

**RESOLUTION AMENDING THE MORRISON COUNTY ORDINANCE
REGULATING SEXUALLY ORIENTED BUSINESSES AND AMENDING THE
MORRISON COUNTY LAND USE CONTROL ORDINANCE ADULT USE
SECTION**

COPY
Recorded
1-26-07

WHEREAS: On October 21, 2003, Morrison County adopted an Ordinance Regulating Sexually Oriented businesses and amended the Morrison County Land Use Control Ordinance by including Section 1400 Adult Use; and,

WHEREAS: In the 2006 legislative session, the Minnesota Legislature passed and the Governor signed into law Chapter 240 of Minnesota Session Laws of the 84th Legislature; and,

WHEREAS: The new state law sets certain standards and limitations for adult entertainment establishments and allows local jurisdictions to adopt those portions of the law which met their particular needs; and,

WHEREAS: Following implementation of the ordinances, Morrison County has identified portions of the ordinance that need clarification or change and the county's experience with prostitution at an adult use establishment has shown the need for stricter control of adult use establishments;

THEREFORE, BE IT RESOLVED:

The findings of Section 1 of Chapter 240 of the Minnesota Session Laws of the 84th Legislature are hereby adopted and incorporated by reference; and,

BE IT FURTHER RESOLVED:

The findings of the Morrison County Board adopted on October 21, 2003 as part of the adoption of the Morrison County Ordinance Regulating Sexually Oriented Businesses and as part of the amendment of the Morrison County Land Use Control Ordinance Adult Use Section 1400 are also hereby reaffirmed and incorporated by reference; and,

BE IT FURTHER RESOLVED:

The County Board of Commissioners of Morrison County, Minnesota does hereby adopt the attached amendments to the Morrison County Ordinance Regulating Sexually Oriented Businesses and the attached amendments to the Morrison County Land Use Control Ordinance Adult Use Section 1400.

Motion: Wenzel Second: Schelling

Ayes: 5 Nays: 0
Adopted this 29 day of December, 2006.

Bill Block
Bill Block, Chairman
Morrison County Board of Commissioners

Timothy J. Houle
ATTEST:
Timothy J. Houle
County Administrator

AMENDMENT TO MORRISON COUNTY LAND USE CONTROL ORDINANCE

The following underlined text constitutes a summary of the proposed Ordinance amendment.

Part A

1400. ADULT USE: The Section is renumbered for clarification

1401.2 Live On Site :Means: The first paragraph was changed to remove the words “by a performer” and the definition of Adult Sauna/Steam Room/Bathhouse Facility the words “by the sauna/steam room/bathhouse facility” were removed

1402.3 Notice This section was added and reads as follows:

No person, firm or corporation shall operate a Live on Site, Media on Site or Media off Site Adult Use at a location where this type of establishment was not previously located unless, at least 60 days before submitting a permit application for operation of the establishment the person, firm or corporation gives written notice by certified mail to the chief clerical officer of the city or township in which the Live on Site, Media on Site or Media off Site Adult Use will be located and to the Morrison County Auditor of the date on which the person, firm or corporation intends to begin operation of the establishment. Upon receipt of the notice, the officer must acknowledge receipt of the notice by certified mail, return receipt requested, addressed to the person and notify the governing body of the notice.

1405. Performance Standards and Conditions of Land Use Permit-Adult Use. This section is changed to read as follows:

The County may issue adult use land use permits to businesses located in a commercial zone, subject to the following conditions.

No Live on Site or Media on Site Adult Use shall be located in the same building or closer than 1,320 feet to any other adult use. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of any other adult use premises.

No Live on Site or Media on Site Adult Use shall be located closer than 1,320 feet to any dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed childcare or day care center, or licensed group family day care home. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest point of the dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed child care or day care center or licensed group family day care home.

No Live on Site or Media on Site Adult Use shall be located closer than 1,320 feet to any residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground.

No Live on Site or Media on Site Adult Use shall be located closer than 2,800 feet to any place of worship or educational institution. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest lot line of the place of worship or educational institution.

An adult use shall not sell or dispense non-intoxicating or intoxicating liquors or hold a consumption and display permit, as those terms are defined in Minnesota Statute 340A, nor shall an adult use be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit, nor shall an adult use be located closer than 1,320 ft. to any building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of the licensed establishment containing alcohol use.

All setbacks identified in this section are reciprocal from adult uses to the uses identified in Section 1405 e. of this ordinance.

No adult use can offer or conduct more than one of the following on the same parcel:

- (1.) Adult uses defined in this section as Live On Site
- (2.) Adult uses defined in this section as Media On Site
- (3.) Adult uses defined in this section as Media Off Site

All adult uses shall prominently display at all public entrances, located within two (2) feet of the door opening device of the business establishment or section of the establishment devoted to adult uses a sign which states: “This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter”: The sign shall be in clear legible letters each letter being at least one inch high.

Adult Use Parking Requirements are as follows:

Minimum Parking Space Size. Each space shall contain a minimum area of not less than two hundred fifty (250) square feet including access drives, a width of not less than eight and one-half (8 1/2) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives.

Live On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.

Media On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.

Media Off Site adult uses must provide one (1) parking space for each one hundred (100) square feet of floor area of the licensed premise.

Adult uses must be contained entirely within an enclosed building or portion of a building with opaque coverings over all doors, windows, or other openings.

1407. No live on site Adult Use Permitted: This section reflects recent changes to MN Statutes regarding proximity and is as follows.

As long as an adult entertainment establishment as defined by M.S. 617.242 is located within 50 miles of Morrison County, no Live on Site Adult Use will be permitted in the county pursuant to M.S. 617.242 Subd. 3.

Part B

Repeal Section 1400 Adult Use, adopted November 2005 and replace with Section 1400 Adult Use dated upon adoption in 2006.

Adopted this 29th day of December, 2006.

**AMENDMENTS TO THE MORRISON COUNTY ORDINANCE REGARDING
SEXUALLY ORIENTED BUSINESSES.**

Summary of amendment (additions are underlined and deletions are ~~overstricken~~):

Morrison County intends to amend its ordinance regulating Sexually Oriented Businesses.

1. Section II E. 5): ~~The applicant has been convicted of a felony, gross misdemeanor, or misdemeanor sexually related offense, obscenity offense, or adult use ordinance violation in the past three (3) years;~~ The applicant has been convicted of one of the following offenses and less than three years have elapsed since the defendant was discharged from sentence for that offense or for a similar offense committed in another state or jurisdiction:
 - a) prostitution under sections 609.321; 609.324; 609.3242;
 - b) criminal sexual conduct under sections 609.342 to 609.3451;
 - c) solicitation of children under section 609.352;
 - d) indecent exposure under section 617.23;
 - e) distribution or exhibition of obscene materials and performances under section 617.241;
 - f) use of a minor in a sexual performance under section 617.246;
 - g) possession of pornographic work involving minors under section 617.247
2. Section II G. 1): The Public Health Department shall approve or deny the license application within ~~thirty (30)~~ sixty (60) days of receipt of a completed application.
3. Section IV A. 3): The licensee or responsible person on the premises is under the influence of alcohol or controlled substances during the time the sexually oriented business is open to the public.
4. Section IV B. 3): The licensee or responsible person violates ~~state or federal laws relating to obscenity, prostitution, indecent exposure or criminal sexual conduct;~~ any law identified in Section II, E, 5) above, or a similar offense in another state or jurisdiction;
5. Section VII C. 1c): Display the above described material only in an area where entry is either personally or electronically controlled at all times by a store employee and the area is under constant video surveillance by a store employee.
6. Section VIII: No ~~live on-site and media on-site~~ sexually oriented business may operate between the hours of ~~1:00 a.m. 10 p.m.~~ and ~~4:00 p.m. 10 a.m.~~ on any day. No media off-site sexually oriented business may operate between the hours of 1:00 a.m. and 9:00 a.m. on any day.

Adopted this 29th day of December, 2006.

Susan Kulus, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as the *Morrison County Record*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Intent to Enact

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language; that it was first so published on:

Oct 29, 2006 for 1 time(s),

the subsequent dates of publication being as follows:

and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

*abcdefghijklmnopqrstuvwxyz

BY: Susan Kulus
TITLE: legal secretary

Subscribed and sworn to before me on this

30 day of Oct, 2006
Judith S. Espino
Notary Public



*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION:

- (1) Lowest classified rate paid by commercial users for comparable space.

\$ 30¢ per word
(Line, word or inch rate)
- (2) Maximum rate allowed by law for the above matter.

\$ 30¢ per word
(Line, word or inch rate)
- (3) Rate actually charged for the above matter.

\$.03
(Line, word or inch rate)

NOTICE OF INTENT TO ENACT
NOTICE OF PUBLIC HEARING
Notice is hereby given that Morrison County intends to enact an amendment to its Land Use Control Ordinance by adding or changing the following in section 1400, Adult Uses.

The following underlined text constitutes a summary of the proposed Ordinance amendment. Copies of the full document may be viewed at the Morrison County Planning & Zoning Office, or the Morrison County Auditor Office.

Part A
1400. ADULT USE: The Section is re-
numbered for clarification

1401.2 Live On Site :Means: The first paragraph was changed to remove the words "by a performer" and the definition of Adult Sauna/Steam Room/Bathhouse Facility the words "by the sauna/steam room/ bathhouse facility" were removed

1402.3 Notice This section was added and reads as follows:

No person, firm or corporation shall operate a Live on Site, Media on Site or Media off Site Adult Use at a location where this type of establishment was not previously located unless, at least 60 days before submitting a permit application for operation of the establishment the person, firm or corporation gives written notice by certified mail to the chief clerical officer of the city or township in which the Live on Site, Media on Site or Media off Site Adult Use will be located and to the Morrison County Auditor of the date on which the person, firm or corporation intends to begin operation of the establishment. Upon receipt of the notice, the officer must acknowledge receipt of the notice by certified mail, return receipt requested, addressed to the person and notify the governing body of the notice.

1405. Performance Standards and Conditions of Land Use Permit-Adult Use. This section is changed to read as follows: The County may issue adult use land use permits to businesses located in a commercial zone, subject to the following conditions.

No Live on Site or Media on Site Adult Use shall be located in the same building or closer than 1,320 feet to any other adult use. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of any other adult use premises.

No Live on Site or Media on Site Adult Use shall be located closer than 1,320 feet to any dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed childcare or day care center, or licensed group family day care home. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest point of the dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed child care or day care center or licensed group family day care home.

No Live on Site or Media on Site Adult Use shall be located closer than 1,320 feet to any residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground.

No Live on Site or Media on Site Adult Use shall be located closer than 2,800 feet to any place of worship or educational institution. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest lot line of the place of worship or educational institution.

An adult use shall not sell or dispense non-intoxicating or intoxicating liquors or hold a consumption and display permit, as those terms are defined in Minnesota Statute 340A, nor shall an adult use be located in a building that contains a business that sells or dispenses non-intoxicating or in-

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(2.) Adult uses defined in this section as Media On Site

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As long as an adult entertainment establishment as defined by M.S. 617.242 is located within 50 miles of Morrison County, no Live on Site Adult Use will be permitted in the county pursuant to M.S. 617.242 Subd. 3.

Part B

Repeal Section 1400 Adult Use, adopted November 2005 and replace with Section 1400 Adult Use dated upon adoption in 2006.

The Morrison County Board of Commissioners will hold a public hearing to consider adoption of the above-stated Amendment at 9:35 a.m. on November 21, 2006, at the Motley City Hall, Motley, Minnesota.

PUBLISH: October 29, 2006 [12007]

Susan Kulus, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as the *Morrison County Record*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Intent to Enact

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language; that it was first so published on:

Oct 29, 2006 for 1 time(s),

the subsequent dates of publication being as follows:

and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

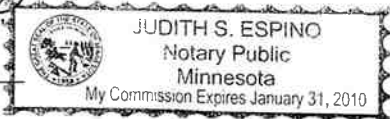
*abcdefghijklmnopqrstuvwxyz

BY: Susan Kulus
TITLE: Legal Secretary

Subscribed and sworn to before me on this

30 day of Oct, 2006

Judith S. Espino
Notary Public



*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION:

- | | |
|---|---|
| (1) Lowest classified rate paid by commercial users for comparable space. | \$ <u>30¢ per word</u>
(Line, word or inch <u>rate</u>) |
| (2) Maximum rate allowed by law for the above matter. | \$ <u>30¢ per word</u>
(Line, word or inch <u>rate</u>) |
| (3) Rate actually charged for the above matter. | \$ <u>537</u>
(Line, word or inch <u>rate</u>) |

NOTICE OF INTENT TO ENACT NOTICE OF PUBLIC HEARING

The Morrison County Board of Commissioners hereby gives notice of its intent to amend its ordinance regulating Sexually Oriented Businesses.

Summary of amendment (additions are underlined and deletions are ~~overstruck~~):

Morrison County intends to amend its ordinance regulating Sexually Oriented Businesses.

Section II E. 5): ~~The applicant has been convicted of a felony, gross misdemeanor, or misdemeanor sexually related offense, obscenity offense, or adult use ordinance violation in the past three (3) years; The applicant has been convicted of one of the following offenses and less than three years have elapsed since the defendant was discharged from sentence for that offense or for a similar offense committed in another state or jurisdiction:~~
prostitution under sections 609.321; 609.324; 609.3242; criminal sexual conduct under sections 609.342 to 609.3451; solicitation of children under section 609.352; indecent exposure under section 617.23; distribution or exhibition of obscene materials and performances under section 617.241; use of a minor in a sexual performance under section 617.246; possession of pornographic work involving minors under section 617.247

Section II G. 1): The Public Health Department shall approve or deny the license application within ~~thirty (30)~~ sixty (60) days of receipt of a completed application.

Section IV A. 3): The licensee or responsible person on the premises is under the influence of alcohol or controlled substances during the time the sexually oriented business is open to the public.

Section IV B. 3): The licensee or responsible person violates ~~state or federal laws relating to obscenity, prostitution, indecent exposure or criminal sexual conduct; any law identified in Section II, E. 5) above, or a similar offense in another state or jurisdiction;~~

Section VII C. 1c): Display the above described material only in an area where entry is either personally or electronically controlled at all times by a store employee and the area is under constant video surveillance by a store employee.

Section VIII: ~~No live on-site and media on-site sexually oriented business may operate between the hours of 1:00 a.m. 10 p.m. and 1:00 p.m. 10 a.m. on any day. No media off-site sexually oriented business may operate between the hours of 1:00 a.m. and 9:00 a.m. on any day.~~

The Morrison County Board of Commissioners will hold a public hearing to consider adoption of the above-stated Amendment at 9:30 a.m. on November 21, 2006, at the Motley City Hall, Motley, Minnesota. Copies of the complete Ordinance Regulating Sexually Oriented Businesses can be obtained from Morrison County Public Health or County Administrator.

Susan Kulus, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as the *Morrison County Record*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed notice of intent to Enact

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language; that it was first so published on:

Dec 3 2006 for 1 time(s),

the subsequent dates of publication being as follows:

and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

*abcdefghijklmnopqrstuvwxyz

BY: Susan Kulus
TITLE: legale secretary

Subscribed and sworn to before me on this

4 day of Dec, 2006

Judith S. Espino
Notary Public



*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION:

- (1) Lowest classified rate paid by commercial users for comparable space.

\$ 30¢ per word
(Line, word or inch rate)
- (2) Maximum rate allowed by law for the above matter.

\$ 30¢ per word
(Line, word or inch rate)
- (3) Rate actually charged for the above matter.

\$.63
(Line, word or inch rate)

NOTICE OF INTENT TO ENACT
NOTICE OF PUBLIC HEARING
Notice is hereby given that Morrison County intends to enact an amendment to its Land Use Control Ordinance by adding or changing the following in section 1400, Adult Uses.

The following underlined text constitutes a summary of the proposed Ordinance amendment. Copies of the full document may be viewed at the Morrison County Planning & Zoning Office, or the Morrison County Auditor office.

Part A
1400. ADULT USE. The Section is renumbered for clarification.

1401.2 Live On Site: Means: The first paragraph was changed to remove the words "by a performer" and the definition of Adult Sauna/Steam Room/Bathhouse Facility the words "by the sauna/steam room/bathhouse facility" were removed

1402.3 Notice This section was added and reads as follows:

No person, firm or corporation shall operate a Live On Site, Media On Site or Media Off Site Adult Use at a location where this type of establishment was not previously located unless, at least 60 days before submitting a permit application for operation of the establishment the person, firm or corporation gives written notice by certified mail to the chief clerical officer at the city or township in which the Live On Site, Media on Site or Media Off Site Adult Use will be located and to the Morrison County Auditor of the date on which the person, firm or corporation intends to begin operation of the establishment. Upon receipt of the notice, the officer must acknowledge receipt of the notice by certified mail. Return receipt requested, addressed to the person and notify the governing body of the notice.

1405. Performance Standards and Conditions of Land Use Permit - Adult Use. This section is changed to read as follows:

The County may issue adult use land use permits to businesses located in a commercial zone, subject to the following conditions.

No Live on Site or Media on Site Adult Use shall be located in the same building or closer than 1,320 feet to any other adult use. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of any other adult use premises.

No Live On Site or Media on Site Adult Use shall be located closer than 1,320 feet to any dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed childcare or day care center, or licensed group family day care home. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest point of the dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed child care or day care center or licensed group family day care home.

No Live on Site or Media on Site Adult Use shall be located closer than 1,320 feet to any residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground.

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city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground.

No Live on Site or Media on Site Adult use shall be located closer than 2,800 feet to any place of worship or educational institution. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest lot line of the place of worship or educational institution.

An adult use shall not sell or dispense non-intoxicating or intoxicating liquors or hold a consumption and display permit, as those terms are defined in Minnesota Statutes 340A, nor shall an adult use be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit, nor shall an adult use be located closer than 1,320 ft. to any building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of the licensed establishment containing alcohol use.

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Minimum Parking Space Size. Each space shall contain a minimum area of not less than two hundred fifty (25) square feet including access drives, a width of not less than eight and one-half (8 1/2) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives.

Live On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.

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Adults uses must be contained entirely within an enclosed building or portion of a building with opaque coverings over all doors, windows, or other openings.

1407. No live on site Adult Use Permitted : This section reflects recent changes to MN Statutes regarding proximity and is as follows:

As long as an adult entertainment establishment as defined by M.S. 617.242 is located within 50 miles of Morrison County, no Live on Site Adult Use will be permitted in the county pursuant to M.S. 617.242, Subd. 3.

Part B

Live On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.

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As long as an adult entertainment establishment as defined by M.S. 617.242 is located within 50 miles of Morrison County, no Live on Site Adult Use will be permitted in the county pursuant to M.S. 617.242, Subd. 3.

Part B

Repeal Section 1400 Adult Use, adopted November 2005 and replace with Section 1400 Adult Use dated upon adoption in 2006.

The Morrison County Planning Commission and the Board of Commissioners will hold a public hearing to consider adoption of the above-stated Amendment at 7:00 PM on Monday, December 18, 2006 in Meeting Room 1 of the Morrison County Government Center, Little Falls, Minnesota.

PUBLISH: December 3, 2006

STATE OF MINNESOTA)
COUNTY OF MORRISON)

AFFIDAVIT OF PUBLICATION

ss.

NOTICE OF INTENT TO ENACT
NOTICE OF PUBLIC HEARING
The Morrison County Board of
Commissioners hereby gives notice of
its intent to amend its ordinance regu-
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Summary of amendment (additions
are underlined and deletions are over-
stricken):

Morrison County intends to amend
its ordinance regulating Sexually Ori-
ented Businesses.

Section II E. 5): The applicant has
been convicted of a felony, gross mis-
demeanor, or misdemeanor sexually
related offense, obscenity offense, or
adult use ordinance violation in the past
three (3) years; The applicant has been
convicted of one of the following
offenses and less than three years have
elapsed since the defendant was dis-
charged from sentence for that offense
or for a similar offense committed in
another state or jurisdiction:

prostitution under sections 609.321;
609.324; 609.3242;

criminal sexual conduct under sec-
tions 609.342 to 609.3451;

solicitation of children under section
609.352;

indecent exposure under section
617.23;

distribution or exhibition of obscene
materials and performances under sec-
tion 617.241;

use of a minor in a sexual perfor-
mance under section 617.246;

possession of pornographic work
involving minors under section 617.247

Section II G. 1): The Public Health
Department shall approve or deny the
license application within thirty (30) ~~sixty~~

(60) days of receipt of a completed
application.

Section IV A. 3): The licensee or
responsible person on the premises is

under the influence of alcohol or con-
trolled substances during the time the
sexually oriented business is open to the
public.

Section IV B. 3): The licensee or
responsible person violates state or fed-
eral laws relating to obscenity, prostitu-

tion, indecent exposure or criminal
sexual conduct; any law identified in

Section II, E, 5) above, or a similar

offense in another state or jurisdiction;

Section VII C. 1c): Display the above
described material only in an area where
entry is either personally or electroni-

cally controlled at all times by a store
employee and the area is under con-
stant video surveillance by a store
employee.

Section VIII: No live on-site and

media on-site sexually oriented busi-

ness may operate between the hours of

1:00 a.m. 10 p.m. and 1:00 p.m. 10 a.m.

on any day. No media off-site sexually

oriented business may operate between

the hours of 1:00 a.m. and 9:00 a.m. on

any day.

The Morrison County Board of
Commissioners will hold a public hear-

ing to consider adoption of the
above-stated Amendment at 9:30 a.m.

on December 19, 2006, in the County
Board Room of the Government Center,

Little Falls, Minnesota. Copies of the
complete Ordinance Regulating Sexu-

ally Oriented Businesses can be
obtained from Morrison County Public

Health or County Administrator.

PUBLISH: December 3, 2006

Susan Kulus, being duly sworn, on oath says that she is the publisher or autho-
rized agent and employee of the publisher of the newspaper known as the *Morrison
County Record*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifi-
cation as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07,
and other applicable laws, as amended.

(B) The printed Intent to Enact -
Sexually Oriented Businesses

hereto attached as a part hereof was cut from the columns of said newspaper, and was
printed and published therein in the English language; that it was first so published on:

Dec 3, 2006 for 1 time(s),

the subsequent dates of publication being as follows:

and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which
is hereby acknowledged as being the size and kind of type used in the composition and
publication of the notice:

*abcdefghijklmnopqrstuvwxyz

BY: Susan Kulus

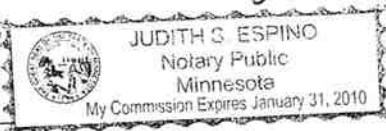
TITLE: Legal Secretary

Subscribed and sworn to before me on this

4 day of Dec, 2006

Judith S. Espino

Notary Public



*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION:

- | | |
|---|---|
| (1) Lowest classified rate paid by commercial users for comparable space. | \$ <u>30¢ per word</u>
(Line, word or inch <u>rate</u>) |
| (2) Maximum rate allowed by law for the above matter. | \$ <u>30¢ per word</u>
(Line, word or inch <u>rate</u>) |
| (3) Rate actually charged for the above matter. | \$ <u>.63</u>
(Line, word or inch <u>rate</u>) |

Susan Kulus, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as the *Morrison County Record*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Minutes

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language; that it was first so published on:

Jun. 14 2007 for 1 time(s),

the subsequent dates of publication being as follows:

and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

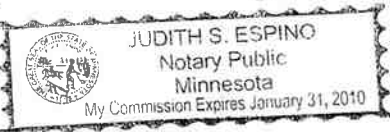
*abcdefghijklmnopqrstuvwxyz

BY: Susan Kulus
TITLE: Legal Secretary

Subscribed and sworn to before me on this

15 day of Jan, 2007
Judith S. Espino

Notary Public



*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION:

- | | |
|---|---|
| (1) Lowest classified rate paid by commercial users for comparable space. | \$ <u>30¢ per word</u>
(Line, word or inch <u>rate</u>) |
| (2) Maximum rate allowed by law for the above matter. | \$ <u>30¢ per word</u>
(Line, word or inch <u>rate</u>) |
| (3) Rate actually charged for the above matter. | \$ <u>.63</u>
(Line, word or inch <u>rate</u>) |

MORRISON COUNTY BOARD OF COMMISSIONERS
MINUTES FOR DECEMBER 29, 2006
The meeting was held in the County Board Room, Government Center, Little Falls, MN.
The meeting was called to order at 10:30 a.m. by Chairman Block.
Members present: Commissioners Bill Block, Don Meyer, Gene Young, Tom Wenzel, and Jeff Schilling.
Staff present: Tim Houle, Conrad Freeberg, Steve Reger, Steve Backowski, Jane Starz, Kirsten Hoese, Steve Messerschmidt, Glen Erickson, and Connie Waytashek.
Others present: Ken Ballou, Chris Schafer, Bethany Malisheski, and Bob Verkuilen.
APPROVAL OF COUNTY BOARD MINUTES

A motion was made by Commissioner Meyer, seconded by Commissioner Wenzel, and carried unanimously to approve the Morrison County Board of Commissioners minutes for December 19, 2006, Resolution #2006-060, and Resolution #2006-061.
AGENDA CHANGES

A motion was made by Commissioner Schilling, seconded by Commissioner Young, and carried unanimously to adopt the agenda as revised.
SOCIAL SERVICES REPORT

A motion was made by Commissioner Young, seconded by Commissioner Wenzel, and carried unanimously to authorize the recruitment of a vacant Social Worker position due to the resignation of employee #504.

A motion was made by Commissioner Meyer and seconded by Commissioner Wenzel to authorize an additional appropriation to Northern Pines in the amount of \$2,033.00 for percentage of utilization of Psychiatric services, funds from the General Fund.

A motion was made by Commissioner Young, seconded by Commissioner Wenzel, and carried unanimously to approve a new 2007 Purchase of Service Contract with Haven Recovery.
BUDGET REPORT

A motion was made by Commissioner Schilling and seconded by Commissioner Wenzel to approve the Abstract of year-end transfers and designations as attached. Motion carried 4-0 (Commissioner Meyer absent) with all Commissioners voting "aye".
ASSESSOR'S REPORT

A motion was made by Commissioner Young, seconded by Commissioner Wenzel, and carried unanimously to allow movement of staff in the Assessor's Office from an Accredited Appraiser to a Senior Accredited Appraiser upon proof of receiving accreditation from the State of Minnesota.
PUBLIC HEALTH REPORT

A motion was made by Commissioner Wenzel, seconded by Commissioner Young, and carried unanimously to approve the following personnel actions:

Increase hours of employee #162 from .85 FTE to 1.0 FTE effective 1/1/07
Increase hours of employee #109 from .5 FTE to .6 FTE effective 1/1/07

Authorize recruitment of a vacant Environmental Specialist position due to the resignation of employee #57
PUBLIC WORKS REPORT

A motion was made by Commissioner Wenzel and seconded by Commissioner Meyer to approve a Purchase Agreement between Morrison County and Gilbert and Alice Gustafson for property in Green Prairie Township in the amount of \$34,400.00. Motion carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Schilling, seconded by Commissioner Young, and carried unanimously to approve Resolution #2006-060, 2010 Federal Transportation Project Submittal.
RESOLUTION ADOPTING ORDINANCE AMENDMENTS

A motion was made by Commissioner Wenzel, seconded by Commissioner Schilling, and carried unanimously to approve the Resolution amending the Morrison County Ordinance Regulating Sexually Oriented Businesses and Amending the Morrison County Land Use Control Ordinance Adult Use Section as follows.

COUNTY BOARD WARRANTS

A motion was made by

Commissioner Meyer and seconded by Commissioner Young to approve the following Resolution:

WHEREAS, the Morrison County Board of Commissioners has reviewed the list of County Board Warrants;

NOW THEREFORE, BE IT RESOLVED, that the list of County Board Warrants on file in the Auditor's Office for December 29, 2006 be approved for payment:

REVENUE	\$149,654.53
PUBLIC WORKS	\$124,546.09
SOCIAL SERVICE	\$137,336.01
SOLID WASTE	\$ 3,938.00
BUILDING	\$ 1,994.00
LOCAL COLLAB	\$ 18,912.70
TOTAL	\$436,381.36
Reimbursable expenses	\$ 397.14

Motion carried on a roll call vote with all Commissioners voting "aye".
ADMINISTRATOR'S REPORT

A motion was made by Commissioner Young, seconded by Commissioner Wenzel, and carried unanimously to authorize recruitment of a part-time OJT student as Receptionist in Administration at 20 hours per week during the school year and up to 40 hours per week during the summer at the minimum wage rate of \$6.15 per hour to assist with telephone coverage.

A motion was made by Commissioner Schilling and seconded by Commissioner Wenzel to approve an additional appropriation for the Humane Society in the amount of up to \$5,000.00 from the General Fund for project related one-time expenses, contingent on matching funds from the City of Little Falls. Motion carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Schilling, seconded by Commissioner Young, and carried unanimously to authorize the County Board Chairman and County Administrator to execute the final copy of the labor agreement between Morrison County and AFSCME Public Works Unit for the period 1/1/07 to 12/31/08.
ADJOURNMENT

A motion was made by Commissioner Wenzel, seconded by Commissioner Meyer, and carried unanimously to adjourn the meeting at 11:45 a.m.

RESOLUTION AMENDING THE MORRISON COUNTY ORDINANCE REGULATING SEXUALLY ORIENTED BUSINESSES AND AMENDING THE MORRISON COUNTY LAND USE CONTROL ORDINANCE ADULT USE SECTION

WHEREAS: On October 21, 2003, Morrison County adopted an Ordinance Regulating Sexually Oriented Businesses and amended the Morrison County Land Use Control Ordinance by including Section 1400 Adult Use; and,

WHEREAS: In the 2006 legislative session, the Minnesota Legislature passed and the Governor signed into law Chapter 240 of Minnesota Session Laws of the 84th Legislature; and,

WHEREAS: The new state law sets certain standards and limitations for adult entertainment establishments and allows local jurisdictions to adopt those portions of the law which met their particular needs; and,

WHEREAS: Following implementation of the ordinances, Morrison County has identified portions of the ordinance that need clarification or change and the county's experience with prostitution at an adult use establishment has shown the need for stricter control of adult use establishments;
THEREFORE, BE IT RESOLVED:

The findings of Section 1 of Chapter 240 of the Minnesota Session Laws of the 84th Legislature are hereby adopted and incorporated by reference; and,
BE IT FURTHER RESOLVED:

The findings of the Morrison County Board adopted on October 21, 2003 as part of the adoption of the Morrison County Ordinance Regulating Sexually Oriented Businesses and as part of the amendment of the Morrison County Land Use Control Ordinance Adult Use Section 1400 are also hereby reaffirmed and incorporated by reference; and,
BE IT FURTHER RESOLVED:

The County Board of Commissioners of Morrison County, Minnesota does hereby adopt the attached amendments to the Morrison County Ordinance Regulating Sexually Oriented Businesses and the attached amendments to the Morrison County Land Use Control Ordinance Adult Use Section 1400.
SS: Bill Block, Chairman
ATTEST:
Timothy J. Houle
County Administrator
AMENDMENT TO MORRISON COUNTY LAND USE CONTROL ORDINANCE

The following underlined text constitutes a summary of the proposed Ordinance amendment.
Part A

1400. ADULT USE: The Section is renumbered for clarification

1401.2 Live On Site :Mearis: The first paragraph was changed to remove the words "by a performer" and the definition of Adult Sauna/Steam Room/Bathhouse Facility the words "by the sauna/steam room/bathhouse facility" were removed

1402.3 Notice This section was added and reads as follows:

No person, firm or corporation shall operate a Live on Site, Media on Site or Media off Site Adult Use at a location where this type of establishment was not previously located unless, at least 60 days before submitting a permit application for operation of the establishment the person, firm or corporation gives written notice by

certified mail to the chief clerical officer of the city or township in which the Live on Site, Media on Site or Media off Site Adult Use will be located and to the Morrison County Auditor of the date on which the person, firm or corporation intends to begin operation of the establishment. Upon receipt of the notice, the officer must acknowledge receipt of the notice by certified mail, return receipt requested, addressed to the person and notify the governing body of the notice.

1405. Performance Standards and Conditions of Land Use Permit-Adult Use. This section is changed to read as follows:

The County may issue adult use land use permits to businesses located in a commercial zone, subject to the following conditions.

No Live on Site or Media on Site Adult Use shall be located in the same building or closer than 1,320 feet to any other adult use. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of any other adult use premises.

No Live on Site or Media on Site Adult Use shall be located closer than 1,320 feet to any dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed childcare or day care center, or licensed group family day care home. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest point of the dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed child care or day care center or licensed group family day care home.

No Live on Site or Media on Site Adult Use shall be located closer than 1,320 feet to any residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground.

No Live on Site or Media on Site Adult Use shall be located closer than 2,800 feet to any place of worship or educational institution. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest lot line of the place of worship or educational institution.

An adult use shall not sell or dispense non-intoxicating or intoxicating liquors or hold a consumption and display permit, as those terms are defined in Minnesota Statute 340A, nor shall an adult use be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit, nor shall an adult use be located closer than 1,320 ft. to any building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of the licensed establishment containing alcohol use.

All setbacks identified in this section are reciprocal from adult uses to the uses identified in Section 1405 e. of this ordinance.

No adult use can offer or conduct more than one of the following on the same parcel:

(1.) Adult uses defined in this section as Live On Site

(2.) Adult uses defined in this section as Media On Site

(3.) Adult uses defined in this section as Media Off Site

All adult uses shall prominently display at all public entrances, located within two (2) feet of the door opening device of the business establishment or section of the establishment devoted to adult uses a sign which states: "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter". The sign shall be in clear legible letters each letter being at least one inch high.

Adult Use Parking Requirements are as follows:

Minimum Parking Space Size. Each space shall contain a minimum area of not less than two hundred fifty (250) square feet including access drives, a width of not less than eight and one-half (8 1/2) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives.

Live On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.

Media On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.

Media Off Site adult uses must provide one (1) parking space for each one hundred (100) square feet of floor area of the licensed premise.

Adult uses must be contained

entirely within an enclosed building or portion of a building with opaque coverings over all doors, windows, or other openings.

1407. No live on site Adult Use Permitted: This section reflects recent changes to MN Statutes regarding proximity and is as follows:

As long as an adult entertainment establishment as defined by M.S. 617.242 is located within 50 miles of Morrison County, no Live on Site Adult Use will be permitted in the county pursuant to M.S. 617.242 Subd. 3.

Part B

Repeal Section 1400 Adult Use, adopted November 2005 and replace with Section 1400 Adult Use dated upon adoption in 2006.

Adopted this 29th day of December, 2006.

AMENDMENTS TO THE MORRISON COUNTY ORDINANCE REGARDING SEXUALLY ORIENTED BUSINESSES.

Summary of amendment (additions are underlined and deletions are overstruck):

Morrison County intends to amend its ordinance regulating Sexually Oriented Businesses.

Section II E. 5): The applicant has been convicted of a felony, gross misdemeanor, or misdemeanor sexually related offense, obscenity offense, or adult use ordinance violation in the past three (3) years; The applicant has been convicted of one of the following offenses and less than three years have elapsed since the defendant was discharged from sentence for that offense or for a similar offense committed in another state or jurisdiction:

prostitution under sections 609.321; 609.324; 609.3242;

criminal sexual conduct under sections 609.342 to 609.3451;

solicitation of children under section 609.352;

indecent exposure under section 617.23;

distribution or exhibition of obscene materials and performances under section 617.241;

use of a minor in a sexual performance under section 617.246;

possession of pornographic work involving minors under section 617.247

Section II G. 1): The Public Health Department shall approve or deny the license application within thirty (30) sixty (60) days of receipt of a completed application.

Section IV A. 3): The licensee or responsible person on the premises is under the influence of alcohol or controlled substances during the time the sexually oriented business is open to the public.

Section IV B. 3): The licensee or responsible person violates state or federal laws relating to obscenity, prostitution, indecent exposure or criminal sexual conduct; any law identified in Section II, E, 5) above, or a similar offense in another state or jurisdiction;

Section VII C. 1c): Display the above described material only in an area where entry is either personally or electronically controlled at all times by a store employee and the area is under constant video surveillance by a store employee.
Section VIII: No live on-site and media on-site sexually oriented business may operate between the hours of 1:00 a.m. 10 p.m. and 1:00 p.m. 10 a.m. on any day. No media off-site sexually oriented business may operate between the hours of 1:00 a.m. and 9:00 a.m. on any day.

Adopted this 29th day of December, 2006.

PUBLISH: January 14, 2007