

DRAFT MINUTES

Council Chambers
Ely, Minnesota
Tuesday, March 17, 2009
6:30 P.M. Regular Meeting
Ely City Council

Regular meeting of the Ely City Council was called to order at 6:30 P.M. by Mayor Roger J. Skraba.

PRESENT: Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, Zupec, Mayor Skraba (7)

ABSENT: None (0)

Mayor Skraba thanked tonight's audience as well as the viewing audience on ELY TV Channel 11, for being present at tonight's meeting.

Moved by Salerno supported by Sheddy, that the minutes of the Regular City Council meeting of March 3, 2009, and the Special Ely City Council Budget Meeting minutes of March 10th, be approved without reading. Carried unanimously. Minutes to stand as recorded.

The following additions were added to tonight's agenda:

Council member Zupec – Citizens Academy, US Customs and Border Protection, to be added under VIII. New Business, Item G; City Operations Director Langowski – NE Service Job Training Opportunities Update, to be added under IV. Department Reports, B., Item #2. Council members concurred with above additions.

Mayor Skraba reported that the Ely City Council will be holding a Special Council Budget Retreat, to take place from 8:00 A.M. – 5:00 P.M. on Saturday, March 21, 2009, at the Grand Ely Lodge. He reported that Accounting Consultant Mary Lee Erickson will be present for the morning session to discuss the Basics of Budgeting; EADA Executive Director Nancy Larson will be present for the afternoon session to facilitate City Council Goals Setting. There will be a lunch break where Council members will be on their own for lunch. Moved by Omerza supported by Zupec, that the Council approve of scheduling a Special Council Budget Retreat as noted above. Carried unanimously.

Mayor Skraba noted that Council members had discussed prior holding a Special Ely City Council Budget Meeting, scheduled for Tuesday, March 24, 2009, 6:00 P.M. City Hall Board Room. Council member Omerza reported that she will be out of town at that time. Moved by Debeltz supported by Zupec, that the Council approve of scheduling a Special Ely City Council Budget Meeting as noted above.

YES: Council members Debeltz, Nikkola, Salerno, Sheddy, Zupec, Mayor Skraba (6)

NO: Council member Omerza (1)
ABSENT: None (0)
Motion carried.

Council member Nikkola reiterated to Council members that the City has been told to plan for catastrophic budget cuts, and feels the Council needs to start taking some measures now, and not putting decisions off.

Mayor Skraba stated that the City does not know how much we are going to be cut – the Council is moving forward as to efficiency, but as of this date does not see any new information.

Council member Zupec stated that the City currently puts their funding in a lot of places that are not directly affiliated with city services. Matter of information.

Mayor Skraba requested Council approval in rescheduling a Joint Meeting between the Ely City Council and Ely Police Commission. Moved by Debeltz supported by Shedly, that above meeting be rescheduled to Tuesday, April 14, 2009, 6:00 P.M. Board Room of the Ely City Hall. Carried unanimously. * This meeting is scheduled for one hour prior to the regular Ely Police Commission monthly meeting.

The following consent agenda items were brought before the Council for approval:

1. Ely Airport Commission – notification regarding fire protection at the Ely Municipal Airport (to refer to City Attorney and Fire Chief, to report back to the Council at the next regular meeting);
2. CGMC – March 26, 2009 – Lobbying Day in St. Paul – (Mayor and/or Council members authorized to attend);
3. LMC, Mayor’s Conference, Chaska, May 15th and 16th (Mayor Skraba authorized to attend);
4. CDBG 2010 Program Kickoff – April 1st, Mt. Iron – 1:00 P.M. – 3:00 P.M. (City Operations Director, Mayor and/or designee authorized to attend);
5. YoungLife, Ely – Emmett Penke, Staff – partnering with City of Ely for 4th of July activities, Whiteside Park – (to approve and coordinate with various city department heads as in past years)

Moved by Zupec supported by Salerno, that above items be approved and ordered filed. Carried unanimously.

Chuck Novak, City of Ely citizen representative to the Ambulance Board requested placement on tonight’s agenda to update the Council (especially new members Mayor Skraba and Council member Salerno), on the Ambulance Joint Powers Board. This non profit organization was developed on October 1, 2008, to relieve financial burden from the City. Their recent meeting was March 16th, this is a five member board, with Rebecca Chase serving as Executive Director. Nancy Larson is putting in a grant through FEMA (Homeland Security), and the ambulance association will be reimbursing Nancy for her efforts. The group is looking for grant monies that will relieve taxpayers of any additional financial burden – any dollars receive helps. The current By Laws were discussed by the group, and no issue was found with them by any party. The group would like to keep separation from elected to non profit members, involving Joint

Powers. Chuck noted that he will keep Mayor Skraba updated on the developments of this Board, encouraging all Council members to read the minutes provided them by the Board. Mayor Skraba and Council members thanked Chuck Novak for his update.

Nancy Schwartz, Museum Retailer Director of the International Wolf Center, requested placement on tonight's agenda to give Council members an update on the renovation/roof repairs taking place at the Center. The building is owned by the State of Minnesota, there are two major breaks in the roof, which is now temporarily shored up. The Center was looking at the original completion date of repair as April 15th, but that goal will probably not be met. On a short term basis, the Retail Store and Exhibit is moving to the old Wintergreen space on the 200 Block of East Sheridan Street; the entire museum is currently off the Wolf Center property and in a safe place. Nancy noted that the Center will still offer tours and all programs are in place. Matter of information.

Council member Debeltz reported that the City Liquor Committee had met on March 16th, to address the request from Dee's Bar – The Next Generation, for a Sunday On Sale Liquor License. City Attorney Kelly Klun is now researching the request and will be reporting back on her findings.

Council member Omerza reported on behalf of the City Parks and Recreation Board Meeting of March 2nd: Moved by Omerza supported by Salerno, that the City Council send a letter of thanks to the Ely School District for the benches to be utilized at the Recreation Skating Facility. Carried unanimously.

Council member Omerza also reported that Mauro Caruso and herself will be putting together the Business Mixer on April 1st, which will be held at the EADA, from 5:00 P.M. – 7:00 P.M. introducing Executive Director Nancy Larson. Matter of information.

Mayor Skraba reported that he had met with a potential housing developer last Friday; that Council member Omerza and himself had met with City Librarian Rachel Heinrich regarding on going discussions of Community Center rental fees; the Community Projects/ S&I/Land Committee had met on March 9th; the Community Joint Powers Board had met to solidify a letter EADA adopted regarding current forms of mining in our area. Mayor Skraba also noted that he had been informed prior that the March 13th scheduled meeting with Tony Mancuso was cancelled, but that after meeting with St. Louis County Assessor Kerry Welsh, he was invited to a meeting with county officials, and that Tony Mancuso was present discussing St. Louis County office space needs. Matter of information.

City Operations Director Langowski reported that he had a meeting with Eric Wedge from DSGW Architect; that Eric had met with Tony Mancuso and will be making a formal presentation to the Ely City Council on city buildings.

Mayor Skraba requested that each Council member be provided a form to fill out prior to the meeting with DWGW as to city building needs; Council member Zupec also requested that Council members be provided a list of St. Louis County's needs as soon as

possible. City Operations Director Langowski will be providing Council members with this information next week.

City Attorney Kelly Klun provided Council members with a communication concerning the confidential accounting clerk position. Pam Bennett had submitted her letter of resignation with regard to this position, and the Council is now looking at how to fill this job position. She noted that with regard to the vacant position, the Council has the option to:

- A. select a finalist from the initial posting;
- B. decide not to fill the position,
- C. modify the existing position and repost the position for hiring

Attorney Klun further noted that if the Council decides to offer the position to one of the initial three finalists, the Council should request that the City Clerk-Treasurer prepare and send an offer letter stating the position, title, start date, starting pay and summary of offered benefits and any other relevant details to the successful finalist after personally extending over the phone or in person, the offer of employment. Council member Omerza stated that she was part of the panel that conducted interviews late fall for the position of Confidential Accounting Clerk, and that she is confident Alan White (the interviewing panel's choice number two) will do a good job. Moved by Debeltz supported by Zupec, that the City offer the position of Confidential Accounting Clerk for the City of Ely, position being 32 hours per week, with pro-rated benefit package, starting salary of \$28,288.00 with step up salary increases to \$31,530.00 after 60 months, in addition to annual wage increase given employees through Supervisors of Other Than Essential Employees Agreement, to be hired on a six month probationary period, pending satisfactory reference and background checks. Carried unanimously.

City Attorney Kelly Klun reported on the current Building Official Contract between the City of Ely and Patrick Conery. The City has advertised for a limited residential building inspector recently, as current building official had been receptive in discussions with the Clerk-Treasurer of giving up the residential building inspections in the City of Ely. Moved by Salerno supported by Zupec, that contingent upon negotiation of original contract with current building official Patrick Conery as to relinquishing control of residential contract language, Dave Kromer be offered the position of Limited Residential Building Inspector for the City of Ely. Carried unanimously. Clerk-Treasurer was directed to contact Patrick Conery to request in writing, his intention to give up the residential building inspector portion of current contract.

City Attorney Kelly Klun reported that on March 12th, she had met with Council members Nikkola, Sheddy (sitting in for Council member Omerza), City Operations Director Langowski, and Mike Magnuson of the DNR, along with representatives of the Ely Nordic Association and Boundary Waters Blues Festival organizers, as to management rights for the ENA of the Hidden Valley Recreation Center, and the Boundary Waters Blues Festival being held at that facility. The city currently leases the Hidden Valley Recreation Facility property from the State of Minnesota DNR. The Ely Nordic Association would like to enter into a five year lease with the city, with option to extend lease, contingent upon approval from the DNR as to the current lease the City now

holds with them. In order to accomplish this, the city must amend current lease with the DNR. City Operations Director reported that in 2008 the city incurred \$9,000 in general fund expenses for this facility; that in 2009 to date there is approximately \$1,300.00 expended, in addition to the DNR lease fee and general liability insurance coverage. Council member Nikkola reported that DNR representative Mike Magnuson was present at this meeting and seemed receptive to the proposal. The ENA would rent out the Hidden Valley Chalet, and Council member Nikkola noted that if rentals become lucrative, contributions could come back to the city by means of other recreation programs. City Attorney Klun will be drafting a lease agreement between the City of Ely and Ely Nordic Association, for the Council to consider at their next regular meeting. Council member Zupec congratulated Council member Nikkola, Omerza, Attorney Klun, City Operations Director Langowski for their effort in working with the ENA on this potential management lease. City Operations Director reported that the City did extend in kind services to ENA for the Hidden Valley Recreation Area as in past years. The groups are meeting again on March 31st, 5:00 P.M. Board Room, to address draft lease and facility rental fees and agreement, to then present to the Council for approval.

City Attorney Kelly Klun reported that above group had also met with the promoters of the Boundary Waters Blues Festival, and that she is recommending that the City Clerk-Treasurer be directed to write a letter of support to the State of Minnesota Department of Natural Resources, requesting their approval in the City allowing the festival to be held at the Hidden Valley Recreation area. Moved by Sheddy supported by Debeltz, that the Clerk-Treasurer be directed to remit a letter of support for festival to take place at the Hidden Valley Recreation Area, to the State Department of Natural Resources, on behalf of the City of Ely. Carried unanimously.

City Attorney Klun reported that the ENA is looking for a liquor Consumption and Display permit to consume alcohol if requested, for persons renting the Hidden Valley Chalet, but the Boundary Waters Blues Festival will need a Special Events Liquor License when selling liquor at the festival, and there are duties that the Lessor will need to uphold with the granting of this license. Moved by Sheddy supported by Nikkola, that the City Attorney be directed to create a letter of required duties and responsibilities of the promoters of the Boundary Waters Blues Festival, in the event the Hidden Valley Recreation Area will be utilized for this event, with copy of letter to be sent to Mike Jankovec and Mary Cich. Carried unanimously.

City Engineer John Jamnick (RLK Kuusisto Engineering) will be present at the April 7th Regular Council Meeting, to report on 2nd Avenue West Improvements Bid Opening of March 17, 2009, and other city related projects. Matter of information.

Clerk-Treasurer Terri Boese provided Council members with a communication recommending that the City of Ely offer the position of Confidential Accounting Officer to Alan White. This matter has already been addressed under the City Attorney Agenda. Matter of information.

Deputy Clerk Patti Wellvang informed Council members that the City of Ely currently holds a month to month short term accounting consultant contract with Mary Lee Erickson. Moved by Sheddy supported by Salerno, that the City Clerk-Treasurer and City Attorney be directed to review this current on-going contract, to make any necessary changes in updating contract, if Mary Lee Erickson is agreeable to continue under contract with the City of Ely at this time. Carried unanimously.

Clerk-Treasurer Boese presented renewal policy for the City's dental insurance under Assurant Dental, April 1, 2009 – April 1, 2010, which was recommended for approval by the Employee Relations Committee as their March 12th Monthly Meeting. Moved by Omerza supported by Salerno, that the City of Ely approve of annual contract for dental insurance, with rates provided. Carried unanimously.

Clerk-Treasurer Boese requested that the following job descriptions be approved, as recommended by the Employee Relations Committee at their March 12th Monthly Meeting: Infrastructure Foreman, Public Works Foreman, Chief Water/Wastewater Operator, Electric Foreman/Line Worker, Assistant Chief of Police. Moved by Salerno supported by Omerza, that above job description drafts be approved. Carried unanimously. *Deputy Clerk noted that Consultant Paul Ness, ER Committee Members and employees now holding these job titles, have been working on these updated job descriptions since early 2008.

Clerk-Treasurer Boese requested Council approval for City and EUC bills and payroll for the first half of March 2009, totaling as follows: GENERAL FUND - \$352,045.52; EUC - \$272,991.48. Moved by Debeltz supported by Salerno, that bills and payroll be allowed and paid. Carried unanimously.

Clerk-Treasurer Boese reported that the City of Ely had advertised for a Limited Residential Building Inspector, and received one application, that from David Kromer. This matter has already been addressed under City Attorney on tonight's agenda. Matter of information.

City Operations Director of Public Works and Utilities, Harold Langowski, notified Council and EUC members that currently banners are hung in two places in Ely; 1st Avenue West and near the Dairy Queen on 15th Avenue East. The banners are currently hung on existing street light standards, but due to wind loading the standards near the Dairy Queen, the standards are titled into TH 169 and can no longer be used for banners. The light standards near 2nd Avenue West require the light fixture be removed before the banner is installed due to the vibration caused by the banner. City Operations Director feels it unsafe to hang these banners from a structure only designed to hold a light fixture, and working with the Electrical Foreman, have determined it would cost approximately \$950.00 to install 40 foot poles and guy wires near the old St. Louis County Garage for future banner installation. These would have proper anchoring to support the poles. He is now requesting Council approval in requesting funding from the groups that request banners be installed, with groups to pay for these materials. The EUC

could install the materials as in kind services. Moved by Salerno supported by Omerza, that recommendation be approved, with the City Operations Director directed to approach all groups as to funding. Carried unanimously.

City Operations Director reported that he had filled in for Council member Omerza at a meeting with Ely Community Resource representatives and the Ely School District, pertaining to the possibility of the groups obtaining assistance through the Northeast Job Service for summer workers. In the near future, he will have handouts provided for Council review. Matter of information.

City Operations Director presented the following EUC Consent Agenda Items:

1. Authorized the Operations Director to move forward with the 2009 Electric System Project, reconductor Washington Street from Miner's Drive to 10th Avenue East and the add alternate of 1st Avenue West to 3rd Avenue West of the Camp/Sheridan alley.
2. Authorized Judy Niemela to attend the Banyon Training in Bloomington on May 15, 2009.
3. Approved payment of the February 2009 bills payable for \$58,312.66.
4. Approved payment of the John Henry Foster Invoice for \$1,092.72 for compressor repair at the WWTP.
5. Approved payment of the RLK Inc. Invoice #4 for the 2nd Avenue West Utilities Project for \$11,700.00.
6. Approved payment of the Environmental Toxicity Control Invoice #2-9-020 for toxicity testing for \$350.00.
7. Approved payment of the Mountain Environmental bill for biosolids disposal for \$7,630.00.
8. Approved payment of the Terry's Operational Services February Invoice for \$600.00.
9. Approved payment of the Minnesota Department of Health Community Water Supply Service Connection Fee for \$2,981.00.

Moved by Debeltz supported by Salerno, that above items be approved and ordered filed. Carried unanimously.

Council member Salerno questioned whether there was any way the Council Agenda could be shown on ELY TV recording of meeting, as the meeting takes place, so all items on the agenda did not have to be read aloud. Mike Jankovec will take this suggestion under advisement to see if something could be worked out to display the agenda on part of the screen as the meeting is taking place.

Communication was received from Fire Chief Gerzin addressed to the Clerk-Treasurer, notifying the City that the company the Fire Department has used for the past 6 to 7 years for fireworks is Premier Pyrotechnics. When speaking to the local representative from the company last year, explaining that the Ely Volunteer Fire Department will not be participating in shooting the Ely fireworks show, he had indicated that Premier would come up to do it, but he needs to look over the shoot site to determine if any work needs

to be done to perform an electronic show. Fire Chief Gerzin is recommending that the representative be contacted soon to schedule a day with the City Operations Director to survey the site and to order whatever size show the City deems fit. Moved by Zupec supported by Shedly, that the Fire Chief and City Operations Director be directed to contact Premier Pyrotechnics local Minnesota representative, and that clarification be given the Council as to whether the Fire Chief will be ordering the fireworks display, as in past years. Carried unanimously.

Deputy Clerk reported that the Fire Chief has always ordered the fireworks display, with the Clerk's Office attending to seeing that the City is covered properly insurance wise, for the actual fireworks display. Matter of information.

Communication was received from Police Chief Manning, requesting permission for Officer William Hawley and Canine Zoran, to attend the 2009 Regional Detector Dog Certification held in Walker, Minnesota on March 22, 2009; also requesting for Officer Hawley and Canine Zoran to attend the Region 12 Narcotics Certification held in Hutchinson, MN on July 19 – 21st, 2009. Assistant Police Chief Saw was present, noting that the March training has now been postponed until April 14th and 19th. Moved by Shedly supported by Zupec, that the City do away with the recertification of the canine in the Ely Police Department. Mayor Skraba reported that prior city council budget discussions have evolved around the canine and whether the City should keep the canine as it is a "luxury" to the department, in these economic times. Council member Shedly also noted that Police Chief Manning had informed the Council that Officer Hawley will be going into the military in early September. Council member Nikkola noted that he would approve the scheduled training in July, but it is not appropriate that the City keep the canine in Officer Hawley's absence, and the Police Chief should try to sell the dog prior. Council member Omerza concurred with Council member Nikkola's suggestion. Council member Salerno questioned whether there is a canine available through St. Louis County Sheriff's Department if the City required a canine, with Assistant Police Chief Saw acknowledging that yes, there was a canine available with St. Louis County. Moved by Nikkola supported by Zupec, that request for training certification be tabled at this time. Carried unanimously.

Moved by Omerza supported by Zupec, that Police Chief Manning be directed to present the City Council Members actual figures showing the cost to the City of requested certifications, the cost of selling the canine with certifications verses the cost of selling the canine without these requested certifications, and that this issue to be placed on the April 7, 2009, Regular Ely City Council Meeting Agenda. Carried unanimously.

Communication was received from Lee Rannels, Infrastructure Foreman, notifying the City of his intent to retire from his position effective May 15, 2009, with his last day of work being March 31, 2009, at which time he will be using his accrued vacation and personal time. He noted that if needed, he would offer his experience to the EUC on a part time basis. Lee noted that it has been a pleasure to serve the City of Ely and its citizens for the past thirty two plus years, thanking retired line superintendent Albin "Binky" Mavetz, fellow employees council persons and EUC commissioners, here and gone, who have touched his life. Moved by Debeltz supported by Shedly, that letter of

retirement be accepted, with the City of Ely to send a letter of appreciation to Lee Rannels for his years of service to the Ely community. Carried unanimously.

Communication was received from Casey Ivancich, 2009 President of the Ely Area Jaycees, requesting a special events liquor license to operate a cash bar at the Ely Community Center, for the ECR Art Auction, on April 24, 2009. 100% of these profits will be donated back to the Ely Community Resource and the Ely area youth that they assist. Moved by Debeltz supported by Sheddy, that request be approved, subject to payment of proper fees and paperwork to be submitted to the City of Ely and State of Minnesota. Carried unanimously.

Claims for payment were presented for the following:

- A. NTS – Invoice 08-08412, , Duluth Metals Lot , \$707.50
- B. MPCA – Duluth Metals - \$675.00
- C. RLK Inc. – Loe Industrial Park Sketch – professional surveying services – Invoice #7 - \$391.25
- D. Klun Law Firm – Invoice #14755 – General Ely Matters - \$25.47

Above claims A and B to be tabled at this time.

Moved by Nikkola supported by Debeltz, that above items C and D be approved. Carried unanimously.

Moved by Omerza supported by Salerno, that the Council dispense with readings in their entirety, of all ordinances and resolutions on tonight's agenda. Carried unanimously.

2009 Fire Protection Service contracts were presented from City of Winton (has officially approved contract) and Stony Township (township will be meeting prior to March 31st to address). Moved by Sheddy supported by Salerno, that 2009 Fire Contract Agreement for 2009 between the City of Ely and the City of Winton be approved with Mayor and Clerk-Treasurer authorized to execute contract on behalf of the City of Ely. Carried unanimously.

Moved by Sheddy supported by Salerno, that the City of Ely approve the 2009 Fire Contract Agreement for 2009 between the City of Ely and Stony Township, subject to Stony Township's formal approval, with the Mayor and Clerk-Treasurer authorized to execute contract on behalf of the City of Ely. Carried unanimously.

Mayor Skraba had requested Joint Powers Funding be placed on tonight's agenda, but at this time is requesting that the current contract between the City of Ely and Community Joint Powers be referred to the City Attorney for interpretation, and that a packet would be put together for the April 7, 2009 Regular Ely City Council Meeting for information and review. Moved by Omerza supported by Debeltz, that request be approved. Carried unanimously. Council member Omerza noted that as of the November 15, 2008 draft of the city budget for 2009, there was \$50,000 appropriated in the budget for City share of Community Joint Powers; that as of the December 16, 2008 draft of the city budget for 2009, there was \$40,000 appropriated in the budget for City share of

Community Joint Powers. In researching the official City Council Meeting minutes, she does not find where the Council acted on decreasing this amount, nor does she recall the Council discussing this reduction, inquiring as to how this could have happened. This question will be directed to the Clerk-Treasurer to report back.

City Attorney Klun informed Council members that the City of Winton has requested that they be billed quarterly, for the remainder of Fire Contract Fees for 2009, per agreement with the City of Ely. Moved by Omerza supported by Salerno, that request be approved. Carried unanimously.

Council member Omerza requested placement on tonight's agenda as to the future scheduling of a meeting between the Ely City Council Members and City Employees, as to the potential LGA Reductions to the City of Ely for 2009 /2010, and City Budget Implications. She noted that Council communication with employees is a priority with her, as many city employees are concerned about their employment status. Council members concurred with Council member Omerza's suggestion for such a meeting, noting that this issue will be brought up at the March 21st Council Budget Retreat.

Council member Nikkola offered the following resolution: 2009 – 10

Authorization To Execute Minnesota Department Of Transportation Grant Agreement For Airport Improvement Excluding Land Acquisition

BE IT RESOLVED by the City of Ely as follows:

1. That the State of Minnesota Agreement No. 94227, " Grant Agreement for Airport Improvement Excluding Land Acquisition," for State Project No. 6920-39 at the Ely Municipal Airport is accepted.
2. That the Mayor and Clerk-Treasurer are authorized to execute this Agreement and any amendments on behalf of the City of Ely.

Motion for the adoption of the foregoing resolution was made by Council member Nikkola, seconded by Council member Omerza, and declared carried on the following vote:

YES: Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, Zupec, Mayor Skraba (7)

NO: None (0)

ABSENT: None (0)

Adopted this 17th day of March 2009.

Council member Omerza offered the following ordinance: Proposed Ordinance #230, Second Series, An Ordinance of the City of Ely, Minnesota, Amending Chapter 14 of the Ely City Code With Regard To Regulating Signs In The City of Ely.

The Council of the City of Ely Does Hereby Ordain:

Section 1. Chapter 14 of the Ely City Code shall be amended to read as follows:

Chapter 14
Regulating Signs in the City of Ely.

SECTION 14.01 PURPOSE. The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

SEC. 14.02 DEFINITIONS. Definitions. The following, words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

Subd. 1. Abandoned Sign. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

Subd. 2. Animated Sign. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, including the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.
2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Subd. 3. Architectural Project. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also, "Awning"; "Back-lit awning"; and "Canopy, attached and freestanding."

Subd. 4 Awning. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering or rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

Subd. 5. Awning Sign. A sign displayed on or attached flat against the surface or surfaces of an awning. See also, “Wall” or “Fascia sign”.

Subd. 6 Back-Lit Awning. An awning with a translucent covering material and a source of illumination contained within its framework.

Subd. 7 Banner. A flexible substrate on which copy or graphics may be displayed.

Subd. 8 Banner Sign. A sign utilizing a banner as its display surface.

Subd. 9 Billboard. See “Off- premise sign”.

Subd. 10 Building Elevation. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Subd. 11 Canopy (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface (s) and/or soffit of an attached canopy must be illuminated by means of internal or external sources of light. See also, “Marquee”.

Subd. 12 Canopy (Freestanding). A multisided overhead structure supported by columns, but not enclosed by walls. The surface (s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Subd. 13 Canopy Sign. A sign affixed to the visible surface (s) of an attached or freestanding canopy. For reference, see Section 10.03.

Subd. 14. Changeable Sign. A sign with the capability of content change by means of manual or remote input, including signs which are:

Manually activated. Changeable sign whose message copy or content can be changed manually.

Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also, “Electronic message sign or center”.

Subd. 15. Combination Sign. A sign that is supported partly by a pole and partly by a building structure.

Subd. 16 Copy. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Subd. 17 Development Complex Sign. A freestanding sign identifying a multiple-occupancy development, such as shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section 14.09, Subd. 2 of this chapter.

Subd. 18 Directional Sign. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Subd. 19 Double-Faced Sign. A sign with two faces, back to back.

Subd. 20 Electric Sign. Any sign activated or illuminated by means of electrical energy.

Subd. 21 Electronic Message Sign or Center. An electrically activated changeable sign whose variable message capability can be electronically programmed.

Subd. 22 Exterior Sign. Any sign placed outside a building.

Subd. 23 Façade. See “Building façade”.

Subd. 24 Fascia Sign. See “Wall sign”

Subd. 25 Flashing Sign. See “Animated Sign, electrically activated”.

Subd. 26 Freestanding Sign. A sign principally supported by a structure affixed to the ground, and not supported by a building including signs supported by one or more columns, poles, or braces placed in or upon the ground. For visual reference, see Section 14.03.

Subd. 27 Front (Building). The length of an exterior building wall or structure of a single premise oriented to the public way or other properties that it faces.

Subd. 28 Frontage (Property). The length of the property line (s) of any single premises along either a public way or other properties on which it borders.

Subd. 29 Ground Sign. See “Freestanding sign”.

Subd. 30 Illuminated Sign. A sign characterized by the use of artificial light, either projecting through its surface (s) (internally illuminated); or reflecting off its surface (s) (externally illuminated).

Subd. 31 Interior Sign. Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

Subd. 32 Mansard. An inclined decorative roof-like projection that is attached to an exterior building façade.

Subd. 33 Marquee. See “Canopy (attached)”.

Subd. 34 Marquee Sign . See “Canopy sign.”

Subd. 35 Menu Board. A freestanding sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window and which has no more than 20 percent of the total area for such a sign utilized for business identification.

Subd. 36 Multiple-faced Sign. A sign containing three or more faces.

Subd. 37 Off-Premises Sign. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Subd. 38 On-Premise Sign. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Subd. 39 Parapet. The extension of a building a façade above the line of the structural roof.

Subd. 40. Pole Sign. See “Freestanding sign.”

Subd. 41 OMIT

Subd. 42 Portage Signs. Any sign not permanent attached to the ground or to a building or building surface.

Subd. 43 Projecting Sign. A sign other than a wall sign that is attached to or projects more than 18 inches from a building fact or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section 14.03.

Subd. 44 Real Estate Sign. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

Subd. 45 Revolving Sign. A sign that revolves 360 degrees about an axis. See also, “Animated sign mechanically activated”.

Subd. 46 Roof Line. The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Subd. 47 Roof Sign. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference example of a roof sign, and a comparison of differences between roof and fascia signs see Section 14.03.

Subd. 48 Sign. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Any flags displayed from flagpoles or staffs will not be considered to be signs.

Subd. 49 Sign Area. The sign areas shall be computed based on the physical borders of the sign. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

Subd. 50 Sign Copy. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

Subd. 51 Sign Face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Subd. 52 Sign Structure. Any structure supporting a sign.

Subd. 52 Temporary Sign. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. No temporary sign shall be displayed for more than 30 days in any calendar year.

Subd. 54. Under Canopy Sign or Under Marquee Sign. A sign attached to the underside of a canopy or marquee.

Subd. 55. V Sign. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

Subd. 56 Wall or Fascia Sign. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the fact

of the building façade or to the face or faces of the architectural projection to which it is affixed. For visual reference and comparison examples of differences between wall or fascia signs and roof signs, see Section 14.03.

Subd. 57 Window Sign. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

SEC. 14.03 GENERAL SIGN TYPES. General. Sign types and the computation of sign area shall be as depicted in Figures 1003.1 (1) through 1003.1 (4).

Subd. 2. Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within 2 feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction.

Subd. 3. Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

Subd. 4. Traffic visibility. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interference with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

Subd. 5. Computation of frontage. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area (s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area (s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

Subd. 6. Animation and changeable messages. Animated signs, except as prohibited in Section 14.06, are permitted in commercial and industrial zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones.

Changeable signs, electrically activated, are permitted in all nonresidential zones.

Subd. 7. Maintenance, repair and removal. Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner/and or the user of the sign.

Subd. 8. Obsolete sign copy. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the municipal code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

Subd. 9 Nonconforming signs. Any signal legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
2. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the code official.
3. Signs that comply with either Item 1 or 2 above need not be permitted.

SEC. 14.05 EXEMPT SIGNS

Subd. 1 Exempt signs. The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from Section 14.04.

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. Omit
5. Omit
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 4 square feet in area.

SEC. 14.05 PROHIBITED SIGNS.

Subd. 1. Prohibited Signs. The following devices and locations shall be specifically prohibited.

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way, without City Council approval.
3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Portable signs as allowed for temporary signs.
5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

- A. The primary purpose of such a vehicle or trailer is not the display of signs.
- B. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
- C. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- 6. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
- 7. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, “temporarily” means no more than 30 days in any calendar year.
- 8. Off-premise signs are prohibited.
- 9. Except for free standing signs, no signs shall be erected to extend vertically above the highest point of the building façade by more than two feet above the height of any building on the parcel where the sign is erected.

SEC. 14.07 PERMITS

Subd. 1. Permits required. Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all sign erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

Subd. 2. Construction documents. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details or construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the International Building Code.

Subd. 3. Changes to signs. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of moveable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

Subd. 4. Permit fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

SEC. 14.08. SPECIFIC SIGN REQUIREMENTS

Subd. 1. Identification signs.

- A. Wall signs. Every single-family residence, multifamily, residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table 14.08 (1). For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than 4 square feet.
- B. Freestanding signs. In addition to any allowable wall signs, every single-family residential subdivision, multifamily residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone shall be permitted to display freestanding or combination signs per street frontage subject to the limiting standards set forth in Table 14.08 (2).
- C. Directional signs. No more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of direction signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be 4 square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights of way shall be 8 square feet. No more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

Table 14.08 (1)

IDENTIFICATION SIGN STANDARDS WALL SIGN

LAND USE	TOTAL AREA SQUARE FEET
Nonresidential in a Residential Zone	8
Commercial & Industrial	2 ½ sq. ft. for each 1' of street Frontage, up to 125 sq. ft.

Table 14.08 (2)

IDENTIFICATION SIGN STANDARDS FREESTANDING SIGNS

LAND USE	NUMBER OF	HEIGHT	AREA	SPACING
Single family residential Ex. – R1	1	4	4	1 per subdivision Entrance a
Multi-family residential Ex. – R2	1	4	32 a,d	1 per entrance a
Nonresidential in a residential zone	1	4	16 d	300 a
Commercial & Industrial Ex. C1, C2, M	1	30	125	150 b

- a. For subdivision or apartment identification signs placed on a decorative entry wall approved by the zoning official, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex.
- b. For shopping centers or planned industrial parks, two monument-style freestanding signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other freestanding identification sign, shall be permitted to be allowed in lieu of any freestanding sign otherwise permitted in Table 1008.1.2.
- c. For any commercial or industrial development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned industrial parks, one freestanding sign per street front shall be permitted to be increased in sign area by up to 50 percent.
- d. Does not include home occupation permits, which are regulated in Section 11.01, Subd. 9, D3d.

Subd. 2 Temporary Signs.

- A. Temporary signs shall be permitted in all zoning districts, subject to the following limitations:
 1. Signs located on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 17 square feet in area.
 2. Temporary signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be no greater than 20 square feet in area nor 8 feet in height. All signs permitted under this section shall be removed within 10 days after sale of the last original lot.
 3. Signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than 20 square feet in area nor 10 feet in height, and shall be limited to one sign per street front.
 4. Temporary signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be no greater than 10 feet in height, and 36 square feet for property of 10 acres or less, or 100 square feet for property exceeding 10 acres.
 5. Temporary signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.
- B. Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:
 1. Such signs on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 16 square feet in area.
 2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the

lots to be built upon, and shall be no greater than 8 feet in height and 20 square feet in area.

3. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than 6 feet in height and 16 square feet in area.
4. Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed 10 feet in height and 36 square feet for projects on acres 5 acres or less in size, and not to exceed 10 feet in height and 36 square feet for projects on parcels larger than 5 acres.
5. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for all or any portion of the project.

C. Special promotions, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:

1. Such signs shall be limited to two sign per street front.
2. Such signs may be displayed for not more than 30 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening and shall be removed not more than 1 day after the event or grand opening.
3. The total square area of all such signs shall not exceed 4 square feet in any single family residential district, 20 square feet in any multifamily residential district and 50 square feet in any commercial or industrial district.

D. Special event signs in public ways. Signs advertising a special community event shall be permitted to be permitted in or over public rights-of-way, subject to approval by the code official as to the size, location and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

E. Portable signs. Portable signs shall be permitted only in the C1, C2, M, P1 and P2 districts, as designated in this code, subject to the following limitations:

1. No more than one such sign may be displayed on any property, and shall not exceed a height of 6 feet nor an area of 12 square feet.
2. Such sign shall be displayed not more than 30 days in any calendar year.
3. Any electrical portable signs shall comply with the ICC Electrical Code, as adopted in this jurisdiction.
4. No portable sign shall be displayed prior to obtaining a sign permit.

F. Omit

1. Omit
2. Omit

3. Omit

Subd. 3 Requirements for specific sign types.

A. Canopy and marquee signs.

1. The permanently – affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied.
2. Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

B. Awning signs.

1. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning, or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
2. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation or sign copy area.

C. Projecting signs.

1. Projecting signs shall be permitted on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in area to 1 square foot per each 1 lineal foot of building frontage, except that no such sign shall exceed an area of 24 square feet.
2. No such sign shall extend vertically above the highest point of the building façade upon which it is mounted by more than 2 feet of the height of the building façade.
3. Such signs shall not extend over a public sidewalk in excess of 5 feet, and in no case shall be closer than 2' to the curb.
4. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 8 feet.

D. Under canopy signs.

1. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed 4 square feet.
2. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 8 feet.

E. Menu boards.

1. Menu board signs shall not be permitted to exceed 50 square feet.

SEC. 14.09 SIGNS FOR DEVELOPMENT COMPLEXES

Subd. 1. Master sign plan required. All landlord or single owner controlled multiple-occupancy development complexes such as shopping centers or planned industrial parks, shall submit to the code official a master sign plan prior to issue of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

1. Proposed sign locations.
2. Materials.
3. Type of illumination.
4. Design of freestanding sign structures.
5. Size.
6. Quantity.
7. Uniform standards for non-business signage, including directional and informational signs.

Subd. 2. Development complex sign. In addition to the freestanding business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one freestanding sign per street front, at the maximum size permitted for business identification freestanding signs to identify the development complex. No business identification shall be permitted on a development complex sign. Any freestanding sign otherwise permitted under this ordinance may identify the name of the development complex.

Subd. 3. Compliance with master sign plan. All applications for sign permits for signage within a multiple occupancy development complex shall comply with the master sign plan.

Subd. 4. Amendments. Any amendments to a master sign plan must be signed and approved by the owner (s) within the development complex before such amendment will become effective.

Subd. 5. Size. The maximum size allowed for a multiple occupancy building will be the same as for a single occupancy building, and it shall be the discretion of the property owner to assign sizes to the tenants.

SEC. 14.10 REGULATING THE ISSUANCE OF ANY SIGN PERMITS, APPROVAL OR PERMIT FOR, OR THE INSTALLATION, CONSTRUCTION OR EXPANSION OF ANY ILLUMINATED FLASHING, BLINKING OR MOVING ADVERTISING SIGN CONTAINING CHANGEABLE MESSAGES WITHIN THE CITY OF ELY

- A. The purpose of this Ordinance is to protect the health, safety, and welfare of the citizens. The City Council is concerned about the effects of illuminated advertising signs upon the traveling public. These signs pose a hazard to the traveling public by the use of static or changing electronic, digital, video display signs, or flashing, motion, animated, and changeable copy signs. These attention-getting and eye-catching signs may threaten the safety of motorists, cyclists, pedestrians and other users of public streets and property by diverting motor vehicle drivers' attentions away from the road. There are research studies that show the presence of such signs do result in an increase in automobile accidents.

- B. The Planning and Zoning Department has conducted a study for the purpose of considering adoption of official controls relating to the need for additional sign regulations addressing illuminated advertising signs with changeable messages.
- C. Definition. A dynamic sign is defined as a sign or portion thereof that displays electronic, static and/or non-static images, static and/or non-static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDS), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes.
- D. The City hereby prohibits the issuance or approval of any sign permit for any dynamic sign as defined in this ordinance, except for the use of displaying fuel price, time and temperature.

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is effective immediately after final adoption and publication.

Motion for the adoption of the foregoing ordinance was made by Council member Omerza, seconded by Council member Nikkola, and declared carried on the following vote:

YES: Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, Zupec, Mayor Skraba (7)

NO: None (0)

ABSENT: None (0)

Proposed Ordinance No. 230, Second Series, adopted and given a first reading and publication, this 17th day of March 2009.

Council member Zupec expressed some concerns as to Subd. 8 addressing banner signs – 30 calendar days; City Attorney will review with Council member Zupec, and any changes can be made to this ordinance for the second and final reading and publication.

Council member Debeltz offered the following ordinance: Proposed Ordinance #231, Second Series, An Ordinance of the City of Ely, Minnesota, Amending Chapter 11, Section 11.02 of the Ely City Code, Entitled Ely Business Park Covenants

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

Section 1. Chapter 11, Section 11.02, of the Ely City Code shall be amended to read as follows:

Sec. 11.02 ELY BUSINESS PARK COVENANTS

Subd. 1. Recommended Permitted Uses. The land uses in the Ely Business Park as presently zoned are limited to the following categories:

- A. Professional offices;
- B. Research laboratories;
- C. Electronics manufacturing and assembly;

- D. Other light manufacturing and assembly;
- E. Governmental buildings;
- F. Light industry and assembly.

Only low impact or office type businesses are allowed within the Ely Business Park. No storage sheds, public garages or unheated warehouses will be allowed, except that accessory structures may be permitted for storage if approved by the Projects/Land/Streets and Infrastructure Committee and if a subsequent conditional use permit is granted by the Board of Adjustment.

Subd. 2. Maintenance and Repairs. All lots and improvements shall be constructed, kept, and maintained by the owner or occupant in first class condition, repair, and appearance. All repairs, alterations, replacements, or additions to improvements shall be at least equal to the original work in class and quality.

- A. Buffering. Wherever a commercial parcel is located adjacent to an area or areas being actually used for residential purposes, a buffer material shall be placed upon the boundary of the commercial parcel. The buffer material may be vegetation or opaque fencing, and shall be of sufficient height to provide a screening effect between the residential area and the commercial usage.
- B. Maintenance. Wherever in this code there is a requirement for installation of any device for aesthetic or screening purposes, or for the maintenance of any particular type of exterior material, such materials or devices shall at all times be maintained in an attractive, safe and neat condition.

Subd. 3. Refuse Collection Areas. All outdoor refuse collection areas shall be completely enclosed and screened by a constructed wall of durable material not less than six (6) feet in height. All areas shall have concrete floors and shall be sufficient in size to contain all refuse generated on each lot. No refuse collection areas shall be permitted between a street and a front of a building unless EBPC approved screening and landscaping is provided.

Subd. 4. Utility Lines and Antennas. Underground or concealed placement only, except that temporary placement of above ground utilities is permitted during reasonable construction periods.

Subd. 5. Development Standards.

- A. Setbacks. Structures require a minimum front yard setback of 25 feet from the front property line. This area must be grassed and or landscaped. Require side yard setbacks of 15 to 20 feet with allowances for landscaping and drainage between buildings.

Minimum setbacks are as follows: Front Yard 25 feet
Side Yard 20 feet
Rear Yard 20 feet

Sufficient setbacks shall be required to allow for access by emergency vehicles around all buildings and structures. Setbacks may vary according to the layout of the lot upon which the primary and accessory uses are located and only based upon sound environmental and site planning criteria and standards applied to the proposed use.

Criteria shall include the need for buffering via beams and landscape materials, adjacent lots, buildings and structures, utilities, sidewalls, steps, paving, planters, fences, and utilities.

- B. Side Coverage (building density). Site coverage shall not be greater than 33% of the lot by the principle structure. If coverage of the site by impervious surface exceeds 15% or standards contained in or adopted pursuant to the adopted plans of the City of Ely, on – site mitigation measures must be employed and incorporated into the site plan.
- C. Minimum Lot size. Minimum lot size is as platted.
- D. Minimum Building size. Minimum building size shall be 2500 gross square feet.
- E. Building Heights. Et ft. maximum. Higher buildings may be permitted if approved by the Projects/Land/Streets and Infrastructure Committee and if a subsequent variance is granted by the Board of Adjustment considering setback criteria, avoidance of excessive density impact on other properties impervious surface and storm water management impact and fire protection needs. Structures higher than 20 feet shall contain architectural features designed to punctuate the façade of the building and bring the structure into a unified relationship with its surroundings. Suitable elevation drawings shall be prepared to evaluate the sale and impact of such structures.
- F. Signage.
 - 1. All signs must be approved by the Planning Commission. No rooftop or pylon signs, fluorescent colors, flashing lights, or moving signs are permitted. Exterior lighting fixtures are not permitted unless the light source (e.g. the fixture) is not visible from roadways. A maximum area of 80 sq. ft is permitted with a maximum height of 8 feet. Signs advertising products or services other than those produced or provided on the premises or by affiliates are prohibited.
 - 2. No sign or billboard as defined in the City’s sign ordinances or codes shall be permitted on any commercial parcel except as may be utilized in connection with the business or businesses being operated on that parcel. Signage materials shall be compatible aesthetically with the buildings on the parcel, and shall be so designated to minimize potential safety hazards for passing motorists. To this end, signs shall be designed so as to provide information, as opposed to attracting attention to the sign itself. Only small on-building or on-premise signage that uses colors consistent with the period design of the building.

A directory sign at each end of the Business Park will be maintained by the city.

- G. Parking.
 - 1. Omit
 - 2. Common Driveways. Driveways may be shared between lots to reduce curb cuts and turning movement locations.
 - 3. Material. All driveways and parking areas shall be surfaced with asphalt or concrete paving, and cured with cast-in-place barrier concrete curbs. Drainage for paved surfaces shall be facilitated in all cases by the use of

bituminous curb and gutter around the perimeter of all parking lots and all public driveways. Where particular engineering problems exist, the City may require concrete curbing. Temporary exceptions may be granted by the commission when appropriate for plans that incorporate phased construction.

4. **Parking lot Setbacks.** There shall be a 10 foot setback between all lot lines and the back of the curb on parking lots and driveways. There shall be an 8 foot spacing between back of curb of all parking lots and buildings. The space within the setback area shall be governed by the ground cover requirements found elsewhere in this ordinance. The lot line setbacks shall not apply where adjoining property owners wish to use common parking.
 5. **Loading Docks.** Loading docks shall be located to the rear or side of the buildings, in areas that are as much as possible screened from view from adjacent public roadways.
 6. **Sidewalks.** All areas where members of the public or employees must walk for access to any location shall be paved or covered with a hard surface material.
- H. **Loading and Storage.** No materials, supplies or equipment shall be stored in any area on a lot except inside a closed building or behind visual barrier screening such areas from the view of adjoining properties and public streets. Garbage and refuse containers shall be concealed from the view of adjoining properties and public streets by means of screening walls that compliment the exterior of the adjoining building.
- I. **Exterior Storage and Facilities.**
1. **Fencing.** All fences located in the Park shall be of complete opaque materials, so as to substantially screen from outside view the contents of the fenced area. Where chain link fence is used, the fence shall be fully screened either by the use of vegetation of the same height, or by the use of inserts rendering a substantially opaque result.
 2. **Other Fence Standards.** Fences shall be not less than 6 feet and not more than 12 feet in height.
 3. **Outside Storage.** The outside storage of any shall be prohibited, unless the storage is completely screened from view by fencing, by natural topography, or by vegetation which completely screens the stored materials from view from any outside sources. No storage shall be permitted which is not required as part of the business operated on the premises.
 4. **Vehicle Storage.** No motor vehicles shall be stored on any commercial parcel overnight, unless completely enclosed in a structure or completely screened from view.
 5. **Refuse Containers.** Refuse containers for periodic pickup shall be placed in areas which are screened from outside view; no hazardous material of any kind shall be permitted to be stored on the premises, whether or not screened from view.

6. Semi-Trailers. Semi-trailers utilized on any parcel of land for the delivery or pickup of materials used in connection with the owner's business may be stored or parked in an area that is not screened from view for continuous time periods of not more than seven (7) days and not to exceed ten (10) days in any given month. If more than one trailer is present, each trailer shall count toward the total maximum number of days permitted each month. For example, if five trailers were present for two days each, the ten-day maximum usage would have been used. The usage of such semi-trailers for warehousing or storage of any type of materials shall be prohibited, except that the parking of any semi-trailer in excess of the above limits or uses may be permitted in areas which are substantially screened from view if approved by the Projects/Land/Streets and Infrastructure Committee, and if a subsequent conditional use permit is granted by the Board of Adjustment.
 7. Exception for Inventory. Articles which comprise completed product inventory being displayed for current retail sale may be stored outside, but may be subject to conditions for such storage to be imposed on a case-by-case basis by the City.
 8. Storage. Unscreened outside storage is prohibited and inoperable vehicles and equipment cannot be stored on-site or in the open for longer than 5 working days.
- J. Landscaping. Landscaping plans are required for all developments and are subject to the approval of the Projects/Land/Streets and Infrastructure Committee as part of the site plan approval process outlined in Subd. 6 and Subd. 7. All lots shall be landscaped within 90 days of substantial completion of construction and issuance of Certificate of Occupancy in accordance with approved plans, weather permitting.
- K. Subdivision. No lot may be subdivided, and no portion of a lot may be sold or otherwise conveyed, without the written consent of the Ely City Council.

Subd. 6. Committee. The Projects/Land/Streets and Infrastructure Committee will review and recommend approval to the Planning Commission all plans for development in the Park. Approval of the Committee does not imply compliance with other applicable building codes, permitting process, or other requirements. The Projects/Land/Streets and Infrastructure Committee will also negotiate directly with all interested businesses seeking development in the Ely City Business Park. The Projects/Land/Streets and Infrastructure Committee will review and recommend approval to the Planning Commission all preliminary agreements/contracts between the City of Ely and prospective businesses.

Subd. 7 Construction Improvements. All proposals for development must be submitted to the Projects/Land/Streets and Infrastructure Committee and approved by the Planning Commission prior to submission of construction documents. Work scheduling and estimated completion dates should be included with plans. Approvals under this section do not remove the obligation to obtain all necessary construction permits that may be required by the City or other agency. Submissions shall include the following:

A. Site Plan

1. Building footprints and dimensions to property lines
2. Building roof overhangs
3. Configuration of parking and vehicular circulation areas
4. Parking lot lighting locations
5. Truck service, loading areas, trash enclosures
6. Setback lines and easements
7. Location of on-site transformers, gas meters, switchgear
8. Adjacent roadways
9. Parcel area, building floor area, coverage ratios, total parking, estimated employment at peak, anticipated shift schedules.

B. Grading, drainage and erosion control plan

1. Proposed finish grades, slopes, building pad elevation
2. Site drainage structures and runoff calculations
3. Grades of existing streets and curbs

Site drainage and erosion control plans must be integrated with the Parks' regional stormwater management plans. Drainage and erosion control submittals shall follow the format prescribed by Ely City Ordinances.

C. Landscape Plan

1. Plant materials, Spacing, and sizes
2. Walkways and paved areas
3. Other landscaped features

D. Building elevations

1. Wall and roof material, textures and colors
2. Location of wall mounted signs and lighting
3. Roof and parapet heights above ground floor line
4. Profile or room-mounted equipment
5. Roof elevations above finished floor

E. Conceptual graphics

1. Ground, wall mounted, and direction signs
2. Locations, designs, materials, colors, textures, heights, area, illumination, typography.

F. Process Time. Land purchase agreements with the City of Ely will take a minimum of 60 days to be final. Additional time requirements are project/development specific.

Subd. 8. Stormwater Control. Stormwater runoff shall be properly channeled into storm drains and/or pond areas and shall not be permitted to flow over walk ways. All roof stormwater must be collected by a system constructed inside the exterior walls of the building or by a system that blends into the façade of the building and discharged less than 2 feet above grade of the point of discharge, or be conducted directly to the storm drainage system. Alternatives other than gutter and downspout systems shall be

considered relative to impacts on pedestrian and vehicle areas and integration with other lot-based and regional stormwater management systems, structures and objectives.

Infiltration on each property is encouraged. Improvements which direct stormwater runoff to the detriment of other property owners are prohibited.

Each owner shall take the necessary precautions to ensure that stormwater drainage from the owner's lot is not contaminated with motor vehicle fuels and lubricants, salt, or other chemical compounds that are detrimental to aquatic life.

Subd. 9. Park and Recreation Uses Facilities. The Council of the City of Ely finds that it would be beneficial for the help and welfare of the Cit of Ely and to enhance the amenities in the Ely Business Park to provide for the construction and improvement of park space and recreational facilities and improvements in the area of the Ely Business Park. To fulfill that purpose, the Ely Business Park Covenants, Section 11.02 of the Ely City Code are hereby amended to exempt park uses and improvements and recreational uses and facilities from the operation of the Ely Business Park Covenants.

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is effective immediately after final adoption and publication.

Proposed Ordinance #231, Second Series, adopted and given a first reading and publication, this 17th day of March 2009.

Moved by Debeltz supported by Omerza, that the Ely City Council and Ely Utilities Commission hold a closed meeting on Tuesday, March 31, 2009, at approximately 7:30 P.M. immediately following the Ely City Council / EUC Joint Study Session of that same evening, Board Room of the Ely City Hall, to conduct an annual probationary performance evaluation of City Operations Director of Public Works and Utilities, Harold Langowski, with Clerk-Treasurer to provide Council and EUC members with forms to be filled out and returned to the City Attorney's Office for compilation, prior to Friday, March 27th, Noon. Carried unanimously. Council member Omerza requested that a copy of job description also be included with evaluation forms.

Mayor Skraba reported that the City of Ely is in receipt of nominations for Ely's 2009 Volunteers of the Year, and that due to Jerome Debeltz being one of the nominations this year, is requesting that Jerome withdraw his prior action in volunteering to serve with Mayor Skraba and Council member Zupec, in selecting two volunteers. Council member Debeltz withdrew his name to serve on committee, and Mayor Skraba and Council member Zupec will be reviewing nominations and will be recommending two individuals for this year's volunteers of the year, at the next regular council meeting.

Mayor Skraba reported that each member of the Council had received a notification from the Grand Forks US Customs and Border Protection, regarding a series of workshops to

be conducted in the Ely area starting on March 25th. Council members noted this is a personal choice as to whom will be attending.

There were no audience members present at tonight's meeting who wished to appear before the Council under Public Comment on tonight's agenda.

Moved by Omerza supported by Salerno, that tonight's meeting adjourn.
Carried unanimously. Adjournment at 8:25 P.M.

Patricia M. Wellvang
Deputy Clerk
City of Ely