

LAUDERDALE CITY COUNCIL MEETING AGENDA

TUESDAY, SEPTEMBER 14, 2004

CITY HALL, 8:00 P.M.

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. **CALL MEETING TO ORDER AT 8:00 P. M.**

2. **ROLL:**

Councilmembers:

McCloskey _____ Christensen _____
Gill-Gerbig _____ Giannetti _____
Mayor Dains _____

Staff: Getschow _____

3. **APPROVAL OF THE AGENDA**

4. **APPROVAL**

- A. Approval of minutes of 8/31/04 City Council Meeting
- B. Approval of claims totaling \$23,465.24

5. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA**

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS

8 PUBLIC HEARINGS

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

9. INFORMATIONAL PRESENTATIONS

10. ACTION

- A. Resolution 091404A: A Resolution Levying Taxes for 2004 Payable in 2005 (2005 Preliminary Tax Levy)
- B. Establishment of a 2004 Truth-in-Taxation (TNT) Public Hearing Date *(if needed)*

11. DISCUSSION

12. ADDITIONAL ITEMS

13. SET AGENDA FOR NEXT MEETING

14. WORK SESSION DISCUSSION

- A. Organized Collection – Solid Waste and Recycling Proposals
- B. Draft Zoning Ordinance – Chapter 17 (Home Occupations) and Chapter 18 (Adult Uses)

15. ADJOURNMENT

**Lauderdale City Council
Meeting Minutes
August 31, 2004**

1. Meeting called to order at 7:05 P.M.

2. ROLL

Council present: Christensen, Giannetti, Gill-Gerbig, McCloskey and Mayor Dains

Staff present: Administrator Getschow

3. APPROVAL OF THE AGENDA

A. Approval of Agenda. Motion by Gill-Gerbig, second by McCloskey to approve the agenda with the addition of 13(C) Parking Ordinance Revision and 13 (D) City Park Activities. Motion carried unanimously.

4. APPROVAL

A. Approval of Minutes. Motion by Gill-Gerbig, second by Christensen to approve the minutes of the August 10, 2004 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$97,982.52. Motion by Giannetti, second by McCloskey to approve the claims totaling \$97,982.52. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/
CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS

A. Roseville Area School District Update. John Thein, Superintendent of the Roseville Area School District, provided an update to the City Council regarding recent events at the School District level. He recognized Council member Gill-Gerbig for her contributions as a member on one of the district's subcommittees.

8. PUBLIC HEARINGS

9. ACTION

A.-B. Resolution 083104A: A Resolution Appointing an LMCIT Insurance Agent and the Approval of 2004-2005 Lauderdale Insurance Policy. The City Administrator gave an overview of the 2004-2005 insurance policy. The policy cost has decreased this year by more than 24%. This was due to a decrease in almost every premium area of coverage.

Motion by Christensen, second by McCloskey to approve Resolution 083104A: A Resolution Appointing an LMCIT Insurance Agent. Roll: Yes: all. Motion carried.

Motion by Gill-Gerbig, second by Giannetti to waive the monetary limits on municipal tort liability and to not purchase additional excess liability coverage for the coming year. Roll: Yes: all. Motion carried.

Motion by Giannetti, second by Christensen to approve the 2004-2005 property, liability, automobile, and worker's compensation insurance policy. Roll: Yes: all. Motion carried.

C. Resolution 083104B: A Resolution Authorizing the Purchase of Certain Real Property (Karkoc Parcel). City Administrator Getschow stated that this resolution allows for the purchase of the Karkoc parcel by the City that is adjacent to Walsh Lake north of Pleasant Street.

The following resolution was moved by Council member Christensen:

WHEREAS, the City desires to preserve significant portions of open space within the City for park, natural resources, recreation and open space purposes; and

WHEREAS, the Subject Property contains approximately 0.25 acres, is partially wooded lake- front property adjacent to similar city-owned property and would be desirable for the City and its citizens to use for park, natural resources, recreation and open space purpose; and

WHEREAS, the Subject Property is currently guided for open space under the City's Comprehensive Plan; and

WHEREAS, the City owns property adjacent to the Subject Property and thus, the acquisition of the Subject Property would provide a contiguous area of open space.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lauderdale, Minnesota, as follows:

1. It is convenient, desirable and necessary to acquire the Subject Property for the City for park, recreation, natural resources and open space purposes.
2. The City has been able to reach a negotiated agreement with the owner of the Subject Property.
3. The City Council determines that it is reasonable to acquire the Subject Property as legally described below for a purchase price of \$32,500.00.
4. The City Attorney and staff are authorized and directed on behalf of the City to close on the purchase of the Subject Property.
5. The Subject Property is legally described as follows:

GARCELON'S ADDITION TO ST. PAUL N 1/2 OF LOT 5
AND ALL OF LOT 4 BLK 3

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Lauderdale, Minnesota, as part of the final resolution of this matter, the City Council wishes to publicly recognize and honor the memory of Lucy Karkoc, beloved wife of Peter Karkoc.

Adopted by the City Council of the City of Lauderdale, Minnesota this 31st day of August, 2004.

Approval of the foregoing resolution was seconded by Giannetti. Roll: Yes: all.
Motion carried.

D. Consideration of a Larpenteur Avenue Redevelopment Contract for Services with Ehlers' and Associates. The City Administrator stated that the City Council provided direction to city staff at their last meeting to pursue a contract with Ehlers and Associates for Larpenteur Avenue redevelopment services following a review of proposals from Ehlers and Springsted.

Mayor Dains provided some background on this issue by stating the discussion of this redevelopment initiative dates back to the creation and approval of the Lauderdale Comprehensive Plan in the mid-1990's. He also noted that the area to be included in the redevelopment study is south of Larpenteur Avenue to Idaho Avenue and east of Eustis Street to Carl Street, with the inclusion of one building east of Carl Street.

Getschow stated that the scope of services delineated in the contract is identical to the elements of the proposal that the City Council has endorsed. It should be noted that only 2-4 to as many as all of the elements of the process could be fully utilized depending on this project proceeds. The City Council is entering into this project with open eyes. They want to evaluate all the redevelopment options that may be available.

In terms of covering the cost of the contract, 50% of the cost of the services is being funded through a Metropolitan Council LCDA Opportunity Grant. The remaining 50% of the potential \$41,965 contract is funded through a portion of proceeds received from Metropolitan Council Environmental Services (MCES) in 2003 as a result of the sewer treatment cost error.

Motion by McCloskey, second by Gill-Gerbig to approve the contract for services between the City of Lauderdale and Ehlers and Associates for the Larpenteur Avenue Redevelopment Project. Roll: Yes: all. Motion carried.

10. ITEMS REMOVED FORM THE CONSENT AGENDA
11. ADDITIONAL ITEMS
12. SET AGENDA FOR THE NEXT MEETING - **START TIME AT 8:00 P.M.**
 1. 2005 Preliminary Tax Levy
 2. Work Session: Draft Zoning Ordinance

A break was taken at 7:43 p.m. to transition into a work session discussion.

CITY OF LAUDERDALE

Claims for Approval

September 14, 2004 City Council Meeting

Payroll

09/10/04 Payroll:	Check # 7647-7656	\$9,260.71
09/10/04 Payroll:	EFT: Federal Withholding Taxes/FICA	\$3,358.06
09/10/04 Payroll:	EFT: PERA	\$1,075.54
09/10/04 Payroll:	EFT: ICMA Retirement Fund	\$1,162.52

Vendor Claims

09/14/04 Claims:	Check # 17113-17140	\$8,608.41
------------------	---------------------	------------

Subtotal of Claims From Above

\$23,465.24

Total Claims for Approval

\$23,465.24

CITY OF LAUDERDALE

09/09/04 4:27 PM

Page 1

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name BIFFS, INC.				
017113	9/14/04	091404claims w232820	\$80.91	park biffy thru 8/31
<i>Search Name BIFFS, INC.</i>			\$80.91	
Search Name BLUE CHIP TREE CO., INC.				
017114	9/14/04	091404claims 9/14	\$790.73	remove dead blvd trees
<i>Search Name BLUE CHIP TREE CO., INC.</i>			\$790.73	
Search Name CINTAS				
017115	9/14/04	091404claims 9/14	\$26.63	9/2 pw uniforms
<i>Search Name CINTAS</i>			\$26.63	
Search Name CITY OF ROSEVILLE				
017116	9/14/04	091404claims 4546	\$328.16	aug-sep technical services
<i>Search Name CITY OF ROSEVILLE</i>			\$328.16	
Search Name CORNING DONOHUE				
017117	9/14/04	091404claims 79257	\$168.36	social room improvements
<i>Search Name CORNING DONOHUE</i>			\$168.36	
Search Name EAST HENNEPIN AUTO SERVICE INC				
017118	9/14/04	091404claims 9/14	\$19.12	8/04 tractor fuel
017118	9/14/04	091404claims 9/14	\$2.13	8/04 tractor fuel
<i>Search Name EAST HENNEPIN AUTO SERVICE INC</i>			\$21.25	
Search Name EICHER, DIANA				
017119	9/14/04	091404claims 9/14	\$6.00	nonresi reimb rv rec d eicher
<i>Search Name EICHER, DIANA</i>			\$6.00	
Search Name GLENWOOD INGLEWOOD				
017120	9/14/04	091404claims 9/14	\$75.23	8/04 water delivery
<i>Search Name GLENWOOD INGLEWOOD</i>			\$75.23	
Search Name HERMES FLORAL				
017121	9/14/04	091404claims 331062	\$7.95	green plant st anthony city hall
<i>Search Name HERMES FLORAL</i>			\$7.95	
Search Name HOME DEPOT CRC				
017122	9/14/04	091404claims 9/14	\$28.92	social room improvements
017122	9/14/04	091404claims 9/14	\$245.75	warming house improvements
<i>Search Name HOME DEPOT CRC</i>			\$274.67	
Search Name HUGHES & COSTELLO				
017123	9/14/04	091404claims 9/14	\$57.50	9/04 legal services
017123	9/14/04	091404claims 9/14	\$850.00	9/04 legal services
<i>Search Name HUGHES & COSTELLO</i>			\$907.50	
Search Name LILLIE SUBURBAN NEWS				
017124	9/14/04	091404claims 9/14	\$758.75	8/04 rv review delivery
<i>Search Name LILLIE SUBURBAN NEWS</i>			\$758.75	
Search Name LMC				
017125	9/14/04	091404claims 9/14	\$1,850.00	member dues thru 8/31/05
<i>Search Name LMC</i>			\$1,850.00	

CITY OF LAUDERDALE

09/09/04 4:27 PM

Page 2

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name MN MAYORS ASSOCIATION				
017126	9/14/04	091404claims 9/14	\$20.00	dues thru 8/31/04
<i>Search Name MN MAYORS ASSOCIATION</i>			\$20.00	
Search Name MNDOT				
017127	9/14/04	091404claims 9/14	\$540.00	jake braking posts/installation
<i>Search Name MNDOT</i>			\$540.00	
Search Name NORTH STAR BANK, PETTY				
017128	9/14/04	091404claims 9/14	\$20.87	social room improvements
017128	9/14/04	091404claims 9/14	\$2.67	certified mail
017128	9/14/04	091404claims 9/14	\$3.00	nonresi reimb fh rec d feddersen
017128	9/14/04	091404claims 9/14	\$31.45	rg mileage
017128	9/14/04	091404claims 9/14	\$18.00	pcic pizza
<i>Search Name NORTH STAR BANK, PETTY</i>			\$75.99	
Search Name OFFICE MAX				
017129	9/14/04	091404claims 7139j231	\$55.32	general office supplies
<i>Search Name OFFICE MAX</i>			\$55.32	
Search Name PARK HARDWARE HANK				
017130	9/14/04	091404claims 9/14	\$5.61	maintenance supplies
<i>Search Name PARK HARDWARE HANK</i>			\$5.61	
Search Name PARK SERVICE				
017131	9/14/04	091404claims 9/14	\$180.82	8/04 truck fuel
017131	9/14/04	091404claims 9/14	\$20.10	8/04 truck fuel
<i>Search Name PARK SERVICE</i>			\$200.92	
Search Name POSTMASTER				
017132	9/14/04	091404claims 9/14	\$111.00	stamps for city hall
<i>Search Name POSTMASTER</i>			\$111.00	
Search Name RAPIT PRINTING				
017133	9/14/04	091404claims 105133	\$79.88	print receipt books
<i>Search Name RAPIT PRINTING</i>			\$79.88	
Search Name SCHARBER AND SONS				
017134	9/14/04	091404claims 8385	\$417.04	repair tractor hydraulic leak
<i>Search Name SCHARBER AND SONS</i>			\$417.04	
Search Name SPRINT PCS				
017135	9/14/04	091404claims 9/14	\$15.32	8/04 pw cell phone
017135	9/14/04	091404claims 9/14	\$15.33	8/04 pw cell phone
<i>Search Name SPRINT PCS</i>			\$30.65	
Search Name ST PAUL POSTMASTER				
017136	9/14/04	091404claims 9/14	\$300.00	4q04 newsletter
<i>Search Name ST PAUL POSTMASTER</i>			\$300.00	
Search Name TA SCHIFSKY & SONS				
017137	9/14/04	091404claims 33926	\$327.51	pea gravel - playground
017137	9/14/04	091404claims 33926	\$569.69	rec rock - ballfield

CITY OF LAUDERDALE

09/09/04 4:27 PM

Page 3

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
<i>Search Name TA SCHIFSKY & SONS</i>			\$897.20	
Search Name WAGERS BUSINESS SYSTEMS				
017138	9/14/04	091404claims arin030198	\$39.61	waste toner bottles
017138	9/14/04	091404claims cnin017096	\$236.25	4q04 copier maintenance
<i>Search Name WAGERS BUSINESS SYSTEMS</i>			\$275.86	
Search Name WASTE MANAGEMENT				
017139	9/14/04	091404claims 9/14	\$30.75	9/04 garbage service
017139	9/14/04	091404claims 9/14	\$30.76	9/04 garbage service
<i>Search Name WASTE MANAGEMENT</i>			\$61.51	
Search Name XCEL ENERGY				
017140	9/14/04	091404claims 9/14	\$10.58	8/04 park utilities
017140	9/14/04	091404claims 9/14	\$20.70	8/04 city hall utilities
017140	9/14/04	091404claims 9/14	\$6.90	8/04 city hall utilities
017140	9/14/04	091404claims 9/14	\$105.20	8/04 city hall utilities
017140	9/14/04	091404claims 9/14	\$20.47	8/04 park utilities
017140	9/14/04	091404claims 9/14	\$13.02	8/04 garage utilities
017140	9/14/04	091404claims 9/14	\$4.34	8/04 garage utilities
017140	9/14/04	091404claims 9/14	\$18.76	8/04 garage utilities
017140	9/14/04	091404claims 9/14	\$6.25	8/04 garage utilities
017140	9/14/04	091404claims 9/14	\$35.07	8/04 city hall utilities
<i>Search Name XCEL ENERGY</i>			\$241.29	
Grand Total			\$8,608.41	

FILTER: (([Period] in(9) and [Act Year] = '2004') and [Tran Nbr] in(20,21,22,23,25) and ([Vendor Nbr]>0))

Lauderdale City Council Memorandum

Council Meeting Date: September 14, 2004
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: 2005 Lauderdale Preliminary Tax Levy

BACKGROUND:

State Statute requires that cities certify their proposed levies to the County Auditor on or before September 15, 2004. As I noted at a previous meeting, the final levy is certified in December. Also at that December meeting, the final 2005 Budget will be adopted.

Remember: In certifying the final levy in December, the Council can decrease the amount from the proposed levy amount from September, but it cannot increase the amount. Also, the proposed levy amount is the information given to all residents in the proposed county tax statement that will be sent in November.

As you may recall, the State Legislature took major action in 2000 and 2001 by lowering the state class rates for determining tax capacity. Based on this change, and in spite of median property values increasing at a brisk pace for the last 6-8 years, the Lauderdale tax capacity decreased in 2001 and 2002. But since the State Legislature has not changed the class rates for determining tax capacity in the recent years, the Lauderdale tax capacity has increased for two consecutive years. In addition to the overall increased property values, we are continuing to see the full value of the new commercial property west of Highway 280 coming on to the property tax rolls.

The overall total market value of the city for 2005 has increased along with the tax capacity from \$1,370,005 to an estimate of \$1,552,484. That is a 13% increase from 2004. This is extremely important because the Council will not need to consider a raised tax rate, and thus higher taxes throughout the city, because our tax capacity has been increasing. In past years when state class rates were lowered, the city's tax capacity decreased. This meant that taxes were vulnerable to rising for residents of Lauderdale because of the major burden shift from the commercial, industrial and public utility property owner to the residential property owner. This has even occurred under the conditions of the enactment of a lower tax levy. Fortunately, we have not dealt with this scenario for the past two years as a result of our tax capacity increases.

ENCLOSURES:

1. Levy Spreadsheet Options A,B,C,D and E
2. Spreadsheet comparing the 2004 Median Value Home and Tax Rate to the 2005 Median Value Home and Proposed Tax Rates
3. Resolution 091404A: A Resolution Approving the Preliminary 2005 Lauderdale Tax Levy
(There is an applicable resolution for all options being considered)

COUNCIL ACTION REQUESTED:

Based on Council budget discussions at work sessions and the financial data presented here, I am presenting five options for the City Council to approve a preliminary levy.

OPTION A SAME REGULAR LEVY AS 2004 (SEE SPREADSHEET A)

This was the option that was selected for the 2001, 2003 and 2004 Levy. It resulted in a decrease in the tax rate in those years. In 2002, the levy was decreased by \$8,406, but the tax rate increased. As you know, this was due to the 2001 Legislative reform of the state class rates, whereby even a lowering of the levy could not lower the city tax rate. Similar to 2003 and 2004, choosing the no levy increase option will once again lower the city tax rate.

As you can see from the Option A spreadsheet, if the levy is kept the same for 2005, the city tax rate will decrease from 28.8% to 25.88%. This means that the proposed 0% levy increase would bring tax bills down by the same percentage that the city tax rate is decreasing. The average residential tax bill in Lauderdale (on a \$145,200 house) will decrease by \$41.84 or 10%, assuming property values are equal.

But property values have not remained equal for the past several years. Property values have risen. For 2005, the highest increase for a given property is 15%. This percentage has continued to increase since the State Legislature is phasing out the limited market value policies that were created to shield fast rising property values from substantial tax increases. As a result of this, I have created a new spreadsheet that highlights the difference between the 2004 median valued home's tax rate and the 2005 median valued home's proposed tax rate. The same house valued at \$125,700 with a 28.76% tax rate in 2004 would see a \$28.82 increase in city taxes in 2005 as a \$145,200 house with a 25.88% tax rate. As you can see from the last paragraph, the \$28.82 tax increase, plus another \$41.84 that would have been saved through the lower tax rate, is completely due to the increase in property valuation.

This option of the same levy in 2005 has been factored into the preliminary 2005 Budget. Under this option, expenditures in the 2005 General Fund Budget are held to a 1% increase. This is unlike 2004, when this option resulted in a 3% decrease in the budget as a result of the state aid cut.

Finally, it is important to note that this option still lowers the city tax rate, and subsequently the city residential tax bill, by 10%.

OPTION B 1.5% OR TNT APPROVED LEVY INCREASE – STILL A LOWER TAX RATE THAN 2004 (SEE SPREADSHEET B)

This option captures a small percentage of the tax capacity increase, but still produces a tax rate that is lower than 2004.

As you can see from the Option B spreadsheet, if the levy is increased 1.5% for 2005, the city tax rate will decrease from 28.76% to 26.35%. This means that the proposed 1.5% levy increase would bring tax bills down by the same percentage that the city tax rate is decreasing. The average residential tax bill in Lauderdale (on a \$145,200 house) will decrease by \$35.05 or 8.3%, assuming property values are equal.

This 1.5% increase is proposed here because it is the highest increase that would still not trigger the need for an official Truth-In-Taxation hearing. All Minnesota cities with a population over 500 are required to hold Truth-In-Taxation hearings if their property tax levy increase is greater than the implicit price deflator which is 1.5%.

It is important to note that any option chosen besides Option A or B will trigger the need for a Truth-In-Taxation hearing. This potential action item is on the agenda following the approval of the preliminary levy, if needed.

When examining the difference between the 2004 median valued home's tax rate and the 2005 median valued home's proposed tax rate, the same house valued at \$125,700 with a 28.76% tax rate in 2004 would see a \$21.03 increase in city taxes in 2005 as a \$145,200 house with a 26.35% tax rate.

This option would yield \$7,260 in general fund revenue.

OPTION C 2% LEVY INCREASE – STILL A LOWER TAX RATE THAN 2004
(SEE SPREADSHEET C)

This option still captures a small percentage of the tax capacity increase and produces a tax rate that is lower than 2004.

As you can see from the Option C spreadsheet, if the levy is increased 2% for 2005, the city tax rate will decrease from 28.76% to 26.50%. This means that the proposed 2% levy increase would bring tax bills down by the same percentage that the city tax rate is decreasing. The average residential tax bill in Lauderdale (on a \$145,200 house) will decrease by \$32.86 or 7.9%, assuming property values are equal.

This 2% increase would trigger the need for an official Truth-In-Taxation hearing.

When examining the difference between the 2004 median valued home's tax rate and the 2005 median valued home's proposed tax rate, the same house valued at \$125,700 with a 28.76% tax rate in 2004 would see a \$23.23 increase in city taxes in 2005 as a \$145,200 house with a 26.50% tax rate.

This option would yield \$9,600 in general fund revenue.

OPTION D 3% LEVY INCREASE – STILL A LOWER TAX RATE THAN 2004
(SEE SPREADSHEET D)

This option continues to capture a small percentage of the tax capacity increase and still produces a tax rate that is lower than 2004.

As you can see from the Option D spreadsheet, if the levy is increased 3% for 2005, the city tax rate will decrease from 28.76% to 26.81%. This means that the proposed 3% levy increase would bring tax bills down by the same percentage that the city tax rate is decreasing. The average residential tax bill in Lauderdale (on a \$145,200 house) will decrease by \$28.37 or 6.8%, assuming property values are equal.

This 3% increase would trigger the need for an official Truth-In-Taxation hearing.

When examining the difference between the 2004 median valued home's tax rate and the 2005 median valued home's proposed tax rate, the same house valued at \$125,700 with a 28.76% tax rate in 2004 would see a \$27.71 increase in city taxes in 2005 as a \$145,200 house with a 26.81% tax rate.

This option would yield \$14,400 in general fund revenue.

**OPTION E 4% LEVY INCREASE – STILL A LOWER TAX RATE THAN 2004
(SEE SPREADSHEET E)**

As is the case with all options presented, this one would but still produce a tax rate that is lower than 2004.

As you can see from the Option E spreadsheet, if the levy is increased 4% for 2005, the city tax rate will decrease from 28.76% to 27.12%. This means that the proposed 4% levy increase would bring tax bills down by the same percentage that the city tax rate is decreasing. The average residential tax bill in Lauderdale (on a \$145,200 house) will decrease by \$23.88 or 5.7%, assuming property values are equal.

This 4% increase would trigger the need for an official Truth-In-Taxation hearing.

When examining the difference between the 2004 median valued home's tax rate and the 2005 median valued home's proposed tax rate, the same house valued at \$125,700 with a 28.76% tax rate in 2004 would see a \$32.21 increase in city taxes in 2005 as a \$145,200 house with a 27.12% tax rate.

This option would yield \$19,200 in general fund revenue.

**IF MEMBERS OF THE COUNCIL WISH TO SEE OTHER OPTIONS ALSO
ANALYZED – PLEASE CONTACT ME PRIOR TO THE MEETING SO THAT I
CAN PROPERLY PRESENT MORE MATERIAL.**

2005 LEVY AND IMPACT ON LAUDERDALE HOMES

OPTION A

	Gross Levy	- HACA =	Levy -	Fiscal Disparities	Net Levy (Local Levy)	Tax Capacity	City = Tax Rate
1995	\$469,747	\$84,013	\$385,734	\$97,645	\$288,089	\$1,099,160	0.26210
1996	\$480,148	\$80,540	\$399,608	\$111,519	\$288,089	\$1,107,105	0.26022
1997	\$533,775	\$81,305	\$452,470	\$120,053	\$332,417	\$1,290,437	0.25760
1998	\$550,961	\$81,305	\$469,656	\$126,788	\$342,868	\$1,196,529	0.28655
1999	\$550,920	\$81,264	\$469,656	\$138,964	\$330,692	\$1,139,484	0.29021
2000	\$576,618	\$88,212	\$488,406	\$136,506	\$351,900	\$1,212,463	0.29024
2001	\$576,640	\$88,234	\$488,406	\$137,608	\$350,798	\$1,288,844	0.27218
2002	\$480,000	\$0	\$480,000	\$113,102	\$366,898	\$1,101,190	0.33318
2003	\$480,000	\$0	\$480,000	\$83,029	\$396,971	\$1,226,301	0.32371
2004	\$480,000	\$0	\$480,000	\$85,940	\$394,060	\$1,370,005	0.28763
2005	\$480,000	\$0	\$480,000	\$78,189	\$401,811	\$1,552,484	0.25882

\$100,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$100,000 Home
1999	\$100,000	1%	0.2902	\$290.21
2000	\$100,000	1%	0.2902	\$290.24
2001	\$100,000	1%	0.2722	\$272.18
2002	\$100,000	1%	0.3332	\$333.18
2003	\$100,000	1%	0.3237	\$323.71
2004	\$100,000	1%	0.2876	\$287.63
2005	\$100,000	1%	0.2588	\$258.82
DIFFERENCE				(\$28.82)

\$145,200 Home	Value	x Tax %	x Tax Rate	= Tax on Median Lauderdale Home
2002	\$76,000	1%	0.3332	\$253.22
	\$69,200	1.65%	0.3332	\$380.43
			Total Tax	\$633.65
2003	\$76,000	1%	0.3237	\$246.02
	\$69,200	1.00%	0.3237	\$224.01
			Total Tax	\$470.03
2004	\$76,000	1%	0.2876	\$218.60
	\$69,200	1.00%	0.2876	\$199.04
			Total Tax	\$417.64
2005	\$76,000	1%	0.2588	\$196.70
	\$69,200	1.00%	0.2588	\$179.10
			Total Tax	\$375.80
DIFFERENCE				(\$41.84)

\$200,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$200,000 Home
2002	\$76,000	1%	0.3332	\$253.22
	\$124,000	1.65%	0.3332	\$681.69
			Total Tax	\$934.91
2003	\$76,000	1%	0.3237	\$246.02
	\$124,000	1.00%	0.3237	\$401.41
			Total Tax	\$647.43
2004	\$76,000	1%	0.2876	\$218.60
	\$124,000	1.00%	0.2876	\$356.67
			Total Tax	\$575.27
2005	\$76,000	1%	0.2588	\$196.70
	\$124,000	1.00%	0.2588	\$320.93
			Total Tax	\$517.64
DIFFERENCE				(\$57.63)

RESOLUTION NO. 091404A

**CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

RESOLUTION LEVYING TAXES FOR 2004 PAYABLE IN 2005

BE IT HEREBY RESOLVED by the City of Lauderdale, Ramsey County, State of Minnesota as follows:

The following tax levies are hereby made against all taxable property in the City of Lauderdale for the tax levy 2004, payable 2005:

Total proposed levy for 2004 payable in 2005: **\$480,000**

This includes fiscal disparities amount of \$78,189.

BE IT FURTHER RESOLVED, that there will not be a certified debt levy for the General Obligation Bonds Series 2000A, the General Obligation Bonds Series 2002A, and the General Obligation Bonds Series 2003A.

BE IT FURTHER RESOLVED that the City Administrator is authorized and directed at this time to certify this Resolution to the County Auditor of Ramsey County, Minnesota.

CITY OF LAUDERDALE)
COUNTY OF RAMSEY) ss
STATE OF MINNESOTA)

I, Richard Getschow, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on September 14, 2004 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 14th day of September, 2004.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

2005 LEVY AND IMPACT ON LAUDERDALE HOMES

OPTION B

	Gross Levy	- HACA =	Levy -	Fiscal Disparities	Net Levy (Local Levy)	Tax Capacity	City = Tax Rate
1995	\$469,747	\$84,013	\$385,734	\$97,645	\$288,089	\$1,099,160	0.26210
1996	\$480,148	\$80,540	\$399,608	\$111,519	\$288,089	\$1,107,105	0.26022
1997	\$533,775	\$81,305	\$452,470	\$120,053	\$332,417	\$1,290,437	0.25760
1998	\$550,961	\$81,305	\$469,656	\$126,788	\$342,868	\$1,196,529	0.28655
1999	\$550,920	\$81,264	\$469,656	\$138,964	\$330,692	\$1,139,484	0.29021
2000	\$576,618	\$88,212	\$488,406	\$136,506	\$351,900	\$1,212,463	0.29024
2001	\$576,640	\$88,234	\$488,406	\$137,608	\$350,798	\$1,288,844	0.27218
2002	\$480,000	\$0	\$480,000	\$113,102	\$366,898	\$1,101,190	0.33318
2003	\$480,000	\$0	\$480,000	\$83,029	\$396,971	\$1,226,301	0.32371
2004	\$480,000	\$0	\$480,000	\$85,940	\$394,060	\$1,370,005	0.28763
2005	\$487,260	\$0	\$487,260	\$78,189	\$409,071	\$1,552,484	0.26349

\$100,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$100,000 Home
1999	\$100,000	1%	0.2902	\$290.21
2000	\$100,000	1%	0.2902	\$290.24
2001	\$100,000	1%	0.2722	\$272.18
2002	\$100,000	1%	0.3332	\$333.18
2003	\$100,000	1%	0.3237	\$323.71
2004	\$100,000	1%	0.2876	\$287.63
2005	\$100,000	1%	0.2635	\$263.49
DIFFERENCE				(\$24.14)

\$145,200 Home	Value	x Tax %	x Tax Rate	= Tax on Median Lauderdale Home
2002	\$76,000	1%	0.3332	\$253.22
	\$69,200	1.65%	0.3332	\$380.43
			Total Tax	\$633.65
2003	\$76,000	1%	0.3237	\$246.02
	\$69,200	1.00%	0.3237	\$224.01
			Total Tax	\$470.03
2004	\$76,000	1%	0.2876	\$218.60
	\$69,200	1.00%	0.2876	\$199.04
			Total Tax	\$417.64
2005	\$76,000	1%	0.2635	\$200.26
	\$69,200	1.00%	0.2635	\$182.34
			Total Tax	\$382.59
DIFFERENCE				(\$35.05)

\$200,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$200,000 Home
2002	\$76,000	1%	0.3332	\$253.22
	\$124,000	1.65%	0.3332	\$681.69
			Total Tax	\$934.91
2003	\$76,000	1%	0.3237	\$246.02
	\$124,000	1.00%	0.3237	\$401.41
			Total Tax	\$647.43
2004	\$76,000	1%	0.2876	\$218.60
	\$124,000	1.00%	0.2876	\$356.67
			Total Tax	\$575.27
2005	\$76,000	1%	0.2635	\$200.26
	\$124,000	1.00%	0.2635	\$326.73
			Total Tax	\$526.99
DIFFERENCE				(\$48.28)

RESOLUTION NO. 091404A

**CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

RESOLUTION LEVYING TAXES FOR 2004 PAYABLE IN 2005

BE IT HEREBY RESOLVED by the City of Lauderdale, Ramsey County, State of Minnesota as follows:

The following tax levies are hereby made against all taxable property in the City of Lauderdale for the tax levy 2004, payable 2005:

Total proposed levy for 2004 payable in 2005: **\$487,260**

This includes fiscal disparities amount of \$78,189.

BE IT FURTHER RESOLVED, that there will not be a certified debt levy for the General Obligation Bonds Series 2000A, the General Obligation Bonds Series 2002A, and the General Obligation Bonds Series 2003A.

BE IT FURTHER RESOLVED that the City Administrator is authorized and directed at this time to certify this Resolution to the County Auditor of Ramsey County, Minnesota.

CITY OF LAUDERDALE)
COUNTY OF RAMSEY) ss
STATE OF MINNESOTA)

I, Richard Getschow, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on September 14, 2004 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 14th day of September, 2004.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

2005 LEVY AND IMPACT ON LAUDERDALE HOMES

OPTION C

	Gross Levy	- HACA =	Levy -	Fiscal Disparities	Net Levy (Local Levy)	Tax Capacity	City = Tax Rate
1995	\$469,747	\$84,013	\$385,734	\$97,645	\$288,089	\$1,099,160	0.26210
1996	\$480,148	\$80,540	\$399,608	\$111,519	\$288,089	\$1,107,105	0.26022
1997	\$533,775	\$81,305	\$452,470	\$120,053	\$332,417	\$1,290,437	0.25760
1998	\$550,961	\$81,305	\$469,656	\$126,788	\$342,868	\$1,196,529	0.28655
1999	\$550,920	\$81,264	\$469,656	\$138,964	\$330,692	\$1,139,484	0.29021
2000	\$576,618	\$88,212	\$488,406	\$136,506	\$351,900	\$1,212,463	0.29024
2001	\$576,640	\$88,234	\$488,406	\$137,608	\$350,798	\$1,288,844	0.27218
2002	\$480,000	\$0	\$480,000	\$113,102	\$366,898	\$1,101,190	0.33318
2003	\$480,000	\$0	\$480,000	\$83,029	\$396,971	\$1,226,301	0.32371
2004	\$480,000	\$0	\$480,000	\$85,940	\$394,060	\$1,370,005	0.28763
2005	\$489,600	\$0	\$489,600	\$78,189	\$411,411	\$1,552,484	0.26500

\$100,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$100,000 Home
1999	\$100,000	1%	0.2902	\$290.21
2000	\$100,000	1%	0.2902	\$290.24
2001	\$100,000	1%	0.2722	\$272.18
2002	\$100,000	1%	0.3332	\$333.18
2003	\$100,000	1%	0.3237	\$323.71
2004	\$100,000	1%	0.2876	\$287.63
2005	\$100,000	1%	0.2650	\$265.00
DIFFERENCE				(\$22.63)

\$145,200 Home	Value	x Tax %	x Tax Rate	= Tax on Median Lauderdale Home
2002	\$76,000	1%	0.3332	\$253.22
	\$69,200	1.65%	0.3332	\$380.43
			Total Tax	\$633.65
2003	\$76,000	1%	0.3237	\$246.02
	\$69,200	1.00%	0.3237	\$224.01
			Total Tax	\$470.03
2004	\$76,000	1%	0.2876	\$218.60
	\$69,200	1.00%	0.2876	\$199.04
			Total Tax	\$417.64
2005	\$76,000	1%	0.2650	\$201.40
	\$69,200	1.00%	0.2650	\$183.38
			Total Tax	\$384.78
DIFFERENCE				(\$32.86)

\$200,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$200,000 Home
2002	\$76,000	1%	0.3332	\$253.22
	\$124,000	1.65%	0.3332	\$681.69
			Total Tax	\$934.91
2003	\$76,000	1%	0.3237	\$246.02
	\$124,000	1.00%	0.3237	\$401.41
			Total Tax	\$647.43
2004	\$76,000	1%	0.2876	\$218.60
	\$124,000	1.00%	0.2876	\$356.67
			Total Tax	\$575.27
2005	\$76,000	1%	0.2650	\$201.40
	\$124,000	1.00%	0.2650	\$328.60
			Total Tax	\$530.00
DIFFERENCE				(\$45.26)

2005 LEVY AND IMPACT ON LAUDERDALE HOMES

OPTION E

	Gross Levy	- HACA =	Levy -	Fiscal Disparities	Net Levy (Local Levy)	Tax Capacity	City = Tax Rate
1995	\$469,747	\$84,013	\$385,734	\$97,645	\$288,089	\$1,099,160	0.26210
1996	\$480,148	\$80,540	\$399,608	\$111,519	\$288,089	\$1,107,105	0.26022
1997	\$533,775	\$81,305	\$452,470	\$120,053	\$332,417	\$1,290,437	0.25760
1998	\$550,961	\$81,305	\$469,656	\$126,788	\$342,868	\$1,196,529	0.28655
1999	\$550,920	\$81,264	\$469,656	\$138,964	\$330,692	\$1,139,484	0.29021
2000	\$576,618	\$88,212	\$488,406	\$136,506	\$351,900	\$1,212,463	0.29024
2001	\$576,640	\$88,234	\$488,406	\$137,608	\$350,798	\$1,288,844	0.27218
2002	\$480,000	\$0	\$480,000	\$113,102	\$366,898	\$1,101,190	0.33318
2003	\$480,000	\$0	\$480,000	\$83,029	\$396,971	\$1,226,301	0.32371
2004	\$480,000	\$0	\$480,000	\$85,940	\$394,060	\$1,370,005	0.28763
2005	\$499,200	\$0	\$499,200	\$78,189	\$421,011	\$1,552,484	0.27119

\$100,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$100,000 Home
1999	\$100,000	1%	0.2902	\$290.21
2000	\$100,000	1%	0.2902	\$290.24
2001	\$100,000	1%	0.2722	\$272.18
2002	\$100,000	1%	0.3332	\$333.18
2003	\$100,000	1%	0.3237	\$323.71
2004	\$100,000	1%	0.2876	\$287.63
2005	\$100,000	1%	0.2712	\$271.19
DIFFERENCE				(\$16.45)

\$145,200 Home	Value	x Tax %	x Tax Rate	= Tax on Median Lauderdale Home
2002	\$76,000	1%	0.3332	\$253.22
	\$69,200	1.65%	0.3332	\$380.43
			Total Tax	\$633.65
2003	\$76,000	1%	0.3237	\$246.02
	\$69,200	1.00%	0.3237	\$224.01
			Total Tax	\$470.03
2004	\$76,000	1%	0.2876	\$218.60
	\$69,200	1.00%	0.2876	\$199.04
			Total Tax	\$417.64
2005	\$76,000	1%	0.2712	\$206.10
	\$69,200	1.00%	0.2712	\$187.66
			Total Tax	\$393.76
DIFFERENCE				(\$23.88)

\$200,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$200,000 Home
2002	\$76,000	1%	0.3332	\$253.22
	\$124,000	1.65%	0.3332	\$681.69
			Total Tax	\$934.91
2003	\$76,000	1%	0.3237	\$246.02
	\$124,000	1.00%	0.3237	\$401.41
			Total Tax	\$647.43
2004	\$76,000	1%	0.2876	\$218.60
	\$124,000	1.00%	0.2876	\$356.67
			Total Tax	\$575.27
2005	\$76,000	1%	0.2712	\$206.10
	\$124,000	1.00%	0.2712	\$336.27
			Total Tax	\$542.37
DIFFERENCE				(\$32.90)

RESOLUTION NO. 091404A

**CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

RESOLUTION LEVYING TAXES FOR 2004 PAYABLE IN 2005

BE IT HEREBY RESOLVED by the City of Lauderdale, Ramsey County, State of Minnesota as follows:

The following tax levies are hereby made against all taxable property in the City of Lauderdale for the tax levy 2004, payable 2005:

Total proposed levy for 2004 payable in 2005: **\$489,600**

This includes fiscal disparities amount of \$78,189.

BE IT FURTHER RESOLVED, that there will not be a certified debt levy for the General Obligation Bonds Series 2000A, the General Obligation Bonds Series 2002A, and the General Obligation Bonds Series 2003A.

BE IT FURTHER RESOLVED that the City Administrator is authorized and directed at this time to certify this Resolution to the County Auditor of Ramsey County, Minnesota.

CITY OF LAUDERDALE)
COUNTY OF RAMSEY) ss
STATE OF MINNESOTA)

I, Richard Getschow, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on September 14, 2004 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 14th day of September, 2004.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

2005 LEVY AND IMPACT ON LAUDERDALE HOMES

OPTION D

	Gross Levy	- HACA =	Levy -	Fiscal Disparities	Net Levy (Local Levy)	Tax Capacity	City = Tax Rate
1995	\$469,747	\$84,013	\$385,734	\$97,645	\$288,089	\$1,099,160	0.26210
1996	\$480,148	\$80,540	\$399,608	\$111,519	\$288,089	\$1,107,105	0.26022
1997	\$533,775	\$81,305	\$452,470	\$120,053	\$332,417	\$1,290,437	0.25760
1998	\$550,961	\$81,305	\$469,656	\$126,788	\$342,868	\$1,196,529	0.28655
1999	\$550,920	\$81,264	\$469,656	\$138,964	\$330,692	\$1,139,484	0.29021
2000	\$576,618	\$88,212	\$488,406	\$136,506	\$351,900	\$1,212,463	0.29024
2001	\$576,640	\$88,234	\$488,406	\$137,608	\$350,798	\$1,288,844	0.27218
2002	\$480,000	\$0	\$480,000	\$113,102	\$366,898	\$1,101,190	0.33318
2003	\$480,000	\$0	\$480,000	\$83,029	\$396,971	\$1,226,301	0.32371
2004	\$480,000	\$0	\$480,000	\$85,940	\$394,060	\$1,370,005	0.28763
2005	\$494,400	\$0	\$494,400	\$78,189	\$416,211	\$1,552,484	0.26809

\$100,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$100,000 Home
1999	\$100,000	1%	0.2902	\$290.21
2000	\$100,000	1%	0.2902	\$290.24
2001	\$100,000	1%	0.2722	\$272.18
2002	\$100,000	1%	0.3332	\$333.18
2003	\$100,000	1%	0.3237	\$323.71
2004	\$100,000	1%	0.2876	\$287.63
2005	\$100,000	1%	0.2681	\$268.09
DIFFERENCE				(\$19.54)

\$145,200 Home	Value	x Tax %	x Tax Rate	= Tax on Median Lauderdale Home
2002	\$76,000	1%	0.3332	\$253.22
	\$69,200	1.65%	0.3332	\$380.43
			Total Tax	\$633.65
2003	\$76,000	1%	0.3237	\$246.02
	\$69,200	1.00%	0.3237	\$224.01
			Total Tax	\$470.03
2004	\$76,000	1%	0.2876	\$218.60
	\$69,200	1.00%	0.2876	\$199.04
			Total Tax	\$417.64
2005	\$76,000	1%	0.2681	\$203.75
	\$69,200	1.00%	0.2681	\$185.52
			Total Tax	\$389.27
DIFFERENCE				(\$28.37)

\$200,000 Home	Value	x Tax %	x Tax Rate	= Tax on \$200,000 Home
2002	\$76,000	1%	0.3332	\$253.22
	\$124,000	1.65%	0.3332	\$681.69
			Total Tax	\$934.91
2003	\$76,000	1%	0.3237	\$246.02
	\$124,000	1.00%	0.3237	\$401.41
			Total Tax	\$647.43
2004	\$76,000	1%	0.2876	\$218.60
	\$124,000	1.00%	0.2876	\$356.67
			Total Tax	\$575.27
2005	\$76,000	1%	0.2681	\$203.75
	\$124,000	1.00%	0.2681	\$332.44
			Total Tax	\$536.19
DIFFERENCE				(\$39.08)

RESOLUTION NO. 091404A

**CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

RESOLUTION LEVYING TAXES FOR 2004 PAYABLE IN 2005

BE IT HEREBY RESOLVED by the City of Lauderdale, Ramsey County, State of Minnesota as follows:

The following tax levies are hereby made against all taxable property in the City of Lauderdale for the tax levy 2004, payable 2005:

Total proposed levy for 2004 payable in 2005: **\$494,400**

This includes fiscal disparities amount of \$78,189.

BE IT FURTHER RESOLVED, that there will not be a certified debt levy for the General Obligation Bonds Series 2000A, the General Obligation Bonds Series 2002A, and the General Obligation Bonds Series 2003A.

BE IT FURTHER RESOLVED that the City Administrator is authorized and directed at this time to certify this Resolution to the County Auditor of Ramsey County, Minnesota.

CITY OF LAUDERDALE)
COUNTY OF RAMSEY) ss
STATE OF MINNESOTA)

I, Richard Getschow, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on September 14, 2004 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 14th day of September, 2004.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

RESOLUTION NO. 091404A

**CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

RESOLUTION LEVYING TAXES FOR 2004 PAYABLE IN 2005

BE IT HEREBY RESOLVED by the City of Lauderdale, Ramsey County, State of Minnesota as follows:

The following tax levies are hereby made against all taxable property in the City of Lauderdale for the tax levy 2004, payable 2005:

Total proposed levy for 2004 payable in 2005: **\$499,200**

This includes fiscal disparities amount of \$78,189.

BE IT FURTHER RESOLVED, that there will not be a certified debt levy for the General Obligation Bonds Series 2000A, the General Obligation Bonds Series 2002A, and the General Obligation Bonds Series 2003A.

BE IT FURTHER RESOLVED that the City Administrator is authorized and directed at this time to certify this Resolution to the County Auditor of Ramsey County, Minnesota.

CITY OF LAUDERDALE)
COUNTY OF RAMSEY) ss
STATE OF MINNESOTA)

I, Richard Getschow, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on September 14, 2004 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 14th day of September, 2004.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Rick Getschow, City Administrator

2005 LEVY AND IMPACT ON LAUDERDALE HOMES

	Gross Levy	- HACA =	Levy -	Fiscal Disparities	Net Levy (Local Levy)	Tax Capacity	City = Tax Rate
1995	\$469,747	\$84,013	\$385,734	\$97,645	\$288,089	\$1,099,160	0.26210
1996	\$480,148	\$80,540	\$399,608	\$111,519	\$288,089	\$1,107,105	0.26022
1997	\$533,775	\$81,305	\$452,470	\$120,053	\$332,417	\$1,290,437	0.25760
1998	\$550,961	\$81,305	\$469,656	\$126,788	\$342,868	\$1,196,529	0.28655
1999	\$550,920	\$81,264	\$469,656	\$138,964	\$330,692	\$1,139,484	0.29021
2000	\$576,618	\$88,212	\$488,406	\$136,506	\$351,900	\$1,212,463	0.29024
2001	\$576,640	\$88,234	\$488,406	\$137,608	\$350,798	\$1,288,844	0.27218
2002	\$480,000	\$0	\$480,000	\$113,102	\$366,898	\$1,101,190	0.33318
2003	\$480,000	\$0	\$480,000	\$83,029	\$396,971	\$1,226,301	0.32371
2004	\$480,000	\$0	\$480,000	\$85,940	\$394,060	\$1,370,005	0.28763
2005	\$480,000	\$0	\$480,000	\$78,189	\$401,811	\$1,552,484	0.25882

2004 MEDIAN HOME VALUE AND TAX RATE COMPARED TO 2005 MEDIAN HOME VALUE AND TAX RATE

0%

\$125,700	\$76,000	1%	0.2876	\$218.60
	\$49,700	1.00%	0.2876	\$142.95
			Total Tax	\$361.56
\$145,200	\$76,000	1%	0.2588	\$196.70
	\$69,200	1.00%	0.2588	\$179.10
			Total Tax	\$375.80

DIFFERENCE \$14.25

2%

\$125,700	\$76,000	1%	0.2876	\$218.60
	\$49,700	1.00%	0.2876	\$142.95
			Total Tax	\$361.56
\$145,200	\$76,000	1%	0.2650	\$201.40
	\$69,200	1.00%	0.2650	\$183.38
			Total Tax	\$384.78

DIFFERENCE \$23.23

4%

\$125,700	\$76,000	1%	0.2876	\$218.60
	\$49,700	1.00%	0.2876	\$142.95
			Total Tax	\$361.56
\$145,200	\$76,000	1%	0.2712	\$206.10
	\$69,200	1.00%	0.2712	\$187.66
			Total Tax	\$393.76

DIFFERENCE \$32.21

Lauderdale City Council Memorandum

Council Meeting Date: September 14, 2004
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: Work Session Discussion

BACKGROUND:

A. Refuse Collection Task Force

The City Council will further discuss the organized solid waste and recycling proposals.

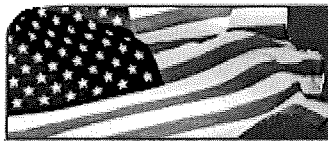
B. Draft Zoning Ordinance

Included under separate cover for use in your own binder is a draft of Chapter 17 (Home Occupations) and Chapter 18 (Adult Uses) for discussion.

The Chapter 17 (Home Occupations) draft is a second draft based on Council discussion at an earlier work session.

This will be the first time that the Council will discuss Chapter 18 (Adult Uses). Through research conducted by our Zoning Administrator (Jim), we have discovered that the Lauderdale draft is much briefer than recent versions that have been enacted across the State of Minnesota. We have included in this packet a copy of the City of Gaylord Adult Use Ordinance that is based on recent model ordinances. You can discuss whether or not you wish to enact a similar version or keep the current draft version.

As always, please come to the meeting with any comments or suggestions that you may have.



City of Gaylord

Community, Agriculture, Industry

[Home](#)

Adult Use Ordinance

[Print](#)

[Summer Recreation](#)

ORDINANCE NO. 246

[Eggstravaganza](#)

AN ORDINANCE PROVIDING FOR THE REGULATION OF ADULT ORIENTED BUSINESSES IN THE CITY OF GAYLORD; PROVIDING FOR THE ISSUANCE OF LICENSES AND COLLECTION OF FEES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

[City Officials](#)

[Islanders Baseball](#)

[Departments](#)

THE CITY COUNCIL OF THE CITY OF GAYLORD DOES ORDAIN AS FOLLOWS:

[Resident Services](#)

ADULT ESTABLISHMENTS

[New Resident Information](#)

SECTION 1. Purpose and Intent

[Meetings](#)

513.01 Findings of the City Council. Studies conducted by the Minnesota attorney general, the American Planning Association and cities such as St. Paul; Indianapolis; Alexandria, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; Seattle, Washington; have studied the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have an adverse impact on the surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks. Based on these studies and findings, the city council concludes:

[City Council](#)

[Businesses](#)

[History](#)

[Views Of The City](#)

[Zoning](#)

[Ordinances](#)

- (a) Adult establishments have adverse secondary impacts of the types set forth above.
- (b) The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by locational requirements, licensing requirements and health requirements.
- (c) It is not the intent of the city council to prohibit adult establishments from having a reasonable opportunity to locate in the city.
- (d) Minnesota Statutes, Section 462.357, allows the city to adopt regulations to promote the public health, safety, morals and general welfare.
- (e) The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing adult establishments.

[Adult Use](#)

[Municipal Utility](#)

[Nuisance](#)

[Parking](#)

[Sidewalk](#)

[Recreational Fires](#)

The City Council of the City of Gaylord makes the following findings regarding the need to license sexually oriented businesses. The findings are based upon the experiences of other cities where such businesses have located, as studied by City staff.

[City Jobs](#)

[News](#)

[Tourism](#)

[FAQ](#)

- (a) Sexually oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime-prevention programs and law enforcement services.
- (b) Sexually oriented businesses can be used as fronts for prostitution and other criminal activity. The experience of

Helpful Links**Feedback****Contact Us****Search**

☒ Full Site

☐ This Section

Search Tips

other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owners and operators of such facilities are regulated by licensing or other procedures.

- (c) Sexually oriented businesses can increase the risk of exposure to communicable diseases including but not limited to Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. Experiences of other cities indicate that such businesses can facilitate the spread of communicable diseases by virtue of the design and use of the premises, thereby endangering not only the patrons of such establishments but also the general public.
- (d) Sexually oriented businesses can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.
- (e) The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein.

Subdivision 1. Findings. It is the purpose of this Ordinance to regulate Adult Oriented Businesses to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to:

- (a) Prevent additional criminal activity within the City,
- (b) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
- (c) To locate Adult Oriented Businesses away from residential areas, schools, churches, and parks and playgrounds;
- (d) Prevent concentration of Adult Oriented Businesses within certain areas of the City.

Subdivision 2. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including Adult oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to Adult oriented materials protected by the First Amendment or to deny access by distributors and exhibitors of Adult oriented entertainment to their intended market.

Section 2. Definitions.

Subdivision 1. For purposes of this section the terms defined in this section have the meanings given them.

Subdivision 2. Adult Use. Any of the activities and businesses described below constitute "Adult Oriented Businesses" which are subject to the regulation of this Ordinance.

Subdivision 3. Adult Book and/or Media Store. An establishment which excludes minors and which has a substantial portion of its stock in trade or stock on display books, magazines, films, videotape, or other media which are characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

Subdivision 4. Adult Cabaret. An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age from all or part of the establishment and if such dancing or other live entertainment is distinguished or characterized by an emphasis

on the performance, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Subdivision 5. Adult Establishment. Any business which offers its patrons services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussion, or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, and other establishments.

Subdivision 6. Adult Hotel or Motel. Adult Hotel or Motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Subdivision 7. Adult Mini-Motion Picture Theater.

- a) A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
- b) Any business which presents motion pictures, from which minors are excluded from all or part of the establishment, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpts of motion pictures offered for sale or rent.

Subdivision 8. Adult Modeling Studio. An establishment, which excludes minors from all or part of the establishment, whose major business is the provision, to customers, or figure models who are so provided with the intent of providing sexual stimulation to sexual gratification to such customers and who engage 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.

Subdivision 9. Adult Motion Picture Arcade. Any place which excludes minors from all or part of the establishment wherein coin or token 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 or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

Subdivision 10. Adult Motion Picture Theater. A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting,

describing, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.

Subdivision 11. Adult Novelty Business. A business, from which minors are excluded from all or part of the establishment, which sells, offers to sell, or displays devices which simulate human genitals or devices which are designed for sexual stimulation.

Subdivision 12. Specified Anatomical Areas are any of the following conditions:

- a) Less than completely and opaquely covered;
 - 1) human genitals, pubic region, or pubic hair;
 - 2) buttock, anus; and
 - 3) female breast below a point immediately above the top of the areola; and
- b) Human male genitals in a discernible turgid state, completely and opaquely covered.

Subdivision 13. Specified Sexual Activities are any of the following conditions:

- a) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
- b) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
- c) Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ clothed or unclothed.
- d) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of a female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Section 3. Application of this Ordinance.

Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner, which is not in conformity with this Ordinance.

No Adult Oriented Business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by any ordinance of the City of Gaylord, the laws of the State of Minnesota, or the United States of America.

Nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale, or distribution of specified materials to minors.

Section 4. Location.

During the term of this Ordinance, no Adult Oriented Businesses shall be located less than 500 feet from any residential zoning district boundary or site used for residential purposes, and less than 500 feet from any church site, from any school site, from any day care facility, or from any park which is adjacent to property zoned residential. In addition, no Adult Oriented Business may be located within 500 feet of another Adult Oriented Business. For purposes of this Ordinance, this distance shall be a horizontal measurement from the nearest existing residential district boundary or site used for residential purposes, church site, school site, day care site, park site, or another Adult Oriented Business site to the nearest boundary of the proposed Adult Oriented site.

Section 5. Hours of Operation.

No Adult Oriented Business site shall be open to the public from the hours of 11:00 p.m. to 9:00 a.m.

Section 6. Operation.

Subdivision 1. Off-site Viewing. An establishment operating as an Adult Oriented Business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local ordinances.

Subdivision 2. Entrances. All entrances to the business, with the exception of emergency fire exits, which are not useable by patrons to enter the business, shall be visible from a public right-of-way.

Subdivision 3. Layout. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.

Subdivision 4. Illumination. Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.

Subdivision 5. Signs. Signs for Adult Oriented Businesses shall comply with the City's Ordinance for signs addressed in ordinance 4, and in addition signs for Adult Oriented Businesses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.

Section 7. Licenses.

Subdivision 1. Licenses Required. All establishments, including any business operating at the time this Ordinance becomes effective, operating or intending to operate an Adult Oriented Business, shall apply for and obtain a license from the City of Gaylord. A person is in violation of the City Code if he or she operates an Adult Oriented Business without a valid license, issued by the City.

Subdivision 2. Applications. An application for a license must be made on a form provided by the City.

- (a) The application must be accompanied by a sketch or diagram showing the configuration of the premises,

including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

- (b) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the appropriate state, county, and local law and codes by the health official, fire marshal, and building official.
- (c) Application for license shall contain the address and legal description of the property to be used; the names, addresses, phone numbers, dates of birth, of the owner, lessee, if any, the operator or manager, and all employees; the name, address, and phone number of two persons, who shall be residents of the State of Minnesota, and who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as the regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything incident to the establishment, maintenance and operation of the business.
- (d) If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses, and dates of birth of all individuals having an interest in the business, including partners, officers, owners, and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishings of said business and, in the case of a corporation, the names, addresses, and dates of birth of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation.
- (e) All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.
- (f) All establishments, including any business operating at the time this Ordinance becomes effective, operating or

intending to operate an Adult Oriented Business shall be prohibited if the license fee required by this ordinance has not been paid.

(g) All establishments, including any business operating at the time this Ordinance becomes effective, operating or intending to operate an Adult Oriented Business shall be prohibited if an applicant has been convicted of a crime involving any of the following offenses:

- (1) Any sex crimes as defined by Minn. Stat. 609.29 through 609.352 inclusive, or as defined by any ordinance or statute in conformity therewith;
- (2) Any obscenity crime as defined by Minn. Stat. 617.23 through 617.299 inclusive, or as defined by any ordinance or statute in conformity therewith; for which:
 - Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense.
 - Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or
 - Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the conviction is of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 month period.
- (3) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant's spouse.

Subdivision 4. Requalification. An applicant who has been convicted of an offense listed in Section 7, Subdivision 3 (g), may qualify for an Adult Oriented Business license only when the time period required by Section 7, Subdivision 3 (g), has elapsed.

Subdivision 5. Posting. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Adult Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Adult Oriented Business so that it may be easily read at any time.

Subdivision 6. Council Action. The City Council shall act to approve or disapprove the license application within 120 days from the date the application was submitted, provided that the application contains all of the information required by this ordinance. If the application is deficient, the Council shall act on the application within 120 days from the date that the deficiency has been corrected.

Subdivision 7. Appeals. Within 90 days after the decision by the Council, the applicant may appeal to the District Court by serving a notice upon the Mayor or Clerk of the Municipality.

Section 8. Fees.

Fees to obtain a license to operate an Adult Oriented Business shall be set at \$2,000.00 per year.

Section 9. Inspection.

Subdivision 1. Access. An applicant or licensee shall permit health officials, representatives of the police department, fire department, and building inspection division, to inspect the premises of an Adult Oriented Business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

Subdivision 2. Refusal to Permit Inspections. A person who operates an Adult Oriented Business or his/her agent or employee commits an offense if she or he refuses to permit a lawful inspection of the premises by health officials, representatives of the police department, fire department, and building inspection division at any time it is occupied or open for business. Refusal to permit inspections may result in the suspension of the license as provided in Section 11.

Subdivision 3. Exceptions. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Section 10. Expiration and Renewal.

Subdivision 1. Expiration. Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in Section 7, Subdivision 1. Application for renewal must be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected.

Subdivision 2. Denial of Renewal. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

Section 11. Suspension.

Subdivision 1. Causes of Suspension. The City may suspend a license for a period not to exceed 30 days if it determines that licensee or an employee of a licensee has:

- (a) Violated or is not in compliance with any provision of this chapter.
- (b) Engaged in the use of alcoholic beverages while on the Adult Oriented Business premises other than at an Adult Hotel or Motel.
- (c) Refused to allow an inspection of the Adult Oriented Business Premises as authorized by this chapter.
- (d) Knowingly permitted gambling by any person on the Adult Oriented Business premises.
- (e) Demonstrated inability to operate or manage an Adult Oriented Business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

Subdivision 2. Notice. A suspension by the City shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof.

Section 12. Revocation

Subdivision 1. Suspended Licenses. The City may revoke a license if a cause of suspension in Section 11 occurs and the license has been suspended within the preceding 12 months.

Subdivision 2. Causes of Revocation. The City shall revoke a license if it determines that:

- (a) A licensee gave false or misleading information in the material submitted to the City during the application process;
- (b) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (c) A licensee or an employee has knowingly allowed prostitution on the premises;
- (d) A licensee or an employee knowingly operated the Adult Oriented Business during a period of time when the licensee's license was suspended;
- (e) A licensee has been convicted of an offense listed in Section 7, Subdivision 3(g), for which the time period required in Section 7, Subdivision 3(g), has not elapsed;
- (f) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 7, Subdivision 3(g), for which a conviction has been obtained, and the person or persons were employees of the Adult Oriented Business at the time the offenses were committed.
- (g) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

Subdivision 3. Appeals. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

Subdivision 4. Exceptions. Section 12, Subdivision 2(g), does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

Subdivision 5. Granting a License After Revocation. When the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued an Adult Oriented Business license for one year from the date revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90

days have elapsed since the date the revocation became effective. If the license was revoked under Section 12, Subdivision 2(e), an applicant may not be granted another license until the appropriate number of years required under Section 7, Subdivision 3(g), has elapsed.

Subdivision 6. Notice. A revocation by the City shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof.

Section 13. Transfer of License.

A licensee shall not transfer this license to another, nor shall a licensee operate an Adult Oriented Business under the authority of a license at any place other than the address designated in the application.

Section 14. Severability.

Every section, provision, or part of this Ordinance or any permit issued to this ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this ordinance shall be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision, or part thereof.

Section 15. Effective. This Ordinance shall be effective upon its passage and publication.

APPROVED:

John C. Schwartz
Mayor

ATTEST:

Lonny L. Johnson
City Administrator

First Reading: October 3, 2001
Second Reading: November 7, 2001
Adopted: November 7, 2001
Published: November 15, 2001