
15680	05/07/2013	HEA001	Heartland Paper	89.63	0
15681	05/07/2013	HOL002	Holiday Credit Office	273.35	0
15682	05/07/2013	HOM001	Home of Economy	214.56	0
15683	05/07/2013	HUG001	Hugo's	157.09	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
15684	05/07/2013	INT003	Integra Telecom	78.11	0
15685	05/07/2013	INT011	Integrated Process Solutions Inc	1,066.53	0
15686	05/07/2013	JET001	Jet Way Multiple Services Inc	1,395.50	0
15687	05/07/2013	KIR002	Kirks Flooring	426.72	0
15688	05/07/2013	LAU002	Jeremiah Christian David Laue	100.00	0
15689	05/07/2013	LEA001	League of MN Cities	75.00	0
15690	05/07/2013	LIT001	Lithia Payment Processing	161.24	0
15691	05/07/2013	LUM001	Lumber Mart	17.88	0
15692	05/07/2013	MAI001	Maintainer Custom Bodies Inc	29.08	0
15693	05/07/2013	MAM001	Mamma Maria's Italian Restaurant	170.34	0
15694	05/07/2013	MAR004	Marco	242.54	0
15695	05/07/2013	MAR001	Marco Inc	318.06	0
15696	05/07/2013	MCD004	McDonald Locksmith Supply, Inc.	73.09	0
15697	05/07/2013	MCF001	McFarlane	7,566.00	0
15698	05/07/2013	MEN001	Menards	178.69	0
15699	05/07/2013	MPO001	Metropolitan Planning Organization	2,674.70	0
15700	05/07/2013	MIC001	Micro-Marketing LLC	18.14	0
15701	05/07/2013	MID003	Midcontinent Communications	1,395.97	0
15702	05/07/2013	MIK001	Mike's Pizza	119.23	0
15703	05/07/2013	MPW001	Minnesota Pump Works	2,373.60	0
15704	05/07/2013	MNC005	MN County Attorney's Association	269.35	0
15705	05/07/2013	MNC008	MN Crime Wave	750.00	0
15706	05/07/2013	MND003	MN Dept of Labor & Industry	348.50	0
15707	05/07/2013	MND006	VOID****VOID****VOID*** MN I	4,644.00	0
15708	05/07/2013	MNI001	MN Ice Arena Mgr's Association	45.00	0
15709	05/07/2013	MOR005	Sally Morris	50.00	0
15710	05/07/2013	MYL001	My-Lor Inc	11.86	0
15711	05/07/2013	MYE002	Noelle Myers	200.00	0
15712	05/07/2013	NAT005	National Association of Town Watch	35.00	0
15713	05/07/2013	NOR010	North Central Rental & Leasing	2,244.38	0
15714	05/07/2013	OFO001	O' For Heaven's Cakes & More	264.00	0
15715	05/07/2013	ORE001	O'Reilly Auto Parts	402.75	0
15716	05/07/2013	OGA001	Romuald Jay Ogaard	200.00	0
15717	05/07/2013	POL015	Polk County Administrator	118,051.13	0
15718	05/07/2013	POL002	Polk County Auditor Treasurer	490.55	0
15719	05/07/2013	PRA001	Praxair Distribution	25.92	0
15720	05/07/2013	PRI003	Jessica Ann Pribula	214.13	0
15721	05/07/2013	QUI001	Quill Corp	89.38	0
15722	05/07/2013	RDO001	RDO Powerplan OIB	23.28	0
15723	05/07/2013	REL001	Reliable Office Supplies	468.24	0
15724	05/07/2013	RIV005	Riverview Healthcare	230.97	0
15725	05/07/2013	MER001	Sanford Clinic Fargo Region	79.00	0
15726	05/07/2013	SEN001	Sentimental Reflections	175.00	0
15727	05/07/2013	SME001	Joel Smerer	150.00	0
15728	05/07/2013	SPI001	Paul Spielman	694.96	0
15729	05/07/2013	SPR002	Spray Advantage	46.40	0
15730	05/07/2013	STC002	St.Croix Recreation Comp Inc	16,457.21	0
15731	05/07/2013	STE009	Sterling Carpet One	415.00	0
15732	05/07/2013	STU001	Stuart's Towing	106.88	0
15733	05/07/2013	TRA005	The Trash Container Company	294.80	0
15734	05/07/2013	TRF001	Thief River Falls Baseball Association	350.00	0
15735	05/07/2013	THO010	Natasha Thomas	200.00	0
15736	05/07/2013	TIG001	Tiger Direct.com	310.02	0
15737	05/07/2013	BOR002	Timothy Riopelle	90.74	0
15738	05/07/2013	USB004	US Bank Equipment Finance	138.67	0
15739	05/07/2013	USP002	USPS Postmaster	46.00	0
15740	05/07/2013	VIL001	Vilandre Heating & A/C	206.76	0
15741	05/07/2013	WAS001	Waste Mgmt	1,800.97	0
15742	05/07/2013	WAT001	Water & Light Department	86,988.47	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
15743	05/07/2013	WID001	Widseth Smith Nolting & Associates	20,243.26	0
15744	05/07/2013	WIZ001	Wizard's Enterprises Inc.	490.00	0
15745	05/07/2013	XCE001	Xcel Energy	13,222.27	0
15746	05/07/2013	ZEE001	Zee Medical Service	158.83	0
				694,511.96	
Check Total:				694,511.96	