

CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
Fax: (763) 434-9599

CITY OF HAM LAKE CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY AGENDA MONDAY, AUGUST 2, 2021

- 1.0 CALL TO ORDER - 6:00 P.M. – Pledge of Allegiance**
- 2.0 PUBLIC COMMENT**
- 3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS – None**
- 4.0 CONSENT AGENDA**

These items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in normal sequence. (All items listed on the Consent Agenda are recommended for approval.)

- 4.1 Approval of minutes of July 19, 2021
- 4.2 Approval of claims
- 4.3 Approval of the Outdoor Lighting and Maintenance Energy Agreement for street lights in Crosstown Rolling Acres 3rd Addition
- 4.4 Approval of a Resolution scheduling a Public Hearing for the vacation of Baltimore Street NE right-of-way, south of Crosstown Boulevard NE
- 4.5 Approval of accepting the resignation of Firefighter James Thomas
- 4.6 Approval of Compensation Plan Adjustment
- 4.7 Approval of an Off-Site Gambling Permit Spring Lake Park Lions Club to conduct bingo and paddlewheel at Maxx Bar & Grill, 17646 Central Avenue NE on September 18, 2021
- 4.8 Approval of appointment of Fire Department Officers for 2021-2022

5.0 PLANNING COMMISSION RECOMMENDATIONS

- 5.1 Jason Yang requesting a Conditional Use Permit to operate Sagewerkz LLC, an automotive repair shop at 13408 Highway 65 NE, Suite 114

6.0 ECONOMIC DEVELOPMENT AUTHORITY – None

7.0 APPEARANCES – None

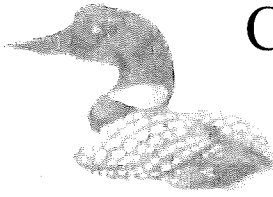
8.0 CITY ATTORNEY

9.0 CITY ENGINEER

10.0 CITY ADMINISTRATOR

11.0 COUNCIL BUSINESS

- 11.1 Committee Reports
- 11.2 Discussion of an Ordinance regarding signage
- 11.3 Announcements and future agenda items



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CITY OF HAM LAKE CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES MONDAY, JULY 19, 2021

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, July 19, 2021 at 6:00 p.m. in the Council Chambers at the Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Acting Mayor Gary Kirkeide and Councilmembers Jim Doyle, Brian Kirkham and Jesse Wilken

MEMBERS ABSENT: Mayor Mike Van Kirk

OTHERS PRESENT: City Attorney, Joe Murphy; City Engineer, Tom Collins; City Administrator, Denise Webster; and Deputy City Clerk, Dawnette Shimek

1.0 CALL TO ORDER - 6:00 P.M. – Pledge of Allegiance

Acting Mayor Kirkeide called the meeting to order and the Pledge of Allegiance was recited by all in attendance.

2.0 PUBLIC COMMENT - None

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Sheriff James Stuart, Discussion of the 2022 Anoka County Sheriff's Law Enforcement Contract
Sheriff Stuart thanked the City Council for having him and stated he is honored to serve as the Anoka County Sheriff. Sheriff Stuart stated he was present before the City Council to discuss the 2022 Law Enforcement Contract and added that the contract is all inclusive and will provide worry free service and back-up support along with providing the best possible service at the best possible price. Sheriff Stuart stated that currently the city has been receiving 36-hour coverage since 2011. Sheriff Stuart presented two budget options for the 2022 Contract. The first option would increase coverage to 44-hours with 9.24 deputies at a contract cost of \$1,357,166. The second option would remain at 36-hour coverage with 7.60 deputies and add a patrol investigator at a cost of \$1,301,074. Sheriff Stuart gave an overview of what is covered in the contract and that they will continue to provide superior service. Sheriff Stuart stated that their mission is to protect and serve the community in a manner that preserves the public trust. The City Council thanked Sheriff Stuart and stated that they will be discussing the Sheriff's Law Enforcement Contract at the next budget meeting.

3.2 Lt. Schuldt, Anoka County Sheriff's Office Monthly Report

Lt. Schuldt was present before the City Council and gave the Sheriff's Office report from June, 2021. Lt. Schuldt stated Night to Unite is on August 3, 2021 and Fishing with Youth is being held on August 6, 2021 at Lake George.

4.0 CONSENT AGENDA

These items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in normal sequence. (All items listed on the Consent Agenda are recommended for approval.)

- 4.1 Approval of minutes of July 6, 2021
- 4.2 Approval of claims \$517,176.62
- 4.3 Approval of scheduling a Budget Workshop Meeting for Monday, August 2, 2021 (following the regularly scheduled City Council Meeting)
- 4.4 Approval of Resolution No. 21-24 accepting a \$4,000 donation from the Ham Lake Chamber of Commerce
- 4.5 Approval of amending the Fire Department Regulations
- 4.6 Approval of hiring a temporary part-time Fire Inspector
- 4.7 Approval of the Preliminary Development Agreement with Constance Boulevard Terrace, LLC
- 4.8 Approval of a Joint Powers Agreement (JPA) with Anoka County for construction of a Constance Boulevard NE east-bound-right-turn lane at Tippecanoe Street NE
- 4.9 Approval of a Joint Powers Agreement (JPA) with Anoka County to Allocate Costs for Election Expenses
- 4.10 Approval of re-appointment and new appointments of Safety Committee Members

Motion by Kirkham, seconded by Wilken, to approve the July 19, 2021 Consent Agenda as written. All present in favor, motion carried.

5.0 PLANNING COMMISSION RECOMMENDATIONS

5.1 Jeff Entsminger, Entsminger Enterprises LLC, requesting Sketch Plan approval of a 2 lot Minor Plat located in Section 29 (1163 143rd Avenue NE, PID# 29-32-23-23-0009)

Councilmember Kirkham asked Engineer Collins if Mr. Entsminger is working with the owner of the property located on the northwest corner of 143rd Avenue NE and Hwy 65. Engineer Collins stated not that he has heard. **Motion by Kirkham, seconded by Wilken, to concur with the Planning Commission and approve the Sketch Plan presented by Jeff Entsminger, Entsminger Enterprises, LLC, for a 2 lot Minor Plat located in Section 29 (1163 143rd Avenue NE, PID# 29-32-23-23-0009) subject to meeting the requirements of the City Engineer and the Building Official and meeting all City, State and County requirements. All present in favor, motion carried.**

6.0 ECONOMIC DEVELOPMENT AUTHORITY – None

7.0 APPEARANCES

7.1 Finance Director Andrea Worcester – 2nd Quarter Financial Report for 2021

Finance Director Worcester gave the financial report for the 2nd Quarter of 2021. Finance Director Worcester reported on the Overall Cash Position by Fund Type, Cash Balances by Fund Compared to Prior Year, General Fund Cash Balances, and General Fund Budget to Actual. Finance Director Worcester explained the cash balance for the General Fund was down due to not receiving the tax settlement from the County until July and having to pay out operational expenses, however, the overall General Fund cash is on track as it has been historically and is on target for budget to actual. Finance Director Worcester explained the Revolving Street Fund saw a cash decrease due to contractor payments for street reconstruction projects of Lund's Lakeview Forest and Twin Birch Acres. She then spoke about the City

investments and the position the City is in with investments as well as the current market still having very low rates making it difficult to find good investments.

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8.0 CITY ATTORNEY – None

9.0 CITY ENGINEER – None

10.0 CITY ADMINISTRATOR – None

11.0 COUNCIL BUSINESS

11.1 Committee Reports

Councilmember Wilken stated that the City of Ham Lake has officially been approved to be a CERT (Community Emergency Response Team) City and can move ahead with planning and training in the future.

11.2 Discussion of an Ordinance regarding signage

Attorney Murphy stated that information regarding residential signage from different cities and also from the League of Minnesota Cities was included in the packet. Attorney Murphy stated that the City Council has to be careful about selectively enforcing City Code and therefore should layout ground rules regarding the size and number of signs that they would like to allow in residential neighborhoods. Attorney Murphy reminded the City Council that the First Amendment protects freedom of speech rights and the City cannot regulate sign content. Attorney Murphy explained the city's code violation process. Discussion followed on if the code could differentially define yard signs and signs mounted on a pole (such as a flag). **It was the consensus of the City Council to add this discussion to the next City Council agenda when a full council is present.**

11.3 Announcements and future agenda items

Councilmember Doyle stated that he was contacted by Nancy Braastad regarding a well that is located in the plat of Harmony Estates to inquire if the Fire Department would be interested in using this well. The existing well is 550-feet deep, with a 12-inch pipe and a 75-horsepower motor. **It was the consensus of the City Council to have the Fire Department Liaisons meet to discuss if the Fire Department could utilize this well.**

Councilmember Wilken stated that retired Firefighter Marvin Buchholz recently passed away and there will be a service held on July 31, 2021 at Glen Cary Church.

Motion by Kirkeide, seconded by Kirkham, to adjourn the meeting at 6:50 p.m. All present in favor, motion carried.

Dawnette Shimek, Deputy City Clerk

**CITY OF HAM LAKE
CLAIMS SUBMITTED TO COUNCIL
August 2, 2021**

CITY OF HAM LAKE

EFTS, CHECKS, AND BANK DRAFTS	7/22/21 - 8/4/21	
EFT	# 1491 - 1497	\$ 10,074.81
CHECKS	# 63155 - 63192	\$ 63,525.77
BANK DRAFTS	DFT0002244 - DFT0002247	\$ 26,526.30
TOTAL EFTS, CHECKS, AND BANK DRAFTS		<u>\$ 100,126.88</u>
PAYROLL CHECKS		
07/30/21		\$ 52,378.20
TOTAL PAYROLL CHECKS		<u>\$ 52,378.20</u>
TRUST CHECKS	#5710 - 5716	\$ 13,000.00
TOTAL OF ALL PAYMENTS		<u>\$ 165,505.08</u>

VOID CHECKS
EFT
CHECKS
TRUST CHECKS

APPROVED BY THE HAM LAKE CITY COUNCIL THIS 2ND DAY OF AUGUST 2021

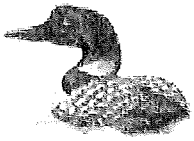
MAYOR

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER



Payment Dates 7/22/2021 - 8/4/2021

Payment Number	Vendor Name	Description (Item)	Account Name	Account Number	Amount
1491	ARAMARK UNIFORM & CAREE	PW UNIFORMS	Clothing & personal protectiv	100-43101-2210	101.05
1491	ARAMARK UNIFORM & CAREE	FIRST AID CABINET	Safety supplies	100-43101-2240	12.00
1491	ARAMARK UNIFORM & CAREE	PW UNIFORMS	Clothing & personal protectiv	100-43101-2210	101.05
1491	ARAMARK UNIFORM & CAREE	FIRST AID CABINET	Safety supplies	100-43101-2240	12.00
1492	BRODIN PRESS	AUG HAM LAKER	Editing	211-41704-3125	900.00
1493	DELTA DENTAL PLAN OF MINN	AUGUST DENTAL BALANCE D	Flexible spending	100-21705	42.00
1494	GREEN LIGHTS RECYCLING IN	7/24/21 RECYCLING EVENT	Waste management & recycli	231-43601-3630	8,206.70
1495	O'REILLY AUTOMOTIVE STORE	#61 HI-PWR BELTS	Equipment parts & supplies	100-43101-2320	25.52
1495	O'REILLY AUTOMOTIVE STORE	#61 V-BELTS	Equipment parts & supplies	100-43101-2320	11.44
1495	O'REILLY AUTOMOTIVE STORE	#61 V-BELT	Equipment parts & supplies	100-43101-2320	36.18
1495	O'REILLY AUTOMOTIVE STORE	#61 V-BELTS	Equipment parts & supplies	100-43101-2320	-11.44
1495	O'REILLY AUTOMOTIVE STORE	#61 HI-PWR BELT	Equipment parts & supplies	100-43101-2320	26.84
1495	O'REILLY AUTOMOTIVE STORE	#61 HI-PWR BELT	Equipment parts & supplies	100-43101-2320	-25.52
1495	O'REILLY AUTOMOTIVE STORE	#46 OIL FILTER	Equipment parts & supplies	100-44101-2320	12.72
1495	O'REILLY AUTOMOTIVE STORE	TIRE VALVES	Operating supplies	100-43101-2290	3.18
1495	O'REILLY AUTOMOTIVE STORE	#61 V-BELTS	Equipment parts & supplies	100-43101-2320	-36.18
1495	O'REILLY AUTOMOTIVE STORE	OIL FILTER	Operating supplies	100-43101-2290	7.19
1495	O'REILLY AUTOMOTIVE STORE	OIL FILTER	Operating supplies	100-43101-2290	-0.83
1495	O'REILLY AUTOMOTIVE STORE	GENERATOR RECOVERY KIT	Building repair & maintenanc	100-43104-2310	18.23
1495	O'REILLY AUTOMOTIVE STORE	GENERATOR OIL FILTER	Building repair & maintenanc	100-43104-2310	6.36
1496	SUSAN KNOUSE	APRIL - JUNE 21ST CENTURY B	Mileage	100-41401-3960	26.32
1497	WICK COMMUNICATIONS-LEA	AUG HAM LAKER	Printing	211-41704-3970	600.00
63155	ANOKA COUNTY TREASURY D	AUG BROADBAND	Internet & website	100-41301-3220	37.50
63155	ANOKA COUNTY TREASURY D	AUG BROADBAND FIRE #2	Internet & website	100-41301-3220	75.00
63156	ANOKA COUNTY TREASURY D	BATTERIES	Operating supplies	100-42201-2290	110.00
63157	BATTERIES PLUS INC	BATTERIES	Equipment parts & supplies	100-42201-2320	66.80
63157	BATTERIES PLUS INC	BATTERIES	Equipment parts & supplies	100-42201-2320	39.00
63158	CENTRAL WOOD PRODUCTS I	WOOD CHIPS FOR SEVERAL P	Operating supplies	100-44101-2290	1,435.20
63159	CENTURY COLLEGE	EMER. RESPOND. FIST ON THE	Training supplies	100-42201-3530	945.00
63159	CENTURY COLLEGE	EMERG MED RESPOND-DB, A	Training/conferences/schools	100-42201-3510	2,850.00
63160	COMMERCIAL ASPHALT CO.	3.05 TONS HOTMIX	Street repair & maintenance s	100-43101-2330	191.69
63161	COMMISSIONER OF TRANSP	CROSSTOWN & HWY 65 SIGN	Equipment repair & maintena	100-43401-3440	283.10
63162	CONNEXUS ENERGY	HAM LAKE WELL	Electricity	100-44101-3610	480.69
63163	DEARBORN LIFE INS CO	AUGUST LIFE	Other payroll deductions	100-21706	54.40
63163	DEARBORN LIFE INS CO	AUGUST VOL LIFE	Other payroll deductions	100-21706	152.70
63164	DEHN OIL CO	205.7 GAL GASOLINE	Fuel	100-43101-2230	574.93
63164	DEHN OIL CO	200 GAL DIESEL	Fuel	100-43101-2230	522.00
63165	E.G. RUD & SONS INC	LOCATE PROP LINE @ 14-32-2	Other professional services	100-41701-3190	843.00
63166	EMERGENCY APPARATUS MTC	G1 - ELECTRICAL WORK	Capital assets	420-42201-5110	1,988.46
63167	ERIK HLIVKA	SAFETY BOOTS	Clothing & personal protectiv	100-43101-2210	150.00
63168	FLEETPRIDE	FILTERS	Operating supplies	100-43101-2290	43.13
63168	FLEETPRIDE	FILTERS	Operating supplies	100-43101-2290	12.16
63168	FLEETPRIDE	FILTERS	Operating supplies	100-43101-2290	26.45
63168	FLEETPRIDE	FIRE #1 GENERATOR FILTER	Building repair & maintenanc	100-42202-2310	5.14
63168	FLEETPRIDE	FIRE GENERATOR FILTERS	Building repair & maintenanc	100-42202-2310	6.26
63169	GUY BLECHINGER	DOT INSPEC-52 .54. 69. 70. 74	Inspections	100-43101-3460	1,125.00
63169	GUY BLECHINGER	DOT INSPEC-81, 89, 90, 93, 95	Inspections	100-43101-3460	1,000.00
63170	HAM LAKE CHAMBER OF CO	EVENT ADVERTISEMENTS - GA	Community celebrations	100-41701-4115	2,412.93
63171	HAM LAKE HARDWARE INC	FIRE #1 SEPTIC REPAIR PLUG	Building repair & maintenanc	100-42202-2310	5.49
63171	HAM LAKE HARDWARE INC	BEE SPRAY	Operating supplies	100-44101-2290	19.47
63172	HUGO'S TREE CARE	LUNDS LAKEVIEW FOREST TRE	Contractors	431-43301-3810	3,243.00
63173	INT'L INSTITUTE OF MUNICIPA	MEMBERSHIP 10/21 - 9/22	Dues & subscriptions	100-41301-3920	115.00
63174	LEW VANDENBERG	ACFIT CALL - ANDOVER	Mileage	100-42201-3960	9.52
63175	MCFOA REGION IV	PLAQUE	Professional licenses & certific	100-41301-3520	30.00

Payment Number	Vendor Name	Description (Item)	Account Name	Account Number	Amount
63175	MCFOA REGION IV	CERTIFICATION	Professional licenses & certific	100-41301-3520	40.00
63176	MCFOA REGION IV	MEMBERSHIP DUES 7/21 - 6/	Dues & subscriptions	100-41301-3920	45.00
63177	MENARDS-BLAINE	REBATE USED	Misc receivables	100-11501	-499.58
63177	MENARDS-BLAINE	UNKNOWN REBATE USED	Refunds & reimbursements	100-37601	-1.61
63177	MENARDS-BLAINE	FIRE #1 NEW SIGN SUPPLIES	Operating supplies	100-42201-2290	569.26
63178	MN/WI PLAYGROUND INC	METAL BENCHES	Other repair & maintenance s	440-44103-2390	977.00
63179	NCPERS GROUP LIFE INSURAN	AUGUST LIFE	Other payroll deductions	100-21706	96.00
63180	NEW BRIGHTON FORD	ANTISAIL	Operating supplies	100-43101-2290	59.82
63180	NEW BRIGHTON FORD	#69, 87, 89 FILTERS & GASKET	Vehicle parts & supplies	100-43101-2340	71.32
63180	NEW BRIGHTON FORD	#89 MUFFLER, PIPES, CLAMP	Vehicle parts & supplies	100-43101-2340	1,269.62
63180	NEW BRIGHTON FORD	#69, #89 FILTERS	Vehicle parts & supplies	100-43101-2340	47.36
63180	NEW BRIGHTON FORD	#81 FUEL SENDER & LEVEL	Vehicle parts & supplies	100-43101-2340	89.17
63180	NEW BRIGHTON FORD	#54 LENS/LAMP	Vehicle parts & supplies	100-43101-2340	22.81
63181	NORTH METRO MAINTENANC	CLEANING	Cleaning service	100-41702-3430	625.00
63181	NORTH METRO MAINTENANC	CLEANING-FIRE #1	Cleaning service	100-42202-3430	130.00
63181	NORTH METRO MAINTENANC	CLEANING-FIRE #2	Cleaning service	100-42202-3430	115.00
63181	NORTH METRO MAINTENANC	CLEANING	Cleaning service	100-43104-3430	100.00
63181	NORTH METRO MAINTENANC	CLEANING	Cleaning service	100-44202-3430	230.00
63182	NORTH PINE AGGREGATE INC	ABERDEEN, 144TH - 145TH	Contractors	431-43301-3810	35,749.97
63183	NORTHERN TOOL & EQUIPME	SPRAYER WAND	Small tools	100-44101-2410	12.99
63183	NORTHERN TOOL & EQUIPME	20 VOLT BATTERIES	Small tools	100-43101-2410	309.99
63184	SPEEDPRO SAINT PAUL	C-1 GRAPHICS	Capital assets	420-42201-5110	710.00
63184	SPEEDPRO SAINT PAUL	AMERICAN FLAG DECAL SETS	Vehicle parts & supplies	100-42201-2340	80.00
63185	SPS WORKS INC	BADGES	Clothing & personal protectiv	100-42201-2210	523.96
63186	TASC	ARPA ADMIN FEES	Covid 19	100-41701-4153	225.00
63186	TASC	SEPT COBRA ADMINISTRATIO	Other professional services	100-41701-3190	15.00
63186	TASC	ANNUAL COBRA ADMINISTRAT	Other professional services	100-41701-3190	100.00
63187	TDS METROCOM INC	763-434-0454 ELEVATOR	Phones/radios/pagers	100-41701-3210	39.78
63187	TDS METROCOM INC	763-434-9605 FIRE #2	Phones/radios/pagers	100-42201-3210	37.78
63188	TIGER CORPORATION	#61 BEARINGS	Equipment parts & supplies	100-43101-2320	37.70
63189	US POSTAL SERVICE	PI 289 MARKETING	Postage	211-41704-2120	240.00
63190	US POSTMASTER	POSTAGE 6184 x .164	Postage	211-41704-2120	1,014.18
63191	WITMER PUBLIC SAFETY GRO	BARs	Clothing & personal protectiv	100-42201-2210	123.92
63191	WITMER PUBLIC SAFETY GRO	BARs	Clothing & personal protectiv	100-42201-2210	104.93
63192	US BANK CORPORATE PAYME	ZOOM-JULY ZOOM-DW	Dues & subscriptions	100-41201-3920	12.84
63192	US BANK CORPORATE PAYME	IOS-VARIOUS OFFICE SUPPLIE	Office supplies	100-41701-2110	244.55
63192	US BANK CORPORATE PAYME	IOS-SHERIFF TOILET PAPER, S	Operating supplies	100-41701-2290	8.93
63192	US BANK CORPORATE PAYME	SPEEDWAY-Water for station	Emergency food & beverage	100-42201-2220	23.94
63192	US BANK CORPORATE PAYME	SPEEDWAY-water-MR	Emergency food & beverage	100-42201-2220	27.93
63192	US BANK CORPORATE PAYME	GO FOR IT GAS-non oxy fuel f	Fuel	100-42201-2230	15.75
63192	US BANK CORPORATE PAYME	REPLACEMENT BATTERY STOR	Equipment parts & supplies	100-42201-2320	23.44
63192	US BANK CORPORATE PAYME	AMAZON-CAR DECAL & STICK	Equipment parts & supplies	100-42201-2320	25.96
63192	US BANK CORPORATE PAYME	WPSG -Streamlight Flashlight-	Equipment parts & supplies	100-42201-2320	145.88
63192	US BANK CORPORATE PAYME	MN STATE COLLEGES-FIRE Ins	Training/conferences/schools	100-42201-3510	425.00
63192	US BANK CORPORATE PAYME	AMAZON-FIRE INSPECTOR 1 -	Training supplies	100-42201-3530	81.95
63192	US BANK CORPORATE PAYME	AMEM-AMEM Dues - MR-MR	Dues & subscriptions	100-42201-3920	200.00
63192	US BANK CORPORATE PAYME	IOS-POCKET FILES-NW	Office supplies	100-42401-2110	23.71
63192	US BANK CORPORATE PAYME	CUB FOODS-WATER FOR BATT	Operating supplies	100-43101-2290	1.78
63192	US BANK CORPORATE PAYME	AMAZON-LIONS PARK BATHR	Building repair & maintenanc	100-44102-2310	31.81
63192	US BANK CORPORATE PAYME	AMAZON-LIONS PARK BATHR	Building repair & maintenanc	100-44102-2310	67.91
DFT0002244	EMPOWER	Deferred Compensation	Deferred compensation	100-21704	1,375.00
DFT0002244	EMPOWER	Roth IRA	Deferred compensation	100-21704	100.00
DFT0002245	IRS-Payroll Tax	Federal Withholding	Federal WH/FICA/MC	100-21701	5,063.08
DFT0002245	IRS-Payroll Tax	Medicare Payable	Federal WH/FICA/MC	100-21701	2,024.12
DFT0002245	IRS-Payroll Tax	Social Security Payable	Federal WH/FICA/MC	100-21701	8,271.42
DFT0002246	MN STATE DEPT OF REVENUE-	MN State Withholding	State W/H	100-21702	2,392.51
DFT0002247	PERA	Retirement-Coordinated	PERA	100-21703	6,467.83
DFT0002247	PERA	Retirement-Elected Officials	PERA	100-21703	40.84
DFT0002247	PERA	Retirement-Police & Fire	PERA	100-21703	791.50

Grand Total: 100,126.88

Report Summary

Fund Summary

Fund	Payment Amount
100 - GENERAL	46,497.57
211 - HAM LAKER	2,754.18
231 - RECYCLING	8,206.70
420 - FIRE EQUIPMENT	2,698.46
431 - REVOLVING STREET	38,992.97
440 - PARK & BEACH LAND	977.00
Grand Total:	100,126.88

Account Summary

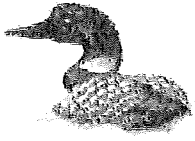
Account Number	Account Name	Payment Amount
100-11501	Misc receivables	-499.58
100-21701	Federal WH/FICA/MC	15,358.62
100-21702	State W/H	2,392.51
100-21703	PERA	7,300.17
100-21704	Deferred compensation	1,475.00
100-21705	Flexible spending	42.00
100-21706	Other payroll deductions	303.10
100-37601	Refunds & reimburseme	-1.61
100-41201-3920	Dues & subscriptions	12.84
100-41301-3220	Internet & website	112.50
100-41301-3520	Professional licenses & c	70.00
100-41301-3920	Dues & subscriptions	160.00
100-41401-3960	Mileage	26.32
100-41701-2110	Office supplies	244.55
100-41701-2290	Operating supplies	8.93
100-41701-3190	Other professional servi	958.00
100-41701-3210	Phones/radios/pagers	39.78
100-41701-4115	Community celebrations	2,412.93
100-41701-4153	Covid 19	225.00
100-41702-3430	Cleaning service	625.00
100-42201-2210	Clothing & personal prot	752.81
100-42201-2220	Emergency food & Bever	51.87
100-42201-2230	Fuel	15.75
100-42201-2290	Operating supplies	679.26
100-42201-2320	Equipment parts & suppl	301.08
100-42201-2340	Vehicle parts & supplies	80.00
100-42201-3210	Phones/radios/pagers	37.78
100-42201-3510	Training/conferences/sc	3,275.00
100-42201-3530	Training supplies	1,026.95
100-42201-3920	Dues & subscriptions	200.00
100-42201-3960	Mileage	9.52
100-42202-2310	Building repair & mainte	16.89
100-42202-3430	Cleaning service	245.00
100-42401-2110	Office supplies	23.71
100-43101-2210	Clothing & personal prot	352.10
100-43101-2230	Fuel	1,096.93
100-43101-2240	Safety supplies	24.00
100-43101-2290	Operating supplies	152.88
100-43101-2320	Equipment parts & suppl	64.54
100-43101-2330	Street repair & mainten	191.69
100-43101-2340	Vehicle parts & supplies	1,500.28
100-43101-2410	Small tools	309.99
100-43101-3460	Inspections	2,125.00
100-43104-2310	Building repair & mainte	24.59
100-43104-3430	Cleaning service	100.00
100-43401-3440	Equipment repair & mai	283.10
100-44101-2290	Operating supplies	1,454.67

Account Summary

Account Number	Account Name	Payment Amount
100-44101-2320	Equipment parts & suppl	12.72
100-44101-2410	Small tools	12.99
100-44101-3610	Electricity	480.69
100-44102-2310	Building repair & mainte	99.72
100-44202-3430	Cleaning service	230.00
211-41704-2120	Postage	1,254.18
211-41704-3125	Editing	900.00
211-41704-3970	Printing	600.00
231-43601-3630	Waste management & r	8,206.70
420-42201-5110	Capital assets	2,698.46
431-43301-3810	Contractors	38,992.97
440-44103-2390	Other repair & maintena	977.00
	Grand Total:	100,126.88

Project Account Summary

Project Account Key	Payment Amount
None	61,133.91
200912-140	35,749.97
201907-140	3,243.00
	Grand Total:
	100,126.88



City of Ham Lake, MN

EFT Payroll Check Register Report Summary

Pay Period: 7/11/2021-7/24/2021

Packet: PYPKT01183 - PPE 7/24/21 PAID 7/30/21

Payroll Set: City of Ham Lake - 01

Type	Count	Amount
Regular Checks	0	0.00
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	75	52,378.20
Total	75	52,378.20

10:37 AM

07/29/21

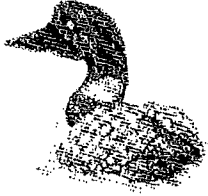
Accrual Basis

CITY OF HAM LAKE-TRUST MONTHLY CHECK REGISTER

July 15 - 29, 2021

Type	Date	Num	Name Contact	Memo	Amount
Jul 15 - 29, 21					
Check	07/21/2021	5710	VICKI HOPP	7/17/21 HAM LAKE PARK DEPOSIT	-150.00
Check	07/21/2021	5711	PRICE CUSTOM HOMES	TURF ESCROW 4251 - 167TH AVENUE	-2,500.00
Check	07/21/2021	5712	J & J REMODELERS INC	DRIVEWAY ESCROW 17478 SWEDISH DRIVE	-2,600.00
Check	07/23/2021	5713	TAMARISK INC	07/20/21 LIONS PARK DEPOSIT	-150.00
Check	07/23/2021	5714	GORHAM CUSTOM HOMES	DRIVEWAY ESCROW 4739-145TH AVENUE	-2,600.00
Check	07/23/2021	5715	GORHAM CUSTOM HOMES	TURF ESCROW 4739-145TH AVENUE	-2,500.00
Check	07/29/2021	5716	SHARPER HOMES	TURF ESCROW 17349 THIRD ST	-2,500.00
					-13,000.00

Meeting Date: August 2, 2021



CITY OF HAM LAKE

STAFF REPORT

To: Mayor and Councilmembers

From: Dawnette Shimek, Deputy City Clerk

Subject: Outdoor Street Light Proposal for Crosstown Rolling Acres 3rd Addition

Introduction/Discussion: Attached is the Energy and Maintenance Agreements for street lights in Crosstown Rolling Acres 3rd Addition. The system includes 10 fixtures for the development in accordance with requirements for street lighting in new subdivisions.

Recommendation: I recommend approval of the Outdoor Lighting Energy and Maintenance Agreement for Crosstown Rolling Acres 3rd Addition.



14601 Ramsey Boulevard
Ramsey, Minnesota 55303
763.323.2600
Fax: 763.323.2603
www.connexusenergy.com
Info@connexusenergy.com

Outdoor Lighting

your most powerful membership™

Energy and Maintenance Agreement

City of Ham Lake
15544 Central Ave NE
Ham Lake, MN 55304

Account #411023-240512

Location: CROSSTOWN ROLLING ACRES 3RD (Service order: SORD000W2101028)

Connexus Energy shall provide the energy and maintenance for the outdoor lighting system as detailed below:

- (10) LED Traditionaire Light fixture installed on a fiberglass pole

The current energy and maintenance rate for these fixtures is \$6.76 per month, per fixture. This rate adheres to Connexus Energy's published rate schedule, and is subject to change.

Maintenance of the fixtures, including lamp replacement, will be provided by Connexus Energy for a period of 25 years (According to Connexus Energy's Outdoor Lighting Guidelines). If, in Connexus Energy's opinion, after 25 years, the condition of the outdoor lighting system is such that replacement or significant renovation is necessary (due to deterioration from age), the customer will be responsible for the replacement cost.

Please indicate your acceptance of this monthly Energy and Maintenance Agreement by signing on the line below and return in the envelope provided.

Sincerely,

Becky Bergherr
Engineering Services Specialist

July 21, 2021

(Accepted By)

(Date)

(Print Name)

(Title)

Connexus[®] Energy
 14601 Ramsey Boulevard
 Ramsey, MN 55303

COPY

763.323.2740
 Fax: 763.712.3878
 www.connexusenergy.com
 engineering.services@connexusenergy.com

Outdoor Lighting New Construction

Bill To: CROSSTOWN DEVELOPMENT LLC
 17404 WARD LAKE DRIVE NW

ANDOVER MN 55304

Quote Number	LGT0000858
Date	7/21/2021
Customer ID	820489
Service Order	SORD000W2101028
Representative	beckberg
Page	1

Re: Outdoor Lighting System at: CROSSTOWN ROLLING ACRES 3RD

Thank you for your Outdoor Lighting request. Listed below are the estimated charges that includes the cost of all materials and labor. Payment is required upfront before construction will be scheduled. Installation of your outdoor lighting system is subject to the enclosed Conditions of Service. Please review the documents and include a signed copy along with your payment.

Winter construction fees may apply between November 1st and April 1st.

To avoid fees, requirements must be met prior to November 1st.

Payment must be made by check or money order.

****Do not combine payment for this invoice with electric service payments or application may be delayed.****

Quantity	U of M	Unit Price	Description	Ext. Price
10	EA	\$1,601.00	COMPLETE LIGHT FIXTURE(S)	\$16,010.00
1,540	EA	\$3.20	LIGHTING CONDUCTOR	\$4,928.00
1	FT	\$515.00	BORING CHARGE	\$515.00

beckberg 7/21/2021 8:32:50 AM
 SOUTH

Subtotal:	\$21,453.00
Tax:	\$0.00
Total:	\$21,453.00

----- Detach Along Line -----

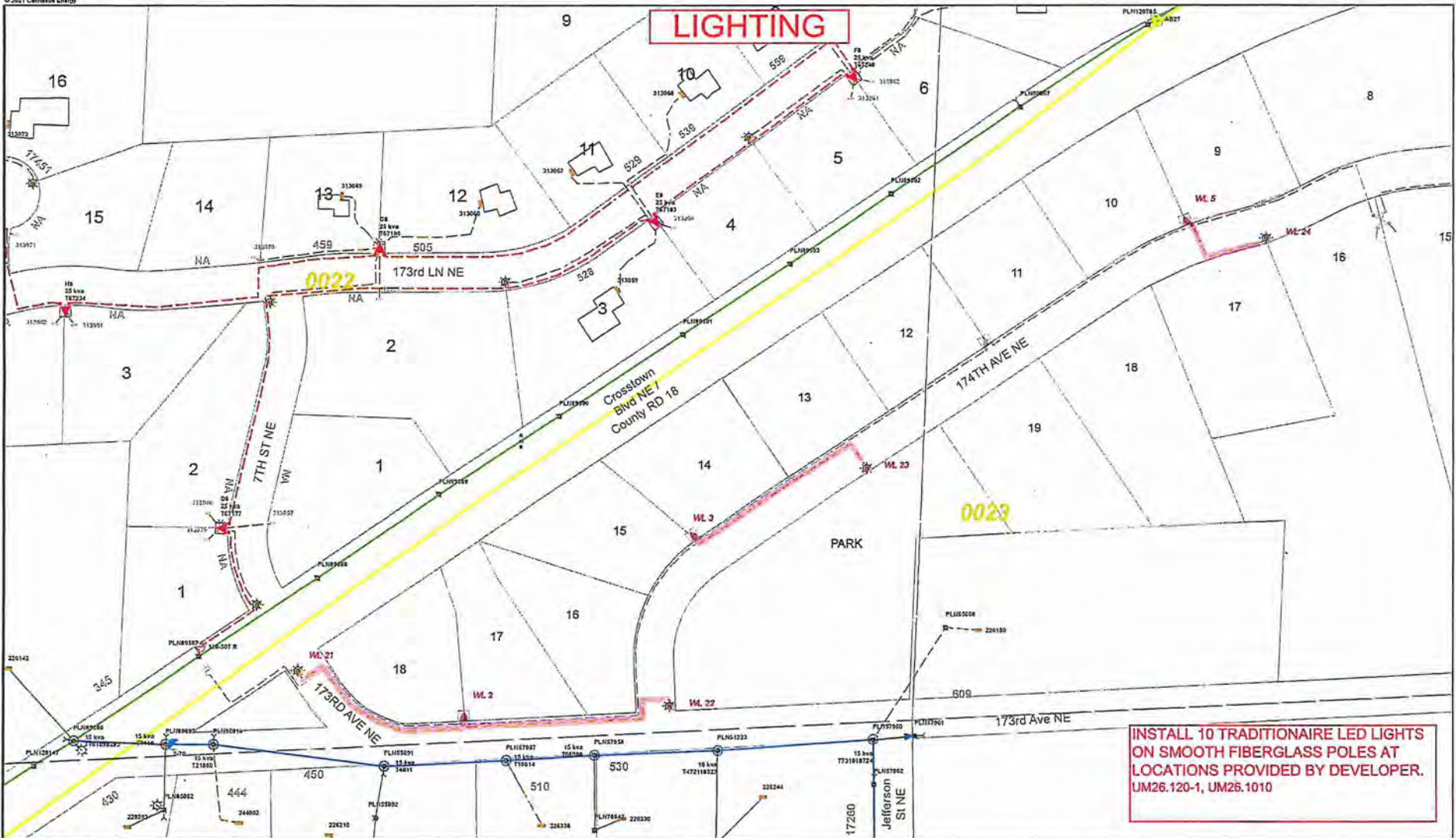
Please Remit with Payment!

Customer Number: 820489
 Amount Due: \$21,453.00

Quote: LGT0000858
 Service Order: SORD000W2101028
 Due Date: Upon Receipt

CROSSTOWN DEVELOPMENT LLC
 17404 WARD LAKE DRIVE NW
 ANDOVER MN 55304

Remit To: Connexus Energy
 Attn: AR Accounting
 14601 Ramsey Blvd
 Ramsey, MN 55303



LIGHTING

INSTALL 10 TRADITIONAIRE LED LIGHTS ON SMOOTH FIBERGLASS POLES AT LOCATIONS PROVIDED BY DEVELOPER. UM26.120-1, UM26.1010

NOT FOR CONSTRUCTION

CONNEXUS ENERGY
 14601 Ramsey Blvd.
 Ramsey, MN 55303

THIS PRINT REPRESENTS THE LOCATION OF ELECTRICAL FACILITIES AS OF THE PRINTED DATE TO THE BEST OF OUR KNOWLEDGE. THIS INFORMATION IS INTENDED FOR GENERAL USE ONLY AND IS NOT TO BE USED FOR EXCAVATION PURPOSES. STATE LAW REQUIRES ANYONE DIGGING, GRADING OR EXCAVATING TO OBTAIN A FIELD LOCATION OF ALL UTILITIES. CALL GOPHER STATE ONE CALL FOR A FIELD LOCATION AT 1-800-353-1156.

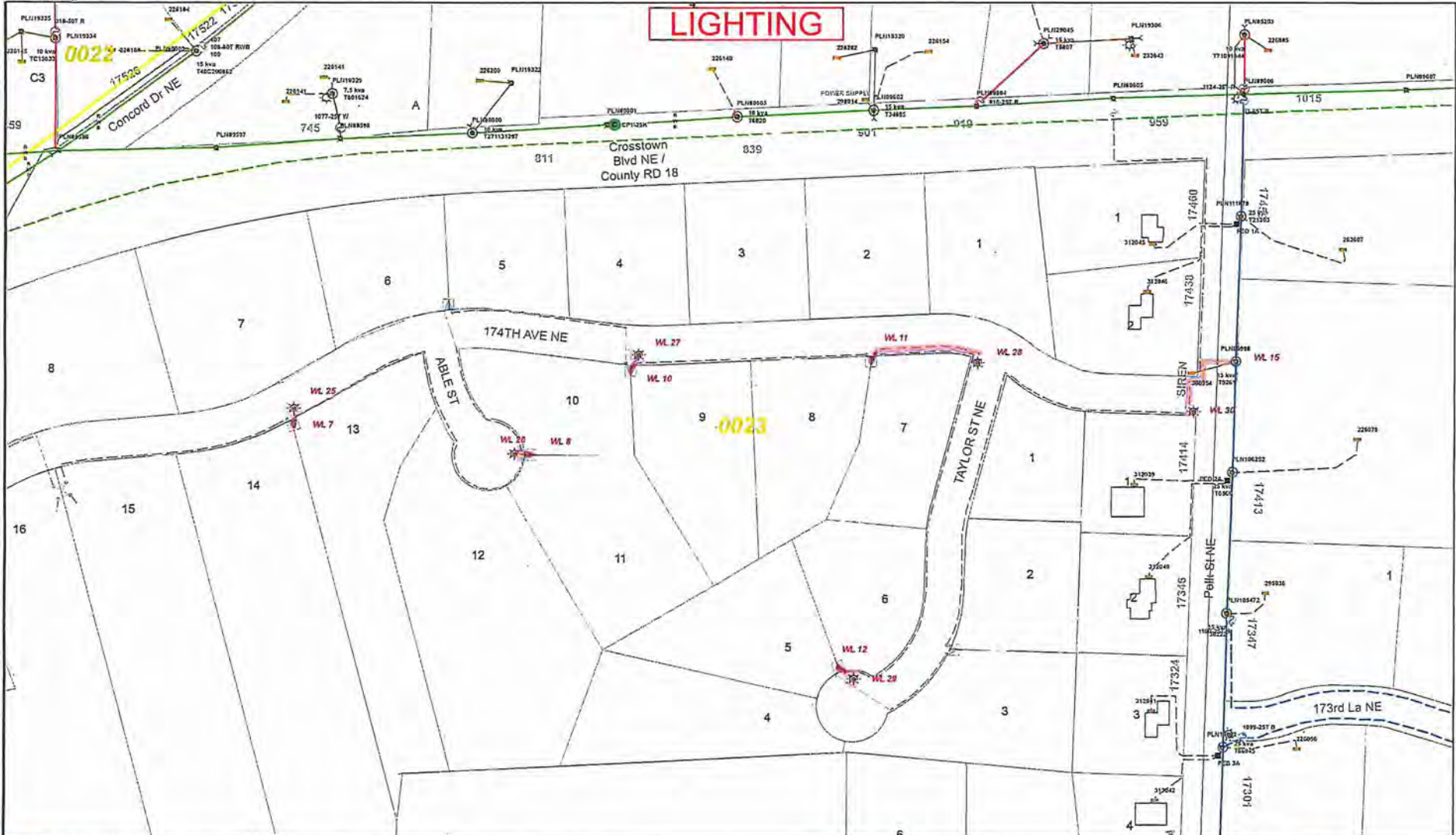
CROSTOWN ROLLING ACRES 3RD LIGHINT-SOUTH
 Addr: CROSTOWN ROLLING ACRES 3RD
 City: Ham Lake
 T/R/S: T32 R23 S06
 Crew Sign Off: _____

Date: _____

↑

WO#: W2101028
 Date: 7/16/2021
 Designer: KARL SCHWARZKOPF
 763.323.2696

1:1,800 Page 1 of 2



LIGHTING

0023

NOT FOR CONSTRUCTION



14601 Ramsey Blvd.
Ramsey, MN 55303

CROSTOWN ROLLING ACRES 3RD LIGHT-SOUTH
 Addr: CROSTOWN ROLLING ACRES 3RD
 City: Ham Lake
 TIR/S: T32 R23 S06
 Crew Sign Off: _____

Date: _____



1:1,800

WO#: W2101028
 Date: 7/16/2021
 Designer: KARL SCHWARZKOPF
 763.323.2596

THIS PRINT REPRESENTS THE LOCATION OF ELECTRICAL FACILITIES AS OF THE PRINTED DATE TO THE BEST OF OUR KNOWLEDGE. THIS INFORMATION IS INTENDED FOR GENERAL USE ONLY AND IS NOT TO BE USED FOR EXCAVATION PURPOSES. STATE LAW REQUIRES ANYONE DIGGING, GRADING OR EXCAVATING TO OBTAIN A FIELD LOCATION OF ALL UTILITIES. CALL Gopher State One Call for a field location at 1-800-352-1166.

Memorandum

Date: July 27, 2021
To: Mayor and Councilmembers
From: Tom Collins, City Engineer *TPC*
Subject: Baltimore Street south of Crosstown Boulevard

Introduction:

The plans for the new Circle K / Holiday Stationstores (Holiday) and the Holiday Station Store Ham Lake plat are nearing approvals from both the City and the Coon Creek Watershed District. Holiday will be constructing a new 7,108 square foot building with car wash behind the existing building on the former VFW and will be razing the existing Holiday gas station following construction of the new building. The plat, which received sketch plan approval at the April 19th City Council meeting, consists of Lot 1, Block 1 for the new Holiday and three outlots for future development.

Discussion:

The Holiday plans include the physical removal of Baltimore Street, which will be replaced by a driveway access to the Holiday site directly to the east of Baltimore Street. Lot 1, Block 1, Outlot A and Outlot B will have access from proposed/future Chisholm Street to the east. Outlot C will be accessed from the existing Chisholm Street within the plat of Birch View Acres to the south. There is no public purpose for the existing Baltimore Street cul-de-sac right-of-way.

Recommendation:

It is recommended that a public hearing be scheduled for consideration of vacating the Baltimore Street cul-de-sac right-of-way south of Crosstown Boulevard. Vacation would be contingent on the issuance of a building permit for the new Circle K / Holiday Stationstores.

RESOLUTION NO. 21-XX

WHEREAS, the Ham Lake City Council, on its own motion, wishes to consider the vacation of the following described land in the City of Ham Lake, pursuant to Minnesota Statutes Chapter 412.851:

RIGHT-OF-WAY TO BE VACATED:

THAT PART OF BALTIMORE STREET NORTHEAST LYING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 32, RANGE 23, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY STATE AID HIGHWAY NO. 18 AND THE EAST LINE OF SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5; THENCE NORTH 72 DEGREES 52 MINUTES 01 SECONDS WEST ASSUMED BEARING ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY STATE AID HIGHWAY NO. 18 A DISTANCE OF 743.64 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 25 MINUTES 59 SECONDS WEST ALONG THE EAST LINE OF SAID BALTIMORE STREET NORTHEAST A DISTANCE OF 151.50 FEET; THENCE SOUTHERLY, WESTERLY AND NORTHERLY ALONG A NONTANGENTIAL CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 277 DEGREES 24 MINUTES 01 SECONDS, AN ARC LENGTH OF 242.08 FEET, A CHORD LENGTH OF 66.00 FEET AND A CHORD BEARING OF NORTH 87 DEGREES 33 MINUTES 15 SECONDS WEST; THENCE NORTH 02 DEGREES 25 MINUTES 59 SECONDS EAST ALONG THE WEST LINE OF SAID BALTIMORE STREET NORTHEAST A DISTANCE OF 168.80 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY STATE AID HIGHWAY NO. 18; THENCE SOUTH 72 DEGREES 52 MINUTES 01 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY STATE AID HIGHWAY NO. 18 A DISTANCE OF 68.23 FEET TO THE POINT OF BEGINNING AND THERE TERMINATING,

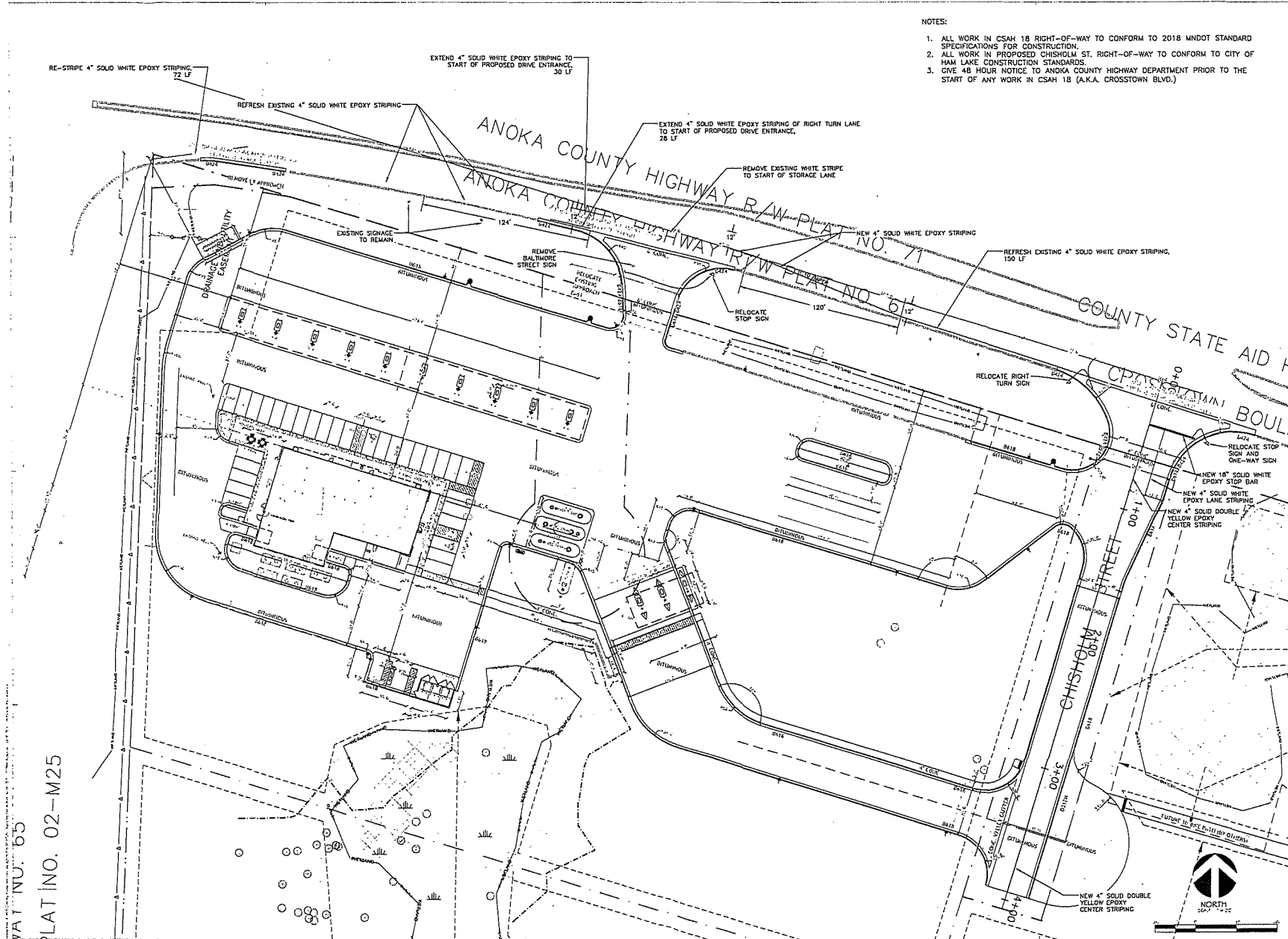
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ham Lake, that the City Clerk is directed to post in a conspicuous place in the City Hall between the dates of August 3, 2021 and August 16, 2021 and to cause publication of a NOTICE OF PUBLIC HEARING, a copy of which is attached to this Resolution, for a public hearing to be held on August 2, 2021, with publication to occur in the Star Tribune on August 5, 2021 and August 12, 2021.

Adopted by the City Council of the City of Ham Lake this August 2, 2021.


Michael G. Van Kirk, Mayor

Denise Webster, City Clerk

PLAN NO. 65
LAT. NO. 02-M25




- NOTES:
1. ALL WORK IN CSAH 18 RIGHT-OF-WAY TO CONFORM TO 2018 MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 2. ALL WORK IN PROPOSED CHISHOLM ST. RIGHT-OF-WAY TO CONFORM TO CITY OF HAM LAKE CONSTRUCTION STANDARDS.
 3. GIVE 48 HOUR NOTICE TO ANOKA COUNTY HIGHWAY DEPARTMENT PRIOR TO THE START OF ANY WORK IN CSAH 18 (A.K.A. CROSSTOWN BLVD.)


 07/29/20 SUBMITTAL
 09/03/20 SEE BOOK
 07/16/20 GDM COMMENTS
 09/09/20 COUNTY COMMENTS
 12/02/20 CITY COMMENTS
 07/24/21 CRP COMMENTS
 03/18/21 CRP COMMENTS
 03/17/21 MEETING SLI
 06/18/21 CRP COMMENTS
 07/18/21 SITE CHANGE

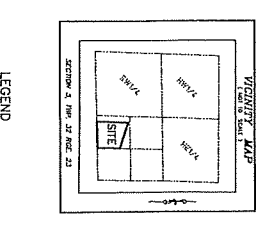
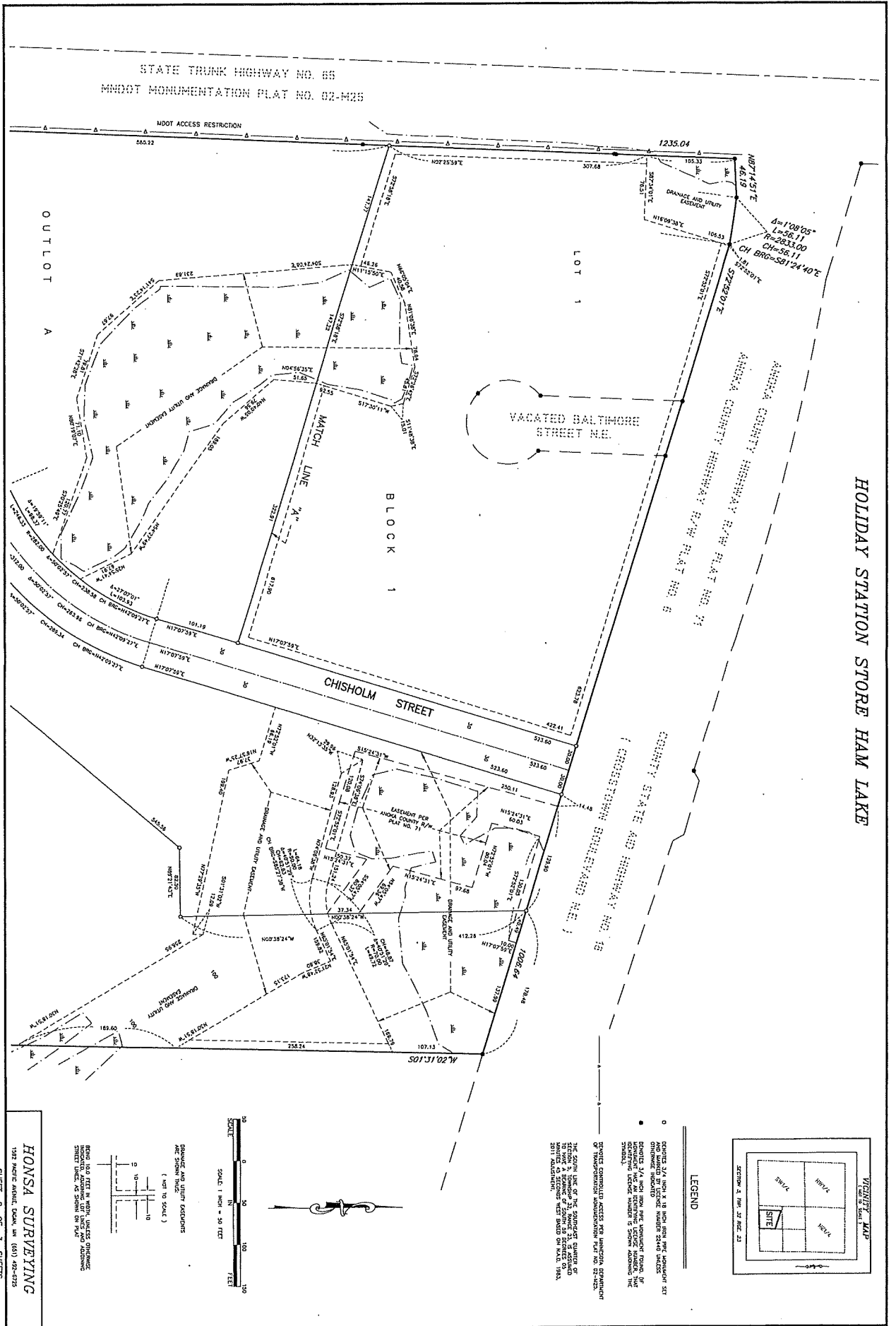
PROFESSIONAL SEAL
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 Daniel R. Munnich
 License #: 23609
 Date: 07-16-2021

PROFESSIONAL IN CHARGE
 PROJECT MANAGER
 QUALITY CONTROL
 DRAWN BY

PROJECT NAME
 CIRCLE K STORES INC.
 HAM LAKE MINNESOTA
 1442 CROSSTOWN BLVD NE
 HAM LAKE, MN


 CIRCLE K STORES INC.
 PROJECT NUMBER
 20-018
 SHEET TITLE
 SIGNAGE AND STRIPING PLAN
 SHEET NUMBER
P1
 INSITES INC.

HOLIDAY STATION STORE HAM LAKE

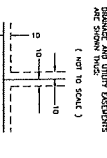
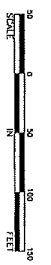


LEGEND

• QUANTITY 2.0 INCH X 8 INCH FROM THE LUNDEN EXT. DISTRICT TO BE MONUMENTED BY THIS PLAT. THE DISTRICT OFFICER IS REQUESTED TO RE-EVALUATE THIS QUANTITY IN LIGHT OF THE RECENT REVISIONS TO THE DISTRICT CODE. THE QUANTITY IS SHOWN IN THIS PLAT AS SHOWN IN THE ATTACHED PLAT.

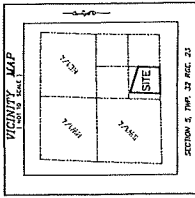
• THE CENTER LINE OF THE STATE HIGHWAY 13 TO BE MONUMENTED BY THIS PLAT. THE DISTRICT OFFICER IS REQUESTED TO RE-EVALUATE THIS QUANTITY IN LIGHT OF THE RECENT REVISIONS TO THE DISTRICT CODE. THE QUANTITY IS SHOWN IN THIS PLAT AS SHOWN IN THE ATTACHED PLAT.

• DRIVEWAY AND UTILITY EASEMENT PER PLAT NO. 02-M25.

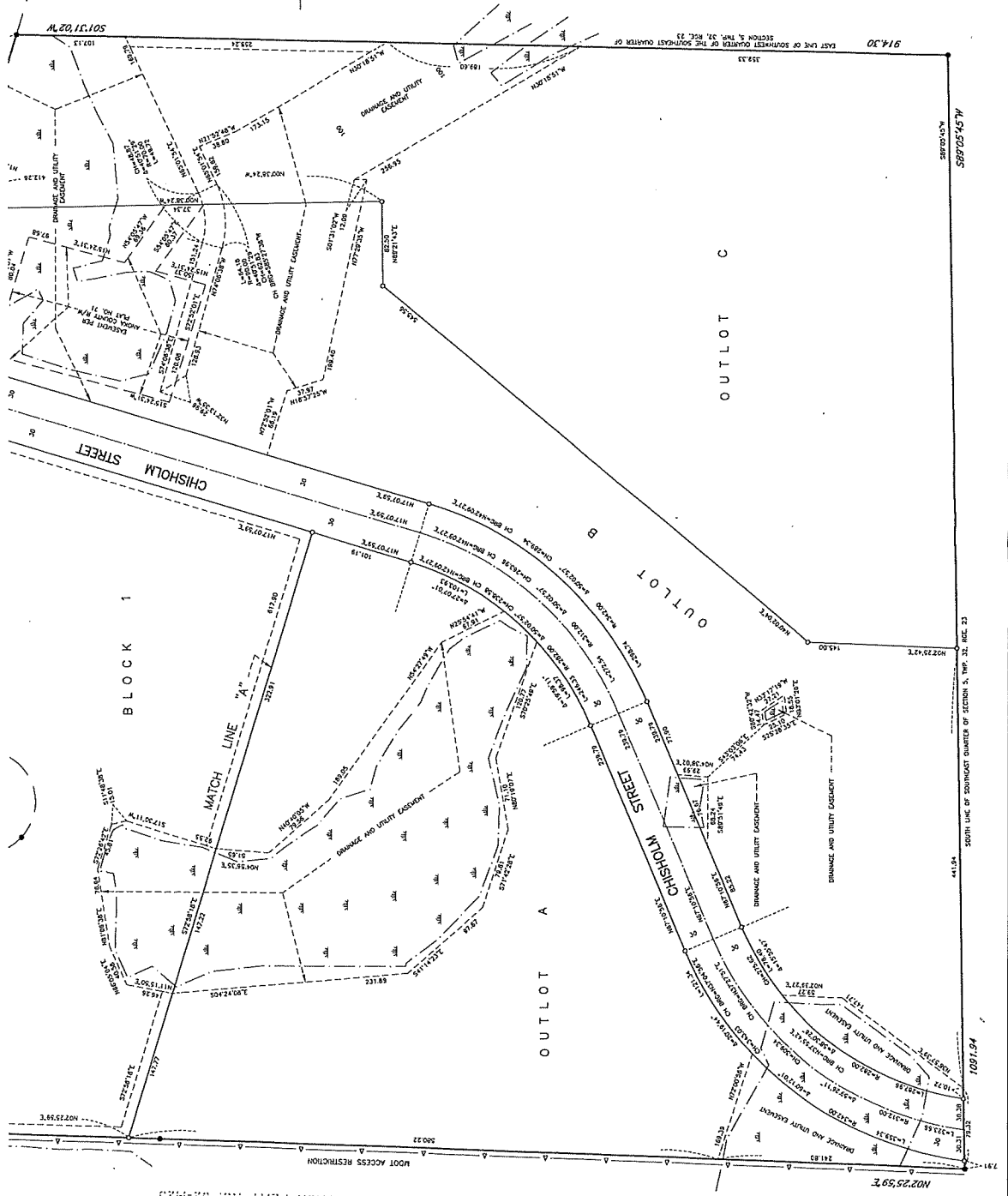


HONSA SURVEYING
 1847 MAPLE AVENUE, SOUTH, ILL. (631) 467-0233
 SHEET 2 OF 3 SHEETS

HOLIDAY STATION STORE HAM LAKE



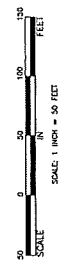
STATE TRUNK HIGHWAY NO. 88
MUDOT MONUMENTATION PLAT NO. 02-M28



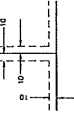
- LEGEND**
- LOCATES 3/4" DIA. 18" HIGH BENCH MARK MONUMENT SET AND ADJUSTED BY LEICHA NUMBER 2410 UNLESS OTHERWISE INDICATED
 - LOCATES 1" DIA. 18" HIGH BENCH MARK MONUMENT SET AND ADJUSTED BY LEICHA NUMBER 2410 UNLESS OTHERWISE INDICATED
 - LOCATES 1" DIA. 18" HIGH BENCH MARK MONUMENT SET AND ADJUSTED BY LEICHA NUMBER 2410 UNLESS OTHERWISE INDICATED
 - LOCATES 1" DIA. 18" HIGH BENCH MARK MONUMENT SET AND ADJUSTED BY LEICHA NUMBER 2410 UNLESS OTHERWISE INDICATED

REMOVES CONTROLLED ACCESS PER MINNESOTA DEPARTMENT OF TRANSPORTATION ADMINISTRATION PLAN NO. 02-M28

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 5, TWP. 27, REC. 23, IS A BOUNDARY LINE OF THE STATE TRUNK HIGHWAY NO. 88 AND IS A CONTROLLED ACCESS RESTRICTION AS SHOWN ON PLAT NO. 02-M28.



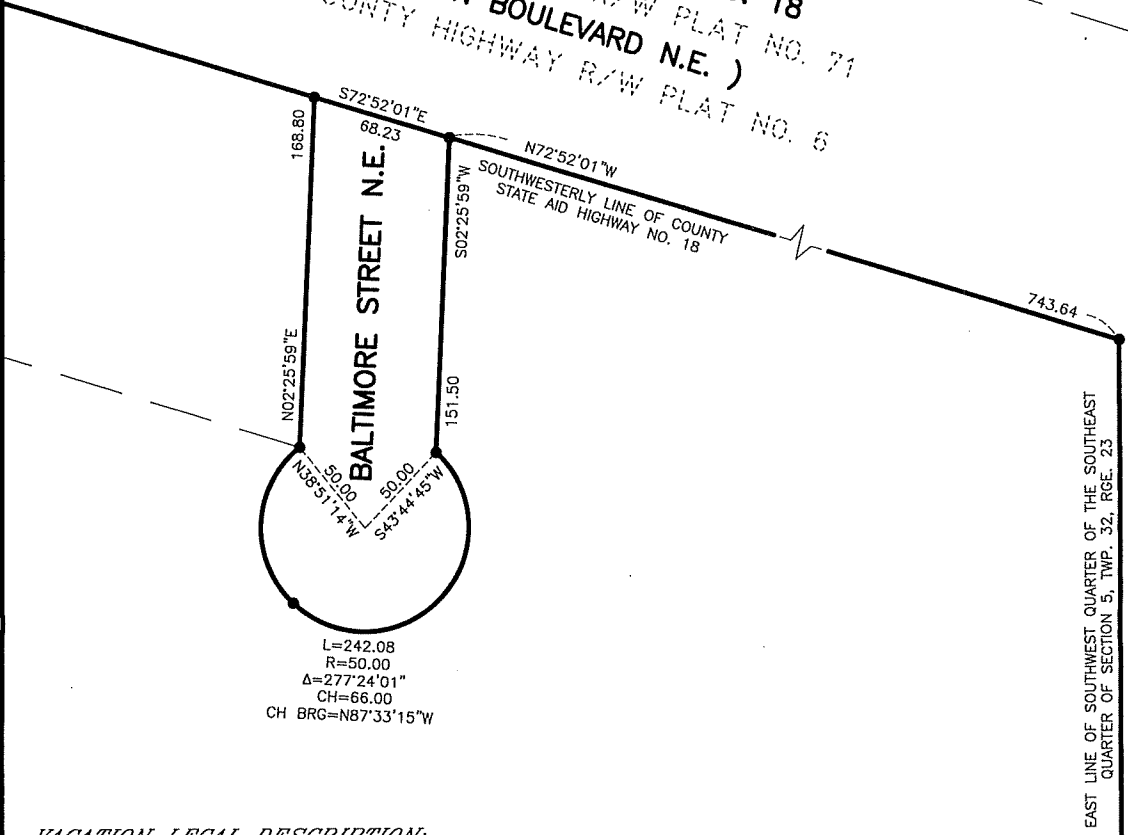
DRAINAGE AND UTILITY LOCATIONS ARE SHOWN THIS: (NOT TO SCALE)



RECORD TO BE FILED IN COUNTY RECORDS, MINNESOTA, BEING A RECORD OF A SURVEY, AND BEING A PUBLIC RECORD, AS SHOWN ON PLAT

STREET VACATION FOR: CITY OF HAM LAKE

COUNTY STATE AID HIGHWAY NO. 18
(ANOKA COUNTY HIGHWAY R/W PLAT NO. 71
CROSSTOWN BOULEVARD N.E.)
ANOKA COUNTY HIGHWAY R/W PLAT NO. 6



L=242.08
R=50.00
Δ=277°24'01"
CH=66.00
CH BRG=N87°33'15"W

VACATION LEGAL DESCRIPTION:

THAT PART OF BALTIMORE STREET NORTHEAST LYING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 32, RANGE 23, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY STATE AID HIGHWAY NO. 18 AND THE EAST LINE OF SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5; THENCE NORTH 72 DEGREES 52 MINUTES 01 SECONDS WEST ASSUMED BEARING ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY STATE AID HIGHWAY NO. 18 A DISTANCE OF 743.64 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 25 MINUTES 59 SECONDS WEST ALONG THE EAST LINE OF SAID BALTIMORE STREET NORTHEAST A DISTANCE OF 151.50 FEET; THENCE SOUTHERLY, WESTERLY AND NORTHERLY ALONG A NONTANGENTIAL CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 277 DEGREES 24 MINUTES 01 SECONDS, AN ARC LENGTH OF 242.08 FEET, A CHORD LENGTH OF 66.00 FEET AND A CHORD BEARING OF NORTH 87 DEGREES 33 MINUTES 15 SECONDS WEST; THENCE NORTH 02 DEGREES 25 MINUTES 59 SECONDS EAST ALONG THE WEST LINE OF SAID BALTIMORE STREET NORTHEAST A DISTANCE OF 168.80 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY STATE AID HIGHWAY NO. 18; THENCE SOUTH 72 DEGREES 52 MINUTES 01 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY STATE AID HIGHWAY NO. 18 A DISTANCE OF 68.23 FEET TO THE POINT OF BEGINNING AND THERE TERMINATING,

CERTIFICATION:

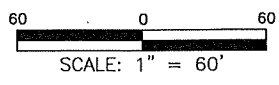
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNED THE 15TH OF JULY 2021.

Dennis M. Honsa

DENNIS M. HONSA
MINNESOTA LICENSE No. 22440
FOR: HONSA SURVEYING

REVISED: 2021-07-19 LEGAL DESC.



JOB NO: HOLIDAY VACATION HAM LAKE

HONSA SURVEYING

1592 PACIFIC AVENUE, EAGAN, MN 55122 (651) 492-6725

ALTERATIONS TO THIS DRAWING ARE PROHIBITED WITHOUT THE EXPRESS WRITTEN PERMISSION OF HONSA SURVEYING COPYRIGHT 2021.

July 14, 2021

Fire Chief

Michael Raczkowski

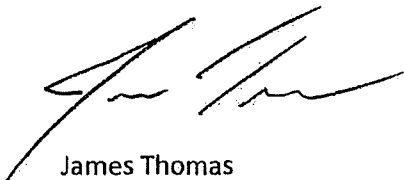
15544 Central Ave. NE

Ham Lake, MN 55304

Dear Mike

I can not begin to thank you for the opportunity to serve the City of Ham Lake. I have enjoyed my years on the department and already miss the job. Mostly, I miss the guys. However, with moving outside the call area and no plans to move back I am forced to retire. It was the right move for me, but I lost the fire department in doing so. Thank you for being part of a great chapter in my life.

Take care and be safe out there

A handwritten signature in black ink, appearing to read "James Thomas". The signature is stylized with a large initial "J" and a long horizontal stroke.

James Thomas

Meeting Date: August 2, 2021



**CITY OF HAM LAKE
STAFF REPORT**

To: Mayor and Councilmembers

From: Administrator Webster, on behalf of the Personnel Committee

Item/Title/Subject: Compensation Plan adjustment for Finance/Human Resource Director

Introduction/Discussion: Finance/Human Resource Director Andrea Worcester has been with the City full-time for almost a year. Within the last year, Andrea has been tasked with the management of the CARES Act Funding of 1.3 million and the Business and Non-Profit Relief Grant Programs. Andrea procured a third-party vendor and worked with them closely to make sure all guidelines were met with the grants that were received by businesses and non-profits in Ham Lake. The City will now be receiving funding of roughly 1.7 million through the American Rescue Plan Act (ARPA). Andrea is still in the process of researching and learning how that money can be used for the City, businesses and non-profits. I met with the Personnel Committee and we discussed the excellent work that Andrea has done in the last year and the continued upgrading of technology in the Finance Department to make them more efficient.

Recommendation: The Personnel Committee recommends approval of adjusting Andrea Worcester's comp worth rating of 308 from Year 2 to Year 3 on the pay scale effective August 17, 2021.

MINNESOTA LAWFUL GAMBLING
LG230 Application to Conduct Off-Site Gambling

6/15 Page 1 of 2
No Fee

ORGANIZATION INFORMATION

Organization Name: Spring Lake Park Lions Club License Number: 00584
Address: 8433 Center Drive City: Spring Lake Park, MN Zip: 55432
Chief Executive Officer (CEO) Name: Deborah A. Roberge Daytime Phone: 612-483-3962
Gambling Manager Name: Amanda Jackson Daytime Phone: 763-784-9179

GAMBLING ACTIVITY

Twelve off-site events are allowed each calendar year not to exceed a total of 36 days.

From 11 / 06 / 21 to 11 / 06 / 21

Check the type of games that will be conducted:

Raffle Pull-Tabs Bingo Tipboards Paddlewheel

GAMBLING PREMISES

Name of location where gambling activity will be conducted: Maxx Bar & Grill
Street address and City (or township): 17646 Central Ave NE - Ham Lake Zip: 55304 County: Anoka
• Do not use a post office box.
• If no street address, write in road designations (example: 3 miles east of Hwy. 63 on County Road 42).

Does your organization own the gambling premises?

Yes If yes, a lease is not required.
 No If no, the lease agreement below must be completed, and signed by the lessor.

LEASE AGREEMENT FOR OFF-SITE ACTIVITY (a lease agreement is not required for raffles)

Rent to be paid for the leased area: \$0 (if none, write "0")

All obligations and agreements between the organization and the lessor are listed below or attached.

- Any attachments must be dated and signed by both the lessor and lessee.
- This lease and any attachments is the total and only agreement between the lessor and the organization conducting lawful gambling activities.
- Other terms, if any:

Lessor's Signature: _____

Bruce Westman

Date: 7-24-2021

Print Lessor's Name: _____

Bruce Westman

CONTINUE TO PAGE 2

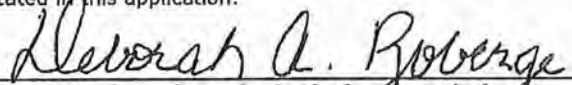
Acknowledgment by Local Unit of Government: Approval by Resolution

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
City Name: _____	County Name: _____
Date Approved by City Council: _____	Date Approved by County Board: _____
Resolution Number: _____ (If none, attach meeting minutes.)	Resolution Number: _____ (If none, attach meeting minutes.)
Signature of City Personnel: _____	Signature of County Personnel: _____
Title: _____ Date Signed: _____	Title: _____ Date Signed: _____
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>Local unit of government must sign.</p> </div>	<p>TOWNSHIP NAME: _____</p> <p>Complete below only if required by the county. On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date Signed: _____</p>

CHIEF EXECUTIVE OFFICER (CEO) ACKNOWLEDGMENT

The person signing this application must be your organization's CEO and have their name on file with the Gambling Control Board. If the CEO has changed and the current CEO has not filed a LG200B Organization Officers Affidavit with the Gambling Control Board, he or she must do so at this time.

I have read this application, and all information is true, accurate, and complete and, if applicable, agree to the lease terms as stated in this application.


07-21-21

Signature of CEO (must be CEO's signature; designee may not sign) _____ Date _____

<p>Mail or fax to:</p> <p>Minnesota Gambling Control Board Suite 300 South 1711 West County Road B Roseville, MN 55113 Fax: 651-639-4032</p>	<p>No attachments required.</p> <p>Questions? Contact a Licensing Specialist at 651-539-1900.</p>
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This publication will be made available in alternative format (i.e. large print, braille) upon request.

<p>Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.</p> <p>Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public.</p>	<p>If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.</p> <p>Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor; national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.</p>
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Meeting Date: August 2, 2021

CITY OF HAM LAKE
STAFF REPORT

To: Mayor and Councilmembers
From: Mike Raczkowski, Fire Chief
Item/Title/Subject: Command Officer Appointments

Introduction/Discussion:

The terms of the command officer appointments for the positions listed below expired at the end of 2020. With the change in administration this last year, the positions for command officers were never posted as per Department Regulation 5-1a. The persons recommended for appointment are already serving in that capacity, have applied, and are recommended for reappointment.

Recommendation:

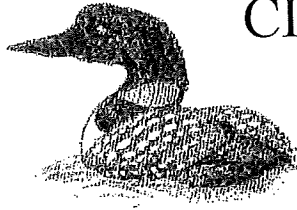
Appointment of the following persons as command officers for the 2021-2022 term:

DISTRICT CHIEF

Joe Thomas

CAPTAIN

**Steve Schahn
Pat McGrath
Mark Nelson
Steve Remark**



CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
Fax (763) 434-9599

CITY OF HAM LAKE PLANNING COMMISSION AGENDA MONDAY, JULY 26, 2021

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: July 12, 2021

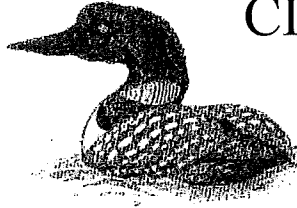
PUBLIC HEARINGS:

6:01 p.m. Jason Yang requesting a Conditional Use Permit to operate Sagewerkz LLC, an automotive repair shop, at 13408 Highway 65 NE, Suite 114.

NEW BUSINESS: None

COMMISSION BUSINESS:

1. City Council Update



CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
Fax (763) 434-9599

CITY OF HAM LAKE PLANNING COMMISSION MINUTES MONDAY, JULY 26, 2021

The Ham Lake Planning Commission met for its regular meeting on Monday, July 26, 2021 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Chair Brian Pogalz and Commissioners Dave Ringler, Scott Heaton and Jeff Entsminger

MEMBERS ABSENT: Commissioners Jonathan Fisher, Kyle Lejonvarn and Erin Dixon

OTHERS PRESENT: Zoning and Building Official, Mark Jones and Building and Zoning Clerk, Jennifer Bohr

CALL TO ORDER: Chair Pogalz called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was recited by all in attendance.

APPROVAL OF MINUTES:

Motion by Entsminger, seconded by Pogalz, to approve the minutes of the July 12, 2021 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Jason Yang requesting a Conditional Use Permit to operate Sagewerkz LLC, an automotive repair shop, at 13408 Highway 65 NE, Suite 114.

Mr. Jason Yang was present. Mr. Yang stated his business is automotive repair of Japanese classic cars. Commissioner Ringler asked Mr. Yang to explain the type of repair work he would be doing as Commissioner Ringler observed a car in the shop with no motor. Mr. Yang stated the car Commissioner Ringler saw was a personal car he and his partner were working on. Commissioner Entsminger asked Mr. Yang how many employees he would have. Mr. Yang stated there will be two employees, himself and David, the other co-owner. Commissioner Ringler completed the inspection, a copy which is on file. Commissioner Ringler stated the suite Mr. Yang will be working in has space to work on two cars at once (comfortably) and the restroom facilities available are shared with other tenants in the building. Mr. Anthony Revutskiy, building owner, was present. Chair Pogalz asked Mr. Revutskiy to provide an update on activity at the site and tenant compliance with Conditional Use Permit (CUP) conditions. Mr. Revutskiy stated tenants on the north side of the building have signed a letter acknowledging that if they park cars in the fire lane they will be towed. Mr. Revutskiy stated he really hasn't had any issues with tenants leaving cars in the fire lane since. Mr. Revutskiy stated he is working to keep

the property clean by having someone collect scrap metal from each tenant's shop after 6:00 p.m. each day and he is continuing to work on landscaping. Chair Pogalz asked Mr. Revutskiy if tenants are parking cars in their assigned spaces and not exceeding the number of allowed vehicles per their CUP's. Mr. Revutskiy stated he spoke with Zoning Official Jones today and learned he has to revise the current parking arrangement and maintain fire lanes. Chair Pogalz asked Mr. Revutskiy if he had a copy of the site plan included in tonight's meeting packet, Mr. Revutskiy said he did and that he will definitely correct how cars are parked within the fenced area. Chair Pogalz asked Mr. Revutskiy how many suites remained open to lease. Mr. Revutskiy stated none but after further discussion determined there may be one more suite available for rent bringing the total number of suites for automotive repair to nine. Commissioner Ringler stated there were approximately twenty cars parked between the southside of the building and the fenced area Sunday afternoon at approximately 1:00 p.m.; why were there so many vehicles there. Mr. Revutskiy stated the tenant in Suite 116 often has friends visit in the late afternoon on weekdays and during the afternoon on Sundays. Mr. Revutskiy stated he has told the tenant he should not be at the site on Sundays per the terms of his CUP. Mr. Revutskiy stated the City is welcome to help him enforce the terms of his tenants' CUPs. Commissioner Ringler and Chair Pogalz stated it is Mr. Revutskiy's responsibility and that he needed to ensure his tenants comply with the conditions of their CUPs. Mr. Revutskiy stated he will speak with the tenant in Suite 116 about complying with the terms of his CUP and inform him gathering with friends on the property on Sundays is not allowed. Mr. Revutskiy stated if the lease holder in Suite 116 doesn't begin to comply with the terms of his lease, he will consider not renewing the lease next year. Chair Pogalz stated the City has been working with Mr. Revutskiy for a long time to improve the situation at the site, and are making progress, action should be taken to ensure gains are not lost.

Chair Pogalz opened the public hearing at 6:15 p.m. and asked for public comment.

Anne Heise, 1228 133rd Lane NE, stated she likes Mr. Revutskiy and does not want to deny him the opportunity to have a business and earn money; he is a good person and is trying to do the right things. Ms. Heise stated she does have some concerns about some things at the site, however. Ms. Heise asked how many cars could be parked inside of the fenced area and who is responsible ensuring the number of cars does not exceed the allowed number of parking spaces. Chair Pogalz stated the fenced area has approximately 65 parking spaces. Ms. Heise stated she took a picture with a drone the day before the meeting and found more than 80 cars within the fenced area. Zoning Official Jones stated he inspected the site and spoke with Anthony before the meeting. Zoning Official Jones informed Mr. Revutskiy that he will need to park cars differently within the fenced in area, including allowing only two rows of cars in the middle as shown on the site plan; some vehicles parked within the fenced area are Mr. Revutskiy personal vehicles which are not regulated by a CUP. Ms. Heise stated she is also concerned about fluids leaking from vehicles. Ms. Heise stated rain water running along the edge of the street is colored; residents' water comes from well systems and she said she is concerned there may be contaminants in their drinking water from fluids leaking from vehicles. Ms. Heise stated she is not able to prove fluids are coming from vehicles at 13408 Highway 65 NE. Ms. Heise asked how the City can enforce conditions of CUP's when inspections are only done once a year. Ms. Heise stated it appears that the City is more concerned

about money from businesses coming into Ham Lake than the health and welfare of the residents. Zoning Official Jones stated he evaluated the site prior to the meeting and did not see anything concerning related to fluid leakage. Zoning Official Jones stated the ground is sloped so drainage remains on the 13408 Highway 65 NE parcel; it does not drain into the street. Ms. Heise stated by recommending approval of applications submitted for auto repair at 13408 Highway 65 NE, the message to residents in the area is that the City didn't listen to anything that they said and that the City doesn't care what residents have to say. Chair Pogalz informed Ms. Heise that the Planning Commission is a board that makes recommendations to the City Council after review of land usage applications; the Planning Commission's role is to ensure requested land usage by individuals and businesses is in conformance with City Code and applicable laws. Chair Pogalz suggested Ms. Heise present her concerns to the City Council during public comment if she feels action needs to be taken on a matter. Chair Pogalz asked Ms. Heise if she had been to a City Council meeting. Ms. Heise said she had not as she is only informed when the Planning Commission meets. Chair Pogalz informed Ms. Heise of when the City Council meets. Commissioner Heaton stated that the Planning Commissioners do listen to what residents say. Commissioner Heaton stated some conditions and restrictions are added to CUP applications, such as no outside storage and proper disposal of liquids, based on residents' concerns and comments. Commissioner Heaton stated if a resident or business submits an application that meets the requirements of City Code, it will be recommended for approval; it can't be denied just because someone doesn't want or like a specific land use. Ms. Heise asked again how conditions and restrictions would be enforced if there is an inspection at the site once a year. Commissioner Heaton stated if complaints are filed with the City they will be addressed. Chair Pogalz stated Mr. Revutskiy is the lease holder and has the authority to make his tenants comply with the terms of his contract and the conditions of their CUP.

Chair Pogalz closed the public hearing at 6:30 p.m.

Motion by Ringler, seconded by Heaton, to recommend approval of the application by Jason Yang, requesting a Conditional Use Permit to operate Sagewerkz LLC at 13408 Highway 65 NE, Suite 114 subject to the following conditions: (1) No motor vehicle sales (2) Five parking spaces. All parking to be on approved surfaces in designated areas as shown on the site plan: one in front of the suite the business is renting and four in the fenced area. (3) A maximum of three employees (4) No outside storage of liquids, tires, parts, etc. (5) All fluids to be contained and disposed of according to County and State requirements (6) All repairs to be done inside the building-repairs include general auto maintenance and mechanical work such as replacing brakes, headlights and bulbs (7) No bodywork or painting of vehicles at this location (8) Hours of operation to be 7:00 a.m. to 9:00 p.m., Monday through Saturday (9) Security Lighting required (10) Meeting all City, State and County requirements.

In addition, it is recommended, per Building and Zoning Official Jones, that property owner, Anthony Revutskiy, have a compliance inspection done on the septic system, prior to acceptance of any other land usage applications for this location, modify the parking arrangement inside of the fenced area to conform

with the site plan on file and to provide adequate fire lanes, stripe the parking lot and install handicap parking signs by October 29, 2021.

Chair Pogalz asked if business hours through 9:00 p.m. in the evening was consistent with business hours of other tenants. Mr. Revutskiy stated some tenants currently have hours through 9:00 p.m. Mr. Revutskiy stated parts are delivered as late as 9:00 p.m. Commissioner Ringler asked if the City has received any complaints about noise from this location. Building and Zoning Clerk Bohr stated the City had not.

All present in favor, motion carried. *This item will be placed on the August 2, 2021 City Council Agenda.*

NEW BUSINESS: None

COMMISSION BUSINESS:

City Council Update

Chair Pogalz will attend the August 2, 2021 City Council meeting.

ADJOURNMENT:

Motion by Heaton, seconded by Ringler, to adjourn the Planning Commission meeting at 6:38 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk



CITY OF HAM LAKE

PLANNING REQUEST

15544 Central Avenue NE

Ham Lake, MN 55304

Phone (763) 434-9555 Fax (763) 235-1697

Date of Application 6/28/2021

Date of Receipt 7-12-2021
Receipt # 90251

Meeting Appearance Dates:

Planning Commission 7-26-21 City Council _____

Please check request(s):

- Metes & Bounds Conveyance
- Sketch Plan
- Preliminary Plat Approval*
- Final Plat Approval
- Rezoning*
- Multiple Dog License*
- Commercial Building Permit
- Certificate of Occupancy
- Home Occupation Permit
- Conditional Use Permit (New)*
- Conditional Use Permit (Renewal)
- Other _____

**NOTE: Advisory Signage is required for land use alterations and future road connections. This application also requires a Public Hearing. Such fees shall be deducted from deposit.*

Development/Business Name: Sagewerkz LLC

Address/Location of property: 13408 Highway 65 NE, #114

Legal Description of property: _____

PIN # _____ Current Zoning CD-1 Proposed Zoning _____

Notes: Automotive repair

Applicant's Name: Jason Yang

Business Name: Sagewerkz LLC

Address 13408 Highway 65 NE, #114

City Ham Lake State MN Zip Code 55304

Phone _____ Cell Phone 763-923-5179 Fax _____

Email address jason.yaj@gmail.com

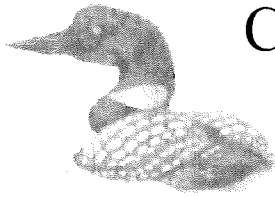
You are advised that the 60-day review period required by Minnesota Statutes Chapter 15.99 does not begin to run until all of the required items have been received by the City of Ham Lake.

SIGNATURE Jason Yang DATE 6/28/2021

- FOR STAFF USE ONLY -

ACTION BY: Planning Commission _____
City Council _____

PROPERTY TAXES CURRENT YES NO



CITY OF HAM LAKE

15544 Central Avenue NE
Ham Lake, Minnesota 55304
(763) 434-9555
Fax: (763) 434-9599

NOTICE OF PUBLIC HEARING
CITY OF HAM LAKE
COUNTY OF ANOKA
STATE OF MINNESOTA

TAKE NOTICE, that pursuant to the requirements of Minnesota Law, a public hearing shall be held before the Ham Lake Planning Commission on Monday, July 26, 2021 at 6:01 p.m. at the City Hall located at 15544 Central Avenue NE, for the purpose of considering the application of Jason Yang requesting a Conditional Use Permit to operate Sagewerkz LLC (automotive repair) at 13408 Highway 65 NE, such land situated in the City of Ham Lake, Anoka County, Minnesota and which is described as follows to wit:

32-32-23-34-0005

THAT PRT OF N 1/2 OF SE 1/4 OF SW 1/4 OF SEC 32 TWP 32 RGE 23 DESC AS FOL, BEG AT SE COR OF N 1/2 OF SD 1/4 1/4, TH N ALG E LINE 118 FT TO POB, TH W 369 FT, TH N 69 FT, TH E 369 FT, TH S 69 FT TO POB, EX RD SUBJ TO EASE OF REC

32-32-23-34-0006

THAT PRT OF N 1/2 OF SE 1/4 OF SW 1/4 OF SEC 32 TWP 32 RGE 23 DESC AS FOL, BEG AT SE COR OF N 1/2, TH N 118 FT ALG E LINE, TH W 369 FT, TH S 118 FT, TH E 369 FT TO POB, EX RD SUBJ TO EASE OF REC

32-32-23-34-0039

LOTS 13, 14, & 15 BLK 1 LARSON ADD, EX RD SUBJ TO EASE OF REC

At such hearing both written and oral comments will be heard.

DATED: July 16, 2021

Jennifer Bohr
Zoning and Building Clerk
City of Ham Lake

Anoka County Parcel Viewer



Parcel Information:

32-32-23-34-0006
13408 HIGHWAY 65 NE
HAM LAKE
MN 55304
Plat:

Approx. Acres: 0.73
Commissioner: JULIE BRAASTAD

Owner Information:



July 26, 2021

CITY OF HAM LAKE

STAFF REPORT

To: Members of the Planning Commission

From: Mark Jones, Building Official

Subject: Parcel 13408 Highway 65 NE Usage

Introduction/Discussion:

Over the past three years, the occupancy of this building has grown as space has been leased out for automotive repair shops and other businesses. Should this Conditional Use Permit application be approved, there will be seven suites occupied by automotive repair shops. TK Cabinetry and a photography studio also operate from this location. The use has changed from that of the former business (Custom Truck Accessories) that operated at this location.

Our records indicate the septic system was Installed 10/09/1998. There have been multiple additions and alterations to the building since this time. Due to this, I feel a compliance inspection should be done on the septic system. Per Minnesota Rules 7080, Subsurface Sewage Treatment System Program, a SSTS compliance inspection (meaning an inspection by a person or entity licensed by the Minnesota Pollution Control Agency) is required to determine if the system is in compliance with minimum construction standards.

Recommendation:

I recommend approval of the Conditional Use Permit (CUP) application for Sagewerkz, LLC at this time however approval of future CUP's will be contingent on a septic compliance inspection report, dated after this meeting date, being on file with the City. If the septic compliance inspection report indicates the system is non-compliant, the septic system will need to be replaced before additional usage permits can be issued. Also, no outside storage, other than client vehicles, is allowed.

Conditional Use Permit Narrative - Sagewerkz LLC

Jason Yang 763-923-5179

Introduction

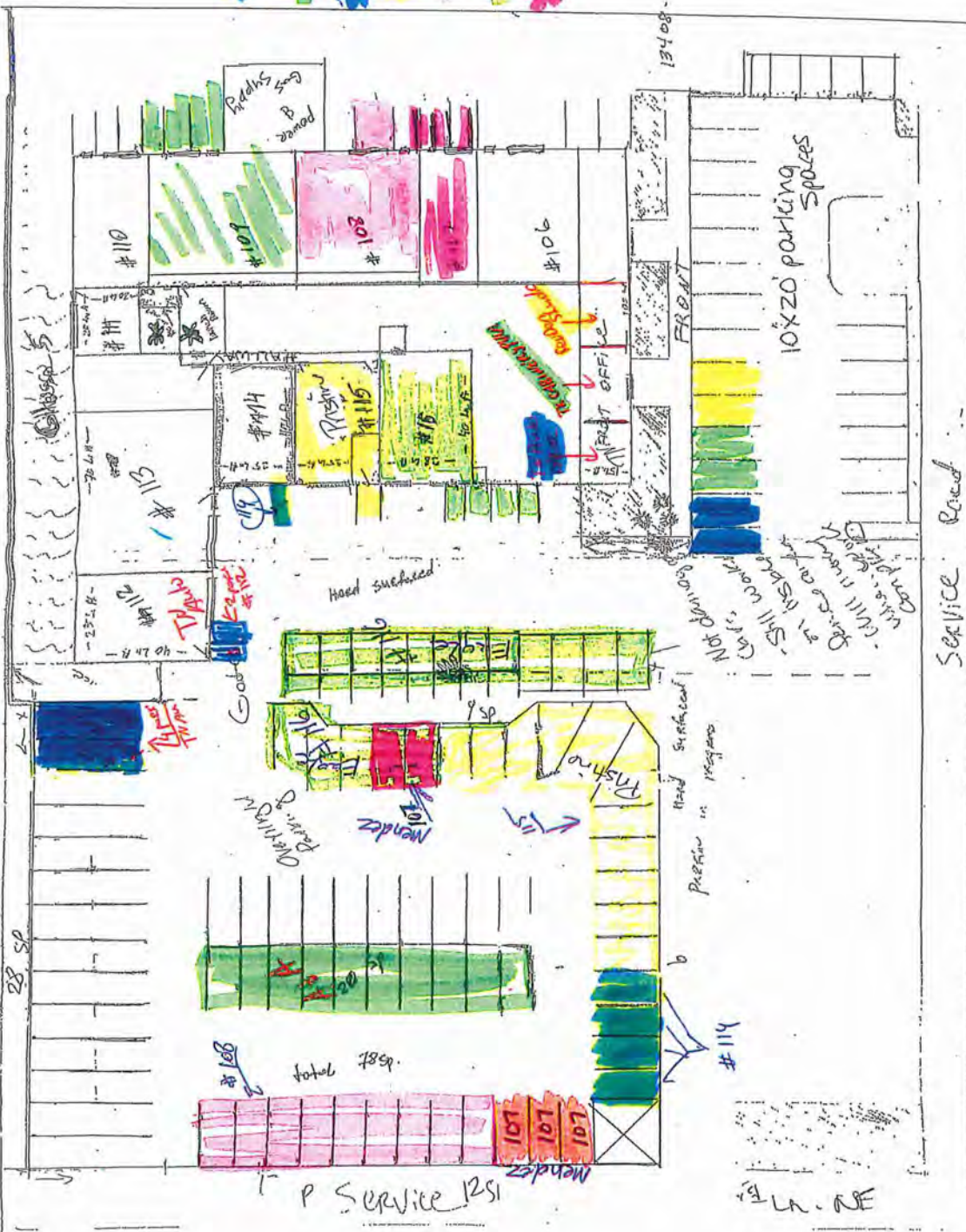
Sagewerkz is an automotive repair shop specializing in classic Japanese cars. Classic Japanese cars are what we are passionate about and what we want to preserve. Sagewerkz is owned and operated by Jason Yang and David Vu with no additional employees. Employee count will be kept at 2 to retain the integrity and quality of work.

Operations

Sagewerkz will repair and service customers' classic cars. Services can range from small detailing and fluid changes of cars to full engine replacements and suspension work. There will be no auto body or paint work done. Hours of operations will be from 7am-9pm Monday through Saturday. Low to medium traffic is to be expected as we are a specialty shop on Japanese classic cars. Storage needs are adequate at 13408 HWY 65 NE, STE 114, Ham Lake, MN 55304. With 5 outside parking spaces and 1100sq ft of shop space, there will be no outside storage.

7-21-2024
Former plan form 7/20/2020

- #114 Sagawickz
- A & A Auto #109
- TN Auto #112
- Pristine Auto Repair #115
- MD Auto #108
- Eagle Bx WC #116
- Mendez Auto #107
- Mechanic



13408 Hwy 6

Service Road

North

FL. DE

#114

Perman in hood surface

Not driving
Cars still work
Dance in inside
Will work
Comp. repair

Mendez

Mendez

Opening
Parking

total 18sq.

P Service 251

TISHING

hood surface

Auto

Auto

Power & Gas Supply

#110

#109

#103

#106

#114

#115

#115

#113

#112

#112

#112

#107

#107

#107

#107

#107

Mendez

28 SP

VIOLATION OF THE TERMS OR CONDITIONS OF THIS PERMIT MAY BE GROUNDS FOR REVOCATION OF THE PERMIT PURSUANT TO SECTION 9-310.34 OF THE ZONING CODE, A COPY OF WHICH IS HERETO ATTACHED.

Motion by Wilken, seconded by Kirkeide, to concur with the recommendation of the Planning Commission and approve the application by Anton Vovk, requesting a Conditional Use Permit to operate A & A Companies at 13408 Highway 65 NE subject to the following conditions:

- (1) No motor vehicle sales**
- (2) Allocating a total of thirteen parking spaces; three in front of the suite the business is renting (#109) for employee parking during business hours only and ten in the fenced area as presented on the site plan**
- (3) All parking to be on hard surface in designated areas as shown on the site plan**
- (4) A maximum of three employees**
- (5) No outside storage of liquids, tires, parts, etc.**
- (6) All repairs to be done inside the building (repairs include general auto maintenance and mechanical work such as replacing brakes, headlights and bulbs; all fluids to be contained and disposed of according to County and State requirements**
- (7) No painting at this location**
- (8) Hours of operation to be 9:00 a.m. to 6:00 p.m., Monday through Saturday**
- (9) Security Lighting required**
- (10) Maintain an open fire lane on the north side of the building**
- (11) Meeting all City, State and County requirements**

All in favor, motion carried.

April 20, 2021

EXAMPLE OF ANOTHER CUP ISSUED AT 13408 HIGHWAY 65 NE

9-310 Conditional Use Permits

A *Conditional Use Permit* is a permit issued after approval by the City Council, which allows a particular parcel to be used for a purpose other than a *permitted use* in a given zoning category. Additional provisions for certain types of *Conditional Use Permits* are found in Article 9- 330 of this code. The following specific terms and conditions shall apply to *Conditional Use Permits*:

9-310.1 General Guidelines for Issuance No *Conditional Use Permit* shall be issued unless the usage meets the criteria outlined in Article 9-110. In addition, a *Conditional Use Permit* may be denied if the City Council finds:

- i) that the proposed usage is visually or otherwise incompatible with adjoining pre-existing land uses; or
- ii) that the proposed usage would create unsafe traffic conditions; or
- iii) that the proposed usage would result in noise, light glare, vibrations, fumes or other environmental conditions that would disturb adjoining pre-existing land uses; or
- iv) that the proposed usage would otherwise be harmful to public health, safety or welfare.

9-310.2 Procedure for Issuance Application for a *Conditional Use Permit* shall be made on forms prescribed by the *Zoning Officer*, and shall be accompanied by such fees as the City Council may from time to time require. The *Zoning Officer* may request such additional information or data from the applicant as the *Zoning Officer* deems appropriate, prior to scheduling a public hearing. Once all submissions are complete, the *Zoning Officer* shall publish notice in the manner provided by statute of a public hearing to be held before the *Planning Commission*, which shall make recommendations to the City Council after reviewing the application and conducting the public hearing. The public hearing may be continued or recessed in the discretion of the *Planning Commission*. The City Council may attach such conditions to the issuance of *Conditional Use Permit* as it deems appropriate. If the application is denied, notice of the reasons for denial, including specific findings of fact, shall be given in the manner provided by law.

9-310.3 Renewal and Revocation

9-310.31 Duration A *Conditional Use Permit* shall be issued for a period of one year.

9-310.32 Administrative Renewal A *Conditional Use Permit* may be renewed by administrative action under the following conditions:

- a) City Staff shall keep a record of the expiration dates of all *Conditional Use Permits*, and shall conduct an annual inspection of the premises housing the *Conditional Use Permit* to verify ongoing compliance with the conditions of the Permit.

- b) If the annual inspection discloses no ongoing violations of the conditions of the Permit, the City Administrator shall approve the renewal, and make a notation in the Permit file as to such approval. Subject to the provisions of Article 9-310.33, the City Administrator may also approve a renewal where the annual inspection reveals an ongoing violation of the conditions of the Permit, if the violation is promptly cured by the Permit holder.
- c) No renewal fee shall be charged for renewal by administrative action.

9-310.33 Renewal by City Council Action Renewal of a Conditional Use Permit by approval of the City Council, after Planning Commission review, shall be required in the following instances:

- a) If the Permit holder requests a material change in the conditions of the Permit; or
- b) If the City staff has documented more than two violations of the conditions of a *Conditional Use Permit* within any given calendar year; or
- c) If the City staff has documented a violation that constituted an immediate threat to public health or safety, requiring the imposition of additional conditions to the permit to lessen the likelihood of a repeat of the violation.
- d) The holder of a Permit requiring renewal by City Council action shall be required to reimburse the City for any expense incurred in renewing the permit.

9-310.34 Revocation The City Council may, by resolution, revoke a *Conditional Use Permit* if, after conducting a review which affords reasonable due process of law to the permit holder, the City Council finds:

- a) That the conditions of the permit have been repeatedly violated in the preceding twelve months, and that there is a substantial likelihood that repeated violations will continue to occur; or
- b) That there is an ongoing violation of the permit that has not been cured; or
- c) That there are one or more conditions present at the location covered by the Permit that presents an ongoing threat to public health or safety.



Carson, Clelland
& Schreder

— ATTORNEYS AT LAW —

MEMORANDUM

TO: MAYOR AND COUNCILMEMBERS
FROM: JOSEPH MURPHY, CITY ATTORNEY
SUBJECT: SIGN ORDINANCE AMENDMENTS
DATE: JULY 19, 2021

Discussion:

After discussion at the June 7th City Council Meeting, the topic of amending the city's residential sign ordinance was referred back to the Code Review Committee. The committee discussed the topic and is now requesting the council review and discuss Article 11 of the city code to determine what types of signs may be maintained and displayed in residential areas.

Attached in the packet is memo from the League of Minnesota Cities outlining First Amendment constitutional concerns that cities must keep in mind when drafting or amending a sign ordinance. When balancing residential neighborhood aesthetics with any regulation of how residents express themselves through signs, flags, or speech, the city must be aware that courts are going to scrutinize any ordinance limiting expression very carefully to ensure that the ordinance is neutrally serving a public purpose. Any sign ordinance should be "content-neutral" and not favor any type of expression over any other type of expression. A city's regulation of signs should be focused on the time, place, and manner, not on the content of the message. If one type of sign is allowed, then other similar signs must be allowed, regardless of the message. As the League's memo points out, however, cities must balance these first amendment principles with other legitimate interests in protecting property values, preventing distractions for drivers, or avoiding clutter in residential areas.

Every two years, during the general election, State law pre-empts City Code and the city must allow political or election signs with fewer restrictions. During all other "normal" time periods, however, the City Code controls the size, location, etc. of signs, regardless of the political or other subject/content of the signs. Currently, the city code prohibits any "permanent" signs on residential lots, with a few limited exceptions. In my opinion, the current code already regulates yard signs, including flags, whether made of fabric, cardboard, plywood, etc. But for clarity, I would recommend updating the ordinance to clearly include all types of sign materials. It would lead to an absurd and unfair result if one resident was unable to put up a single cardboard yard sign, but his neighbor could put up 20 flags.

Another concern to discuss is making an ordinance that can and will be clear to enforce for city staff. Other communities across the state are currently addressing and discussing this same topic. For example, in the city of Buffalo, the city council recently held a hearing to uphold and enforce their ordinance and impose an administrative fine against a property owner whose signs and flags exceeded the restrictions in the city ordinance. Keep in mind that selective enforcement of the ordinance would be problematic, because if you allow one resident to violate the ordinance it may be very difficult to later enforce the ordinance against any other resident. Courts would likely view that as favoring one message over another message and find that the city is violating the property owner's first amendment rights.

I have drafted a proposed ordinance amendment that would allow up to two permanent, 6-square-foot signs per lot, with no restrictions on the content, subject matter, or appearance of those signs. This is just a suggestion for discussion purposes. Those numbers are subject to change and you should discuss what size and what number of signs you would want to allow in residential neighborhoods to balance the numerous competing interests involved. Without any "time, place, and manner" restrictions or regulations, it could turn into a free-for-all with the city having no authority to address legitimate concerns and disputes between residential neighbors.

ORDINANCE NO. 21-XX

An Ordinance Amending and ARTICLE 11, GENERAL ACTIVITY REGULATIONS, to clarify definition of signage and to allow signage under 6 square feet in size for residential lots with a home occupation permit and to eliminate the requirement that such lots have no outward indication of the use.

Be it Ordained by the City Council of the City of Ham Lake, Anoka County, Minnesota as follows:

ARTICLE 11, GENERAL ACTIVITY REGULATIONS of the Ham Lake City Code is hereby amended as indicated in the following sections:

11-300 GENERAL PROVISIONS TO ALL SIGNS AND DEFINITION

A "sign" shall mean any device designed to attract attention to a particular object, message, or activity, regardless of the material.

11-340 Standards in Specific Residential Districts

No signs shall be permitted in any area zoned R-1, R-M, R-AH, PUD, RS-1 or RS-2 except for a) temporary signs that are no greater than six square feet in size, used for no more than thirty (30) consecutive days, and on no more than three (3) occasions per year, b) up to two (2) permanent signs no greater than six square feet in size may be kept on each lot, ~~on lots with a Home Occupation Permit under Article 9-350,~~ and c) Neighborhood Monument Signs as defined in Article 11-350.4 of this code may be up to 40 square feet in size, as measured on the perimeter of the border of the message displayed (excluding structural components of the sign).

...

Presented to the Ham Lake City Council on _____, 2021 and adopted by a _____ vote this ___ day of _____, 2021.

Michael G. Van Kirk, Mayor

Denise Webster, City Clerk

CURRENT ORDINANCE FOR HAM LAKE

11-300 GENERAL PROVISIONS APPLICABLE TO ALL SIGNS AND DEFINITION A

"sign" shall mean any device designed to attract attention to a particular object or activity.

Substitution Clause: In the body of the following article, references may be made to specific messages that may appear on a particular sign, Notwithstanding such references, nothing in this code shall be deemed to limit the message that may appear on any sign described in this code, and any message may be substituted for any specific content characterized below, so long as the size, number of signs and other required physical characteristics of the sign are compliant with this code. The use of specific content references is intended only to serve as an example of what types of content typically appear on various signs, but does not limit content to those examples.

11-310 Regulations Common to all Signs

11-310.1 Locations No sign shall be permitted within ten (10) feet any public right-of-way, or in any location which interferes with sight lines for motorists or pedestrians in a manner which could be inimical to public safety. No sign shall be permitted upon any public or private utility easement unless the benefited party under such easement has granted written consent for the sign.

11-310.2 Permits Required Except as exempted under Article 11-350, no sign shall be erected unless a permit shall have first been obtained from the City. The City's building official shall issue permits for all signs, except that any sign proposed to be located in any commercial or industrial district may, if referred by the building official, be reviewed by the Planning Commission and the City Council. Sign review shall be limited to commentary on sign aesthetics, and no regulation of sign content shall be permitted or attempted. The building official may also, in his or her discretion, refer any other application for a sign permit for Planning Commission review and City Council action. If a sign for which a permit is obtained is not properly completed within one year after the date of the permit, the permit shall be deemed expired.

11-310.3 Maintenance The party to whom a sign permit is issued shall be responsible to maintain the sign at all times, both in terms of structural integrity and physical appearance. Maintenance shall include, without limitation, the avoidance of faded coloring, cracked or peeling paint, visible rust, broken fixtures, cracked or broken masonry, malfunctioning or non-functioning electrical components, untrimmed, dead or dying landscape vegetation, or unrepaired vandalism. The failure of a permittee to correct an improperly maintained sign within thirty days of written notice from the City shall be grounds for the City to revoke the sign permit.

11-320 Standards in Commercially Zoned Districts

The following standards shall be followed for all signs located in areas zoned CD-1, CD-2, CD-3, CD-4, I-P, I-1, or GF.

11-320.1 Construction Except as specifically excluded by this code, all signs shall be constructed in conformance with standards prescribed by the Uniform Building Code and by the 1991 edition of the Uniform Sign Code. These standards include, without limitation, structural requirements, specifications for materials, seismic and wind loads, glass and plastic usage and specifications, electrical wiring specifications and other requirements.

11-320.2 Height of Freestanding Signs No portion of any freestanding sign shall exceed twenty-five feet in height, as measured from the highest elevation of ground level beneath the sign footprint. Berms or hills created to artificially increase the natural or normal elevation of ground level beneath the sign shall be disregarded in computing sign height.

11-320.3 Height of Signs Affixed to Buildings No portion of any sign which is affixed to a building (including a sign placed upon an awning) shall exceed the parapet height of the building, or, if there be no parapet, then the eaves of the building.

11-320.4 Configuration of Lettering No lettering on any sign shall exceed thirty-six inches in height. All lettering shall be in aesthetic proportions to the sign perimeter or surrounding structures. Except where necessary to display a logo or trademark, lettering shall be uniform in style for each sign or common sets of signs.

11-320.5 Moving Parts Except for changeable copy lettering and electronic readerboard images, no sign shall contain moving parts designed to attract attention to the sign. Moving parts, such as access panels, which are a component of the functional aspects of the sign are permissible.

11-320.6 Maximum Size

a) No sign shall be permitted which contains more than one Hundred (100) square feet, or 200 square feet if two-sided. Where more than one sign or element of signage is proposed for a given real estate parcel of record, the aggregate square footage of all signage on the parcel shall not exceed three hundred (300) square feet. The area of a sign shall be computed using the outside perimeter which reasonably borders or encompasses the sign content, including all lettering or imagery.

b) If a building contains multiple tenants, each tenant may be allotted a pro-rata share of the permitted square footage allowed on that parcel for a freestanding sign or signs, as determined by the sign owner. In addition to signage on a freestanding sign, individual tenants of a multi-tenant building may have signage affixed to the front of their occupied space building that is of a size of up to 10% of the square footage of the front of the occupied space, but not to exceed 100 square feet. The front of the occupied space shall be considered to be the area on the side of the building containing the main entrance to the tenant space that is obtained by multiplying the building height times the width of the actual space occupied by the tenant.

c) Notwithstanding the foregoing, if a commercial building has a corner consisting as two wall surfaces each facing a separate public road, then in addition to the wall signage allowed on the main entrance side, a total of 100 square feet

of wall signage may be permitted on the side that does not contain the main entrance, to be allocated by the landlord among the tenants. The "main entrance side" shall be the wall surface that contains the greater number of tenant entrances.

(d) If a commercial building with a single tenant has a corner consisting as two wall surfaces each facing a separate public road then in addition to the allowed 300 square feet, an additional 100 square feet of total signage will be allowed.

11-320.7 General Sign Aesthetics All sign owners shall be encouraged to construct signs in which signage intensity, color schemes, images, dimensions and construction materials are generally compatible with buildings, nearby land usages, and reflect a reasonable balance between aesthetics and the need to provide advertisement of a particular subject or object. Any sign constructed of materials blended with the ground surface, such as a monument sign, shall be accompanied by complementary landscaping.

11-320.8 Illumination No illumination shall be permitted in connection with any sign which creates any danger to public safety, or which casts light or images which interfere with the quiet enjoyment of adjacent or nearby residential property.

11-320.9 Affixed Building Signs Affixed Building Signs are letters that are either directly affixed or attached to a track on one or more walls of the building from which the business operates. Such letters may not be painted on the wall, but must be constructed of a durable and color-fast material, and constructed in manner where individual letters are affixed to the wall by usage of glue, fasteners, or a combination thereof. Letters of such signs may be up to thirty-six inches in height. The area of such a sign shall be computed by drawing an imaginary line around the perimeter of the lettering, which line shall be located six inches above the highest elevation of any letter; six inches beneath the lowest elevation of any letter; and six inches on either side of the letters furthest to the left and right as one faces the sign. The area of this rectangle shall be deemed to be the area of the Affixed Building Sign, and shall count against the maximum sign areas noted in Article 11-320.6 (a, b, or c). Lettering may not protrude above the roof or parapet of any building, nor may lettering protruded beyond the corner of a building.

11-320.10 Temporary Signs The Zoning Official may issue permits for temporary signs in any commercially zoned district, such as portable signs, provided that the temporary signs are used for no more than thirty (30) consecutive days, and on no more than three (3) occasions per year per business.

11-320.11 Special Events The Zoning Official may issue permits for temporary signs designed for usage in connection with special events, such as holidays, initial business grand openings, or civic events. Such temporary signs may include inflatable devices, pennants, hand-painted banners, searchlights, streamers or the like. No such temporary sign shall be in use for more than thirty (30) days in the case of civic events, or more than seven (7) days for all other events. City sponsored civic events are exempt from this provision.

11-320.12 Construction Signs The building official may issue permits for temporary construction signs. Such signs shall not exceed thirty-two (32) square feet, and shall be limited to one sign facing each road which abuts the lot upon which construction is taking place. Such temporary signs may remain in place for up to one year.

11-330 Standards in R-A Zoning Districts

The standards for signs in the R-A Zoning District shall be identical to those found in Article 11-320, except that no sign shall exceed fifty (50) square feet in area, and no sign shall exceed fifteen (15) feet in height.

11-340 Standards in Specific Residential Districts

No signs shall be permitted in any area zoned R-1, R-M, R-AH, PUD, RS-1 or RS-2 except for a) temporary signs that are no greater than six square feet in size, b) permanent signs no greater than six square feet in size on lots with a Home Occupation Permit under Article 9-350, and c) Neighborhood Monument Signs as defined in Article 11-350.4 of this code may be up to 40 square feet in size, as measured on the perimeter of the border of the message displayed (excluding structural components of the sign). Only one sign may be placed on a residential lot, except that if it is a corner lot with two road frontages, one sign may be permitted facing each road. Such signs may be in place for no more time than is necessary to accomplish the intended purpose of the sign. A single "monument" or other sign erected by a neighborhood association or land developer may be placed on private property at any road entrance to the neighborhood, provided that the sign is maintained by the property owner on whose parcel the sign is placed.

11-350 Exempt or Partially Exempt Signs The following categories of signs shall be permitted in accordance with the standards or requirements noted below.

11-350.1 Small Signs No permit or regulation shall be required for signs of less than two (2) square feet, provided that the attaching of such signs to utility poles or otherwise within public right of way without the written permission of the easement or fee owner shall be prohibited.

11-350.2 No Permit or Regulations Not Applicable The following items shall not require permits and shall not otherwise be considered "signs" or "signage" for the purposes of code regulation:

- a) Signs or lettering affixed to the inside of a window, comprising not more than 30% of the window area;
- b) On-premise signs affixed to a building and comprising less than four (4) square feet;
- c) Signs located entirely within the interior of a building;
- d) Signs erected by or at the direction of any governmental authority, or which are required by law to exist, such as warning beacons or devices.
- e) Signs for which regulation has been preempted by State Law, such as Minnesota Statutes Chapter 211B.045 (election year signage).

11-350.3 Temporary Neighborhood Signs Signs meeting the criteria of Article 11-340 shall not require permits.

11-350.4 Neighborhood Monument Signs A "Neighborhood Monument Sign" is a sign that is erected by a residential subdivision developer or owner's association at the time of marketing and construction of the subdivision. Neighborhood Monument Signs shall be constructed of materials requiring little or no ongoing maintenance, such as masonry. No portion of any Neighborhood Monument Sign shall be located closer than ten feet from any road right-of-way. No Neighborhood Monument Sign shall be permitted unless, as a part of the development agreement for the subdivision, a reasonable system for ongoing maintenance of the sign is provided, at no cost or expense to the City. Further, the development agreement shall provide that if the sign is not properly maintained, the City may, upon reasonable notice to the residents of the neighborhood, come upon the property upon which the sign sits and remove the signage.

11-360 Administration and Miscellaneous Provisions

11-360.1 Non-Conforming Signs Existing signs which do not conform to the provisions of this code, meaning signs which were legally in existence as of the effective date of this Article 11-300 et seq., shall be recognized as legal usages unless the sign is abandoned, meaning that the sign is destroyed or rendered incapable of conveying its message, and such state continues uncorrected for twelve consecutive months.

11-360.2 Permit Procedures

a) Permit Application

Applications for permits shall be reviewed by the building official. Application for permits shall be made upon forms provided by the City and shall state or have attached thereto the following information, if required by the building official.

- i) The names, addresses, and telephone numbers of the applicant, the owner of the parcel on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
- ii) Type of sign.
- iii) Type of construction materials to be used.
- iv) Location of building, structure or parcel to which, or upon which, the sign is to be attached or erected.
- v) Position of the sign or other advertising structures in relation to the nearest buildings, structures, public streets, right-of-ways and property lines, along with location and square footage areas for all existing signs on the same premises. The drawing showing such position shall be prepared "to scale";
- vi) If illuminated, method of illumination shall be outlined in accordance with illumination standards.
- vii) Blueprint or ink drawing of the plans and specifications, and method of construction or attachment to the building or in the ground, including all dimensions, footings, locating all light sources, wattage, type and color of lights and details of any light shields or shades.

- viii) Copy of stress sheets and calculations, showing the structure is designated for dead load and wind velocity in the amount required by this and all other ordinances of the City.
- ix) Site plan and landscaping plan.

b) Permit Fees Permit fees shall be established from time to time by ordinance adopted by the City Council.

11-360.3 Severability Article 11-300 shall be deemed in all respects severable, such that if any portion of this article shall be found unenforceable, such a finding shall affect only that portion, and shall not invalidate the entire Article.



INFORMATION MEMO

Sign Ordinances and the First Amendment

Learn how to design a sign ordinance for your city that meets the requirements of the First Amendment for protecting various forms of speech.

RELEVANT LINKS:

[Reed v. Town of Gilbert, 135 S. Ct. 2218 \(2015\).](#)

I. First Amendment principles

The First Amendment protects signs as speech, and, as a result, courts closely review attempts to regulate signs. In 2015, the U.S. Supreme Court decided a seminal case (*Reed v. Town of Gilbert*) that changed how courts review the validity of sign ordinances. Prior to this decision, courts generally presumed sign ordinances were valid and, in their review, would look to the intent behind the adoption of the ordinance, striking down only those ordinances where the court found evidence that the city “adopted (the sign regulation) to suppress speech with which the government disagreed” (commonly known as content-based).

Since *Reed*, courts now presume that sign ordinances that restrict speech (either expressly or implicitly) are unconstitutional. As a result, courts look first to the effect of the sign ordinance—whether the ordinance regulates signs differently based on the content or message of the sign—before conducting its analysis of the constitutionality of the ordinance. Based upon the court’s determination, the court will apply one of two standards of review to the challenged ordinance. If the ordinance draws distinctions based on the message communicated by the sign, the court reviews these ordinances more harshly than if the ordinance regulates signs and their placement without regard to content.

A. Content-based

As referenced above, the *Reed* decision created a two-step analysis to determine if the ordinance restricts speech, commonly referred to as “content-based”:

- Does the ordinance’s actual language refer to the content or the message of the sign?
- If not, then does evidence exist that shows the city adopted the regulation specifically because of disagreement (or agreement) with the message expressed by the sign?

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

In *Reed*, the Town of Gilbert's sign code required permitting for signs, but then listed out categories or types of signs exempt from permitting, including "political signs," "ideological signs," and "temporary directional signs." The ordinance in *Reed* also placed different physical restrictions on the separate types of signs. The Supreme Court found this ordinance content-based because the regulation "on its face" looked to the message on the proposed sign to determine how the city would regulate it.

As mentioned above, if a court finds the city expressly regulated or intended to regulate a message or content, then the court applies a more rigorous level of review to those ordinances. This heightened level of review is called "strict scrutiny," and the court will only uphold the ordinance if it furthers a compelling government interest and is narrowly tailored. Courts have found few governmental interests represent justifiable "compelling interests." As a result, in practice, few, if any, regulations survive strict scrutiny.

In the alternative, for sign ordinances that do not regulate the message or content of signs (commonly called "content-neutral"), courts apply a lower standard of review to the reasonableness of regulations and generally uphold regulations that further a significant government interest, as long as reasonable alternative channels for communication exist. As a result, courts uphold ordinances considered content-neutral more often than not.

B. Content-neutral

As stated above, when a local government's ordinance is content-neutral, courts review it with a much more relaxed standard, upholding regulations that meet the criteria below (often referred to as reasonable time, place, and manner restrictions). These ordinances:

- Do not reference the content of the sign.
- Are narrowly tailored to serve a significant governmental interest (rather than compelling interest).
- Leave open ample alternative channels for communication of the information.

To help avoid challenges when adopting sign ordinances, cities should:

- Not regulate based on content.
- Not favor commercial speech over noncommercial speech.
- Further substantial government interests, such as traffic safety or aesthetics, without regulating more than necessary to accomplish their objectives.
- Leave ample alternative channels for communication, such as limiting the size of signs but still allowing signs.

Advantage Media, LLC v. City of Eden Prairie, 456 F.3d 793 (8th Cir. 2006).

Hensel v. City of Little Falls, 992 F. Supp.2d 916 (D. Minn. 2014).

RELEVANT LINKS:

*Central Hudson Gas & Elec.
v. Public Serv. Comm'n*, 447
U.S. 557 (1980).

Sign Ordinance, City of
Hopkins sample.

C. Commercial speech v. noncommercial speech

Courts treat commercial speech differently than noncommercial speech and do not afford it the same level of protection. Courts have defined commercial speech as speech that proposes a commercial transaction. Commercial speech enjoys some First Amendment protection but not as much protection as noncommercial speech.

Understanding commercial speech versus noncommercial speech can get confusing. Commercial speech is initiated by a person or company who engages in commerce, or is selling something; targets commercial audiences or audiences that are actual or potential consumers; and communicates a message commercial in nature, such as advertisements. Noncommercial speech, on the other hand, includes messages that do not promote commercial products or services, such as a message that has ideological or political content.

II. Drafting a sign ordinance

With the First Amendment concerns surrounding sign regulation, the below guidelines will help cities in drafting ordinances. Keep in mind that signs can pose distinct problems subject to a city's police power, such as taking up space, obstructing views, distracting motorists, and displacing alternative uses for land, so cities can regulate signs, they just must do so cautiously.

A. Provisions to include

1. Statement of purpose

This section of an ordinance explains the public purpose reason for the sign ordinance and how the city intends to apply the ordinance. The statement of purpose should state clearly that it does not intend to have content-based restrictions or content-based enforcement. Cities find it a best practice for the statement of purpose to delineate the governmental interests spurring the regulations.

2. Substitution clause

Adding a message substitution clause may avoid claims that an ordinance favors commercial signs over noncommercial messages. A substitution clause provides that for every commercial sign allowed, any noncommercial message could be legally substituted. Substitution clauses help protect against allegations of discrimination (based on content) because they always allow a noncommercial message on any sign. Many ordinances inadvertently define signs in terms of advertising and, as a result, may be interpreted as allowing only commercial messages.

RELEVANT LINKS:

[Minn. Stat. § 211B.045.](#)

[Brayton v. City of New Brighton, 519 N.W.2d 243 \(Minn. App. 1994\), cert. denied, 514 U.S. 1036, \(1995\).](#)

[City of Ladue v. Gilleo, 512 U.S. 43 \(1994\). Brayton v. City of New Brighton, 519 N.W.2d 243 \(Minn. App. 1994\).](#)

A substitution clause may correct these mistakes by providing a catch-all allowance of noncommercial messages notwithstanding other provisions. A sample substitution clause reads as follows:

“Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.”

3. Severability clause

A severability clause provides that if a court finds any provision of the ordinance invalid, the remainder of the ordinance stands on its own. This clause may prevent a flaw in one part of the ordinance from invalidating the entire ordinance.

A sample severability clause reads as follows:

“If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.”

4. Election season pre-emption

A city’s sign ordinance should contain acknowledgement of the election season pre-emption required by state law. Under this law, municipalities must allow noncommercial signs of any size or number during election season, which runs from 46 days before the state general primary until 10 days after the state general election. The statute does not define noncommercial sign. One Minnesota case does, however, and states that a “noncommercial opinion sign” is one which “does not advertise products, goods, businesses, or services and which expresses an opinion or other point of view.” Courts consider campaign signs a subset of noncommercial opinion speech. Outside of “election season,” including during non-general election years, a city’s local sign ordinance governs. However, as stated before, even if not election season, local sign ordinances should not have the effect of prohibiting opinion speech.

5. Time, place, and manner regulations

Best practices suggest cities should:

- Adopt sign ordinance regulations based on time, place, and manner concerns, not on content.
- Refrain from favoring commercial speech over noncommercial speech.

RELEVANT LINKS:

Hensel v. City of Little Falls,
992 F. Supp.2d 916 (D.
Minn. 2014).

Reed v. Town of Gilbert, 135
S. Ct. 2218 (2015).

*Advantage Media v. City of
Hopkins*, 379 F.Supp.2d 1030
(D.Minn. 2005).

Examples of content-neutral restrictions include regulations based on size, brightness, zoning district, spacing, and movement.

B. Provisions to avoid

1. Unfettered discretion

Cities should avoid drafting ordinances that provide discretionary approval by the city staff. Ordinances that give staff discretion to grant or deny have the potential to favor some messages or messengers over others, regardless of whether an abuse of that discretion occurred. Sign ordinances should have transparent and objective permit requirements, making the decision to grant or deny ministerial, as opposed to subjective, in nature. So, for example, cities should avoid provisions allowing staff discretion to deny permits, even if the application satisfies all specific ordinance requirements, or provisions that treat signs as conditional or special uses.

2. Exemptions or favoritism

Cities should avoid exempting certain groups or messages, such as church signs or official flags, from permit requirements in the ordinance. Courts construe these types of exemptions as content-based discrimination because a decision is made based on the text, or content, of the sign.

Also, municipalities may want to keep in mind that including specific exemptions in sign ordinances often has the effect of “watering down” the proof that the regulation furthers a substantial government interest. For example, if an ordinance includes a prohibition on temporary signs but allows a long list of exemptions, it suggests the city is not really concerned about temporary signs.

3. Over-defining signs

Cities should avoid drafting ordinances in ways in which noncommercial speech inadvertently gets treated less favorably than commercial speech. For example, some cities have run into trouble by defining a “sign” as “advertising.” A court’s analysis would be as follows:

- The city ordinance defines signs as advertising devices.
- The ordinance allows signs as defined.
- The ordinance, by its definition of signs as advertising, prohibits all other types of signs.

This arguably prohibits noncommercial speech, violating the First Amendment.

RELEVANT LINKS:

FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990).

Metromedia Inc. v. City of San Diego, 453 U.S. 490 (1981).

Advantage Media, LLC v. City of Eden Prairie, 456 F.3d 793 (8th Cir. 2006).

City of Cottage Grove v. Ott, 395 N.W.2d 111 (Minn. App. 1986).

Texas v. Johnson, 491 U.S. 397 (1989). *Young v. City of Roseville*, 78 F.Supp.2d 970 (D. Minn. 1999).

City of Ladue v. Gilleo, 512 U.S. 43 (1994).

Goward v. City of Minneapolis, 456 N.W.2d 460 (Minn. App. 2990).

C. Include procedural protections

Cities that require permitting should include certain procedural safeguards in their ordinance, such as a:

- Specification of the time within which the city will grant or deny a permit, keeping in mind judicial preference for brevity in the response time.
- Requirement that, if the city denies the permit, the applicant has access to prompt judicial review.

III. Common sign ordinance issues

A. Off-premise advertising (billboards)

Off-premise advertising consists of commercial signs that advertise for a business located somewhere else than at the location where the sign is placed. Large, freestanding billboards create unique problems for land use planning and development precisely because their design intends for them to stand out from their surroundings. Courts have found a legitimate local governmental interest in controlling the size and location of billboards, but not in controlling the sign's communicative aspects. Indeed, billboards can distract drivers, posing real danger to both motorists and nearby pedestrians and justifying regulation.

In Minnesota, the court has upheld a sign ordinance that completely prohibited off-premise commercial advertising, but, did so cautiously and only because the ordinance did not regulate noncommercial signs. Because of the scrutiny applied in regulating speech, cities should use caution in adopting complete billboard prohibitions and work with their city attorneys.

B. Flags

Courts have recognized that the display of flags can constitute expressive conduct protected under the First Amendment as well. Cities should use caution if regulating flags to avoid favoring some types of flags (particularly the United States flag) over other flags. Use of a substitution clause helps in these instances: if one type of noncommercial flag would be acceptable, any noncommercial flag should be allowed.

C. Yard signs, including political signs

Courts have deemed yard signs constitutionally protected. Best practice suggests avoiding total bans on noncommercial lawn signs in residential areas, and using caution in adopting provisions that may favor some messages over others.

RELEVANT LINKS:

La Tour v. City of Fayetteville, Ark., 442 F.3d 1094 (8th Cir. 2006). *State v. Dahl*, 676 N.W.2d 305 (Minn. App. 2004).

Minn. Stat. Ch. 173. Minn. Stat. 160.2715. Minn. DOT Billboard Permits and Guidance. Minn. DOT Community and Guide Signage.

LMC Research Department,
651-281-1200

For example, exemptions from sign regulations for real estate signs or construction project signs favor commercial speech over noncommercial speech. However, general limitations on the number and size of signs have withstood constitutional challenges since such limitations have nothing to do with a sign's message, and they further governmental interests in protecting property values, preventing distractions for drivers, or avoiding clutter.

Again, as stated before, a city's sign ordinance should contain acknowledgement of the election season pre-emption required by state law. Under this law, municipalities must allow noncommercial signs of any size or number during election season, from 46 days before the state general primary until 10 days after the state general election.

D. Electronic signs

Electronic signs present new challenges, especially with ever-changing technology capable of new levels of brightness, movement, flashing, and potential distraction. Most sign ordinances do not adequately address these issues and how they may impact traffic safety or aesthetics. Courts have upheld regulations on electronic or flashing signs, so long as the regulations are not tied to the content of the signs, serve a substantial governmental interest, and leave open ample alternative channels for communication. For example, courts have found that allowing non-electronic signs, or even operating the electronic sign in a non-flashing mode, represents ample alternatives.

E. Signs adjacent to highways

Minnesota statutes specifically regulate signs adjacent to highways. Minnesota law states, in part, that it is unlawful to paint, print, place, or affix any object within the limits of any state highway; but provides for some specific signage that meets certain Department of Transportation criteria. Furthermore, Minnesota's Outdoor Advertising Control Act prohibits advertising devices on private land without the consent of the owner or occupant; on public utility poles; on trees or shrubs; and by painting or drawing on rocks or natural features.

IV. Further assistance

Due to the complexity of regulating signs, cities should work with their city attorneys to draft and review such ordinances. City attorneys also can examine the law for possible exceptions to these general rules about sign ordinances and the First Amendment. The League of Minnesota Cities' Research Department can provide assistance and sample ordinances.

City of Blaine

34.06 - Permitted signs—no permit required.

- (a) Identification signs for one- and two-family dwellings, provided that such signs are less than two (2) square feet in area, address numbers exempted. (Ord. No. 86-934, amended 6-5-1986)
- (b) Pedestrian, vehicular-traffic, and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and less than five (5) feet in height, unless located on the building, provided such sign does not constitute traffic hazard. (Ord. No. 86-934, amended 6-5-1986)
- (c) Traffic control signs, non-commercial governmental signs, local notices, railroad crossing signs, and temporary non-advertising safety or emergency signs.
- (d) Signs denoting the architect, engineer, contractor, or owner when placed upon a work site, which do not exceed an aggregate of thirty-two (32) square feet in area. Such signs must be removed ten (10) days after completion of construction. (Ord. No. 86-934, amended 6-5-1986)
- (e) Copy of message changing on permitted changeable copy signs including billboards. (Ord. No. 86-934, amended 6-5-1986)
- (f) Non-commercial signs of any size and number may be posted on private property with the permission of the property owner beginning 46 days before the state primary in a state general election year until 10 days following the state general election. (Ord. No. 97-1656, amended 5-1-1997)
- (g) Signs or posters painted on or attached to the inside of a display window occupying less than twenty-five (25%) of the display window area. This shall include illuminated signs, but not flashing signs. (Ord. No. 86-934, amended 6-5-1986)
- (h) (1) Non-commercial flags.
 - (2) Corporate flags or other commercial flags provided the flag meets the following criteria:
 - (aa) Flags must be mounted or flown from a ground or roof mounted pole and not affixed to the building wall surface.
 - (bb) Flagpoles must be located on the lot occupied by the business for which the flag identifies.
 - (cc) Flagpoles shall be placed with a minimum setback of fifteen (15) feet from any property line.
 - (dd) Flag heights shall not exceed forty (40) feet in height to the highest point of the flag.
 - (ee) Flags shall not exceed thirty-two (32) square feet in area.
 - (ff) Multiple flagpoles may be located on a lot with each pole supporting one (1) corporate flag. The number of flagpoles allowed on each site is based on front footage of the lot (address side) divided by fifty (50) feet. (Ord. No. 00-1884, added 12-21-2000)
- (i) Temporary displays which are erected to celebrate, commemorate or observe a civil or religious holiday, provided such displays are removed within thirty (30) days after the event or holiday. (Ord. No. 86-934, amended 6-5-1986)
- (j) Wall graphics are allowed provided they are not used for advertising and provided the approval of the Zoning Administrator has been granted. (Ord. No. 86-934, amended 6-5-1986)
- (k) Real estate signs as follows:
 - (1) Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are less than ten (10) square feet for

residential property and thirty-two (32) square feet for other property, have a maximum height of ten (10) feet, unless located on the building, and provided that only one (1) sign is permitted for each property. The signs must be removed within ten (10) days following the lease or sale. (Ord. No. 86-934, amended 6-5-1986)

(2) One (1) sign per building for the purpose of leasing dwelling units or office space in building containing two (2) or more units, provided such signs are limited to five (5) square feet in area. (Ord. No. 86-934, amended 6-5-1986)

(3) One (1) sign for the purpose of announcing or promoting a residential, commercial, or industrial development shall be allowed subject to the following conditions. Each residential project must contain at least six (6) dwellings or lots. The sign must be located at least one hundred thirty (130) feet from any pre-existing home. The sign must be removed within two (2) years of issuance of a first building permit in the development or when the particular development is ninety percent (90%) sold or rented, whichever is sooner. Each sign shall not exceed the following size limitations; project area under ten (10) acres - thirty-two (32) square feet; project area over ten (10) acres - one hundred forty (140) square feet. (Ord. No. 86-934, amended 6-5-1986)

(l) One (1) feather sign with a maximum width of 3.5 feet and a maximum height of 18 feet or a banner with a maximum area of thirty two (32) square feet is permitted without an administrative permit.

(m) Interim banner signs for new establishments installed in the location of lawfully existing freestanding or wall signs not to exceed the size of the existing signs. Interim banner signs permitted for new establishments until permanent signs are installed or 60 days, whichever is less.

(Ord. No. 20-2447, 7-20-2020)

34.07 - Permitted signs—permit required.

(a) Commercial (B-2, B-3, B-4, PBD, PBD-A, DF with commercial land uses) and Industrial (I-1, I-1A, I-2, I-2A, DF with industrial land uses) Districts. (Ord. No. 94-1502, amended 2-17-1994)

(1) *Wall Signs—Commercial (B-2, B-3, B-4, PBD, PBD-A, DF with commercial land uses) and Industrial (I-1, I-1A, I-2, I-2A, DF with industrial land uses) Districts.*

(aa) Single tenant buildings. There shall not be more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) oriented to each abutting street, shall be permitted, provided that the design of which is approved by the Zoning Administrator. The gross surface area of a wall sign shall not exceed ten percent (10%) of the area of the building wall, including doors and windows, to which the sign is to be affixed or two hundred (200) square feet, whichever is smaller.

(bb) Multi-tenant buildings shall have wall signs of similar design. Each tenant is allowed one (1) wall sign in accordance with 34.07(1)(aa), except that a tenant space which has its only entrance on a side of the building not abutting a public street shall be allowed one (1) sign meeting the size requirements of 34.07(1)(aa) and located on the same wall as the tenant's only entrance. No signage is permitted for tenant entrances

- immediately adjacent to residentially-zoned property. Future wall sign permits on multi-tenant buildings, including shopping centers, shall be issued only after the building owners have submitted a comprehensive sign plan approved by the Zoning Administrator. The Comprehensive Sign Plan shall include similar design standards involving sign material, color, style, spacing, and size. (Ord. No. 98-1747, amended 10-15-1998)
- (cc) For those buildings that are allowed multiple wall signs, the Zoning Administrator has the authority to allow individual wall signs that are larger than two hundred (200) square feet in exchange for reducing or removing other wall signage normally allowed by Subsection (aa) and (bb). In no case shall any individual wall sign occupy more than ten percent (10%) of that particular building wall area. (Ord. No. 90-1180, added 1-18-1990)
 - (dd) Wall signage elements that are proposed on building elevations that have been designed with significant and material architectural enhancements, above those typically required by the Zoning Ordinance as determined by the Zoning Administrator, can be measured as separate areas for calculating gross surface area of the sign. (Ord. No. 00-1870, added 9-21-2000)
- (2) *Freestanding signs—Commercial (B-2, B-3, B-4, PBD, PBD-A, and DF with commercial land use).* (Ord. No. 94-1502, amended 2-17-1994)
- (aa) Single tenant buildings and multi-tenant buildings may have one (1) monument sign up to a maximum of one hundred forty (140) square feet in surface area. Monument signs shall not exceed fourteen (14) feet in height.
 - (bb) In the event that a multi-tenant building is not a major shopping center/commercial complex but has a lineal frontage of at least four hundred (400) feet and abuts a street which is at least an arterial street, one (1) additional monument sign is allowed providing that the area of the additional sign does not exceed one hundred forty (140) square feet and the height does not exceed fourteen (14) feet. If the second sign is to be located on the same street frontage as the primary sign, the two (2) signs shall be placed no less than one hundred fifty (150) feet apart. (Ord. No. 13-2271, amended 08-15-2013)
 - (cc) Major shopping centers/commercial complex are allowed a monument sign up to a maximum of one hundred eighty (180) square feet in area and a maximum height of twenty-five (25) feet. Major shopping center complexes are allowed one (1) additional monument sign per arterial street upon which they front. The width of the base may be reduced to fifty percent (50%) of the width of the sign with the Zoning Administrator's approval.
 - (dd) Businesses on adjoining commercial lots may, subject to the approval of the Zoning Administrator, request one (1) freestanding sign with multiple business identification in exchange for eliminating or relinquishing the rights, by restrictive covenant, to have individual free-standing sign(s) on their own separate lot(s). Collaborative signage constructed under this Section shall be monument style, with a maximum area of one hundred eighty (180) square feet and a maximum height of eighteen (18) feet. (Ord. No. 96-1594, amended 4-18-1996)
 - (ee) Multiple buildings on one parcel that have been granted a Conditional Use Permit may be allowed one (1) monument sign for each building constructed on an area which, if platted, would meet all the lot requirements of the Zoning Ordinance. One monument sign is allowed up to a maximum of one-hundred forty (140) square feet. All signs thereafter are allowed up to a maximum of ninety (90) square feet. Monument signs shall not exceed fourteen (14) feet in height. (Ord. No. 00-1865, added 8-17-2000)
 - (ff) Permitted freestanding signs under previous Sections (aa-ee), and located within the Highway 65/Main Street Interchange District as defined

by this ordinance, shall be allowed to a height of not more than fifty (50) feet and an area of not greater than one-hundred eighty (180) square feet. Signs permitted under this section shall have a monument style base constructed of materials that are consistent with the principal building to a minimum height of six (6) feet. Monument base to be a minimum of 2/3 of the width of the sign. (Ord. No. 07-2119, added 5-17-2007)

(gg) Restaurants providing a drive through, take-out service may have additional drive-thru signs adjacent to the drive-thru lanes providing that the maximum height of the sign is ten (10) feet and the maximum area is fifty (50) square feet.

(hh) Readerboards.

(i) Signs included within this section must meet all the requirements of this ordinance.

(ii) A minimum display time of four (4) seconds for each message within the frame of the sign is required.

(iii) All displays must include and utilize an automatic dimming mechanism that allows the display to adjust brightness to accommodate a brighter light intensity during daylight and dimmer light intensity after dusk. (Ord. No. 06-2095, amended 5-04-2006)

(3) *Freestanding Signs—Industrial (I-1, I-1A, I-2, I-2A, DF with industrial land uses).*

(aa) Individual structures and multi-tenant buildings are limited to one (1) monument sign up to a maximum of eighty (80) square feet in surface area and have a maximum height of ten (10) feet.

(bb) Readerboards. (Ord. No. 06-2095, amended 5-4-2006)

(i) Signs included within this section must meet all the requirements of this ordinance.

(ii) A minimum display time of four (4) seconds for each message within the frame of the sign is required.

(iii) All displays must include and utilize an automatic dimming mechanism that allows the display to adjust the brightness to accommodate a brighter light intensity during daylight and dimmer light intensity after dusk.

(b) *Neighborhood Business District (B-1).* (Ord. No. 87-1045, amended 12-17-1987)

(1) *Wall signs.* There shall not be more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) oriented to each abutting street, shall be permitted, provided that the design of which is approved by the Zoning Administrator. The gross surface area of a wall sign shall not exceed ten percent (10%) of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. (Ord. No. 97-1637, amended 2-6-1997)

(2) *Freestanding signs.* Each establishment may have one (1) monument sign with a maximum area of one-hundred forty (140) square feet. These signs shall not extend more than fourteen (14) feet above ground level. (Ord. No. 97-1637, amended 2-6-1997)

* (c) *Residential Districts—(R-1, R-1B, R-1A, R-1AA, R-2, R-3, R-4, RF, AG, FR, RE, and DF properties with residential land uses).* (Ord. No. 90-1212, amended 7-19-1990; Ord. No. 95-1574, amended 9-21-1995)

(1) The following zoning districts are allowed one (1) sign per household for a home occupation:

(aa) R-1, R-1A, R-1AA, R-1B, R-E, R-4, R-2, RF and DF properties with residential land uses—One (1) wall sign not to exceed 2.5 square feet.

(bb) FR, AG—One (1) wall sign not to exceed 2.5 square feet or one (1) freestanding sign not exceeding 2.5 square feet in area nor exceeding four (4) feet in height.

(2) Churches, synagogues, temples and other public places, and residential subdivisions or multi-family complexes may have one (1) non-illuminated monument sign with a maximum area of thirty-six (36) square feet. Such signs shall not be located more than ten (10) feet above ground level.

(3) Churches, schools and similar public facilities in residential zoning districts may have an electronic readerboard provided the requirements of [Section] 34.07(a) (2) have been met and a Conditional Use Permit has been obtained. Sign compatibility with the neighborhood will be required for approval of the Conditional Use Permit. (Ord. No. 91-1253, amended 6-20-1991)

(4) Churches, schools, fire stations, golf courses or other public buildings may have one (1) wall sign. Said sign shall consist of non-illuminated block letters with a maximum area of eighty (80) square feet. (Ord. No. 92-1281, amended 3-5-1992)

(5) Golf courses, golf driving ranges, commercial stables, nurseries, garden supply stores and general farming or garden operations in the FR (Farm Residential) zoning district may have one (1) monument style freestanding sign with a maximum area of thirty-six (36) square feet and a maximum height of ten (10) feet above ground level. (Ord. No. 95-1574, amended 9-21-1995; Ord. No. 98-1727, amended 6-25-1998)

(d) *Area Identification Signs.*

(1) Signs erected for the sole purpose of identifying the name of a recognized commercial or industrial area (not shopping center) shall be permitted in all commercial or industrial districts. Area identification signs are subject to the approval of the Zoning Administrator, provided that the monument sign does not exceed fifty (50) square feet in area and fourteen (14) feet in height. An accompanying landscape plan is required with this permit. A written statement must also be submitted indicating the party responsible for the maintenance of the sign.

(e) *Planned Office District (POD).* (Ord. No. 92-1282, amended 3-5-1992; Ord. No. 08-2168, amended 11-6-2008)

(1) *Monument Signs.* One (1) monument sign shall be permitted per lot.

(aa) Said sign shall be no greater than fifty (50) square feet in size and stand no higher than ten (10) feet nor longer than fourteen (14) feet.

(bb) Said sign shall be constructed of the same exterior material as the front of the building and be architecturally compatible with the building.

(cc) Said sign may be illuminated internally or by ground lighting only.

(dd) Lots occupied and having at least four hundred (400) feet frontage on a second public street may be allowed an additional freestanding monument sign along its second public street frontage.

(2) *Wall Signs.* One (1) wall sign shall be permitted per building.

(aa) Said signs shall not be greater than fifty (50) square feet in size.

(bb) Said signs may be illuminated, if illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

No other signs shall be permitted except building safety, address and traffic signs which must be approved by the City on the site plan.

(f) *Regional Recreation.* (Ord. No. 98-1755, amended 11-19-1998)

(1) *Wall signs.*

- (aa) There shall not be more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) oriented to each abutting street, shall be permitted, provided that the design of which is approved by the Zoning Administrator. The gross surface area of a wall sign shall not exceed ten percent (10%) of the area of the building wall, including doors and window, to which the sign is to be affixed or two hundred (200) square feet, whichever is smaller.
- (bb) For those buildings that are allowed multiple wall signs, the Zoning Administrator has the authority to allow individual wall signs that are larger than two hundred (200) square feet in exchange for reducing or removing other wall signage normally allowed by Subsection (aa). In no case shall any individual wall sign occupy more than ten percent (10%) of that particular building wall area.
- (cc) Sponsor boards which advertise products or businesses not connected with the site or building on which they are located shall be permitted on Regional Recreation (RR) zoned property. This signage shall meet the requirements of subsections (aa) and (bb).

(2) *Freestanding Signs.*

- (aa) Each outdoor athletic field and each parking lot is allowed one freestanding sign with a maximum height of eight (8) feet and a maximum area of thirty-two (32) square feet.
- (bb) Each entrance to a regional recreation complex from a public road is permitted one freestanding sign with a maximum height of eight (8) feet and a maximum area of eight (8) square feet.
- (cc) Each intersection of two public roads is permitted one freestanding sign with a maximum height of eight (8) feet and a maximum area of forty (40) square feet.
- (dd) Regional Recreation Complexes are allowed a monument sign up to a maximum of one hundred eighty (180) square feet in area and a maximum height of twenty-five (25) feet. Regional Recreational Facilities area allowed one (1) additional monument sign per arterial street upon which they front. The width of the base may be reduced to fifty (50) percent of the width of the sign with the Zoning Administrators approval.

(Ord. No. 86-934, amended 6-5-1986; Ord. No. 20-2447, 7-20-2020)

Sec. 54-4. - Signs in rural residential (RR), single-family residential (R-1), and single-family and townhome (R-2) residential districts.

Within the residential districts, the following signs are permitted:

- (1) *Single-family residential use.* For single-family residential use, one address/nameplate sign for each dwelling that shall not exceed three square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces.
- (2) *Residential developments.* For residential developments, one nameplate sign and one monument identification sign per roadway access point to a residential development, unless approved as part of a PUD, with the following regulations:
 - a. The area identification sign shall not exceed 32 square feet in area per surface, and no sign may be constructed as to have more than two surfaces.
 - b. The maximum height shall be six feet.
 - c. The sign must be located at least 20 feet from the public right-of-way.
- (3) *Home occupations.* For home occupations, one identification sign is permitted, and the sign shall not exceed two square feet.

(Ord. No. 41B, subd. 4, 9-5-2007)

City of East Berlin

CHAPTER 15

SIGNS

SECTIONS:

- 12-15-1: Purpose
- 12-15-2: Scope
- 12-15-3: Permit Required
- 12-15-4: Exemptions
- 12-15-5: Signs Prohibited in All Districts
- 12-15-6: Real Estate Signs
- 12-15-7: Performance Standards
- 12-15-8: Permitted Signs and Standards by Zoning District
- 12-15-9: Signs Allowed by Conditional Use Permit
- 12-15-10: Temporary and Promotional Signs
- 12-15-11: Inspections

12-15-1: **Purpose:** The purpose of this section is to allow effective signage appropriate to the planned character of each zoning district and to provide minimum standards for the safeguard of life, health, safety, property and public welfare by regulating and controlling the design, quality of materials, construction, type, size, location, and maintenance of all signs and sign structures not located within a building.

12-15-2: **Scope:** The sign regulations set forth in this chapter shall apply to all structures and all land uses, except as otherwise provided in this chapter. All signs allowed by this chapter shall be limited to on-premise signs, except where otherwise specifically noted.

12-15-3: **Permit Required:** A permit is required for the installation of any sign in the City except for those exempted in section 12-15-4. A permit application shall be submitted and a fee established by the City Council shall be paid before a permit is issued. There shall be no fee for governmental units or nonprofit organizations.

12-15-4: **Exemptions:** The following signs shall be allowed without a sign permit, provided the sign conforms to City Code 12-15-5 and the requirements for each type of sign shown below (Amended 4/19/11, Ord. 406):

- A. Election Signs: Election signs are permitted on any private property. Such signs may be displayed from 90 days prior until ten (10) days after any election. (Amended 4/19/11, Ord. 406)

B. Governmental Signs: Any sign that is erected by a governmental unit or public utility for the purpose of public information, warning or directing traffic. (Amended 4/19/11, Ord. 406)

C. Private Traffic Circulation Signs: Private traffic circulation signs in parking lots, and pedestrian circulation signs, and traffic warning signs in alleys or other hazardous situations are permitted, provided the sign conforms to the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD), as amended. (Amended 4/19/11, Ord. 406)

D. Normal sign alteration and maintenance shall not require a sign permit, including:

1. The changing of the copy or message on a reader board sign, or changing a message on theater marquees.
2. Maintenance, painting, repainting or cleaning of a sign unless a structural change is made.

12-15-5: **Signs Prohibited in All Districts:** The following signs shall not be erected within the city:

- A. Any sign that, by reason of position, shape, movement or color, interferes with the proper functioning of a traffic sign or signal or which constitutes a traffic hazard.
- B. There shall be no flashing or revolving sign in the front setback area within one hundred twenty five feet (125') of a street intersection (as measured from intersecting right of way lines) or within one hundred twenty five feet (125') of a residential district, except where such sign in no way constitutes a traffic hazard.
- C. Signs painted directly on a stone, the outside wall of a building or fence and any sign affixed to a tree, or utility pole. (Amended 4/19/11, Ord. 406)
- D. Roof signs, roof advertising symbols, roof logos, roof statues, or roof sculptures. No sign shall extend above the roofline.
- E. Signs within the public right of way or easements, except as authorized by the governing body.
- F. Audible signs.
- G. Billboard signs.

H. Signs displayed on parked semi-trailers used primarily for advertising purposes.

I. Any sign which contains information, whether written or graphic, that is obscene in nature.

J. All signs not expressly permitted or exempted under this chapter.

12-15-6: **Real Estate Signs:** Signs advertising the availability of property for sale, lease, or rent shall be allowed in all districts, subject to the following provisions:

A. All real estate signs shall be subject to the provisions of this chapter, except herein provided.

B. All signs shall be removed within seven (7) days after the completion of the advertised sale or lease.

C. Signs advertising new residential or commercial developments are permitted, provided that:

1. Such signs do not exceed thirty-two (32) square feet in size.
2. There shall be no more than one such sign per street frontage of the development.

D. Signs offering individual properties, either land and/or buildings, for sale, lease or rent shall be limited to six square feet in size. One such sign shall be permitted per lot. A sign permit is not required for the placement of these signs.

12-15-7: **Performance Standards:**

A. Construction Requirements: All signs shall be in compliance with applicable provisions of the Andover Building Code. Every person engaged in the business of erecting signs in the city is required to have a valid contractors license issued by the Building Department.

B. Maintenance And Repair: All signs shall be maintained so as not to be unsightly or create hazards to the public health, safety, or general welfare. All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The City may order the removal of any sign that is not properly maintained.

C. Obsolete Signs: Any sign that no longer advertises or identifies a bona fide business conducted or product sold on the premises shall be removed by the property owner within thirty (30) days after written notification from the Zoning Administrator. Support posts and frames that no longer contain signage must be removed by the property owner within six (6) months after written notification from the Zoning Administrator.

D. Size and Placement Standards:

1. Illuminated signs located within fifty feet (50') of a residential district lot line shall be diffused or indirect so as not to reflect direct light into adjacent residences.
2. In all districts, any portion of any sign exceeding four (4) square feet shall be set back a minimum of ten feet (10') from any street right of way line and five feet (5') from any residentially zoned property line.
3. Projection: Signs may project a maximum 2 feet into a required building setback area.
4. Automobile service stations may erect one pylon or pedestal sign not to exceed twenty five feet (25') in height in a setback area, provided no part of any such sign shall be closer to the side lot lines than the required side yard setback, nor within five feet (5') of the rear lot line or any street right of way.
5. Multi-faced signs shall be permitted, with the maximum square footage on each side. Multi-faced signs shall not exceed two (2) times the area of single faced signs.
6. All corner and double frontage lots shall be considered as having two (2) front lot lines for application of regulations pertaining to signs.

E. Area Identification Signs: Area identification signs, including off site signs, shall be permitted in all districts subject to the provisions of this chapter and with the following conditions:

1. The sign shall not be separated from the area or project it identifies by an arterial roadway.
2. The sign shall be within 500 feet of the project it is identifying.
3. The sign shall not be included in the total signage permitted for the property on which it is located.

4. The owner of the property where the sign is to be placed shall give written permission for the sign to be placed on their property.
 5. All area identification signs shall be identified on the plat or commercial site plan.
- F. Ball Field and Scoreboard Advertising Signs: Ball field advertising and scoreboard advertising signs shall be permitted in all districts subject to the provisions of this chapter and with the following conditions:
1. Ball field advertising signs shall not be visible from adjacent residential properties when viewed at ground level.
 2. Ball field advertising signs in City parks shall be subject to the City of Andover Park Advertising Policy.
 3. Scoreboard advertising signs shall be placed in such a way so as to minimize to the greatest possible extent the exposure to adjacent residential properties.
 4. Ball field and scoreboard advertising signs shall not be illuminated when not in use for ball games.

12-15-8: **Permitted Signs and Standards by Zoning Districts:** Signs shall be permitted by zoning district in accordance with the following standards:

A. Residential Districts:

1. Type: Area identification, ball field advertising, institutional, residential identification, scoreboard advertising, temporary, any sign exempted in section 12-15-4.
 - a. Portable, trailer based temporary signs shall be permitted for governmental or institutional uses only.
2. Style: Combination, freestanding, wall.
3. Number: One per lot frontage.
4. Height: Not over ten feet (10') above grade except as otherwise provided herein.
5. Illumination: Indirect or diffused lighting of signs is permitted.
6. Size:

a. Residential identification and temporary, as follows:

Parcels (Land) Size	Maximum Square Feet Per Dwelling
On parcels less than 5 acres	4
On parcels of 5 acres but less than 20	16*
On parcels of 20 acres or greater	20*

*Signs greater than four (4) square feet on parcels of land five (5) acres or more in size shall only identify agricultural related uses.

b. Institutional Signs: Institutional signs up to thirty-two (32) square feet shall be permitted. Sixty-four (64) square feet of signage is permitted for multiple frontage lots.

c. Area Identification Signs: One freestanding sign shall be allowed at each street entrance to a subdivision provided:

- (1) The area for development is larger than five (5) acres;
- (2) All signs shall be identified on the preliminary plat.
- (3) The maximum square footage of the sign is thirty-two (32) square feet.
- (4) The sign is located ten feet (10') from any property line.

B. General Recreation (GR) and Limited Business (LB) Districts:

1. Type: Area identification, ball field advertising, business identification, institutional, scoreboard advertising, temporary, any sign exempted in section 12-15-4.
2. Style: Combination, freestanding, illuminated, wall.
3. Height: No taller than the highest outside wall of building, or twenty-five feet (25'), whichever is less.
4. Size:
 - a. The aggregate square footage of sign space per lot shall not exceed the sum of two (2) square feet per front foot of building.

b. No single sign shall exceed two hundred (200) square feet.

c. No individual business signs shall be arranged so as to create one integrated sign that exceeds two hundred (200) square feet in size.

C. Shopping Center (SC) and Neighborhood Business (NB) Districts:

1. Type: Area identification, ball field advertising, business identification, institutional, scoreboard advertising, temporary, any sign exempted in section 12-15-4.

2. Style: Combination, flashing, freestanding, illuminated, wall.

3. Size:

a. The aggregate square footage of sign space per lot shall not exceed the sum of three (3) square feet per front foot of building.

b. No single sign shall exceed one hundred (100) square feet except area identification signs, which shall not exceed three hundred (300) square feet.

4. Height: No taller than the highest outside wall or parapet or twenty-five feet (25'), whichever is less.

D. General Business (GB) Districts:

1. Type: Area identification, ball field advertising, business identification, institutional, scoreboard advertising, temporary, any sign exempted in section 12-15-4.

2. Style: Combination, flashing, freestanding, illuminated, wall.

3. Size:

a. The aggregate square footage of sign space per lot shall not exceed the sum of four (4) square feet per front foot of building.

b. No sign shall exceed two hundred fifty (250) square feet, except area identification signs, which shall not exceed three hundred (300) square feet.

4. Height: No sign shall be more than twenty five feet (25') above grade.

E. Industrial (I) Districts:

1. Type: Area identification, ball field advertising, business identification, scoreboard advertising, temporary, any sign exempted in section 12-15-4.
2. Style: Combination, flashing, freestanding, illuminated, wall.
3. Size:
 - a. The aggregate square footage of sign space per lot shall not exceed the sum of four (4) square feet per front foot of building.
 - b. No sign shall exceed three hundred (300) square feet.
4. Height: No sign shall be more than twenty-five feet (25') above grade.

12-15-9: Signs Allowed By Conditional Use Permit:

A. Permitted Signs: The following signs shall be allowed by conditional use permit:

1. Marquees of any type, with or without signs.
2. Signs on benches (not in city parks), newsstands, cabstand signs, bus stop shelters and similar places.
3. Real estate signs over thirty-two (32) square feet per lot frontage and exceeding other sign area limits in business and industrial areas.
4. Institutional signs in residential districts with an aggregate square footage exceeding thirty-two (32) square feet and/or more than one sign per lot frontage, provided:
 - a. The sign is located ten feet (10') from any property line.
 - b. The aggregate square footage of sign space shall not exceed one hundred (100) square feet.
 - c. The sign shall be of the following styles: combination, freestanding, or wall.
 - d. The sign shall be located at least one hundred thirty feet (130') from any residential structure.

12-15-10: Temporary and Promotional Signs: The following signs are permitted, subject to the provisions of this chapter:

A. Temporary Signs: Temporary signs shall be permitted in any district in any yard area except, that:

1. Such sign shall not be within ten feet (10') of any street right-of-way or within five feet (5') of any other lot line.
2. There shall be no more than one (1) such sign per business.
3. The total area of such signs shall not exceed thirty-two (32) square feet. Non-institutional signs in residential districts shall be limited in size as outlined in section 12-16-8-A-6 of this code.
4. A maximum of 60 days of temporary signage is permitted per business per year. (Amended 4/21/11, Ord. 406)

B. Promotional Signs: The City Administrator or designee may approve signs or other devices that do not comply with the standards of this title when they are found to be in conformance with public health, safety, and welfare. Such signs or devices may be used to attract attention, special promotional events (grand openings, carnivals, craft shows, flea markets and other similar events). Such events shall not exceed ten (10) calendar days per year. Examples of the signage and devices that may be approved in this manner are spotlights, skytrackers, balloons, and similar devices. Such signage shall not be counted against the permitted 60 days of temporary signage. (Amended Ord. 8, 10-21-1970; amd. 2003 Code)

C. Temporary Real Estate Signs- The City Administrator or designee may approve temporary, off-site real estate signs.

12-15-11: **Inspections:** Upon proper presentation of credentials, the Building Official or his duly authorized representatives may enter at reasonable times any building, land or structure in the city to inspect or re-inspect any signs. (Amended Ord. 8, 10-21-1970)