

FILE

City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, Minnesota

July 21, 2009

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: \_\_\_ Johnston \_\_\_ DeLapp \_\_\_ Emmons \_\_\_ Park \_\_\_ :Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. APPROVE MINUTES:
  - 1. Approval of the July 7, 2009 City Council minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: (Items are placed on the consent agenda by city staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
  - 2. Approve payment of disbursements and payroll
  - 3. Agreement with MPCA for Watermain Installation along Highway 5
- J. REGULAR AGENDA:
  - 4. Yellow Ribbon Network of Washington County– Senator Saltzman
  - 5. Purchase of projection equipment for council chamber
  - 6. Sign Code Ordinance An ordinance repealing existing sign code regulations and adopting new regulations to govern signs in all zoning districts
  - 7. Accounting services
  - 8. DeMontreville Trail – Discussion on trail options as part of the Washington County Reconstruction and Turnback Project

K. REPORTS AND ANNOUNCEMENTS:

(These are verbal updates and do not have to be formally added to the agenda.)

- Mayor and City Council
- Administrator
- Planning Director

L. Adjourn

City of Lake Elmo  
City Council Minutes

July 7, 2009

Mayor Johnston called the meeting to order at 7:00 p.m.

PRESENT: Mayor Johnston and Council Members DeLapp, Emmons and Park (arrived at 7:04 p.m.)

Absent: Council Member Smith

Also Present: Interim City Administrator Dawson, Planning Director Klatt, City Engineer Griffin, Joe Rigdon, KDV, City Attorney Snyder, Finance Director Bouthilet, Joe Rigdon, KDV and City Clerk Lumby.

APPROVAL OF AGENDA:

*MOTION: Council Member DeLapp moved to approve the July 7, 2009 as amended (reverse items 8 & 9). Council Member Emmons seconded the motion. The motion passed 3-0.*

ORDER OF BUSINESS:

GROUND RULES:

Mayor Johnston shared information from the League of Minnesota Cities Annual Conference regarding the importance of observing ground rules during the City Council meetings.

APPROVED MINUTES:

The June 16, 2009 City Council minutes were approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

Jim Blackford, 9765 45<sup>th</sup> Street N asked the City to consider changing a street name, Julep Avenue to 45<sup>th</sup> Street N., (Intersection of 45<sup>th</sup> Street to Julep Avenue (approx. 200 yards).

David Moore, 8680 Stillwater Boulevard, asked the City provide information regarding the naming of Raleigh Creek which he stated was formerly named Eagle Point Creek.

*MOTION: Council Member Park moved to approve the Consent agenda items 2, 3 and 4, as presented. Mayor Johnston seconded the motion. The motion passed 4-0.*

- Approve payment of disbursements and payroll in the amount of \$226,333.79
- Authorize purchase of swing set, play zone borders and ADA resilient fiber surfacing not to exceed the amount of \$14,399.96
- Authorize purchase of the Asphalt Planer from Tri-State Bobcat for the amount of \$12,258.36 (plus tax)

Approve Resolution No. 2009-032, accepting the developer-installed public infrastructure improvements for the Discover Crossing Development

Jack Griffin, City Engineer, reported the developer-installed improvements for the Discover Crossing Development has been fully completed in all respects. The public improvements, except for the streets, have been in place for a minimum of 2 years and no defective work remains. The streets were completed in November, 2008; therefore a Warranty bond in the amount of \$194,000 to expire on November 30, 2010, has been received to guarantee the street improvements for a period of two years. In a response to a question, the City Attorney related that if the improvements had been completed per City specifications.

Craig Dawson noted that the City staff is working on strengthening the City's requirements in the City development agreements.

*MOTION: Council Member Park moved to approve Resolution No. 2009-032, accepting the developer-installed public infrastructure improvements for the Discover Crossing Development. Council Member DeLapp seconded the motion. The motion passed 4-0.*

REGULAR AGENDA:

2008 Annual Financial Report

Steve McDonald, Abdo, Eick & Meyers, presented the 2008 Annual Financial Audit Report and had no significant concerns with the City's accounting practices or the accuracy of its financial records. McDonald pointed out that the Council may want to take a closer look at utility rates, which at their current level are not able to cover the cost of operating the City's water and sewer systems. While there is enough money in the respective funds to operate at a deficit for a few years, adopting a long term plan could eliminate the need for dramatic rate increases later.

*MOTION: Council Member Park moved to accept the 2008 Audited Financial Report. Mayor Johnston seconded the motion. The motion passed 4-0.*

Request Council direction on buffer setback in Open Space Preservation developments

Kyle Klatt, Planning Director, asked for direction to staff on how to proceed with possible changes to the buffer setback in the ordinance which applies to all Open Space Preservation (OP) developments. He explained many houses and accessory structures in existing OP developments are nonconforming to this requirement and many vacant lots in

newer platted developments are essentially unbuildable when applying this setback. Not taking action would result in continued variance requests being made on lots in OP developments.

*MOTION: Council Member DeLapp moved to direct the Planning Commission to review the Open Space Preservation development ordinance with regards to buffer setbacks in order to address both existing non-conformities and future developments on a City wide basis and to look more in depth at options 3 and 4 provided by staff. Council Member Park seconded the motion. The motion passed 4-0.*

Consideration of reduced buffer setback for Tana Ridge and Parkview Estates: Resolution No. 2009-033

Kyle Klatt, Planning Director, reported the City Council is being asked to consider Resolution No. 2009-031 which would establish a lesser buffer setback for the Tana Ridge and Parkview Estates developments. Klatt provided the Council with a map of Tana Ridge, which is 660 feet wide and borders two rural parcels, and open space from another housing development. An interpretation of the 200-foot setback required would limit the neighborhoods buildable areas to a 260-foot strip of land in its center. Maps were provided of other OP developments approved within the last ten years; Farms of Lake Elmo, Parkview Estates and St. Croix's Sanctuary. All had several structures inside the 200-foot buffer zone. If the setback were applied to future permit applications, it would render 14 of Sanctuary's 38 vacant lots unbuildable.

Council Member DeLapp said it was never the Council's intent to retroactively apply new standards to previously approved developments.

*MOTION: Council Member Emmons moved to approve Resolution No. 2009-033 reducing the 200-foot buffer setback in Tana Ridge and Parkview Estates developments from 200 feet to 50 feet, including an additional reduction to 20 feet for one lot in Parkview Estates. Council Member DeLapp seconded the motion. The motion passed 4-0.*

Appeal hearing on denial of a building permit application for an in-ground pool structure due to encroachment in 200 buffer setback at 4884 Lily Avenue; Joe Pelletier, Resolution No. 2009-030

Joe Pelletier withdrew his appeal of the City's building permit decision which was made moot by the setback requirements in Resolution No. 2009-033.

Accept 2009 Street Improvement Project Bids and award Contract; Resolution No. 2009-031

Ryan Stempski, TKDA Project Manager, provided a letter of recommendation to award the 2009 Street Improvements contract to the lowest responsible bidder, Tower Asphalt for its base bid of \$417,811.50.

*MOTION: Council Member Park moved to adopt Resolution No. 2009-031 accepting bids and awarding a contract for the 2009 Street Improvements to Tower Asphalt for its base bid of \$417,811.50. Council Member DeLapp seconded the motion. The motion passed 4-0.*

Grant Application for Fire Station stimulus funding

Fire Chief Malmquist reported through the American Recovery Reinvestment Act, the Department of Homeland Security is distributing \$210 million in grants for fire stations across the county. Chief Malmquist didn't know whether Lake Elmo would be able to secure the grant, but added that officials administering the appropriations would be more willing to award a grant if the City would commit funds to the grant eligible items in the project. He believed building a new main station on land located down in the southern end of the City would require a 15,000-20,000 sq.ft. station to replace the downtown station at an estimated construction cost of \$2.25-\$4 million, and additional items not grant eligible would need to be paid by the City.

The Council discussed its concerns of committing the City to any significant expenditures in coming years.

*MOTION: Council Member Park moved to authorize staff to submit an application for a \$2 million grant to the Department of Homeland Security's Assistance to Firefighters Fire Station Construction Grants. Mayor Johnston seconded the motion. The motion passed 3-1 (Council Member DeLapp voting against).*

*MOTION: Council Member Park moved to amend the motion to request a grant for \$4.0 million for construction of a fire station. Council Member DeLapp seconded the motion. The motion passed 4-0.*

The meeting was adjourned at 8:45 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

City Council  
7/21/2009  
CONSENT  
Item: 2

ITEM: Approve disbursements in the amount of \$ 224,378.10

SUBMITTED BY: Tom Bouthilet, Finance Director

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<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
ACH	\$ 8,045.09	Payroll Taxes to IRS 07/16/09
ACH	\$ 1,220.22	Payroll Taxes to Mn Dept.of Revenue 07/16/09
DD2270 - DD2307	\$ 21,832.74	Payroll Dated 07/16/2009 (Direct Deposit)
34431 - 34444	\$ 11,094.75	Payroll Dated 07/16/2009 ( Payroll)
34445 - 34490	\$ 182,185.30	Accounts Payable Dated 07/21/2009

**Total: \$ 224,378.10**

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the total amount of \$224,378.10

# Accounts Payable

## Checks for Approval

User: Administrator  
 Printed: 07/15/2009 - 12:06 PM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34445	07/21/2009	General Fund	Accounting Services	Abdo Eick & Meyers	510.00
Check Total:					510.00
34446	07/21/2009	General Fund	Landscaping Materials	Ace Hardware , Inc	26.71
Check Total:					26.71
34447	07/21/2009	General Fund	Miscellaneous	American Flagpole & Flag	462.77
Check Total:					462.77
34448	07/21/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	36.86
34448	07/21/2009	General Fund	Uniforms	Aramark, Inc.	36.26
34448	07/21/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	74.40
34448	07/21/2009	General Fund	Uniforms	Aramark, Inc.	36.26
Check Total:					183.78
34449	07/21/2009	Water	Repairs\Maint Imp Not Bldgs	Automatic Systems Co.	13,178.21
Check Total:					13,178.21
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	122.54
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27



Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34450	07/21/2009	General Fund	Rentals - Buildings	Biff's Inc.	81.27
				Check Total:	693.97
34451	07/21/2009	Village	Contract Services	Bonestroo, Inc	613.42
				Check Total:	613.42
34452	07/21/2009	Water	Utility System Maintenance	City of Bloomington	60.00
				Check Total:	60.00
34453	07/21/2009	Water	Water Utility	City of Oakdale	17,219.95
				Check Total:	17,219.95
34454	07/21/2009	General Fund	Information Technology/Web	City of Roseville	1,551.58
34454	07/21/2009	General Fund	Contract Services	City of Roseville	687.50
				Check Total:	2,239.08
34455	07/21/2009	General Fund	Miscellaneous	COMCAST	7.90
				Check Total:	7.90
34456	07/21/2009	General Fund	Telephone	CP Telecom, Corp	525.76
34456	07/21/2009	General Fund	Telephone	CP Telecom, Corp	444.27
				Check Total:	970.03
34457	07/21/2009	General Fund	Mileage	Craig Dawson	15.40
34457	07/21/2009	General Fund	Conferences & Training	Craig Dawson	22.00
				Check Total:	37.40
34458	07/21/2009	General Fund	Surcharge Payments	DEPT of LABOR & INDUSTRY	2,297.40
				Check Total:	2,297.40
34459	07/21/2009	General Fund	Legal Services	Eckberg Lamers Briggs Wolff	6,801.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					6,801.50
34460	07/21/2009	General Fund	Repairs/Maint Eqpt	Emergency Automotive	55.75
Check Total:					55.75
34461	07/21/2009	General Fund	Shop Materials	Fastenal	29.76
34461	07/21/2009	General Fund	Shop Materials	Fastenal	11.63
Check Total:					41.39
34462	07/21/2009	General Fund	Small Tools & Minor Equipment	HSBC Business Solutions	8.85
Check Total:					8.85
34463	07/21/2009	General Fund	Repairs/Maint Eqpt	Interstate All Battery Ctr	42.55
Check Total:					42.55
34464	07/21/2009	General Fund	Equipment Parts	L.T.G. Power Equipment	189.03
34464	07/21/2009	General Fund	Equipment Parts	L.T.G. Power Equipment	40.37
34464	07/21/2009	General Fund	Equipment Parts	L.T.G. Power Equipment	50.92
34464	07/21/2009	General Fund	Equipment Parts	L.T.G. Power Equipment	-16.50
34464	07/21/2009	General Fund	Equipment Parts	L.T.G. Power Equipment	42.04
Check Total:					305.86
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	664.13
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	33.80
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	57.00
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	38.00
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	20.15
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	38.00
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	8.00
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	57.26
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	37.75
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	37.01
34465	07/21/2009	General Fund	Miscellaneous	Lake Elmo Oil, Inc.	3.38
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	25.01
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	37.00
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	33.77
34465	07/21/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	15.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	1,105.26
34466	07/21/2009	General Fund	Repairs/Maint Contractual Eqpt	Loffler Companies, Inc.	114.15	
34466	07/21/2009	General Fund	Use Tax Payable	Loffler Companies, Inc.	-7.34	
					Check Total:	106.81
34467	07/21/2009	General Fund	Refuse	Maroney's Sanitation, Inc	103.66	
34467	07/21/2009	General Fund	Refuse	Maroney's Sanitation, Inc	45.62	
34467	07/21/2009	General Fund	Refuse	Maroney's Sanitation, Inc	103.66	
34467	07/21/2009	General Fund	Refuse	Maroney's Sanitation, Inc	198.87	
					Check Total:	451.81
34468	07/21/2009	General Fund	Contract Services	McCombs Frank Roos Assoc Inc.	1,925.80	
34468	07/21/2009	General Fund	Engineering	McCombs Frank Roos Assoc Inc.	944.10	
					Check Total:	2,869.90
34469	07/21/2009	General Fund	Miscellaneous	Menards - Oakdale	19.05	
34469	07/21/2009	General Fund	Repairs/Maint Imp Not Bldgs	Menards - Oakdale	17.09	
34469	07/21/2009	General Fund	Repairs/Maint Imp Not Bldgs	Menards - Oakdale	32.39	
					Check Total:	68.53
34470	07/21/2009	Sewer	Sewer Utility - Met Council	Metropolitan Council	1,068.66	
					Check Total:	1,068.66
34471	07/21/2009	General Fund	Contract Services	Miller Excavating, Inc.	585.00	
					Check Total:	585.00
34472	07/21/2009	General Fund	Books	MnFIAM	95.85	
					Check Total:	95.85
34473	07/21/2009	CDBG	Contract Services - CDBG	Molly Krakowski Consulting	5,248.75	
					Check Total:	5,248.75
34474	07/21/2009	General Fund	Legal Publishing	Lillie Suburban Newspapers Inc.	83.93	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	83.93
34475	07/21/2009	2004 GO CIP Bond	Bond Interest	Northland Trust Services, Inc.	69,826.25
				Check Total:	69,826.25
34476	07/21/2009	General Fund	Contract Services	Gopher State One-Call One Call Concept	430.75
				Check Total:	430.75
34477	07/21/2009	General Fund	Cable Operations	Steven Press	62.93
34477	07/21/2009	General Fund	Use Tax Payable	Steven Press	-4.05
				Check Total:	58.88
34478	07/21/2009	General Fund	Miscellaneous	Quicksilver	52.06
				Check Total:	52.06
34479	07/21/2009	General Fund	Public Notices	Reed Business Information	253.38
				Check Total:	253.38
34480	07/21/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	26.00
34480	07/21/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	36.50
34480	07/21/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	41.00
34480	07/21/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	47.00
34480	07/21/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	32.00
				Check Total:	182.50
34481	07/21/2009	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	363.38
34481	07/21/2009	General Fund	Repairs/Maint Bldg	Diane Rud	256.50
34481	07/21/2009	General Fund	Use Tax Payable	Diane Rud	-39.88
				Check Total:	580.00
34482	07/21/2009	General Fund	Office Supplies	S&T Office Products, Inc.	238.90
				Check Total:	238.90
34483	07/21/2009	General Fund	Miscellaneous	Sam's Club	104.34

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	104.34
34484	07/21/2009	General Fund	Street Maintenance Materials	T.A. Schifsky & Sons Inc	99.01	
					Check Total:	99.01
34485	07/21/2009	General Fund	Telephone	TDS METROCOM - LLC	166.31	
34485	07/21/2009	General Fund	Telephone	TDS METROCOM - LLC	154.74	
34485	07/21/2009	Sewer	Telephone	TDS METROCOM - LLC	104.25	
34485	07/21/2009	Water	Telephone	TDS METROCOM - LLC	42.07	
					Check Total:	467.37
34486	07/21/2009	General Fund	Equipment Parts	Tiger Corporation	852.99	
34486	07/21/2009	General Fund	Use Tax Payable	Tiger Corporation	-54.87	
					Check Total:	798.12
34487	07/21/2009	Water	Engineering Services	TKDA	536.60	
34487	07/21/2009	Development Fund	Engineering Services	TKDA	457.03	
34487	07/21/2009	Development Fund	Engineering Services	TKDA	218.18	
34487	07/21/2009	Development Fund	Engineering Services	TKDA	2,247.62	
34487	07/21/2009	Development Fund	Engineering Services	TKDA	765.16	
34487	07/21/2009	Development Fund	Engineering Services	TKDA	8,171.99	
34487	07/21/2009	Development Fund	Engineering Services	TKDA	647.98	
34487	07/21/2009	Village	Engineering Services	TKDA	1,258.02	
34487	07/21/2009	Water	Engineering Services	TKDA	699.90	
34487	07/21/2009	Surface Water Utility	Engineering Services	TKDA	1,867.15	
34487	07/21/2009	General Fund	Engineering	TKDA	300.28	
34487	07/21/2009	General Fund	Engineering Services	TKDA	46.28	
34487	07/21/2009	General Fund	Engineering Services	TKDA	4,526.74	
34487	07/21/2009	General Fund	Engineering Services	TKDA	1,786.61	
34487	07/21/2009	Water	Engineering Services	TKDA	257.41	
34487	07/21/2009	Park Dedication	Engineering Services	TKDA	185.14	
34487	07/21/2009	Surface Water Utility	Engineering Services	TKDA	6,942.03	
34487	07/21/2009	Water	Engineering Services	TKDA	1,052.39	
34487	07/21/2009	Sewer	Engineering Services	TKDA	166.67	
34487	07/21/2009	Infrastructure Reserve	Engineering Services	TKDA	4,489.11	
					Check Total:	36,622.29
34488	07/21/2009	General Fund	Clean-up Days	Veolia Environmental Services	7,085.95	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					7,085.95
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	295.56
34489	07/21/2009	Sewer	Electric Utility	Xcel Energy	69.43
34489	07/21/2009	General Fund	Street Lighting	Xcel Energy	31.36
34489	07/21/2009	General Fund	Street Lighting	Xcel Energy	27.01
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	225.01
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	464.90
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	9.65
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	42.73
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	24.98
34489	07/21/2009	Water	Electric Utility	Xcel Energy	2,606.62
34489	07/21/2009	General Fund	Street Lighting	Xcel Energy	38.40
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	101.66
34489	07/21/2009	Sewer	Electric Utility	Xcel Energy	16.36
34489	07/21/2009	Sewer	Electric Utility	Xcel Energy	14.62
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	229.63
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	62.34
34489	07/21/2009	General Fund	Street Lighting	Xcel Energy	1,806.30
34489	07/21/2009	General Fund	Street Lighting	Xcel Energy	28.71
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	1,266.25
34489	07/21/2009	General Fund	Electric Utility	Xcel Energy	392.02
34489	07/21/2009	Water	Electric Utility	Xcel Energy	20.27
34489	07/21/2009	General Fund	Street Lighting	Xcel Energy	10.54
Check Total:					7,784.35
34490	07/21/2009	General Fund	Repairs/Maint Bldg	Yocum Oil Company, Inc.	160.13
Check Total:					160.13
Report Total:					182,185.30

City Council

Date:

July 21, 2009

CONSENT

Item:

Motion

ITEM: Agreement with MPCA for Watermain Installation along Highway 5

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

REVIEWED BY: Dave Snyder, City Attorney  
Ryan Stempski, Assistant City Engineer  
Tom Bouthilet, Finance Director

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**SUMMARY AND ACTION REQUESTED:** Based upon the City Council's statement of intent to participate in the installation and upsizing of watermain to serve a few properties along Highway 5, the Minnesota Pollution Control Agency (MPCA) has drafted a joint powers agreement to implement the project. City staff has reviewed the proposed agreement and recommends that the City Council approve the agreement and authorize its execution.

**BACKGROUND:** The MPCA is responding to a request from owners of property at 9524 Stillwater Boulevard (State Highway 5) to install municipal water due to groundwater contamination in a plume originating to a 3M disposal site in Oakdale. With the placement of the watermain in the State's right-of-way, ownership of the watermain must ultimately reside with the City. Additionally, the City requested alternate pricing to upsize the watermain to a 12-inch diameter, as this line is identified as a future extension of the City's trunk watermain system. The cost to upsize the pipe is \$8,846, and at its June 16 meeting the City Council indicated that it would approve the City's cost participation for the 12-inch watermain.

The MPCA proposes a net cost to the City of \$4,730, by crediting \$4,110 for the City's water access charge (WAC) and water meter and connection permit fee. Internally, the \$4,110 credit would be moved from the reserve in the City's water fund to the WAC and meter/connection fee accounts.

**RECOMMENDATION:** Staff recommends that the City Council approve the proposed joint powers agreement with the MPCA and authorize its execution.

**SUGGESTED MOTION FOR CONSIDERATION**

***Move to approve the proposed joint powers agreement for watermain facilities with the Minnesota Pollution Control Agency and authorize its execution.***

ATTACHMENTS:

- \* Proposed Joint Powers Agreement

## STATE OF MINNESOTA JOINT POWERS AGREEMENT

This agreement is between the State of Minnesota, acting through its **Minnesota Pollution Control Agency**, ("MPCA" or "State") and the **City of Lake Elmo** ("City").

### Recitals

1. Under Minn. Stat. § 471.59, subd. 10, the MPCA and the City are empowered to cooperate with one another to perform projects that either party is authorized to perform.
2. Under the Landfill Cleanup Act, Minn. Stat. §§115B.39-115B.445, the MPCA administers the closed landfill cleanup program and is authorized to enter into agreements to undertake response actions at qualified closed landfills. On November 21, 1995, the MPCA, Washington County, Ramsey County, and the City entered into a Landfill Cleanup Agreement for the Washington County Landfill ("Landfill"). Under the Landfill Cleanup Agreement and the Landfill Cleanup Act, the MPCA is performing environmental response actions resulting from a release of contaminants at the Landfill.
3. A release of perfluorochemicals (PFCs) from the Landfill was discovered in 2004. Residential wells near the Landfill have been impacted by the release. In April 2006, a well located at 9524 Stillwater Boulevard, Lake Elmo, used by the homeowner for drinking, cooking, and bathing was found to be contaminated with perfluorobutanoic acid (PFBA) at a concentration of 12 ug/l. The Health Based Value for PFBA is 7 ug/l. In December 2008, the concentration of PFBA increased to 19 ug/l. In addition, perfluorooctanoic acid (PFOA) was also detected in the well at 0.7 ug/l. The Health Risk Limit for PFOA is 0.5 ug/l. The concentrations of PFBA detected at this location are the highest level of PFBA recorded in a drinking water well in Minnesota.
4. On June 16, 2006, the Minnesota Department of Health (MDH) issued a drinking water well advisory to the homeowner and recommended that the homeowner not use the water for drinking and cooking. As a result of the MDH advisory, the MPCA has been providing bottled water to the homeowner as an alternative source of water.
5. Based on the December 2008 sampling results, the MDH sent a memo to MPCA, dated February 19, 2009, recommending that the homeowner be provided a more permanent source of water through connection to the City's public water supply. MDH made this recommendation for the following reasons (1) the concentration of PFBA in the well is more than double the chronic and acute Health Based Value; (2) because of likely past exposure to PFCs in the water, future exposures should be eliminated to the extent possible to reduce possible long-term health risks; (3) a granular activated carbon (GAC) filter would be an inadequate and costly alternative because PFBA is estimated to break through a standard 90-lbs GAC filter in approximately 76 days; (4) the elevated levels of PFBA detected could result in possible exposure to PFBA while showering or bathing; and (5) providing the homeowner with a new well would be an environmentally risky alternative because the well would need to be constructed into the Franconia aquifer which would increase the risk of introducing PFCs to this aquifer.
6. The MPCA's cost-benefit analysis determined that connecting the homeowner to the City's public water supply would be the most-beneficial and cost effective option compared to installing and maintaining a GAC filter system or constructing a new private well.
7. The City requires that newly installed water mains within the City be a minimum of 6-inches in diameter.
8. In general, MPCA project specifications to provide a water supply connection for the homeowner to City water include completing a connection to an existing 4-inch water main with a 6-inch ductile steel pipe, which will run



along the MnDOT right-of-way, installing a 1-inch copper service connection between the water main and the homeowner's house, and installing necessary valves, a hydrant, and other appurtenances.

9. The City wants the MPCA to upsize the new water main from a 6-inch diameter pipe to a 12-inch diameter pipe because of the City's desire to meet future water infrastructure needs. The upsizing will result in the following changes to the project: installation of a 12-inch DIP water main pipe instead of a 6-inch DIP water main pipe; installation of a 12-inch gate valve; installation of one 6-inch gate valve instead of two; and installation of 216 DIP fittings instead of 100. The City is willing to be responsible for the additional costs associated with the upsizing and improvements as provided in this agreement.
10. The MPCA has had the project designed and has received bids from contractors through the Minnesota Department of Administration process for construction of the project.
11. The MPCA intends to accept the bid of EnComm Midwest, Inc. to construct the project. In accordance with the bid submitted by EnComm Midwest, Inc., the cost of the project with installation of the 6-inch diameter pipe is \$44,489 whereas the cost of the project with upsizing to the 12-inch diameter pipe is \$53,335. The difference in cost – that which represents the cost to meet the City's future infrastructure needs – totals \$8,846.
12. The City has reviewed the project design and specifications (*City of Lake Elmo, Minnesota Construction Plans for MPCA Lake Elmo Water Main Extension, Short Elliott Hendrickson, Inc., April 24, 2009*) (specifications found in *Request for Bid, Lake Elmo Water Main Extension, May 7, 2009*) and agrees that the design and specifications of the project meet the City's requirements for connecting a resident to the City's water supply.
13. To comply with the State's contracting process, the MPCA must encumber all funds necessary for the project before the State, through the Department of Administration, enters into the construction contract.

## Agreement

### 1. Terms of Agreement

- 1.1 **Effective date:** July 21, 2009, or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.
- 1.2 **Expiration date:** September 30, 2009, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

### 2. Agreement between the Parties

2.1. The Recitals are incorporated into this Agreement.

#### 2.2. MPCA's Responsibilities:

The MPCA shall construct a connection to the City's water supply for the resident living at 9524 Stillwater Boulevard, Lake Elmo, Minnesota using project specifications for a 12-inch water main. The project will be constructed in accordance with the project specifications under a construction contract between the State and the contractor hired by the State to perform the work.

The MPCA shall pay for the cost of the project, including contractor costs, which totals, \$53,335, the City's water availability charge of \$3,675, and the City's meter and water connection permit fee of \$435.

Instead of paying the water availability charge of \$3,675 and the meter and water connection permit fee of \$435 to the City, the MPCA will offset (credit) \$4,110 from the \$8,846 amount that the City owes the MPCA for the upsizing to the 12-inch water main.

**2.3. City's Responsibilities:**

The City shall cooperate with the State to accomplish the project.

The City shall obtain access and all necessary permits from the Minnesota Department of Transportation (MnDOT) for the MPCA to install the water main, hydrant, valves and connections for the project within the MnDOT right-of-way along Trunk Highway 5.

The City shall pay the MPCA \$4,736 for its share of the project. This amount is the \$8,846 cost associated with upsizing the water main from a 6-inch pipe to a 12-inch diameter pipe, minus \$4,110, the amount that the MPCA would have paid the City for the water availability charge and the meter and water connection permit fee.

Once construction of the project is completed, the City shall be the owner of the newly installed water main and associated valves up to, and including, the curb stop at the homeowner's property line and shall be responsible for maintaining the water main and associated valves.

**3 Payment**

- 3.1 The MPCA shall pay EnComm Midwest, Inc., its construction contractor, \$53,335 for construction of the project in accordance with a contract between the MPCA and EnComm Midwest, Inc.
- 3.2 The City shall pay the MPCA \$4,736 within 30 days after the MPCA provides written notification to the City that the project is complete.

**4 Authorized Representatives**

- 4.1 The State's Authorized Representative is Shawn Ruotsinoja, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155, (651) 757-2683.
- 4.2 The City's Authorized Representative is Craig Dawson, City of Lake Elmo Administrator, 3800 Laverne Avenue North, Lake Elmo, Minnesota 55042, (651) 233-5401.

**5 Assignment, Amendments, Waiver, and Contract Complete**

- 5.1 **Assignment.** The City may neither assign nor transfer any rights or obligations under this agreement without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- 5.2 **Amendments.** Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.
- 5.3 **Waiver.** If the State fails to enforce any provision of this agreement, that failure does not waive the provision or its right to enforce it.
- 5.4 **Contract Complete.** This agreement contains all negotiations and agreements between the State and the City. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

**6 Liability**

The State and the City agree that, except as otherwise expressly provided, each party shall be responsible for its own acts and omissions and the results thereof to the extent authorized by law. The liability of the City is governed by the provisions of Minn. Stat. Chapter 466 and other applicable law. Minn. Stat. §3.736 and other applicable law govern the State's liability. This clause shall not be construed to bar any legal remedies the State or the City may have for the other's failure to fulfill its obligations under this Agreement.

Nothing in this Agreement is intended to be construed to limit either party from asserting against third parties any defenses or immunities (including common law, statutory, and constitutional) it may have or be construed to create a basis for a claim or suit when none would otherwise exist.

**7 State Audits**

Under Minn. Stat. § 16C.05, subd. 5, the City's books, records, documents, and accounting procedures and practices relevant to this agreement are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement.

**8 Government Data Practices**

The City and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City under this agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the City or the State.

If the City receives a request to release the data referred to in this Clause, the City must immediately notify the State. The State will give the City instructions concerning the release of the data to the requesting party before the data is released.

**9 Venue**

Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

**10 Termination**

**10.1 Termination.** The State or the City may terminate this agreement at any time, with or without cause, upon 30 days' written notice to the other party.

**10.2 Termination for Insufficient Funding.** The State may immediately terminate this agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the City. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the City will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the City notice of the lack of funding within a reasonable time of the State's receiving that notice.

**1. STATE ENCUMBRANCE VERIFICATION**

*Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

CFMS Contract No. A-\_\_\_\_\_

**3. MINNESOTA POLLUTION CONTROL AGENCY**

By: \_\_\_\_\_  
(with delegated authority)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**2. CITY OF LAKE ELMO**

**4. COMMISSIONER OF ADMINISTRATION**  
delegated to Materials Management Division

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution:  
Agency  
Governmental Unit  
State's Authorized Representative - Photo Copy

City Council  
Date: July 21, 2009  
REGULAR  
Item:  
Motion

ITEM: Yellow Ribbon Network of Washington County  
SUBMITTED BY: Craig W. Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:** Senator Kathy Saltzman, on behalf of the Yellow Ribbon Network of Washington County, has requested an opportunity to speak to the City Council about the activities of the Network and ways that the City may take part. The Yellow Ribbon Network has also encouraged cities to adopt resolutions of support for the Network, and such a resolution has been prepared for adoption by the Lake Elmo City Council.

**BACKGROUND:** The purpose of the Yellow Ribbon Network of Washington County is to connect local military family members with residents and a wide array of organizations that can provide assistance and support in various forms to members of active-duty military families. The City Council has expressed general support for the community to become involved in these activities, and asked its Community Improvement Commission to look at ways to encourage involvement in these activities. The Commission endorsed the concept, but did not identify activities and declined to take on a role in it.

**SUGGESTED MOTION FOR CONSIDERATION**

*Move to adopt the Resolution of Support for the Yellow Ribbon Network of Washington County.*

**ATTACHMENTS:**

- Proposed Resolution

**ORDER OF BUSINESS:**

- Introduction Craig Dawson
- Report by staff or other presenter Sen. Kathy Saltzman
- Questions from City Council members to the presenter Mayor facilitates
- Questions/comments from the public to the City Council Mayor facilitates
- Action on motion City Council

**CITY OF LAKE ELMO  
Washington County, Minnesota**

**RESOLUTION NO. 2009-034**

**RESOLUTION OF SUPPORT FOR THE  
YELLOW RIBBON NETWORK OF WASHINGTON COUNTY**

WHEREAS, many families support their military service members who are serving in the United States and overseas to protect the values and freedom enjoyed by citizens of the United States of America; and

WHEREAS, the Yellow Ribbon Network of Washington County has been formed to connect local military family members with residents and organizations such as cities, townships, schools, churches, community groups, businesses, and government agencies that can provide assistance and support in various forms to family members including spouses and children; and

WHEREAS, the Yellow Ribbon Network of Washington County will build on the existing strengths of organizations already providing support of service personnel and their families by adding to the community support and awareness for helping spouses and children in ways to lessen their burden while a family member is deployed to protect our country; and

WHEREAS, the Yellow Ribbon Network of Washington County encourages communities and residents to work together to support the active duty troops and their families,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lake Elmo acknowledges with grateful appreciation, respect, and admiration, the sacrifices of military personnel who are leaving home and their loved ones to serve our nation; and

BE IT FURTHER RESOLVED, that the City Council fully supports the efforts of the Yellow Ribbon Network of Washington County to support family members of service personnel during deployments to defend the democratic values of the United States of America.

Adopted the City Council this 21st day of July, 2009.

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Dean A. Johnston, Mayor

Attest:

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Craig W. Dawson, Interim City Administrator

City Council  
Date: 7/21/09  
REGULAR  
Item: 5  
Motion 1  
Motion 2

ITEM: Purchase of projector and screen for the council chambers

SUBMITTED BY: Carol Kriegler, Project Assistant  
Tom Bouthilet, Finance Director

REVIEWED BY: Ted Arbeiter, Director of Facilities and Technical Support, RWCC  
Ginny Holder, Lake Elmo Cable Commissioner  
Craig Dawson, Interim City Administrator  
City Staff

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#### SUMMARY AND ACTION REQUESTED

The City Council is being asked to authorize 1) the purchase of a projector and screen and any incidental materials and supplies related to the installation of the equipment by the Ramsey Washington Cable Commission technical staff and 2) the contracting of electrical services related to the installation of the equipment. The City is eligible to receive a one-time grant from the Ramsey Washington Cable Commission in an amount not to exceed \$50,000 for the purchase and installation of *production-related* audio visual improvements for the council chambers. The council authorized the purchase of an audio visual package at the May 5 City Council meeting and also directed staff to explore options and alternatives to the purchase of monitors. The monitors proposed in the original package were considered to be *presentation equipment* and therefore not eligible for reimbursement by the grant program. A ceiling suspended projector and screen are classified as *production-related* audio equipment and will be eligible for reimbursement.

The installation of this equipment will require some electrical wiring however, which is not grant eligible. The estimated cost of the required electrical work is \$1,400.00.

#### ADDITIONAL INFORMATION:

The equipment package approved at the May 5 City Council meeting has been received and will be installed in the next week or so. The total cost of expenditures to date is approximately \$37,000, providing an ample balance for the purchase of the projector and screen. Cost of the projector and screen is approximately \$4,900.00.

The proposed projector is of considerably higher quality than the current table-top projector and will be suspended from the ceiling, providing unobstructed viewing from virtually everywhere in the chambers. In addition, the proposed electric screen measures 5.75'x7.6', which is considerably larger than the current screen. Several city staff members participated in a demonstration of the projector /screen system with consensus being that it will provide for effective viewing from virtually every viewing location within the chambers

Installation of the equipment is proposed for locations which will require a power source. The \$1,400 estimate for the electrical work is conservative and will provide for additional incidental electrical work should the need arise. Sufficient funds are available in the City Hall operations budget.

**SUGGESTED MOTIONS FOR CONSIDERATION:**

**MOTION 1:**

*Move to authorize the purchase of grant- eligible, production-related projector and electric screen from Alpha Video, and necessary installation- related materials, supplies and equipment as deemed necessary by the RWCC technical staff at a total cost not to exceed \$5,000.00.*

**MOTION 2:**

*Move to authorize the contracting of non-grant eligible electrical services related to the installation audio visual equipment from Alpha Video in an amount not to exceed \$1,400.00 with the funds coming from the city's capital equipment fund.*

**ORDER OF BUSINESS:**

- Introduction ..... Carol Kriegler, Project Assistant
- Discussion/Questions ..... City Council Members
- Call for a motion ..... Mayor Facilitates
- Discussion of Council on the motion ..... Mayor Facilitates
- Action by the City Council..... Mayor & Council Members



City Council  
Date: 6/16/09  
Item: \_\_\_\_\_  
NOT a Public Hearing

ITEM: **SIGN CODE ORDINANCE – An ordinance repealing existing sign code regulations and adopting new regulations to govern signs in all zoning districts.**

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Kyle Klatt, Planning Director  
Kelli Matzek, Assistant City Planner

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**ACTION REQUESTED:**

The City Council is asked to take action on a proposed ordinance to repeal all existing sign code regulations in favor of a new set of revised sign controls. The new framework follows the most up-to-date guidance from the League of MN Cities to ensure the regulations are constitutional and do not conflict with the First Amendment. Additionally, we have strived through this process to stay true to existing sign standards and did not seek to make substantial policy shifts unless specifically requested by the public or the Planning Commission. Input which resulted in the final language was received at two public open houses, one public hearing, and multiple meetings of the Planning Commission and City Council. All changes requested by the Council at the 6-9-09 work session meeting have been incorporated into this final draft.

**RECOMMENDATION:**

Approval of the proposed ordinance to update the City of Lake Elmo sign regulations as presented.

**ORDER OF BUSINESS:**

- Introduction..... Ben Gozola, Senior Planner
- Report by staff..... Ben Gozola, Senior Planner
- Questions from the Council ..... Mayor facilitates
- Call for a motion ..... Mayor facilitates
- Discussion of the motion ..... Mayor facilitates
- Action by the City Council ..... City Council

ATTACHMENTS:

1. Ordinance 08-015 which repeals all existing sign-code regulations and officially adopts new sign regulations.
2. Resolution 2009-025 which authorizes summary publication for the new sign ordinance.
3. A clean copy of the proposed ordinance language which is color coded to identify NEW language, EXISTING language, and MODIFIED language.
4. A summary of public feedback received to-date which helped to shape the draft ordinance currently under consideration.
5. A copy of the City's existing sign regulations with references identifying where current regulations are located within the new code.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-015

AN ORDINANCE REPEALING EXISTING SIGN CODE REGULATIONS  
AND ADOPTING NEW REGULATIONS TO GOVERN SIGNS IN ALL  
ZONING DISTRICTS IN THE CITY OF LAKE ELMO

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to eliminate existing definitions as follows:

~~**SIGN, 3-DIMENSIONAL.** A type of projecting sign which depicts a physical object, such as a shoe or product sold, as opposed to utilizing lettering to convey the signing message.~~

~~**SIGN, ADVERTISING.** A sign that directs attention to a business or profession or to a commodity, service, or entertainment not sold or offered upon the premises, where the sign is located or to which it is attached.~~

~~**SIGN, AGRICULTURAL SALES.** A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.~~

~~**SIGN AREA.** The area which is framed either physically or visually by the construction, design, or layout of a sign itself but not including supporting structures.~~

~~**SIGN, AWNING.** Any sign that is painted on or attached to an awning.~~

~~**SIGN, BANNER.** A temporary sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that the flags, emblems, and insignia are displayed for non-commercial purposes.~~

~~**SIGN, BILLBOARD.** A non-accessory sign erected for the purpose of advertising a product, event, person, or subject not usually related to the premises on which the sign is located.~~

~~**SIGN, BUILDING SIGN PLAN.** An illustration that shows all signs on a building or group of related buildings.~~

~~**SIGN, BUSINESS.** A sign that direct attention to a business or provision or to the commodity, service, or entertainment sold or offered upon the premises where the sign is located or to which it is attached.~~

~~**SIGN, CITY IDENTIFICATION.** A sign that contains the name of the city, the city logo, and may also include identification of civic organizations located within the city.~~

~~**SIGN, CONSTRUCTION.** A temporary sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.~~

~~**SIGN, DIRECTIONAL.** A sign which contains no advertising of any kind and provides direction or instruction to guide persons or vehicles to facilities intended to serve the public.~~

~~**SIGN, ELECTRICAL.** An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.~~

~~**SIGN, FLASHING.** An illuminated sign which as a light source not constant in intensity or color at all times while the sign is in use.~~

~~**SIGN, FREESTANDING.** Any stationary, self-supporting sign standing on the ground not affixed to any other structure. Includes monument, ground, or pedestal signs.~~

~~**SIGN, GOVERNMENTAL.** A sign which is erected by a governmental unit for identification or traffic.~~

~~**SIGN, GRAPHIC.** Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect. A graphic design shall be considered a sign for the purpose of this code.~~

~~**SIGN, GROUND.** A sign which is supported by 1 or more uprights, poles, or braces in or upon the ground.~~

~~**SIGN, HISTORICAL.** Any sign that is of historical significance and that is a historical resource within the meaning of M.S. Ch. 116B, as it may be amended from time to time.~~

~~**SIGN, IDENTIFICATION.** A sign which identifies the inhabitant of the dwelling, not to exceed 2 square feet in size.~~

~~**SIGN, ILLUMINATED.** Any sign, which is lighted by an artificial light source, either directed upon it or illuminated from an interior source.~~

~~**SIGN, MARQUEE.** A permanent roof-like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal or glass.~~

~~**SIGN, MOBILE.** Signs on wheels or otherwise designed to be transportable.~~

~~—SIGN, MOTION.~~ Any sign which revolves, rotates, has any moving parts, or gives the illusion of motion.

~~—SIGN, NAMEPLATE.~~ A sign which states the name and/or address of the business, industry, or occupant of the site and is attached to the building or site.

~~—SIGN, NEIGHBORHOOD/SECTOR.~~ A freestanding sign which identifies, by name, the section of the city.

~~—SIGN, OFF PREMISE.~~ A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

~~—SIGN, ON PREMISES.~~ A sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

~~—SIGN, PEDESTAL.~~ A ground sign usually erected 1 central shaft or post which is solidly affixed to the ground.

~~—SIGN, PERMANENT.~~ A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

~~—SIGN, PORTABLE.~~ Any sign that is designed to be moved.

~~—SIGN, PROJECTING.~~ Any sign projecting from a building wall.

~~—SIGN, PUBLIC UTILITY.~~ Signs which identify public utilities.

~~—SIGN, REAL ESTATE DEVELOPMENT.~~ A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots.

~~—SIGN, REAL ESTATE.~~ A sign offering property (land and/or buildings) for sale, lease, or rent.

~~—SIGN, REAL ESTATE DEVELOPMENT.~~ A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

~~—SIGN, REVOLVING.~~ A sign which has moving parts (structural); does not include flashing signs which blink on and off but may include signs which produce moving effect through use of illumination. Signs which revolve or turn on an axis point such as a pedestal, string, or post shall not be considered revolving if less than 2 complete revolutions per minute.

~~—SIGN, ROOF.~~ A sign erected upon or above a roof or parapet of a building.

~~**SIGN, SEASONAL.** A sign placed on a lot or parcel of land for a period not to exceed 30 days out of any 12-month period. No sign permit fee is required.~~

~~**SIGN, SHOPPING CENTER, OR INDUSTRIAL PARK.** A business sign designating a group of shops or offices (more than 3).~~

~~**SIGN, STRUCTURE.** The supports, uprights, braces, and framework of the sign.~~

~~**SIGN, SUBDIVISION IDENTIFICATION DISPLAY.** A display, illustration, structure, or device which directs attention to or defines a residential subdivision.~~

~~**SIGN, TEMPORARY.** Any sign intended for display over a short period of time.~~

~~**SIGN, WALL.** A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall.~~

~~**SIGN, WARNING.** A sign which warns the public of a danger or hazard in the immediate vicinity and is obviously not intended for advertising purposes.~~

~~**SIGN, WAYSIDE STAND.** A sign located on a temporary structure or vehicle being used to sell agricultural, floricultural, or horticultural products.~~

~~**SIGN, WINDOW.** A sign affixed to a window glass or door glass. This does not include merchandise on display.~~

~~**SIGN.** Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.~~

**SECTION 2. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definitions in alphabetical order with the already existing definitions:**

**ANIMATION.** The movement or the optical illusion of movement of any part a sign, sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street sign.

**AWNING.** A shelter supported entirely from the exterior wall of a building.

**CANOPY.** A detachable, rooflike cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

**COMMERCIAL SPEECH.** Speech or graphics advertising a business, profession, commodity, service or entertainment.

**MULTI-TENANT BUILDING.** A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

**NON-COMMERCIAL SPEECH.** A sign that contains a non-commercial message. Examples of non-commercial messages include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

**UNIFIED RESIDENTIAL AREA.** A residential grouping of lots that share a plat name over one or more additions.

**SIGN, ABANDONED.** Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

**SIGN, AWNING.** A sign or graphic printed on or in some fashion attached directly to the awning material.

**SIGN, BANNER.** A temporary sign typically made of cloth, plastic or vinyl materials.

**SIGN, BILLBOARD.** A sign structure with a surface area over one hundred (100) square feet per surface that identifies or communicates a commercial or non-commercial message.

**SIGN, BUSINESS VEHICLE IDENTIFICATION.** A sign that is permanently mounted or otherwise permanently affixed to a vehicle, trailer, or semitrailer which identifies the business, products, or services with which the vehicle, trailer, or semitrailer is related. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. This definition shall also include non-permanently affixed signs that do not exceed 32 square feet erected in concert with a legally operating wayside stand. Bumper stickers and similarly sized adhesive decals shall not be considered business vehicle identification signs.

**SIGN, CANOPY.** A sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.

**SIGN, CHANGEABLE COPY.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

***SIGN, DIRECTIONAL.*** An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. "Parking," "Shipping Receiving Area").

***SIGN, ELECTRONIC VARIABLE MESSAGE.*** A dynamic signs whose message are changed at reasonable intervals by electronic process or remote control and whose movement is the periodic changing of information against a solid background, engineered for maximum legibility and readability, and having a constant light level and glare reduced screens. This definition does not include static time, temperature and price displays which only change when necessary for accuracy.

***SIGN, FLAG.*** Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

***SIGN, FREESTANDING.*** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. Monument, pole, and ground signs are all freestanding signs.

***SIGN, GOVERNMENTAL.*** A sign erected and maintained by or on behalf of the United States, the state, the county, or the city for the purpose of regulating traffic or for other civic purposes; the size, location, and height of which is dictated by the applicable agency to fulfill the intended civic purpose.

***SIGN, GROUND.*** Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding six (6) feet.

***SIGN, HISTORIC.*** An existing sign which has a special historical, architectural, cultural, or aesthetic value to the community.

***SIGN, ILLUMINATED.*** Any sign which contains an element designed to emanate artificial light directly or indirectly.

***SIGN ILLUMINATION, BACK LIT.*** A direct source of light which illuminates a sign by shining through a translucent surface of a sign, including plastic signs, lit from an internal light source.

***SIGN ILLUMINATION, DIRECT.*** A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

***SIGN ILLUMINATION, EXTERNAL.*** Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.



**SIGN ILLUMINATION, INDIRECT.** A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

**SIGN ILLUMINATION, REVERSE LIT.** A direct source of light which illuminates a sign by shining off an opaque surface of a sign thereby casting the light off the wall behind the sign creating a halo effect.

**SIGN, MONUMENT.** Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding six (6) feet.

**SIGN, MURAL.** Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect.

**SIGN, OFF-PREMISE.** A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

**SIGN, PERMANENT.** A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

**SIGN, POLE.** Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open

**SIGN, PORTABLE.** A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

**SIGN, PROJECTING.** A sign attached to and projecting out from a building face or wall, generally at a right angle.

**SIGN, ROOF.** Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**SIGN.** Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

**SIGN, REAL ESTATE DEVELOPMENT.** A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

**SIGN, AGRICULTURAL SALES.** A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

**SIGN, SNIPE.** An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other object

**SIGN, TEMPORARY.** Any sign intended for display over a short period of time.

**SIGN, WALL.** A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall, and which displays only one (1) sign surface.

**SIGN, WARNING.** A sign located on private property posting such property for warning or prohibitions on trespassing, hunting, or other activity.

**SIGN, WINDOW.** Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**SECTION 3.** The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 151: Building Regulations, by repealing city code sections 151.115 through 151.126 in their entirety.

**SECTION 4.** The City Council of the City of Lake Elmo hereby amends Chapter 151 to add the following language:

**151.115 PURPOSE**

**(A) Purpose and Findings.**

**(1) Purpose.**

(a) The Lake Elmo Sign Regulations are intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the business community's need for effective communication and identification. It is not the purpose or intent of these regulations to favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. It is the intent of these regulations to promote the health, safety, general welfare, and desirable rural community image through the regulation of signs with the following objectives in mind:

- a. Signs shall demonstrate a high standard of aesthetic character and encourage the use of monument and individual letter-style signs;

- b. Permit large enough copy/graphic area to effectively convey the intended message but not so large as to unduly distract the reader and insist on lettering large enough to be easily read to encourage simple, uncluttered messages;
- c. Signs shall be proportioned to the size of, and architecturally compatible with, the structures and other signs on the premises;
- d. Permanent signs shall only advertise on-premise businesses, services, facilities, etc;
- e. Allow temporary business signs for grand openings and occasional sales events; allow temporary signs to advise the public of the seasonal sale of agricultural and horticultural products in keeping with the City's rural image; and to allow temporary directional signs permitting the public to more easily locate land conservation developments which enhance the City's rural image, without creating continuous visual clutter or traffic hazards along streets or at intersections; and
- f. Signs shall be properly maintained.
- g. Dynamic signs that distract drivers, cyclists and pedestrians shall not be permitted. Studies conducted by public and private agencies have identified that dynamic signs, including multi-vision signs, electronic signs and video displays can be highly distracting to drivers, pedestrians, and cyclists and that distraction is a significant underlying cause of traffic accidents. With respect to electronic signs, including video display signs, the City finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001, and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

**(2) Findings.**

The City of Lake Elmo hereby finds that regulation of the construction type, location, size, and maintenance of signs is necessary to accomplish the above referenced objectives, because:

- (a) The presence of permanent and temporary signage affects the rural image of the City of Lake Elmo;
- (b) Properly regulated signage can create an atmosphere of prosperity, stimulate commercial activity, and consequently, lead to increased employment and a healthier tax base;
- (c) The safety of motorists, cyclists, and pedestrians can be threatened by signage that interferes with necessary sight-distances and/or unduly diverts the attention of such persons.
- (d) Signs that are too bright, overly illuminated, flash, blink, scroll, twirl, change messages or color, or imitate movement, including video displays, can distract drivers, cyclists and pedestrians and impact traffic safety.

- (B) **Severability.** If any section, subsection, sentence, clause, or phrase in sections 151.115 through 151.119 are 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.

**151.116 ADMINISTRATION AND ENFORCEMENT****(A) Permit Required.**

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

- (1) **Permanent Signs.** To apply for a permanent sign permit, a complete application shall be submitted to the City containing the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
  - (b) The address at which the sign(s) are to be erected;
  - (c) The legal description of the property on which the sign(s) are to be erected and the street on which they are to front;
  - (d) A complete set of scaled plans showing the sign dimensions, area, height, ground elevations, applicable setbacks, and other details to fully and clearly represent the safe construction and placement of the proposed sign(s);
  - (e) Type of sign(s) being requested (i.e. wall sign, monument sign, etc.);

- (f) The permit fee; and
  - (g) The following if applicable:
    - i. Written authorization from the property owner upon who's land the sign is to be erected.
    - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
    - iii. A sign plan showing signs for all businesses if the sign is located on a building with more than one business.
    - iv. Photographs of the building face and the building faces of both adjacent buildings if the sign is being placed on an existing structure.
    - v. If replacing a historical sign, pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign.
- (2) **Temporary Signs.** To apply for a permit to allow a temporary sign, a complete application shall be submitted to the City containing the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
  - (b) The address at which the sign(s) are to be erected;
  - (c) A generalized plan set showing the sign dimensions and height, and a notation of the materials to be used.
  - (d) A scaled site plan which clearly represents the placement of the proposed sign(s) on the applicable property;
  - (e) The proposed timeframe(s) over which the sign(s) will be posted;
  - (f) The permit fee; and
  - (g) The following if applicable:
    - i. Written authorization from the property owner upon who's land the sign is to be erected.
    - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
- (3) **Temporary Sign Renewal.** A temporary sign permit issued by the City may be renewed provided the sign design, size, location, or other previously approved details are not proposed to change. A sign renewal application shall include the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
  - (b) The address at which the sign(s) are to be erected;
  - (c) The date of issuance of the permit being renewed;
  - (d) The proposed timeframe(s) over which the sign(s) will be posted;

- (e) Written authorization from the property owner upon who's land the sign is to be erected (if applicable); and
- (f) The permit renewal fee.

(4) **Review.** The planning department shall approve or deny complete sign permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights.

**(B) Exemptions.**

The following signs shall not require a permit, but shall still comply with all provisions of this ordinance or any other law or ordinance regulating signs.

- (1) The changing of the display surface on a previously approved sign.
- (2) Signs six (6) square feet or less in size, per surface if double sided.
- (3) Window Signage that does not cover more than 1/3 of the total area of the window in which the sign is displayed
- (4) Governmental Signage.

**(C) Fees.**

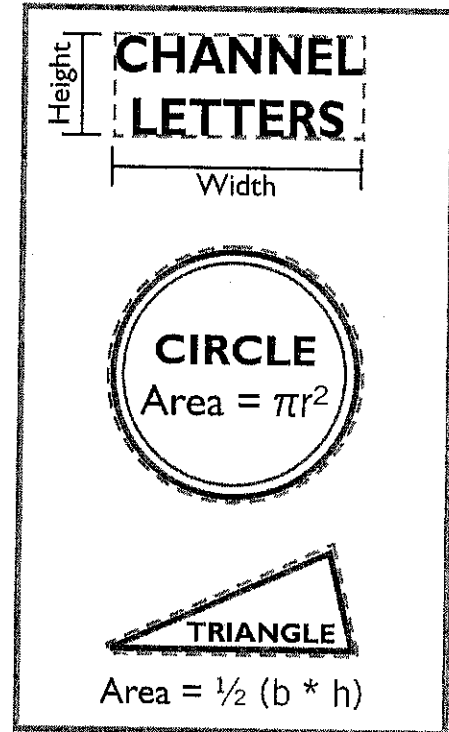
The fee for a sign permit is established yearly in the City's adopted fee schedule as indicated in section 11.02.

**(D) Computations.**

**(1) Sign Area Measurement.**

The area of a sign shall be computed by means of the smallest circle, rectangle or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building facade against which it is placed. When a sign has two back-to-back sign faces containing sign copy, the sign area for both faces are counted toward the total allowed sign area. Poles, bases, and other supports shall not be included in the sign area calculation.

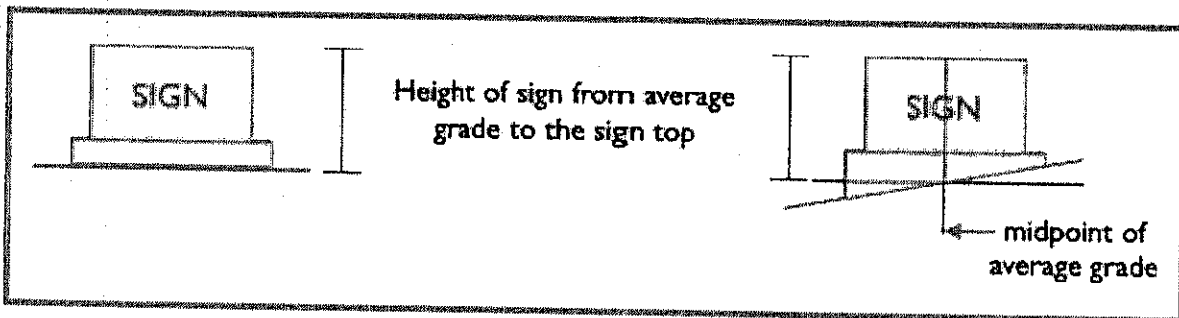
**Figure 1: Sign Area Measurement**



**(2) Sign Height Measurement**

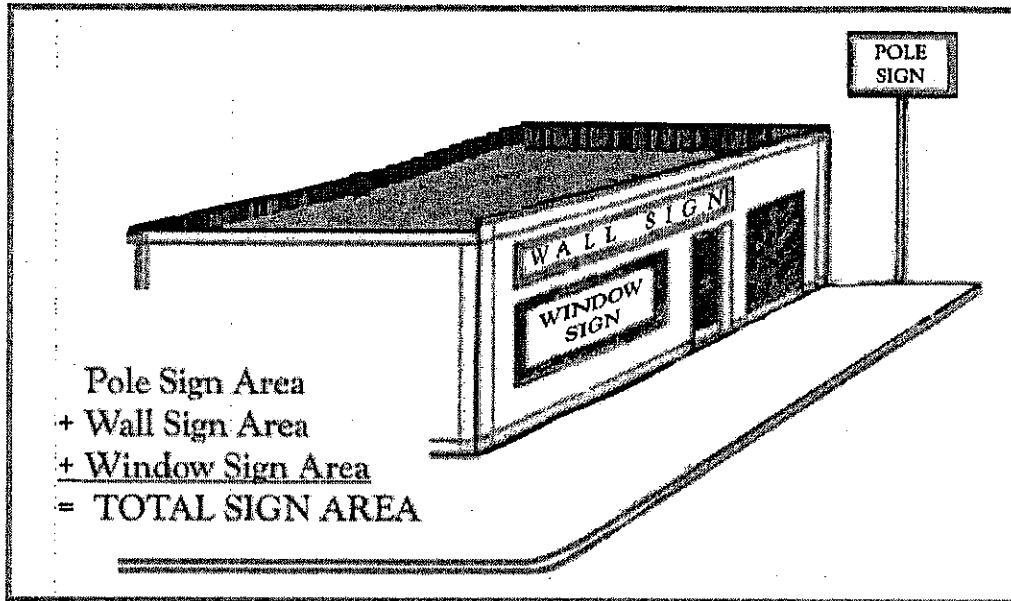
The height of the sign shall be computed as the vertical distance measured from the average grade at the base of the sign to the top of the highest attached component of the sign.

**Figure 2: Sign Height Measurement**



**(3) Total Sign Area Calculation**

The total square footage of all sign surfaces shall be computed by adding together the sign areas of all signs on a property.



*Figure 3: Total Sign Area Measurement Example*

**(E) Construction, Maintenance and Repairs.**

- (1) The construction of all signs, unless otherwise stated herein, shall be in conformance with the provisions of the Uniform Sign Code published by the International Conference of Building Officials, 1997 Edition, as may be amended, which is hereby adopted by reference and made a part of this ordinance.
- (2) All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering.
- (3) Any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed if repair is not feasible. Sign maintenance shall be the responsibility of the underlying fee owner.



**(F) Abatement.**

If the City finds that any sign has been erected without the necessary approvals or any sign is being maintained in violation of any zoning provision, the City may give written notice of such violation to the installer of said sign; to the permit holder; and/or to the owner, lessee or manager of said property. If after receiving said notice such person fails to remove or alter said sign so as to comply with the provisions of the zoning ordinance, the sign shall be deemed to be a nuisance and may be abated by the City under Minnesota Statutes, Chapter 429. The cost of such abatement, including administrative expenses and reasonable attorneys' fees, may be levied as a special assessment against the property upon which the sign is located.

**151.117 GENERAL STANDARDS****(A) Abandoned Signs**

Abandoned signs shall be removed.

**(B) Building identification.**

A building address, date of construction, commemorative tablet, etc; shall not count towards the overall permitted signage on a building or parcel. All forms of building identification, except for the building address, shall be cut into a masonry surface or be constructed of bronze or other incombustible material.

**(C) Building Official Review.** No sign shall be attached to or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the City Building Official.**(D) Changeable Copy Signs.** A changeable copy sign, such as a reader board, may be integrated into an allowable sign subject to the following restrictions:

- (1) The message conveyed by the sign face shall not blink, flash, scroll or be so animated as to be deemed a distraction to passing motorists;
- (2) Copy on the sign shall not change more than once per day on average (except for time, temperature, and price information which must change when necessary for accuracy);
- (3) Characters and backgrounds depicted on a changeable copy sign shall not use florescent coloring.
- (4) All changeable copy sign faces shall be limited to a maximum of 25 square feet in sign area, or the maximum size of the type of sign on which the face is placed, whichever is less.

**(E) Flags.** No more than 3 flags may be displayed on any given parcel. Individual flags shall not exceed fifty (50) square feet in size per surface.

**(F) Illumination.**

- (1) Illumination of signs shall comply with Chapter 150 code requirements governing Lighting, Glare Control, and Exterior Lighting Standards.
- (2) Indirect illumination for signs shall be so constructed and maintained that the source of light (i.e. the bulb; not the fixture) is not visible from the public right-of-way or residential property.
- (3) Back-lit awnings are prohibited.

**(G) Ingress or egress.** No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

**(H) Landscaping.** Sign owners shall be required to maintain the appearance of the ground around all signs detached from buildings and to landscape where possible.

**(I) Master Sign Program.**

A Master Sign Program shall be reviewed and approved for all multi-tenant commercial buildings and for all business park development to coordinate all signage for current and future tenants. The Master Sign Program shall be reviewed as a permanent sign permit, but shall only authorize the general locations and sizes of signs to be erected within a development or on a multi-tenant building. Individual permanent sign permits shall still be needed for the placement of permanent signs in accordance with an approved Master Sign Program. Master Sign Programs shall be subject to the following requirements:

- (1) A Master Sign Program shall include a to-scale site plan which identifies the overall sign types, sizes, and locations for all proposed signage on the site(s). The site plan shall not contain the names of any current or future tenants or occupants of the center or overall development.
- (2) The Master Sign Program shall include a calculation of allowable sign square footage for the site(s) based on applicable zoning requirements and lot characteristics.
- (3) The Master Sign Program shall include square footage calculations for individual signs proposed for the site(s), along with a total sign square footage area calculation.
- (4) All signs within a Master Sign Program shall be visually consistent in location, design, and scale.

- (5) The Master Sign Program may be reviewed concurrently with a separate permanent sign permit for the individual sign(s) identified in the Master Sign Program. The separate permanent sign permit shall include all information required by section 151.116(A)(1), and may only be approved if the Master Sign Program is approved.

**(J) Multi-Tenant Buildings.**

- (1) Multi-tenant buildings are herein considered a single commercial establishment, and shall be limited to one (1) freestanding sign amongst all planned/allowed signage subject to the following requirements:
  - (a) If the multi-tenant commercial building has a floor area of 40,000 square feet or less, the sign shall not exceed forty (40) square feet (per side) and shall not exceed eight (8) feet in height.
  - (b) If a multiple tenant commercial building has a floor area greater than 40,000 square feet but less than 100,000 square feet, the sign shall not exceed seventy-five (75) square feet (per side) and shall not exceed nine (9) feet in height.
  - (c) If a multiple tenant commercial building has a floor area of greater than 100,000 square feet, the sign shall not exceed 120 square feet (per side) and shall not exceed fifteen (15) feet in height.
- (2) Where a building, group of attached buildings on the same block, or center contains more than one business, the allowable sign area for any single business may be its portion of the gross square footage of the building or center applied as a percentage to the allowable sign area of the entire building or center, subject to size limitations for specific signs within an approved Master Sign Program.

**(K) Neighborhood Identification Signs**

Independent of the total allowable sign area for individual residences within a residential zoning district, two (2) ground signs for a unified residential area with six (6) or more lots may be allowed consistent with the following provisions:

- (1) New subdivisions:
  - (a) Neighborhood identification sign(s) shall be approved as a component of a preliminary and final plat to be included as part of a new subdivision.
  - (b) Each sign shall be single sided, not exceed a total of twenty-four (24) square feet in sign area, and not exceed a total of forty-eight (48) square feet inclusive of poles, bases, and other supports.

- (c) Signs are to be located on outlots of sufficient size and area to accommodate them or within a dedicated permanent sign easement. A homeowners or neighborhood association is required for the area identified by the signs which shall own and be responsible for the upkeep, perpetual maintenance, taxes, insurance, utilities, and other costs associated with the sign(s) and their property. The association rules or by-laws shall specify how the aforementioned sign responsibilities will be delegated and paid for. City staff shall review the proposed bylaws to ensure that they specify the aforementioned responsibilities.
  - (d) Outlots or easements for signs are to be considered and planned for at the time of preliminary plat application and shall be included in the final plat. A developers agreement shall specify the designated use of the outlot or easements, its ownership, and the respective home owners association responsibilities regarding the proposed improvements.
  - (e) Only indirect lighting of neighborhood identification may be approved. The electric costs and maintenance of such lighting shall be the responsibility of the homeowners association or neighborhood association of the area identified by the sign(s) and shall be clearly noted in the association's rules or bylaws.
  - (f) The area around the sign is to be landscaped and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to review by the Planning Commission and City Council at the time of Preliminary Plat.
  - (g) The design and construction of neighborhood area identification signs shall be done with the highest quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. Neighborhood area identification signs are to be aesthetically pleasing when designed and constructed. The signs shall be compatible with nearby or potential homes and other structures in the area. Detailed construction plans and a materials list shall be included with the preliminary plat application.
  - (h) The City reserves the right to require the removal—at the owner's expense—of any sign when the requirements of this Section and this Ordinance are not completely followed and adhered to or if the sign is not properly maintained or falls into a state of disrepair. The City shall not have any obligation or liability to replace any sign or nearby landscaping when removed by the City.
- (2) Existing Unified Residential Areas: A neighborhood identification sign may be allowed by Conditional Use Permit for existing unified residential areas. If no outlots or easements were originally designated for signs, the plat may be amended to provide for such a proposal and shall meet the same criteria and requirements as set forth for new subdivisions.

(L) **Non-commercial speech signs.** Notwithstanding any other provisions of this sign ordinance, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

(M) **Private on-premises directional signs.** Signs located on, above or beside entrances or exits to buildings or driveways which direct pedestrians or vehicles (e.g. "employees entrance," "exit only," "rest rooms," etc) shall not count towards the overall permitted signage on a site provided such signs are no more than four (4) square feet in area.

(N) **Prohibited Signs**

The following signs are prohibited in all zoning districts.

- (1) **Signs obstructing vision.** Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device. This includes indoor signs that are visible from public streets.
- (2) **Unofficial traffic signs or signals.** Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs which do not interfere with traffic flows on public roads.
- (3) **Off premises advertising signs.** Off premises advertising signs except as specifically allowed.
- (4) **Signs with moving parts, moving lighting or animation.** No sign shall display any moving parts, be illuminated with any flashing or intermittent lights, use changing light intensity, utilize spotlights giving off an intermittent or rotating beam existing as a collection or concentration of rays of light (including but not limited to revolving beacons, beamed lights, or similar devices), or be animated. The only exceptions to this provision include allowable changeable copy signs; barbershop poles; and static time, temperature, and price information changing only when necessary (which shall be allowed provided the message depicted is reasonably accurate).
- (5) **Roof signs.**
- (6) **Banners, pennants, ribbons, streamers.** No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners, or similar devices; except when used for non-commercial purposes, as a governmental sign, or as part of an approved master sign program or special event temporary sign permit.

- (7) **Portable signs.** Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, hot air or gas filled balloons or semitruck umbrellas used for advertising. This prohibition shall not include business vehicle identification signs when the vehicle is being used for the normal day-to-day operations of a permitted business.
  - (8) **Signs supported by a guy wire.**
  - (9) **Billboards.**
  - (10) **Electronic Variable Message Signs.**
  - (11) **Signs on natural surfaces.** No sign shall be painted, attached or in any other manner affixed to trees, rocks, or similar naturally occurring surfaces within the City of Lake Elmo. This shall not prohibit the use of natural building materials (e.g. boulders) in the construction of a legally permitted sign.
  - (12) **Snipe signs.**
- (O) **Public lands and rights-of-way.** No signs other than governmental signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements or rights-of-ways without Council approval.
- (P) **Regulations for Specific Sign Types**
- (1) **Wall signs**
    - (a) A wall sign shall be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed.
    - (b) A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
    - (c) Wall signs authorized by a Master Sign Program shall not exceed 25 square feet per business, and all signs shall be visually consistent in location, design, and scale.
    - (d) Wall signs may be placed on not more than three walls of rectangular shaped structures or not more than 75 percent of the major walls on non-rectangular shaped buildings.
  - (2) **Mural Sign.**
    - (a) Mural signs shall not be limited in size, but any commercial or non-commercial language incorporated into the mural sign shall be limited in size by the restrictions established for the applicable zoning district.
    - (b) In addition to the standard conditional use criteria in section 154.018, mural signs shall also be subject to the following:

- i. The location for the proposed mural sign shall be viewable by the public and be accessible;
- ii. The scale and suitability of the mural sign shall be appropriate in the context of the surrounding properties;
- iii. The artist(s) commissioned to complete the mural must provide documentation of demonstrated craftsmanship on similar projects;
- iv. The applicant shall provide sureties to the city guaranteeing completion of the project within the proposed timeframe;
- v. The applicant shall demonstrate that the necessary funds are available for the proposed project;
- vi. The applicant must be able to show the final mural will last a minimum of five years and be reasonably resistant to vandalism and weather.

**(3) Projecting, Awning, and Canopy Signs.**

- (a) Projecting signs and awning signs shall be located on street level.
- (b) If lighted, projecting, awning, and canopy signs shall use indirect illumination.
- (c) Awning or canopy signs shall not project higher than the top of the awning or canopy or below the awning or canopy.
- (d) Clearance. The bottom of a projecting sign or awning shall be a minimum of eight feet (8') above the ground surface when projecting over a private or public walkway.

**(4) Freestanding Signs.** Freestanding signs shall not be erected or maintained any closer than three feet to any building.

**(Q) Separation Angle.** So as not to create a double exposure or increase sign size limitations, there shall be a maximum separation angle of forty-five degrees for signs which are back to back. In all residential districts, double-faced signs shall be parallel.

**(R) Signs needing electricity.** Signs needing electricity shall be subject to all applicable electrical codes as may be amended. Overhead wiring for such signs is prohibited.

**(S) Special Sign Districts.** All general sign regulations shall apply to signs within each of the special sign districts except as specifically noted herein.

**(1) Old Village.**

- (a) Boundary. The boundary of the Old Village Sign District is depicted on the city's official sign district map. Modifications to the district boundary may be completed using the zoning map amendment process.

- (b) Illumination. Indirect illumination or reverse lit letters shall be the permitted techniques for lighting all signs within the Old Village Sign District. Other forms of direct illumination are prohibited.
- (c) Wall Signs.
  - i. Wall signs in the Old Village Sign District shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.
  - ii. Wall signs in the Old Village Sign District authorized by a Master Sign Program shall not exceed 20 square feet per business, and all signs shall be visually consistent in location, design, and scale.
- (d) Freestanding Signs.
  - i. The area of a freestanding sign in the Old Village Sign District shall not exceed thirty (30) square feet.
  - ii. Freestanding signs in the Old Village Sign District shall not project higher than six (6) feet, as measured from the average grade at the base of the sign or grade of the nearest roadway, whichever is lower.

**(2) Agricultural Sales District.**

- (a) Boundary. The Agricultural Sales District shall include all properties zoned Agricultural or Rural Residential.
- (b) On-premises sign(s). Independent of the total allowable sign area for an individual property within the agricultural sales district, one or more additional on-premises signs may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
  - i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the business are allowed 1 on-premises sign not to exceed 32 gross square feet of advertising surface;
  - ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1 or 2 on-premises signs not to exceed 48 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);
  - iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1, 2 or 3 on-premises signs not to exceed 64 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);



- iv. Sign(s) shall be in the form of an allowable sign type in the underlying zoning district.
  - v. No dimension of any sign shall exceed 15 feet exclusive of supporting structures.
  - vi. Any illuminated sign shall be illuminated only during those hours when business is open to the public for conducting business.
- (c) Temporary off-premises sign(s). Independent of the total allowable sign area for an individual property anywhere within the city, a temporary off-premises sign may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
- i. Maximum Number. Every agricultural sales business shall have no more than two off-premises signs at any given time to direct the public to the location of the business.
  - ii. Timeframe of use. Temporary off-premises signs may be erected for 45-day time periods no more than four times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the four allowable time periods in any given calendar year.
  - iii. Size and Height. An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height;
  - iv. Setbacks. Off-premises signs shall be a minimum of 25' from all side property lines, and a minimum of 50' from other off-premises advertising signs;
  - v. Permission Required. Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.
- (3) **I-94 District.**
- (a) **Boundary.** The I-94 district shall include parcels within the BP, GB, HB, CB, and LB zoning districts which meet one of the following criteria:
- i. The property is a buildable lot located to the south of Hudson Boulevard and to the north of Interstate 94.
  - ii. The property's southern boarder abuts Hudson Boulevard, and is not directly north—either wholly or partially—of a developable parcel lying between Hudson Boulevard and Interstate 94.
- (b) **Permits.** Signs in the I-94 District may be erected in conformance with sign regulations governing the underlying zoning district without additional approvals. Signs proposed to conform to the special standards established for the I-94 District shall only be authorized through approval of an interim use permit.

- (c) **Illumination.** All forms of illumination which conform to the general illumination standards for all signs shall be the permitted within the I-94 Sign District.
  - (d) **Maximum total square footage of ALL sign surfaces.** The maximum total square footage of all sign surfaces in the I-94 district shall be dictated by the maximum sign sizes for allowable sign types.
  - (e) **Wall Signs.** The least restrictive of the following may be used to determine the allowable area for wall signs in the I-94 District:
    - i. The total area of all wall signs on any wall shall not exceed ten percent of the area of the wall with a maximum allowable area of 80 square feet; or
    - ii. The total area of all wall signs on any wall shall not exceed five percent of the area of the wall with a maximum allowable area of 300 square feet.
  - (f) **Freestanding Signs.** In lieu of a freestanding sign meeting underlying zoning requirements, a building site within the I-94 District may have one freestanding sign within 50 feet of the property line nearest the Interstate provided the sign does not exceed 150 square feet per side (300 square feet total) or 30 feet in height. The base of such a sign shall be at least 75 percent of the width of the sign and be constructed of materials that match those used on the building for which the sign is installed.
  - (g) **Window Signs.** Window signs in the I-94 district shall not cover more than 1/3 of the window area.
  - (h) **Awning, Canopy, and Projecting Signs.** One awning, canopy or projecting sign, in conformance with the underlying zoning requirements for height, location, and maximum size may also be erected for each business on a building site in the I-94 District.
- (T) **Substitution Clause.** The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.
- (U) **Temporary Signs.**
- (1) **Special Events.** Temporary signs may be allowed upon issuance of a permit for on-site advertising of special events such as openings and closings, change in management, sales events, or other special occasions. No more than four temporary sign permits may be issued in any calendar year for a given

destination, and each temporary sign permit shall run for 15 days. Temporary signs for special events shall be subject to the following regulations:

- (a) Only one on-premises temporary sign shall be allowed per business or event.
- (b) Temporary signs shall be in the form of an allowable sign type in the underlying zoning district.
- (c) Temporary signs shall not exceed 32 square feet in area and shall not be taller than 10 feet in height.

(2) **Residential development advertising signs.** Independent of the total allowable sign area for individual properties or residences within a residential zoning district, one or more additional ground signs may be erected within a newly established unified residential area development subject to the following:

- (a) Minimum Development Size
  - i. Projects of less than 25 acres which create ten or more dwelling units are allowed one (1) on-premises ground sign not to exceed 100 square feet of advertising surface;
  - ii. Projects of 26 through 50 acres which create ten or more dwelling units are allowed 1 or 2 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site; and
  - iii. Projects over 50 acres which create ten or more dwelling units are allowed 1, 2, or 3 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site.
- (b) Restrictions.
  - i. No dimension shall exceed 25 feet exclusive of supporting structures.
  - ii. The sign shall not remain once 90% of the lots in the development have been issued building permits.
  - iii. The permit for the sign must be renewed annually by the Council.
  - iv. Only indirect illumination is permitted and shall only occur during those hours when an on-site sales office or model home is open for conducting business.

(3) **Temporary Off-Premises Signs.** Temporary off-premises signs may be erected if all of the following criteria are met:

- (a) The destination to which the off-premises sign is advertising is a property for sale;
- (b) An agent must be present at the destination property for sale, and the property must be open for viewing.

- (c) The sign must be located on private property, and permission must have been obtained from the private property owner to erect the temporary sign;
- (d) The temporary off-premises sign shall not exceed six (6) square feet in size;
- (e) The temporary off-premises sign shall not cause the total square feet of signage on a property to exceed the allowed maximum in the underlying zoning district.

(V) **Warning Signs.** Warning signs which do not exceed the minimum statutory requirements for size and number may be posted, and shall not count towards the overall permitted signage on a given property. Increases in either size or number over minimum statutory requirements shall count against the overall permitted signage on a given property unless authorized by conditional use permit which finds sufficient evidence that larger or more frequent signage is necessary to provide the intended warning.

**151.118 Specific Regulations by Zoning District**

(A) **Sign Setbacks.** Signs shall conform to the set back regulations listed in table 1 for the zoning district in which the signs are located except as may be specifically exempted or restricted in sections 151.117 and 151.118.

**Table 1: SETBACKS BY ZONING DISTRICT [1]**

	Base Zoning Districts													
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP [2]	PF
Front Lot Line	5	5	5	5	5	5	5	5	1	1	1	1	1	5
Side Lot Line	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Rear Lot Line	5	5	5	5	5	5	5	5	10	10	10	10	10	5
Vehicular Access	5	5	5	5	5	5	5	5	15	15	15	15	15	5

[1]: Awning/Canopy signs, mural signs, projecting signs, wall signs, or window signs proposed to be located on a building legally non-conforming to setback requirements shall be permitted without a variance provided all other zoning code provisions are met.

[2]: Signs within Business Parks shall also adhere to the requirements of a master sign program approved by the City Council in conjunction with the business park establishment.

(B) **Allowable Sign Area.** The maximum allowable sign area for an individual sign and for total site signage is listed in table 2 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

**Table 2: ALLOWABLE SIGN AREA BY ZONING DISTRICT**

District(s)	Maximum sign area in square feet (per surface) by sign type [1]								Maximum total square footage of ALL sign surfaces
	Awning/Canopy Sign	Ground Sign [2]	Monument Sign [2]	Mural Sign	Pole Sign [2]	Projecting Sign	Wall Sign	Window Sign	
A, RR, R1, R2, RE, OP [3]		6		C	6		6	6	12 square feet
R3 & R4 [3]		12		C	12		12	12	24 square feet
GB, HB, CB, LB, BP, & PF	[4]	30	45	C	30	6	[5]	No max	1.0 square foot per lineal foot of building parallel or substantially parallel to public road frontage (excluding alleys). [6]

[1]: Sign types with shaded cells are prohibited in the applicable zoning district(s). Sign types with a maximum sign area of "C" shall require a conditional use permit.

[2]: Ground, monument, or pole signs, where permitted, shall be limited to one (1) per commercial establishment.

[3]: All sign types in residential districts shall have no more than two (2) surfaces.

[4]: The gross surface of an awning or canopy sign shall not exceed 30% of the gross surface area of the smallest face of the awning or canopy of which the sign is to be affixed.

[5]: On any wall parallel or substantially parallel to a public roadway, the gross surface area of a wall sign shall not exceed 0.75 square feet for each lineal foot of building facing the applicable roadway. For walls not facing a public roadway, the maximum wall sign size shall be twelve (12) square feet.

[6]: Open sales lots or other approved uses on lots without a building shall be limited to thirty (30) square feet of total sign surfaces.

- (C) **Freestanding Sign Height.** The maximum allowable sign height for a freestanding sign is listed in table 3 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

<b>Table 3: ALLOWABLE FREESTANDING SIGN HEIGHT IN FEET BY ZONING DISTRICT</b>														
	Base Zoning Districts													
	Residential Districts								Business Districts					
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP	PF
Allowable Height in feet	5	5	5	5	8	8	5	5	20	20	20	20	20	20

**151.119 Sign Variances**

Variances from sign provisions shall be administered in accordance with section 154.017, and shall be subject to the following additional requirements:

- (a) The sign(s) shall be compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood;
- (b) The sign(s) shall have good scale and proportion in the visual relationship to buildings and adjacent areas;
- (c) The material, size, color, lettering, location, and arrangement of the sign(s) is an integral part of the site and building design; and/or

The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City Planner.

**SECTION 5.** The City Council of the City of Lake Elmo hereby amends Chapter 151 of City Code by adopting the map depicted in Exhibit "A" to serve as the City's official Sign District Map.

**SECTION 6. Effective Date**

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 7. Adoption Date**

This Ordinance No. 08-015 was adopted on this 16<sup>th</sup> day of June 2009, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

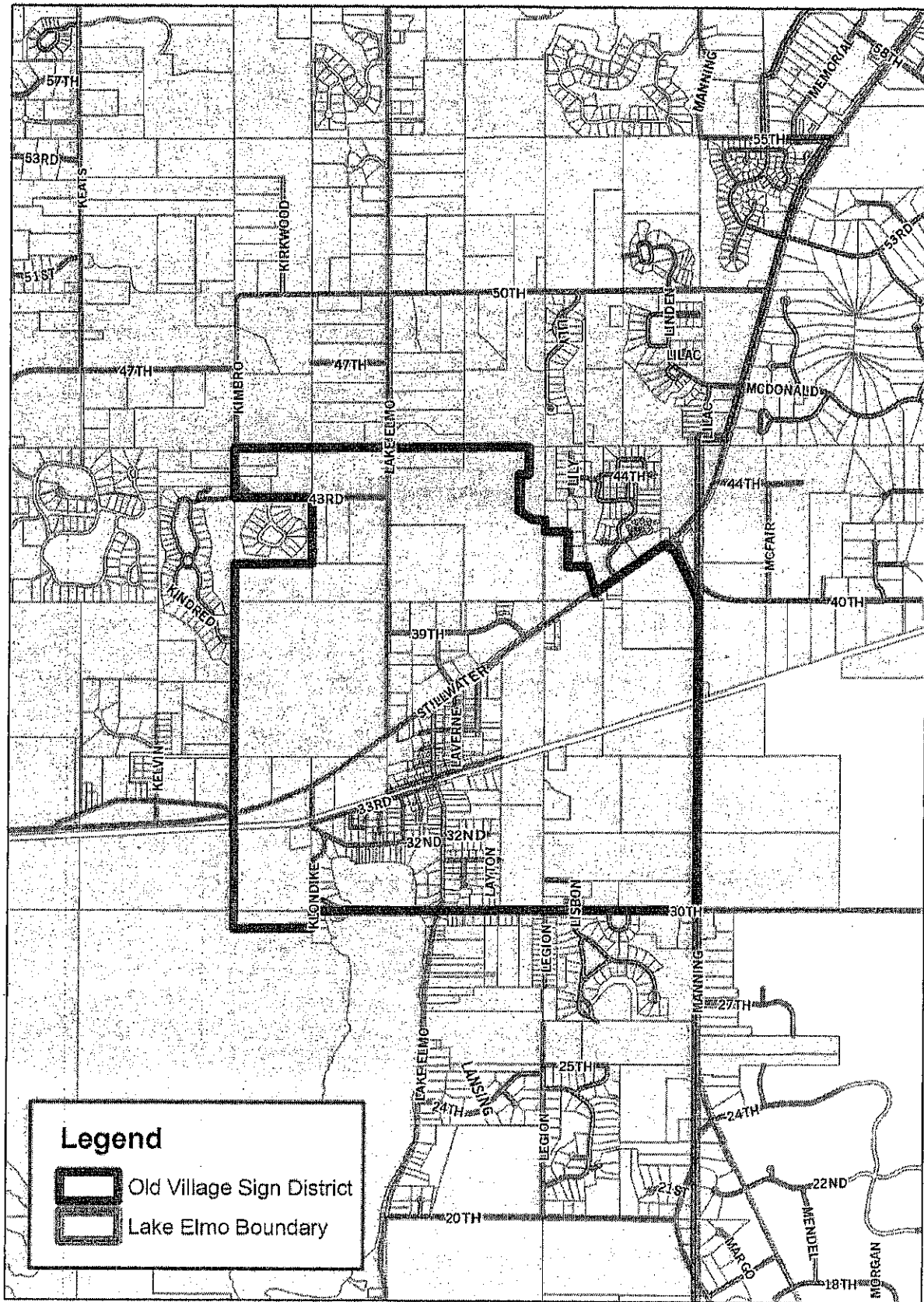
\_\_\_\_\_  
Mayor Dean Johnston

ATTEST:

\_\_\_\_\_  
Craig Dawson  
City Administrator

This Ordinance No 08-015 was published on the \_\_\_ day of \_\_\_\_\_, 2009.

# Exhibit A: Official Sign District Map





**CITY OF LAKE ELMO**

**RESOLUTION NO. 2009-025**

**RESOLUTION AUTHORIZING PUBLICATION OF  
ORDINANCE NO. 08-015 BY TITLE AND SUMMARY**

**WHEREAS**, the city council of the city of Lake Elmo has adopted Ordinance No. 08-015,  
an ordinance to regulate signage within the City of Lake Elmo; and

**WHEREAS**, the ordinance is lengthy; and

**WHEREAS**, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and  
summary in the case of lengthy ordinances or those containing charts or maps; and

**WHEREAS**, the city council believes that the following summary would clearly inform the  
public of the intent and effect of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Lake Elmo,  
that the city administrator shall cause the following summary of Ordinance No. 08-015 to be  
published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the city of Lake Elmo has adopted Ordinance No. 08-015. The ordinance repeals existing sign code regulations and adopts a new set of standards to regulate all aspects of signs within every zoning district. The new regulations outline the purpose behind all sign codes, the procedures for obtaining sign permits, how sign codes will be enforced, and the minimum standards that signs must meet in order to be approved. Regulations focus on time (when signs may be erected), place (the physical location of allowed signs), and manner (sign types, height, size, number, lighting, etc). The full text of Ordinance No.08-015 is available for inspection at Lake Elmo city hall during regular business hours.

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Mayor Dean Johnston

**BE IT FURTHER RESOLVED** by the city council of the city of Lake Elmo that the city administrator keep a copy of the ordinance in his office at city hall for public inspection and that he post a full copy of the ordinance in a public place within the city.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor Dean Johnston

ATTEST:

\_\_\_\_\_  
Craig Dawson  
City Administrator

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

**Color Legend:**

GREEN language = existing language that has NOT been edited

ORANGE language = existing language that has been edited

BLACK language = new language

## SIGNS

### § 151.115 PURPOSE

(A) ~~Purpose and Findings~~

Comment: (b1) Existing Section 151.115 as amended in summer of 2008.

(1) Purpose.

- (a) The Lake Elmo Sign Regulations are intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the business community's need for effective communication and identification. It is not the purpose or intent of these regulations to favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. It is the intent of these regulations to promote the health, safety, general welfare, and desirable rural community image through the regulation of signs with the following objectives in mind:
- a. Signs shall demonstrate a high standard of aesthetic character and encourage the use of monument and individual letter-style signs;
  - b. Permit large enough copy/graphic area to effectively convey the intended message but not so large as to unduly distract the reader and insist on lettering large enough to be easily read to encourage simple, uncluttered messages;
  - c. Signs shall be proportioned to the size of, and architecturally compatible with, the structures and other signs on the premises;
  - d. Permanent signs shall only advertise on-premise businesses, services, facilities, etc;

- e. Allow temporary business signs for grand openings and occasional sales events; allow temporary signs to advise the public of the seasonal sale of agricultural and horticultural products in keeping with the City's rural image; and to allow temporary directional signs permitting the public to more easily locate land conservation developments which enhance the City's rural image, without creating continuous visual clutter or traffic hazards along streets or at intersections; and
- f. Signs shall be properly maintained.
- g. Dynamic signs that distract drivers, cyclists and pedestrians shall not be permitted. Studies conducted by public and private agencies have identified that dynamic signs, including multi-vision signs, electronic signs and video displays can be highly distracting to drivers, pedestrians, and cyclists and that distraction is a significant underlying cause of traffic accidents. With respect to electronic signs, including video display signs, the City finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001, and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

**(2) Findings.**

The City of Lake Elmo hereby finds that regulation of the construction type, location, size, and maintenance of signs is necessary to accomplish the above referenced objectives, because:

- (a) The presence of permanent and temporary signage affects the rural image of the City of Lake Elmo;

- (b) Properly regulated signage can create an atmosphere of prosperity, stimulate commercial activity, and consequently, lead to increased employment and a healthier tax base;
- (c) The safety of motorists, cyclists, and pedestrians can be threatened by signage that interferes with necessary sight-distances and/or unduly diverts the attention of such persons.
- (d) Signs that are too bright, overly illuminated, flash, blink, scroll, twirl, change messages or color, or imitate movement, including video displays, can distract drivers, cyclists and pedestrians and impact traffic safety.

(B) **Severability.** If any section, subsection, sentence, clause, or phrase in sections 151.115 through 151.119 are 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.

Comment [b2]: Existing Section 151.126 as added in summer of 2008

(C) **Definitions.** The definitions set forth in this Section are in addition to the definitions set forth in Section 11.01. In the event of a conflict between the Sections, the definitions in this section shall apply.

**Abandoned sign** - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

**animation** -- The movement or the optical illusion of movement of any part a sign, sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street sign.

**Awning** means a shelter supported entirely from the exterior wall of a building.

**Awning sign** - a sign or graphic printed on or in some fashion attached directly to the awning material.

**Back lit (sign illumination)** means a direct source of light which illuminates a sign by shining through a translucent surface of a sign, including plastic signs, lit from an internal light source.

**Banner** - A temporary sign typically made of cloth, plastic or vinyl materials.

**Billboard** - A sign structure with a surface area over one hundred (100) square feet per surface that identifies or communicates a commercial or non-commercial message.

**Business Vehicle Identification Sign** – A sign that is permanently mounted or otherwise permanently affixed to a vehicle, trailer, or semitrailer which identifies the business, products, or services with which the vehicle, trailer, or semitrailer is related. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. This definition shall also include non-permanently affixed signs that do not exceed 32 square feet erected in concert with a legally operating wayside stand. Bumper stickers and similarly sized adhesive decals shall not be considered business vehicle identification signs.

**Canopy** means a detachable, rooflike cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

**Canopy sign** means a sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.

**Changeable copy sign** - A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

**Commercial Speech** – Speech or graphics advertising a business, profession, commodity, service or entertainment.

**Direct illumination (sign illumination)** means a sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

**Directional sign** – An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. “Parking,” “Shipping Receiving Area”).

**Electronic Variable Message Sign** – A dynamic sign whose message are changed at reasonable intervals by electronic process or remote control and whose movement is the periodic changing of information against a solid background, engineered for maximum legibility and readability, and having a constant light level and glare reduced screens. This definition does not include static time, temperature and price displays which only change when necessary for accuracy.

**External Illumination** Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

**Flag**” - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

**Freestanding sign** means a sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. Monument, pole, and ground signs are all freestanding signs.

**Governmental Sign** – a sign erected and maintained by or on behalf of the United States, the state, the county, or the city for the purpose of regulating traffic or for other civic purposes; the size, location, and height of which is dictated by the applicable agency to fulfill the intended civic purpose.

**Ground sign**” - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding six (6) feet.

**Historic sign** means an existing sign which has a special historical, architectural, cultural, or aesthetic value to the community.

**Illuminated sign**” - any sign which contains an element designed to emanate artificial light directly or indirectly.

**Indirect illumination (sign illumination)** means a sign whose light source is external to the sign and which casts its light onto the sign from some distance.

**Monument sign**” - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding six (6) feet.

**multi-tenant building** – A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

**Mural Sign** – Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect.

**Non-commercial Speech** – A sign that contains a non-commercial message. Examples of non-commercial messages include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

**“Off-premise sign”** – a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

**“On-premise sign”** – a sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

**“Permanent Sign”** – A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

**Pole sign** - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open

**portable sign** – A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

**Projecting sign** – A sign attached to and projecting out from a building face or wall, generally at a right angle.

**Reverse lit (sign illumination)** means a direct source of light which illuminates a sign by shining off an opaque surface of a sign thereby casting the light off the wall behind the sign creating a halo effect.

**Roof sign** - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.



**“Sign”** – Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

**“Sign, Real Estate Development”** – A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

**“Sign, Agricultural Sales”** – A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

~~**“Sign, Wayside Stand”** – A sign located on a temporary structure or vehicle being used to sell agricultural, floricultural, or horticultural products.~~

**Snipe sign** means an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other object

**“Temporary Sign”** – Any sign intended for display over a short period of time.

**Unified Residential Area** – A residential grouping of lots that share a plat name over one or more additions.

**Wall sign** – A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall, and which displays only one (1) sign surface.

**Warning sign** – A sign located on private property posting such property for warning or prohibitions on trespassing, hunting, or other activity.

**Window sign** – any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**151.116 Administration and Enforcement**

**(A) Permit Required.**

Comment [b3]: Existing Section 151.16(A) as added in summer of 2008

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

**(1) Permanent Signs.** To apply for a permanent sign permit, a complete application shall be submitted to the City containing the following:

Comment [b4]: Existing Section 151.16(B) as added in summer of 2008

- (a) Names and addresses of the applicant, owners of the sign, and lot;
- (b) The address at which the sign(s) are to be erected;
- (c) The legal description of the property on which the sign(s) are to be erected and the street on which they are to front;
- (d) A complete set of scaled plans showing the sign dimensions, area, height, ground elevations, applicable setbacks, and other details to fully and clearly represent the safe construction and placement of the proposed sign(s);
- (e) Type of sign(s) being requested (i.e. wall sign, monument sign, etc.);
- (f) The permit fee; and
- (g) The following if applicable:
  - i. Written authorization from the property owner upon who's land the sign is to be erected.
  - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
  - iii. A sign plan showing signs for all businesses if the sign is located on a building with more than one business.
  - iv. Photographs of the building face and the building faces of both adjacent buildings if the sign is being placed on an existing structure.
  - v. If replacing a historical sign, pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign.

**(2) Temporary Signs.** To apply for a permit to allow a temporary sign, a complete application shall be submitted to the City containing the following:

Comment [b5]: Existing Section 151.16(C) as added in summer of 2008

- (a) Names and addresses of the applicant, owners of the sign, and lot;
  - (b) The address at which the sign(s) are to be erected;
  - (c) A generalized plan set showing the sign dimensions and height, and a notation of the materials to be used.
  - (d) A scaled site plan which clearly represents the placement of the proposed sign(s) on the applicable property;
  - (e) The proposed timeframe(s) over which the sign(s) will be posted;
  - (f) The permit fee; and
  - (g) The following if applicable:
    - i. Written authorization from the property owner upon who's land the sign is to be erected.
    - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
- (3) **Temporary Sign Renewal.** A temporary sign permit issued by the City may be renewed provided the sign design, size, location, or other previously approved details are not proposed to change. A sign renewal application shall include the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
  - (b) The address at which the sign(s) are to be erected;
  - (c) The date of issuance of the permit being renewed;
  - (d) The proposed timeframe(s) over which the sign(s) will be posted;
  - (e) Written authorization from the property owner upon who's land the sign is to be erected (if applicable); and
  - (f) The permit renewal fee.
- (4) **Review.** The planning department shall approve or deny complete sign permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights.

Comment [b6]: Existing Section 151.16(D) as added in summer of 2008.

Comment [b7]: Existing Section 151.16(B) as added in summer of 2008.

**(B) Exemptions.**

The following signs shall not require a permit, but shall still comply with all provisions of this ordinance or any other law or ordinance regulating signs.

- (1) The changing of the display surface on a previously approved sign.
- (2) Signs six (6) square feet or less in size, per surface if double sided.
- (3) Window Signage that does not cover more than 1/3 of the total area of the window in which the sign is displayed
- (4) Governmental Signage.

**(C) Fees.**

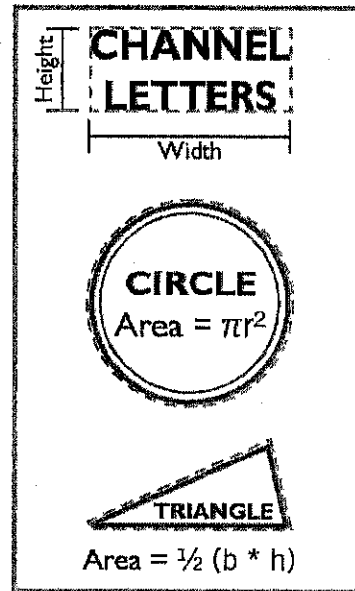
The fee for a sign permit is established yearly in the City's adopted fee schedule as indicated in section 11.02.

**(D) Computations.**

**(1) Sign Area Measurement.**

The area of a sign shall be computed by means of the smallest circle, rectangle or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building facade against which it is placed. When a sign has two back-to-back sign faces containing sign copy, the sign area for both faces are counted toward the total allowed sign area. Poles, bases, and other supports shall not be included in the sign area calculation.

Figure 1: Sign Area Measurement



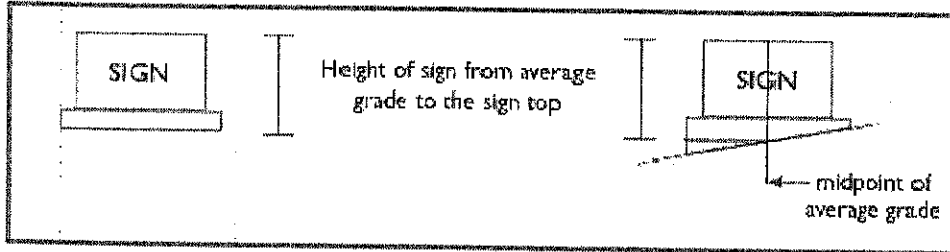
Comment [b8]: Existing Section 151.118 (B)(13)(a) as added in summer of 2008.

(2) **Sign Height Measurement**

The height of the sign shall be computed as the vertical distance measured from the average grade at the base of the sign to the top of the highest attached component of the sign.

**Comment [b9]:** Existing Section 151-118(B)(13)(b) as added in summer of 2008.

Figure 2: Sign Height Measurement



(3) **Total Sign Area Calculation**

The total square footage of all sign surfaces shall be computed by adding together the sign areas of all signs on a property.

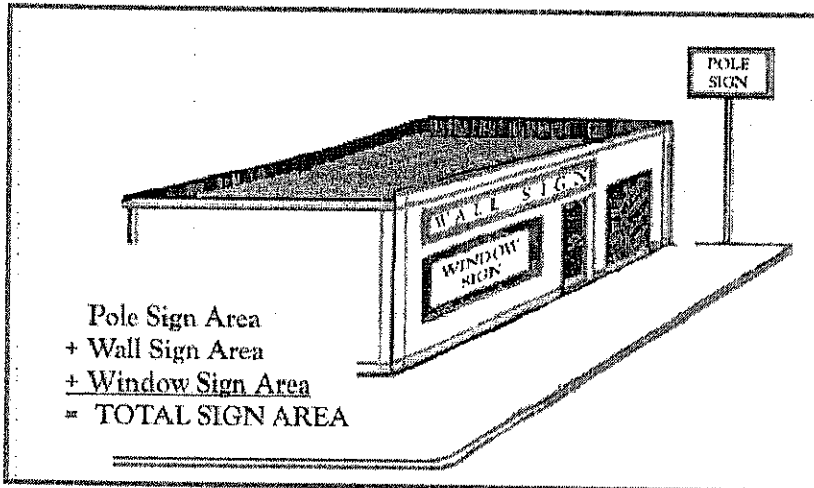


Figure 3: Total Sign Area Measurement Example

**(E) Construction, Maintenance and Repairs.**

- (1) The construction of all signs, unless otherwise stated herein, shall be in conformance with the provisions of the Uniform Sign Code published by the International Conference of Building Officials, 1997 Edition, as may be amended, which is hereby adopted by reference and made a part of this ordinance.
- (2) All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering.
- (3) Any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed if repair is not feasible. Sign maintenance shall be the responsibility of the underlying fee owner.

**Comment [b10]:** Part 1 of Existing Section 151.118(B)(1) -- separation adds clarity to the new code.

**Comment [b11]:** Part 2 of Existing Section 151.118(B)(1) -- separation adds clarity to the new code.

**(F) Abatement.**

If the City finds that any sign has been erected without the necessary approvals or any sign is being maintained in violation of any zoning provision, the City may give written notice of such violation to the installer of said sign; to the permit holder; and/or to the owner, lessee or manager of said property. If after receiving said notice such person fails to remove or alter said sign so as to comply with the provisions of the zoning ordinance, the sign shall be deemed to be a nuisance and may be abated by the City under Minnesota Statutes, Chapter 429. The cost of such abatement, including administrative expenses and reasonable attorneys' fees, may be levied as a special assessment against the property upon which the sign is located.

**151.117 General Standards**

**(A) Abandoned Signs**

Abandoned signs shall be removed.

**Comment [b12]:** Existing Section 151.118(B)(6) -- edited for clarity given that the definition for abandoned sign covers many things other than "sign structures" which are referenced in the existing code.

**(B) Building Identification**

A building address, date of construction, commemorative tablet, etc; shall not count towards the overall permitted signage on a building or parcel. All forms of building identification, except for the building address, shall be cut into a masonry surface or be constructed of incombustible material.

**Comment [b13]:** Existing Section 151.118(B)(10) -- edited to address number heights and other forms of building identification.

- (C) Building Official Review.** No sign shall be attached to or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the City Building Official.

- (D) **Changeable Copy Signs.** A changeable copy sign, such as a reader board, may be integrated into an allowable sign subject to the following restrictions:
- (1) The message conveyed by the sign face shall not blink, flash, scroll or be so animated as to be deemed a distraction to passing motorists;
  - (2) Copy on the sign shall not change more than once per day on average (except for time, temperature, and price information which must change when necessary for accuracy);
  - (3) Characters and backgrounds depicted on a changeable copy sign shall not use florescent coloring.
  - (4) All changeable copy sign faces shall be limited to a maximum of 25 square feet in sign area, or the maximum size of the type of sign on which the face is placed, whichever is less.

- (E) **Flags.** No more than 3 flags may be displayed on any given parcel. Individual flags shall not exceed fifty (50) square feet in size per surface.

Comment [b14]: Existing Section 151.118 (B)(5) -- edited to establish a maximum flag size.

(F) **Illumination.**

- (1) Illumination of signs shall comply with Chapter 150 code requirements governing Lighting, Glare Control, and Exterior Lighting Standards.
- (2) Indirect illumination for signs shall be so constructed and maintained that the source of light (i.e. the bulb; not the fixture) is not visible from the public right-of-way or residential property.
- (3) Back-lit awnings are prohibited.

- (G) **Ingress or egress.** No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

Comment [b15]: Existing Section 151.118 (B)(4)

- (H) **Landscaping.** Sign owners shall be required to maintain the appearance of the ground around all signs detached from buildings and to landscape where possible.

Comment [b16]: Existing Section 151.21 (B)(5)(d) -- edited to require landscaping around all signs in all districts in compliance with the city's existing landscaping codes.

(I) **Master Sign Program**

A Master Sign Program shall be reviewed and approved for all multi-tenant commercial buildings and for all business park development to coordinate all signage for current and future tenants. The Master Sign Program shall be reviewed as a permanent sign permit, but shall only authorize the general locations and sizes of signs to be erected within a development or on a multi-tenant building. Individual permanent sign permits shall still be needed for the placement of permanent signs in accordance with an approved Master Sign Program. Master Sign Programs shall be subject to the following requirements:

- (1) A Master Sign Program shall include a to-scale site plan which identifies the overall sign types, sizes, and locations for all proposed signage on the site(s). The site plan shall not contain the names of any current or future tenants or occupants of the center or overall development.
- (2) The Master Sign Program shall include a calculation of allowable sign square footage for the site(s) based on applicable zoning requirements and lot characteristics.
- (3) The Master Sign Program shall include square footage calculations for individual signs proposed for the site(s), along with a total sign square footage area calculation.
- (4) All signs within a Master Sign Program shall be visually consistent in location, design, and scale.
- (5) The Master Sign Program may be reviewed concurrently with a separate permanent sign permit for the individual sign(s) identified in the Master Sign Program. The separate permanent sign permit shall include all information required by section 151.116(A)(1), and may only be approved if the Master Sign Program is approved.

Comment [b17]: Existing Sections 151.121 (C)(3) and (C)(3)(a) -- edited to better explain what was needed for a Master Sign Program application.

(J) **Multi-Tenant Buildings**

- (1) Multi-tenant buildings are herein considered a single commercial establishment, and shall be limited to one (1) freestanding sign amongst all planned/allowed signage subject to the following requirements:
  - (a) If the multi-tenant commercial building has a floor area of 40,000 square feet or less, the sign shall not exceed forty (40) square feet (per side) and shall not exceed eight (8) feet in height.
  - (b) If a multiple tenant commercial building has a floor area greater than 40,000 square feet but less than 100,000 square feet, the sign shall not exceed seventy-five (75) square feet (per side) and shall not exceed nine (9) feet in height.

Comment [b18]: Existing Sections 151.121 (C)(3)(b, c, & d) -- minor edit in sub. (1) for clarity.



- (c) If a multiple tenant commercial building has a floor area of greater than 100,000 square feet, the sign shall not exceed 120 square feet (per side) and shall not exceed fifteen (15) feet in height.
- (2) ~~Where a building, group of attached buildings, on the same block, or center contains more than one business, the allowable sign area for any single business may be its portion of the gross square footage of the building or center applied as a percentage to the allowable sign area of the entire building or center, subject to size limitations for specific signs within an approved Master Sign Program.~~

Comment [b19]: Existing Section 151.121(C)(1)(B) -- minor edit for clarity.

**(K) Neighborhood Identification Signs**

Independent of the total allowable sign area for individual residences within a residential zoning district, two (2) ground signs for a unified residential area with six (6) or more lots may be allowed consistent with the following provisions:

- (1) New subdivisions:
  - (a) Neighborhood identification sign(s) shall be approved as a component of a preliminary and final plat to be included as part of a new subdivision.
  - (b) Each sign shall be single sided, not exceed a total of twenty-four (24) square feet in sign area, and not exceed a total of forty-eight (48) square feet inclusive of poles, bases, and other supports.
  - (c) Signs are to be located on outlots of sufficient size and area to accommodate them or within a dedicated permanent sign easement. A homeowners or neighborhood association is required for the area identified by the signs which shall own and be responsible for the upkeep, perpetual maintenance, taxes, insurance, utilities, and other costs associated with the sign(s) and their property. The association rules or by-laws shall specify how the aforementioned sign responsibilities will be delegated and paid for. City staff shall review the proposed bylaws to ensure that they specify the aforementioned responsibilities.
  - (d) Outlots or easements for signs are to be considered and planned for at the time of preliminary plat application and shall be included in the final plat. A developers agreement shall specify the designated use of the outlot or easements, its ownership, and the respective home owners association responsibilities regarding the proposed improvements.
  - (e) Only indirect lighting of neighborhood identification may be approved. The electric costs and maintenance of such lighting shall be the responsibility of the homeowners association or neighborhood association of the area identified by the sign(s) and shall be clearly noted in the association's rules or by laws.

- (f) The area around the sign is to be landscaped and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to review by the Planning Commission and City Council at the time of Preliminary Plat.
- (g) The design and construction of neighborhood area identification signs shall be done with the highest quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. Neighborhood area identification signs are to be aesthetically pleasing when designed and constructed. The signs shall be compatible with nearby or potential homes and other structures in the area. Detailed construction plans and a materials list shall be included with the preliminary plat application.
- (h) The City reserves the right to require the removal—at the owner's expense—of any sign when the requirements of this Section and this Ordinance are not completely followed and adhered to or if the sign is not properly maintained or falls into a state of disrepair. The City shall not have any obligation or liability to replace any sign or nearby landscaping when removed by the City.
- (2) Existing Unified Residential Areas: A neighborhood identification sign may be allowed by Conditional Use Permit for existing unified residential areas. If no outlots or easements were originally designated for signs, the plat may be amended to provide for such a proposal and shall meet the same criteria and requirements as set forth for new subdivisions.
- (L) ~~Non-commercial speech signs.~~ Notwithstanding any other provisions of this sign ordinance, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.
- (M) ~~Private on-premises directional signs.~~ Signs located on, above or beside entrances or exits to buildings or driveways which direct pedestrians or vehicles (e.g. "employees entrance," "exit only," "rest rooms," etc) shall not count towards the overall permitted signage on a site provided such signs are no more than four (4) square feet in area.

Comment [b20]: Existing Section 151.19(B)(3) -- edited for clarity.

Comment [b21]: Replaces existing section 151.122 -- edited for clarity.

**(N) Prohibited Signs**

The following signs are prohibited in all zoning districts.

- (1) **Signs obstructing vision.** Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device. This includes indoor signs that are visible from public streets. Comment [b22]: Existing Section 151.121 (B)(1)
- (2) **Unofficial traffic signs or signals.** Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs which do not interfere with traffic flows on public roads. Comment [b23]: Existing Section 151.121 (B)(2)
- (3) **Off-premises advertising signs.** Off premises advertising signs except as specifically allowed. Comment [b24]: Existing Section 151.121 (B)(3)
- (4) **Signs with moving parts, moving lighting or animation.** No sign shall display any moving parts, be illuminated with any flashing or intermittent lights, use changing light intensity, utilize spotlights giving off an intermittent or rotating beam existing as a collection or concentration of rays of light (including but not limited to revolving beacons, beamed lights, or similar devices), or be animated. The only exceptions to this provision include allowable changeable copy signs; barbershop poles; and static time, temperature, and price information changing only when necessary (which shall be allowed provided the message depicted is reasonably accurate). Comment [b25]: Replaces Existing Sections 151.121 (B)(4, 5, 10 & 11)
- (5) **Roof signs.** Comment [b26]: Existing Section 151.121 (B)(6)
- (6) **Banners, pennants, ribbons, streamers.** No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners, or similar devices; except when used for non-commercial purposes, as a governmental sign, or as part of an approved master sign program or special event temporary sign permit. Comment [b27]: Existing Section 151.121 (B)(7) -- edited for clarity
- (7) **Portable signs.** Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, hot air or gas filled balloons or semitruck umbrellas used for advertising. This prohibition shall not include business vehicle identification signs when the vehicle is being used for the normal day-to-day operations of a permitted business. Comment [b28]: Existing Section 151.121 (B)(8)
- (8) **Signs supported by a guy wire.** Comment [b29]: Existing Section 151.121 (B)(12)
- (9) **Billboards.** Comment [b30]: Existing Section 151.121 (B)(14)
- (10) **Electronic Variable Message Signs.** Comment [b31]: An extension of the billboard prohibition from existing section 151.121 (B)(14)

(11) **Signs on natural surfaces.** No sign shall be painted, attached or in any other manner affixed to trees, rocks, or similar naturally occurring surfaces within the City of Lake Elmo. This shall not prohibit the use of natural building materials (e.g. boulders) in the construction of a legally permitted sign.

(12) **Snipe signs.**

(O) **Public lands and rights-of-way.** No signs other than governmental signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements or rights-of-ways without Council approval.

Comment [b32]: Existing Section 151.118 (B)(3)

(P) **Regulations for Specific Sign Types**

(1) **Wall signs**

- (a) A wall sign shall be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed.
- (b) A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- (c) Wall signs authorized by a Master Sign Program shall not exceed 25 square feet per business, and all signs shall be visually consistent in location, design, and scale.
- (d) Wall signs may be placed on not more than three walls of rectangular shaped structures or not more than 75 percent of the major walls on non-rectangular shaped buildings.

Comment [b33]: Existing Section 151.121 (C)(1)(b) -- subjective review language was removed.

Comment [b34]: Existing Section 151.121 (C)(1)(c) -- edited to remove a 20 foot height maximum in favor of just the parapet line.

Comment [b35]: Existing Sections 151.121 (C)(1)(d)(1 & 3) -- combined existing language into one section for clarity.

(2) **Mural Sign**

- (a) Mural signs shall not be limited in size, but any commercial or non-commercial language incorporated into the mural sign shall be limited in size by the restrictions established for the applicable zoning district.
- (b) In addition to the standard conditional use criteria in section 154.018, mural signs shall also be subject to the following:
  - i. The location for the proposed mural sign shall be viewable by the public and be accessible;
  - ii. The scale and suitability of the mural sign shall be appropriate in the context of the surrounding properties;
  - iii. The artist(s) commissioned to complete the mural must provide documentation of demonstrated craftsmanship on similar projects;
  - iv. The applicant shall provide sureties to the city guaranteeing completion of the project within the proposed timeframe;

Comment [b36]: Replaces existing sections 151.124 (B)(9 & 10), and 151.118 (B)(1) -- places more scrutiny on signs painted directly on walls.

- v. The applicant shall demonstrate that the necessary funds are available for the proposed project;
- vi. The applicant must be able to show the final mural will last a minimum of five years and be reasonably resistant to vandalism and weather.

**(3) Projecting, Awning, and Canopy Signs.**

- (a) Projecting signs and awning signs shall be located on street level.
- (b) Lighted projecting, awning, and canopy signs shall use indirect illumination.
- (c) Awning or canopy signs shall not project higher than the top of the awning or canopy or below the awning or canopy.
- (d) Clearance. The bottom of a projecting sign or awning shall be a minimum of eight feet (8') above the ground surface when projecting over a private or public walkway.

Comment [b37]: Existing Section 151.121 (B)(7)(b)

Comment [b38]: Existing Section 151.121 (B)(7)(c) -- edited for clarity to match the definitions within the new sign ordinance.

**(4) Freestanding Signs.** Freestanding signs shall not be erected or maintained any closer than three feet to any building.

**(Q) Separation Angle.** So as not to create a double exposure or increase sign size limitations, there shall be a maximum separation angle of forty-five degrees for signs which are back to back. In all residential districts, double-faced signs shall be parallel.

**(R) Signs needing electricity.** Signs needing electricity shall be subject to all applicable electrical codes as may be amended. Overhead wiring for such signs is prohibited.

Comment [b39]: Existing Section 151.118 (B)(2) -- edited for clarity to include codes "as may be amended"

**(S) Special Sign Districts.** All general sign regulations shall apply to signs within each of the special sign districts except as specifically noted herein.

**(1) Old Village.**

- (a) Boundary. The boundary of the Old Village Sign District is depicted on the city's official sign district map. Modifications to the district boundary may be completed using the zoning map amendment process.
- (b) Illumination. Indirect illumination or reverse lit letters shall be the permitted techniques for lighting all signs within the Old Village Sign District. Other forms of direct illumination are prohibited.

Comment [b40]: Existing Section 151.121(B)(4)(d) and (B)(5)(e) -- edited for clarity to allow only indirect illumination and reverse lit letters.

(c) Wall Signs.

- i. Wall signs in the Old Village Sign District shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.
- ii. Wall signs in the Old Village Sign District authorized by a Master Sign Program shall not exceed 20 square feet per business, and all signs shall be visually consistent in location, design, and scale.

Comment [b41]: Existing Section 151.121(B)(4)(c) -- adds a 15 foot height maximum to the general standards for wall signs.

Comment [b42]: Existing Section 151.121(B)(4)(c) -- edited for clarity

(d) Freestanding Signs.

- i. The area of a freestanding sign in the Old Village Sign District shall not exceed thirty (30) square feet.
- ii. Freestanding signs in the Old Village Sign District shall not project higher than six (6) feet, as measured from the average grade at the base of the sign or grade of the nearest roadway, whichever is lower.

Comment [b43]: Existing Section 151.121(B)(5)(a)

Comment [b44]: Existing Section 151.121(B)(5)(b)

(2) Agricultural Sales District

Comment [b45]: Existing Section 151.119(B)(10)

- (a) Boundary. The Agricultural Sales District shall include all properties zoned Agricultural or Rural Residential.
- (b) On-premises sign(s). Independent of the total allowable sign area for an individual property within the agricultural sales district, one or more additional on-premises signs may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
  - i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the business are allowed 1 on-premises sign not to exceed 32 gross square feet of advertising surface;
  - ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1 or 2 on-premises signs not to exceed 48 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);
  - iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1, 2 or 3 on-premises signs not to exceed 64 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);
  - iv. Sign(s) shall be in the form of an allowable sign type in the underlying zoning district.

- v. No dimension of any sign shall exceed 15 feet exclusive of supporting structures.
  - vi. Any illuminated sign shall be illuminated only during those hours when business is open to the public for conducting business.
- (c) Temporary off-premises sign(s). Independent of the total allowable sign area for an individual property anywhere within the city, a temporary off-premises sign may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
- i. Maximum Number. Every agricultural sales business shall have no more than two off-premises signs at any given time to direct the public to the location of the business.
  - ii. Timeframe of use. Temporary off-premises signs may be erected for 45-day time periods no more than four times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the four allowable time periods in any given calendar year.
  - iii. Size and Height. An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height;
  - iv. Setbacks. Off-premises signs shall be a minimum of 25' from all side property lines, and a minimum of 50' from other off-premises advertising signs;
  - v. Permission Required. Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.

**(3) I-94 District**

- (a) **Boundary.** The I-94 district shall include parcels within the BP, GB, HB, CB, and LB zoning districts which meet one of the following criteria:
- i. The property is a buildable lot located to the south of Hudson Boulevard and to the north of Interstate 94.
  - ii. The property's southern boarder abuts Hudson Boulevard, and is not directly north—either wholly or partially—of a developable parcel lying between Hudson Boulevard and Interstate 94.

- (b) **Permits.** Signs in the I-94 District may be erected in conformance with sign regulations governing the underlying zoning district without additional approvals. Signs proposed to conform to the special standards established for the I-94 District shall only be authorized through approval of an interim use permit.
  - (c) **Illumination.** All forms of illumination which conform to the general illumination standards for all signs shall be the permitted within the I-94 Sign District.
  - (d) **Maximum total square footage of ALL sign surfaces.** The maximum total square footage of all sign surfaces in the I-94 district shall be dictated by the maximum sign sizes for allowable sign types.
  - (e) **Wall Signs.** The least restrictive of the following may be used to determine the allowable area for wall signs in the I-94 District:
    - i. The total area of all wall signs on any wall shall not exceed ten percent of the area of the wall with a maximum allowable area of 80 square feet; or
    - ii. The total area of all wall signs on any wall shall not exceed five percent of the area of the wall with a maximum allowable area of 300 square feet.
  - (f) **Freestanding Signs.** In lieu of a freestanding sign meeting underlying zoning requirements, a building site within the I-94 District may have one freestanding sign within 50 feet of the property line nearest the Interstate provided the sign does not exceed 150 square feet per side (300 square feet total) or 30 feet in height. The base of such a sign shall be at least 75 percent of the width of the sign and be constructed of materials that match those used on the building for which the sign is installed.
  - (g) **Window Signs.** Window signs in the I-94 district shall not cover more than 1/3 of the window area.
  - (h) **Awning, Canopy, and Projecting Signs.** One awning, canopy or projecting sign, in conformance with the underlying zoning requirements for height, location, and maximum size may also be erected for each business on a building site in the I-94 District.
- (I) **Substitution Clause.** The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

Comment [b46]: Existing Section 15.1.225



(U) Temporary Signs.

- (1) **Special Events.** Temporary signs may be allowed upon issuance of a permit for on-site advertising of special events such as openings and closings, change in management, sales events, or other special occasions. No more than four temporary sign permits may be issued in any calendar year for a given destination, and each temporary sign permit shall run for 15 days. Temporary signs for special events shall be subject to the following regulations:

Comment: [b47]: Existing Section 15.118(B)(5) - minor edit to switch sign type from "ground sign" to "allowed sign types in the underlying zoning district"

- (a) Only one on-premises temporary sign shall be allowed per business or event.
- (b) Temporary signs shall be in the form of an allowable sign type in the underlying zoning district.
- (c) Temporary signs shall not exceed 32 square feet in area and shall not be taller than 10 feet in height.

- (2) **Residential development advertising signs.** Independent of the total allowable sign area for individual properties or residences within a residential zoning district, one or more additional ground signs may be erected within a newly established unified residential area development subject to the following:

Comment: [b48]: Existing Section 15.119(B)(9)

- (a) Minimum Development Size
  - i. Projects of less than 25 acres which create ten or more dwelling units are allowed one (1) on-premises ground sign not to exceed 100 square feet of advertising surface;
  - ii. Projects of 26 through 50 acres which create ten or more dwelling units are allowed 1 or 2 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site; and
  - iii. Projects over 50 acres which create ten or more dwelling units are allowed 1, 2, or 3 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site.
- (b) Restrictions.
  - i. No dimension shall exceed 25 feet exclusive of supporting structures.
  - ii. The sign shall not remain once 90% of the lots in the development have been issued building permits.
  - iii. The permit for the sign must be renewed annually by the Council.

iv. Only indirect illumination is permitted and shall only occur during those hours when an on-site sales office or model home is open for conducting business.

**(3) Temporary Off-Premises Signs.** Temporary off-premises signs may be erected if all of the following criteria are met:

- (a) The destination to which the off-premises sign is advertising is a property for sale;
- (b) An agent must be present at the destination property for sale, and the property must be open for viewing.
- (c) The sign must be located on private property, and permission must have been obtained from the private property owner to erect the temporary sign;
- (d) The temporary off-premises sign shall not exceed six (6) square feet in size;
- (e) The temporary off-premises sign shall not cause the total square feet of signage on a property to exceed the allowed maximum in the underlying zoning district.

**(V) Warning Signs.** Warning signs which do not exceed the minimum statutory requirements for size and number may be posted, and shall not count towards the overall permitted signage on a given property. Increases in either size or number over minimum statutory requirements shall count against the overall permitted signage on a given property unless authorized by conditional use permit which finds sufficient evidence that larger or more frequent signage is necessary to provide the intended warning.

**151.118 Specific Regulations by Zoning District**

- (A) **Sign Setbacks.** Signs shall conform to the set back regulations listed in table 1 for the zoning district in which the signs are located except as may be specifically exempted or restricted in sections 151.117 and 151.118.

**Comment [b49]:** This table represents a coordination of existing setback requirements.

**Table 1: SETBACKS BY ZONING DISTRICT [1]**

	Base Zoning Districts													
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP [2]	PF
Front Lot Line	5	5	5	5	5	5	5	5	1	1	1	1	1	5
Side Lot Line	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Rear Lot Line	5	5	5	5	5	5	5	5	10	10	10	10	10	5
Vehicular Access	5	5	5	5	5	5	5	5	15	15	15	15	15	5

[1]: Awning/Canopy signs, mural signs, projecting signs, wall signs, or window signs proposed to be located on a building legally non-conforming to setback requirements shall be permitted without a variance provided all other zoning code provisions are met.

[2]: Signs within Business Parks shall also adhere to the requirements of a master sign program approved by the City Council in conjunction with the business park establishment.

- (B) **Allowable Sign Area.** The maximum allowable sign area for an individual sign and for total site signage is listed in table 2 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

**Comment [b50]:** This table represents a coordination of existing sign area requirements to the best of our abilities.

**Table 2: ALLOWABLE SIGN AREA BY ZONING DISTRICT**

District(s)	Maximum sign area in square feet (per surface) by sign type [1]								Maximum total square footage of ALL sign surfaces
	Awning/Canopy Sign	Ground Sign [2]	Monument Sign [2]	Mural Sign	Pole Sign [2]	Projecting Sign	Wall Sign	Window Sign	
A, RR, R1, R2, RE, OP [3]		6		C	6		6	6	12 square feet
R3 & R4 [3]		12		C	12		12	12	24 square feet
GB, HB, CB, LB, BP, & PF	[4]	30	45	C	30	6	[5]	No max	1.0 square foot per lineal foot of building parallel or substantially parallel to public road frontage (excluding alleys). [6]

[1]: Sign types with shaded cells are prohibited in the applicable zoning district(s). Sign types with a maximum sign area of "C" shall require a conditional use permit.

[2]: Ground, monument, or pole signs, where permitted, shall be limited to one (1) per commercial establishment.

[3]: All sign types in residential districts shall have no more than two (2) surfaces.

[4]: The gross surface of an awning or canopy sign shall not exceed 30% of the gross surface area of the smallest face of the awning or canopy of which the sign is to be affixed.

[5]: On any wall parallel or substantially parallel to a public roadway, the gross surface area of a wall sign shall not exceed 0.75 square feet for each lineal foot of building facing the applicable roadway. For walls not facing a public roadway, the maximum wall sign size shall be twelve (12) square feet.

[6]: Open sales lots or other approved uses on lots without a building shall be limited to thirty (30) square feet of total sign surfaces.

- (C) **Freestanding Sign Height.** The maximum allowable sign height for a freestanding sign is listed in table 3 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Comment: [b5] This table represents a reasonable approach to standard height maximums for the various zoning districts.

**Table 3: ALLOWABLE FREESTANDING SIGN HEIGHT IN FEET BY ZONING DISTRICT**

	Base Zoning Districts													
	Residential Districts								Business Districts					
	A	RR	RI	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP	PF
Allowable Height in feet	5	5	5	5	8	8	5	5	20	20	20	20	20	20

**151.119 Sign Variances**

Variances from sign provisions shall be administered in accordance with section 154.017, and shall be subject to the following additional requirements:

- (a) The sign(s) shall be compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood;
- (b) The sign(s) shall have good scale and proportion in the visual relationship to buildings and adjacent areas;
- (c) The material, size, color, lettering, location, and arrangement of the sign(s) is an integral part of the site and building design; and/or
- (d) The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City Planner.

## *Signs: Summary of Public Feedback*

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- Rockpoint Church concerns:
  - Directional signage needed as it is difficult to find if you're not familiar with the entry point, the ¾ intersection, etc.
  - Consider regulation that would allow an entry sign in cases like this.
  - Wall sign needed for the Church.
  - Check the downtown area as the downtown church allegedly has directional signs.
- General Developer concerns:
  - Neighborhood entry monument signs should be reconsidered.
- Multi-Tenant Building concerns:
  - City should consider a regulation that would allow for more signage based on leased square footage.
- Political sign concerns:
  - Can the city regulation the number and size of such signs?
  - Can the city regulate placement of such signs?
  - Do not regulate these signs during election years.
- Future zoning district concerns:
  - How will the current update impact future zoning districts that have yet to be created for guided development south of 10<sup>th</sup> Street.
- Use of natural materials concern:
  - The proposed prohibition on painting signs on natural surfaces such as trees or rocks should not preclude the use of natural materials in a sign.
- Enforcement concern:
  - Be sure the final ordinance can be easily enforced
- Amount of signage concerns:
  - Desires expressed to limit overall signage; desires expressed to expand allowed signage types and sizes.
  - Desires expressed for more sign options; desires expressed for tighter regulations.
- Home Occupation concerns:
  - Desires expressed to allow reasonable signage for home occupations.
- Economy related concerns:
  - Directional signage needed to advertise properties for sale in today's down market.
- I-94 concerns:
  - Desire for the city to adopt special regulations for the I-94 corridor based on the higher Interstate traffic speeds and the resulting need for larger signs.

## SIGNS

### § 151.115 PURPOSE.

Signs have an impact on the rural character and quality of the environment in Lake Elmo. They may attract or repel the viewing public and affect the safety of vehicular traffic. As a rural community, Lake Elmo is unique. The proper control of signs is of particular importance because of this rural quality and uniqueness. Signs should be kept within reasonable boundaries consistent with the objectives and goals of the community to retain its special character and economic advantages which rest in part on the quality of its appearance. The following standards in the section are adopted to regulate signs.

(1997 Code, § 535.01)

**Comment [b1]:** This language was revised by the 2008 Ordinance update for Agricultural signs and is included in section 151.115(A)(1) in the new ordinance.

### § 151.116 PERMIT REQUIRED.

**Comment [b2]:** Language requiring sign permits is still located in section 151.116 within the new code.

- (A) No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
- (B) **Permanent Signs.** To apply for a permanent sign permit, a complete application shall be submitted to the City containing the following:
1. Names and addresses of the applicant, owners of the sign, and lot;
  2. The address at which the sign(s) are to be erected;
  3. The legal description of the property on which the sign(s) are to be erected and the street on which they are to front;
  4. A complete set of scaled plans showing the sign dimensions, area, height, ground elevations, applicable setbacks, and other details to fully and clearly represent the safe construction and placement of the proposed sign(s);
  5. Type of sign(s) being requested (i.e. wall sign, monument sign, etc.);
  6. The permit fee; and
  7. The following if applicable:
    - a. Written authorization from the property owner upon who's land the sign is to be erected;
    - b. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.

**Comment [b3]:** Now in section 151.116 (A) in the new ordinance

- c. A sign plan showing signs for all businesses if the sign is located on a building with more than one business;
- d. Photographs of the building face and the building faces of both adjacent buildings if the sign is being placed on an existing structure;
- e. If replacing a historical sign, pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign.

Comment [b4]: Now in section 15.146(A)(1) in the new ordinance

(C) **Temporary Signs.** To apply for a permit to allow a temporary sign, a complete application shall be submitted to the City containing the following:

- 1. Names and addresses of the applicant, owners of the sign, and lot;
- 2. The address at which the sign(s) are to be erected;
- 3. A generalized plan set showing the sign dimensions and height, and a notation of the materials to be used;
- 4. A scaled site plan which clearly represents the placement of the proposed sign(s) on the applicable property;
- 5. The proposed timeframe(s) over which the sign(s) will be posted;
- 6. The permit fee; and
- 7. The following if applicable:
  - a. Written authorization from the property owner upon who's land the sign is to be erected;
  - b. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.

Comment [b5]: Now in section 15.146(A)(2) in the new ordinance

(D) **Temporary Sign Renewal.** A temporary sign permit issued by the City may be renewed provided the sign design, size, location, or other previously approved details are not proposed to change. A sign renewal application shall include the following:

- 1. Names and addresses of the applicant, owners of the sign, and lot;
- 2. The address at which the sign(s) are to be erected;
- 3. The date of issuance of the permit being renewed;
- 4. The proposed timeframe(s) over which the sign(s) will be posted;



5. Written authorization from the property owner upon who's land the sign is to be erected (if applicable); and
6. The permit renewal fee.

Comment [b6]: Now in section 151.116(A)(3) in the new ordinance

(E) **Review.** The planning department shall approve or deny complete sign permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights.

Comment [b7]: Now in section 151.116(A)(4) in the new ordinance

### § 151.117 DEFINITIONS.

Unless specifically defined within §§ 151.115 *et seq.*, common definitions, words, and phrases used in this code shall be interpreted so as to give them the same meaning throughout this code, and are found in § 11.01.

(1997 Code, § 535.03)

Comment [b8]: This section will be revised throughout the ordinance process in accordance with changes being made in any given section. It must be reviewed last to ensure all needed definitions are in place.

**"Off-premise sign"** – a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

**"On-premise sign"** – a sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

**"Permanent Sign"** – A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

**"Sign"** – Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

**"Sign, Real Estate Development"** – A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

"Sign, Agricultural Sales" – A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

"Sign, Wayside Stand" – A sign located on a temporary structure or vehicle being used to sell agricultural, floricultural, or horticultural products.

"Temporary Sign" – Any sign intended for display over a short period of time.

Comment [b9]: All definitions were added to 151.115(C) within the new ordinance.

§ 151.118 SIGNS, GENERALLY.

(A) The following provisions apply to signs located in all zoning districts.

Comment [b10]: General standards are now located in section 151.117.

(B) (1) *Maintenance.* All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed as necessary.

Comment [b11]: This language was split into two requirements, and placed in sections 151.115(B)(1&2).

(2) *Electrical signs.* When electrical signs are installed, the installation shall be subject to the state's electrical code. Overhead electrical wiring is not allowed.

Comment [b12]: Now in section 151.117(R) -- edited for clarity to include codes "as may be amended".

(3) *Public lands and rights-of-way.* No signs other than governmental signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements of rights-of-ways without Council approval.

Comment [b13]: Now in section 151.117(O).

(4) *Ingress or egress.* No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

Comment [b14]: Same language maintained in section 151.117(C).

(5) *Temporary signs.* Temporary signs may be allowed upon issuance of a permit for on-site advertising of special business events such as openings and closings, change in management, sales events, or other special occasions. No more than four temporary sign permits may be issued in any calendar year for a given destination, and each temporary sign permit shall run for 15 days. Temporary signs shall be subject to the following regulations:

- a. Only one on-premises temporary sign shall be allowed per business or event.
- b. Temporary signs shall not exceed 32 square feet in area and shall not be taller than 10 feet in height.

Comment [b15]: Now in section 151.117(U)(1) -- minor edit to switch sign type from "ground sign" to "allowed sign types in the underlying zoning district".

(6) *Abandoned sign structures.* Sign structures not used for signing for 12 consecutive months shall be considered abandoned and shall be removed.

Comment [b16]: Edited and placed in section 151.17(A)

(7) *Compatibility.* All signs shall be compatible with the building and area in which they are located. (Too vague - Removed)

(8) *Flags.* No more than 3 properly displayed flags may be displayed outside of the building.

Comment [b17]: Now in section 151.17(E) edited to include a maximum flag size

(9) *Preservation of visual impact of architectural features.* A sign shall not obscure architectural features of a building to which the sign is attached. (Too vague; architectural features can be practically anything...need to differentiate types of features to be protected if this is included - Removed)

(10) *Building address.* A building address shall not be considered a sign.

Comment [b18]: Now in section 151.17(B) edited to address number, height and building identification markers/plaques

(11) *Graphic design signs.* Graphic design signs shall require a conditional use permit.

Comment [b19]: Replaced with section 151.17(P)(2) - edited to require greater scrutiny over "mural" signs

(12) *Conditions of waiver.* The terms of §§ 151.115 *et seq.* may be waived if the sign is a historic resource or if the sign is a proposed reproduction of a historic sign. (removed - variance would now be needed for any waiver of sign requirements)

(13) *Computations.* Dimensions of signs shall be calculated in the following manner:

a. *Sign Area Measurement.*

The area of a sign shall be computed by means of the smallest rectangle within which a single sign face can be enclosed. When a sign has two back-to-back sign faces containing sign copy, the sign area for just one face is counted toward the allowed sign area. Poles, bases, and other supports shall not be included in the sign area calculation.

b. *Sign Height Measurement*

The height of the sign shall be computed as the vertical distance measured from the average grade at the base of the sign to the top of the highest attached component of the sign.

Comment [b20]: Now in section 151.116(O)

§ 151.119 PERMITTED SIGNS.

(A) The following signs are allowed without a permit in all zoning districts, but shall comply with all other applicable provisions of §§ 151.115 *et seq.*:

(B) (1) *Public signs.* Signs of public, non-commercial nature including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.

**Comment [b21]:** Now in sections 151.116 (B)(4) and 151.117(O) -- now just covered by the definition for governmental signage along with language allowing such signs on public lands and ROWs.

(2) *Integral signs.* Names on buildings, date of construction, commemorative tablet, and the like, which are permanent construction and which are an integral part of the building or the structure.

**Comment [b22]:** Now in section 151.117 (B) -- edited for clarity and combined with language governing house numbers.

(3) *Political signs.* Signs or posters announcing candidates seeking political office or issues to be voted upon at a public election, the signs must contain the name and address of person(s) responsible for its removal. **(Based on content -- removed)** These signs shall be erected no more than 45 days before any election and be removed 10 days after the general election for which they are intended. The city shall have the right to remove and destroy signs after the 10-day limit.

**Comment [b23]:** Now in section 151.117(L) -- edited for clarity.

(a) Size.

1. *Residential Districts.* The maximum sign size shall be 6 square feet in area with a maximum height of 4 feet.

**Comment [b24]:** Now in sections 151.118 (B & C) -- residential height raised to 5 feet in general for residential signs.

2. *Commercial Districts.* The maximum size shall be 35 square feet in area. **(eliminated in favor of general size restrictions during non-election times)**

(b) Notwithstanding these provisions, all non-commercial signs of any size may be posted from August 1 in a state general election year until 10 days following the state election.

**Comment [b25]:** Now in section 151.117 (S) -- edited for clarity.

(4) *Holiday messages.* Signs or displays which contain or depict messages pertaining to a national, state, or local holiday and no other matter and which are displayed for a period not to exceed 60 days; **(Based on content -- removed)**

(5) *Construction signs.* A non-illuminated sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise or the purpose for which the building is intended. The signs shall be confined to the site of the construction, alteration, or repair and shall be removed within 2 years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One sign shall be permitted for each street the project abuts. No sign may exceed 32 square feet in multi-family residential, commercial, and industrial districts, and 12 square feet in single-family residential districts; **(Based on content -- removed)**

(6) *Individual property sale, lease, or rental sign.* An on-premise sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered. The signs are limited to 6 square feet in residential districts and 32 square feet in commercial districts. Signs must be removed within 10 days after sale or rental of property; (Based on content – removed)

(7) *Rummage sale signs.* Signs advertising a rummage sale not exceeding 4 square feet located on private property which conform to the applicable provisions of this title and are removed at the termination of the sale; (Based on content – removed)

(8) *Name plate signs.* (Based on content – removed)

(a) One name plate sign, placed on a wall of the structure, for each dwelling not exceeding 2 square feet in area per structure. No signs shall be constructed to have more than 2 surfaces.

(b) One name plate sign for each dwelling group of 6 or more units. The sign shall not exceed 6 square feet in area per surface. No signs shall be constructed to have more than 2 sides.

(9) *Real estate development project advertising signs.*

On premises real estate development project advertising signs may be used if the following requirements are met:

1. *Minimum Development Size*

- i. *Projects of less than 25 acres which create ten or more dwelling units are allowed 1 on-premises sign not to exceed 100 square feet of advertising surface;*
- ii. *Projects of 26 through 50 acres which create ten or more dwelling units are allowed 1 or 2 on-premises signs not to exceed 200 aggregate square feet of advertising surface on the project site; and*
- iii. *Projects over 50 acres which create ten or more dwelling units are allowed 1, 2, or 3 on-premises signs not to exceed 200 aggregate square feet of advertising surface on the project site.*

2. On-premises sign requirements:

- i. No dimension shall exceed 25 feet exclusive of supporting structures.
- ii. The sign shall not remain once 90% of the lots in the development have been issued building permits.
- iii. The permit for the sign must be renewed annually by the Council.
- iv. All signs shall be bordered with a decorative material compatible with the surrounding area.
- v. Any illuminated sign shall be illuminated only during those hours when business is in operation or when the model homes or other development are open for conducting business.

Comment [b26]: Now in section 153.117(U)(2)

(10) Agricultural sales advertising signs:

a. On-Premises. On-premises agricultural sales advertising signs may be used subject to the following requirements:

1. Acreage dedicated to agricultural production:

- i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the business are allowed 1 on-premises sign not to exceed 32 gross square feet of advertising surface;
- ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1 or 2 on-premises signs not to exceed 48 gross square feet of advertising surface (with neither sign exceeding 32 square feet in size);
- iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1, 2 or 3 on-premises signs not to exceed 64 gross square feet of advertising surface (with no sign exceeding 32 square feet in size);

2. On-premises sign requirements:

- i. No dimension of any sign shall exceed 15 feet exclusive of supporting structures.

- ii. The permit for the sign must be renewed annually by the Council.
  - iii. All signs shall be bordered with a decorative material compatible with the surrounding area.
  - iv. Any illuminated sign shall be illuminated only during those hours when business is open to the public for conducting business.
- b. Off-premises. An off-premises agricultural sales advertising sign may be used if the following requirements are met:
- 1. Maximum Number. Every agricultural sales business shall have no more than two off-premises signs at any given time to direct the public to the location of the business.
  - 2. Off-premises sign requirements:
    - i. An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height.
    - ii. Off-premises signs shall be a minimum of 25' from all side property lines, and a minimum of 50' from other off-premises advertising signs.
    - iii. Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.
  - 3. Timeframe of use. Either one or two off-premises agricultural sales advertising sign(s) may be erected for a 45-day time period no more than four times in any given calendar year. The required yearly permit shall stipulate the range of dates for each of the four allowable time periods.

Comment [b27]: Now in section 15.1.117(S)(2)

(11) *Wayside Stand sign.* Temporary wayside stands permitted by code may have one non-illuminated sign (exempt from permitting requirements) not to exceed 32 gross square feet of advertising surface.

Comment [b28]: Addressed by "Business Vehicle Identification Signs" in the new ordinance

(12) *Window signs.* No sign permit is required for window signage that does not cover more than 1/3 of the total area of the window in which the sign is displayed; and

Comment [b29]: Now in section 15.1.116(B)(3) -- removed the 1/3 threshold as part of the transition such that window signage in general will no longer require a permit

(13) *No trespassing/no hunting signs.* No trespassing and no hunting signs shall be no larger than 2 square feet.

Comment [b30]: Now in section 15.1.117(N)



(1997 Code, § 535.05) Penalty, see § 10.99

**§ 151.120 PROHIBITED SIGNS IN ALL ZONING DISTRICTS.**

**Comment [b31]:** Prohibited signs are now listed in section 151.117(N)

(A) The following signs are prohibited in all zoning districts.

(B) (1) *Signs obstructing vision.* Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device.

**Comment [b32]:** Now in section 151.117(N)(1)

(2) *Unofficial traffic or signals.* Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs.

**Comment [b33]:** Now in section 151.117(N)(2)

(3) *Off-premises advertising signs.* Off-premises advertising signs except as regulated in §§ 151.115 *et seq.*

**Comment [b34]:** Now in section 151.117(N)(3)

(4) *Moving or rotating signs.* Any sign which moves or rotates, including electronic reader board signs, except approved time and temperature information signs and barber poles.

**Comment [b35]:** Now in section 151.117(N)(4) - combined with other prohibited sign language for clarity

(5) *Illuminated or flashing lights.* No sign shall display any moving parts, be illuminated with any flashing or intermittent lights or shall be animated, except time and temperature information. All displays shall be shielded to prevent any light to be directed at oncoming traffic in the brilliance as to impair the vision of any driver. No device shall be illuminated in a manner as to interfere with or obscure an official traffic sign or signal. This includes indoor signs that are visible from public streets.

**Comment [b36]:** Now in section 151.117(N)(4) - combined with other prohibited sign language for clarity

(6) *Roof signs.*

**Comment [b37]:** Now in section 151.117(N)(5)

(7) *Banners, pennants, ribbons, streamers.* No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners, or similar devices, except where used for non-commercial purposes or part of an approved sign plan.

**Comment [b38]:** Now in section 151.117(N)(6)

(8) *Portable signs.* Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used on the normal day-to-day operations of that business, hot air or gas filled balloons or semitruck umbrellas used for advertising.

**Comment [b39]:** Now in section 151.117(N)(7)

(9) *Building walls.* Signs painted directly on building walls unless approved by a sign permit.

**Comment [b40]:** Replaced with section 151.117(P)(2) - edited to require greater scrutiny over "mural" signs

(10) *Illuminated signs or spotlights.* Illuminated signs or spotlights giving off an intermittent or rotating beam existing as a collection or concentration of rays of light.

**Comment [b41]:** Now in section 151.117(N)(4) - combined with other prohibited sign language for clarity



(11) ~~Revolving beacons, beamed lights, or similar devices.~~

Comment [b42]: Now in section 151.117 (N)(4) -- combined with other prohibited sign language for clarity.

(12) ~~Signs supported by a guy wire.~~

Comment [b43]: Now in section 151.117 (N)(8).

(13) ~~Graphic design signs without conditional use permit.~~

Comment [b44]: Replaced with section 151.117 (P)(2) -- edited to require greater scrutiny over "natural" signs.

(14) ~~Billboards.~~

Comment [b45]: Now in section 151.117 (N)(9).

(1997 Code, § 535.06) Penalty, see § 10.99

**§ 151.121 PERMITTED SIGNS BY ZONING DISTRICT**

Comment [b46]: The table in § 151.118(B) identifies allowable sign types by zoning district.

(A) *Permitted signs in residential districts.*

(1) Professional name plate wall signs, not exceeding 2 square feet in area;  
(Based on content -- removed)

(2) ~~Memorial signs or tablets, names of buildings, and the date of erection when cut into a masonry surface or when constructed of bronze or other incombustible material.~~

Comment [b47]: Now in section 151.117 (B)(1).

(3) Political signs as regulated in §§ 151.115 *et seq.*; (Based on content -- removed)

(4) Individual property sale, lease, or rental, as regulated in §§ 151.115 *et seq.*;  
(Based on content -- removed)

(5) Construction signs as regulated in §§ 151.115 *et seq.*; and (Based on content -- removed)

(6) Bulletin boards or public information signs not over 32 square feet located only on the premises of public, charitable, or religious institutions. (Based on content -- removed)

(B) ~~Permitted signs by a sign permit in the "Old Village" (south of State Highway 5) in the General Business (GB) Zoning District.~~

Comment [b48]: Specialized Old Village regulations are now in section 151.117(S)(1).

(1) *Number.* One wall, monument, awning, and canopy or 3-dimensional sign is allow per business. When a building or business abuts 2 or more public streets, an additional sign located on each street building face is allowed. (eliminated in favor of general total signage and location requirements)

(2) *Sign plan.* When there is more than 1 business or use in a building with more than 1 sign, a building sign plan shall be provided with the sign permit application.

Comment [b49]: Now in section 151.117(J) which coordinates all existing language requiring a master sign program.

(3) *Other requirements.* See area, location, and height requirements below for type of sign selected.

(4) *Wall signs.*

(a) *Area.* The total building signage shall have an aggregate area not exceeding 0.75 square foot for each foot of the building face parallel or substantially parallel to a street or lot line. (eliminated in favor of general total signage and location requirements)

(b) *Location.* A wall sign shall not project more than 16 inches from the wall to which the sign is to be affixed.

**Comment [b50]:** Addressed in the general sign standards in new section 151.117(P)(1)(a).

(c) *Height.* A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.

**Comment [b51]:** Now in section 151.117(S)(1)(c)(i).

**Comment [b52]:** Now in section 151.117(S)(1)(i) -- edited for clarity to allow only indirect illumination and reverse lit letters.

(d) *Internally illuminated signs.* No internally illuminated signs are allowed.

(e) *Special conditions.* Where a principal building is devoted to 2 or more permitted uses, the operator of each use may install a wall sign for their particular use, a sign plan must be submitted for the entire building. The total gross signage for the entire building shall not exceed 0.75 square feet for each foot of the building face parallel, or substantially parallel, to a street lot line (eliminated in favor of general total signage and location requirements) with a maximum of 20 square feet per business.

**Comment [b53]:** Now in section 151.117(P) which coordinates all existing language requiring a master sign program.

**Comment [b54]:** Now in section 151.117(S)(1)(c)(ii) -- edited for clarity.

(5) *Freestanding signs.*

(a) *Area.* The area of pedestal type freestanding signs shall not exceed 30 square feet.

**Comment [b55]:** Now in section 151.117(S)(1)(d)(i).

(b) *Location.* A pedestal sign shall be located in any required yard but shall have a setback of 15 feet from any point of vehicular access, public roadway, or property line.

**Comment [b56]:** Now handled by the general city standards for signs setbacks in new section 151.118(A).

(c) *Height.* A pedestal sign shall not project higher than 6 feet, as measured from the base of the sign or grade of the nearest roadway, whichever is lower.

**Comment [b57]:** Now in section 151.117(S)(1)(d)(ii).

(d) *Landscaping.* The area around a monument sign shall be landscaped.

**Comment [b58]:** Now in section 151.117(F) -- edited to require landscaping around all signs in all districts in compliance with the city's existing landscaping codes.

(e) *Lighting.* Externally illuminated or back lit letters are allowed; no internally illuminated signs are allowed.

**Comment [b59]:** Now located in new section 151.117(S)(1)(f).

(6) *Awning and canopy signs.*

(a) The gross surface of an awning or canopy sign shall not exceed 30% of the gross surface area of the smallest face of the awning or canopy of which the sign is to be affixed.

Comment [b60]: Now in the table within new section 151.117(B)(2)

(b) The awning or canopy sign shall not project higher than the top of the awning or canopy or below the awning or canopy.

Comment [b61]: Now in section 151.117(B)(3)(c)

(7) Projecting signs.

(a) The total area of a projecting sign shall be 6 square feet.

Comment [b62]: Now in the table within new section 151.118(B)(2)

(b) All projecting signs shall be located on street level and easily visible from the sidewalk.

Comment [b63]: Now in section 151.117(B)(3)(c) as a general sign standard.

(c) If lighted, projecting signs shall be externally illuminated.

Comment [b64]: Now in section 151.117(B)(3)(h) -- edited for clarity.

(C) Signs permitted in the Highway Business, Limited Business, General Business, and Business Park Zoning Districts. All commercial office and industrial signs in Highway Business, Limited Business, General Business, and Business Park Zoning Districts require a sign permit.

(1) Wall signs.

(a) Area. The gross surface area of a wall sign shall not exceed 0.75 square feet for each foot of building, parallel, or substantially parallel to the front lot line. (eliminated in favor of general total signage and location requirements)

(b) Location. A wall sign shall be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the City Planner. (removed -- too vague)

Comment [b65]: Now in section 151.117(P)(1)(d)

(c) Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or 20 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.

Comment [b66]: Now in section 151.117(P)(1)(b) -- edited to eliminate the 20-foot height maximum in favor of the parapet line maximum only.

(d) Special conditions. Where a principal building is devoted to 2 or more uses, the operator of each use may install a wall sign upon his/her proportionate share of the building wall to which the sign is affixed. A sign plan must be submitted for the entire building containing the following information:

Comment [b68]: Now in section 151.117(I)

Comment [b67]: Now in section 151.117(J)(2) -- edited for clarity.

1. The total gross signage for the entire building shall not exceed 1 square foot for each foot of building face parallel, or substantially parallel, to a street lot line

(eliminated in favor of general total signage and location requirements) or a maximum of 25 square feet per business.

Comment [b69]: Now in section 151.117(D)(3)(c)

2. The location, sizes, types, and elevations of all signs; and

Comment [b70]: Now in section 151.117(D)(f)

3. All signs shall be visually consistent in location, design, and scale.

Comment [b71]: Now in section 151.117(D)(e)

(2) Freestanding signs

(a) The gross surface area of a ground sign shall not exceed 30 square feet for each exposed face not exceed an aggregate gross surface area of 60 square feet.

Comment [b72]: Now in section 151.118(B)

(b) A ground sign may be set back 15 feet from front or side property lines.

Comment [b73]: Now in section 151.118(A)

(c) A ground sign shall not project higher than 6 feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower.

Comment [b74]: Consistent with the new definition for ground sign

(d) There shall be 1 freestanding sign per development site. (removed - unnecessary for ALL businesses to have a ground, monument, or pole sign)

(3) Multi-tenant Master Sign Program. A building Master Sign Program shall be required (for multi-tenant commercial buildings) besides the individual tenant and occupant signs. A building master identification sign may be permitted according to the following requirements:

Comment [b75]: Now in section 151.117(D) - edited for clarity

(a) Building master identification signs shall not contain the names of any tenants or occupants of the center.

Comment [b76]: Now in section 151.117(U)(1) - edited for clarity

(b) If the multi-tenant commercial building has a floor area of 40,000 square feet or less, the building may have a freestanding sign with a maximum of 1 square foot of sign for each 5 feet of building frontage or 40 square feet maximum in height of 8 feet.

Comment [b77]: Now in section 151.117(J)(3)(c)

(c) If a multiple tenant commercial building has a floor area greater than 40,000 square feet, but less than 100,000 square feet, the center may have a master identification sign with a maximum of 75 square feet on each side and with a maximum height of 9 feet.

Comment [b78]: Now in section 151.117(J)(3)(b)

(d) If a multiple tenant commercial building has a floor area of greater than 100,000 square feet, the center may have a master identification sign with a maximum area of 120 square feet on each side and a maximum height of 15 feet.

Comment [b79]: Now in section 151.117(O)(3)(c)

(1997 Code, § 535.07) Penalty, see § 10.99

§ 151.122 DIRECTORY SIGNS.

(A) *Generally.* Directory signs are used to guide pedestrians to individual businesses within a multiple tenant commercial area and are permitted.

(B) *Placement.*

(1) Sign must be placed on the site of the development.

(2) Sign shall be erected only in internal pedestrian access areas and not in vehicle access areas.

(3) Directory signs area to be used for the purpose of direction and identification only.

(4) Directory signs may be freestanding but shall not exceed 4 feet in height.

(C) *Area.* A directory sign may have maximum area of 1 square foot for each business listed on the sign and 4 square feet for the name of the building or complex.

(1997 Code, § 535.08) Penalty, see § 10.99

Comment [b80] Replaced by new section 151.127(M)

**§ 151.123 AUTOMOBILE SERVICE STATION SIGNS. (This section and all subsections were removed because they are content specific)**

(A) Automobile service stations are allowed 1 wall sign and 1 ground sign subject to the following conditions.

(B) (1) *Wall signs.* There shall be no more than 1 wall sign per building face with a maximum sign area of 0.75 square feet for each lineal foot of building frontage.

(2) *Freestanding signs.* There shall be no more than 1 freestanding sign for each principal building. A freestanding sign shall be set back 15 feet from the front and side properly line. A freestanding sign shall not project higher than 6 feet as measured from grade or contain more than 30 square feet of signage.

(3) *Service bay and island identification signs.* Service bay and island identification signs are permitted providing direction or instructions to persons using the facility, but shall contain no advertising material of any kind.

(1997 Code, § 535.09) Penalty, see § 10.99

**§ 151.124 VARIANCE STANDARDS.**

(A) *Variances.* The Planning Commission shall hear requests for a variance to the literal provisions of §§ 151.115 *et seq.* in instances where the strict enforcement would cause an undue hardship because of circumstances unique to the individual property under consideration and to grant the variance only when it is demonstrated that:

(1) There are extraordinary circumstances that apply to this property which do not generally apply to other properties in the same zone. These circumstances may include the narrowness, shallowness, shape, and topography of the parcel of land or setback from right-of-way;

(2) The literal interpretation of the provisions of the sign ordinance deprives the applicant rights commonly enjoyed by other properties in the same district under the terms of the sign ordinance;

(3) The special circumstances are not the result of the applicant;

(4) The granting of the variances requested do not confer on the applicant a special privilege that is denied by §§ 151.115 *et seq.* to owners of other lands, structures, and building in the same district;

(5) The variances requested are the minimum variances, which would alleviate the hardship;

(6) The variance requested would not be materially detrimental to the purposes of the sign ordinance; and/or

(7) The design of the sign or signs are as follows:

(a) Compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood;

(b) Have good scale and proportion in the visual relationship to buildings and adjacent areas;

(c) The material, size, color, lettering, location, and arrangement of the sign(s) is an integral part of the site and building design; and/or

(d) The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City Planner.

(B) *Application.* An application for a variance to §§ 151.115 *et seq.* shall be processed according to the zoning code.

(1997 Code, § 535.10)

Comment [b81]: Now in section 61119

**Section 151.125 SUBSTITUTION CLAUSE.**

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

Comment [b82]: Now in section 151.117 (1)

**Section 151.126 SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase in sections 151.115 through 151.125 are 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.

Comment [b83]: Now in section 151.113 (B)

City Council  
Date: July 21, 2009  
REGULAR  
Item:  
MOTION

ITEM: Accounting Services  
SUBMITTED BY: Tom Bouthilet, Finance Director  
REVIEWED BY: Craig Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:** The City Council has asked to solicit proposals and make a recommendation to engage a contractor for clerical accounting services.

**BACKGROUND:** In February of 2008, the Finance Department was reorganized which included the elimination of a full-time accounting position. In order to accommodate some of those duties, the City contracted for accounting services with the City of Roseville. These services started in August, 2008 with the understanding that the efficiencies and value of contracting for this service would be evaluated as part of the 2009 budgeting process. The City budgeted \$ 10,000 from the General Fund and \$ 10,000 from the Enterprise Fund in 2009 for accounting services. All accounting services performed are charged on an hourly basis ranging from \$50.00- \$ 80.00/Hr.

At the June 2, 2009, City Council meeting, staff presented an alternative approach to the existing accounting function by proposing hiring a part-time accounting clerk at \$20.00/Hr. Staff was given direction to seek alternative proposals for accounting services. The City sent out requests for clerical accounting services and received three responses

**ANALYSIS:** All proposers have been contacted and staff has concluded that all firms are capable of performing the services. C & J Consulting Services, LLP will be able to provide the flexibility and timeliness needed for the best value. C & J Staff will need a day or two for training on the City's software programs. Attached is a summary proposal comparison of the proposals received.

**RECOMMENDATION:** Staff recommends entering into an accounting service agreement with C & J Consulting Services, LLP at a rate of \$25.00 per hour, not to exceed \$1250.00 per month, and have a 30-day notice cancellation clause.

**SUGGESTED MOTION:**

***Move to approve termination of accounting services with the City of Roseville and enter into an agreement with C & J Consulting Services, LLP at a rate of \$25.00 per hour, not to exceed 1250.00 per month.***

ATTACHMENTS:

- \* Clerical Accounting Service comparison
- \* C & J Consulting Services, LLP proposal
- \* Kern – Dewenter – Viere proposal
- \* HLB Tautges Redpath, Ltd proposal



**Clerical Accounting Service  
Proposal Comparison**

7/21/2009

	<b>Roseville Current</b>	<b>C &amp; J</b>	<b>KDV</b>	<b>HLB Tautges Redpath</b>
Quoted Rate Per Hour	50.00	25.00	Not Quoted	Not Quoted
Quoted Rate Monthly		1250.00	1650.00	2000.00
Estimated Hours/Month	14*	50**	17	Not Proposed

<b>Service Month</b>	<b>Roseville Amount Paid</b>
August-08	1057.50
September-08	1112.75
October-08	1685.00
November-08	1232.50
December-08	955.00
January-09	2564.51
February-09	925.00
March-09	1551.58
April-09	712.50
May-09	587.50
June-09	687.50
<b>Average Monthly</b>	<b>1188.00</b>

\* Roseville agreement included misc. other accounting functions. The hours indicated were estimated for the portion of what was called for in the City's request for proposals.

\*\* Proposer believes this time will likely be much less and is willing to provide services on a hourly rate basis with a not to exceed amount per month.

C & J Consulting Services, LLP

5761 Keats Avenue N  
Lake Elmo, MN 55042  
[cbendelmn@msn.com](mailto:cbendelmn@msn.com)  
(651) 295-1984

July 1, 2009

Tom Bouthilet, Finance Director  
Craig Dawson, City Administrator  
City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042

Dear Tom & Craig:

Please consider this letter our response to your recent request for proposals for providing Clerical Accounting Services dated June 22, 2009.

Quote for current services:

To do the A/P and Payroll services as outlined in your document, we estimate that it would take approximately 50 hours per month. Our hourly rate for clerical support functions is \$25 per hour resulting in a monthly fee of \$1,250 for these functions. (In addition to the activity listed, it is assumed we would be responsible to keep the vendor W-9 copies current as well as the employee W-4's).

Quote for future services:

To do the Utility billing as outlined in your document, we estimate that it would take approximately 20 hours per quarter to do the quarterly billings and 60 hours per year to do the annual billings.

In summary, our annual quote for providing all of the clerical services out for bid is \$18,500.

Other notes:

C&J also prefers to work at the client's site as there is always better security and communication. We like to try to be on-site set days (ie Monday and Wednesday) so that AP and Payroll can be cut on a set schedule so that management can plan accordingly. However, we are very flexible and would adjust the schedule to meet the work flow

needs and would work out this schedule with management. We also typically assign one individual to work with a client and have a backup for them should they not be available when needed. We have found that this allows for a stronger and more consistent communication link as well.

C&J has not specifically used the Springbook and Banyon systems. However, we have worked extensively with many similar systems (PeopleSoft, Soloman, Hyperion, Timberline, Quickbooks, Peachtree, Essbase with Clarity reporting etc) and are confident we will be able to become familiar with these systems with some basic training. (on our own time of course).

C&J would be available to start on this project as soon as August 1<sup>st</sup>. However, with the 30 day notice provision for the prior service provider, it appears the earliest start date would be September 1<sup>st</sup>. If C&J were chosen for this contract, we would propose coming in sometime in August to train on the Springbook and Banyon systems so we could hit the ground running on September 1<sup>st</sup>.

Attached please find our client reference list for the clients we have worked with in the last three years. We would like to request that should the proposals be posted out on the City website that the reference list not be included there for confidentiality reasons. C&J has been in business since 1994 and can provide additional references should you need them.

Please be aware that the current plan is that my partner, Joan Ziertman would be the primary person on-site for this project and I would back her up. She currently holds a temporary position with the Lake Elmo planning commission. If the City sees a conflict with her performing these duties if we are awarded the contract, she would resign from that position immediately if necessary. We could also assign a different individual but she is the best resource available for the functions you need performed.

Thank you for giving us the opportunity to bid for this proposal!

Best Regards,



Cathy Bendel Schachtner

**C & J Consulting Services, LLP**

5761 Keats Avenue N  
Lake Elmo, MN 55042  
cbendelm@msn.com  
(651) 295-1984

**CLIENT REFERENCE LIST**

**HKL Cladding Services, Inc.**

1851 Buerkle Road  
White Bear Lake, MN 55110  
Contacts: Peter Koukos, Kurt Larson, Darryl Senne (Owners)  
(651) 482-0369  
Client since 3/06

Duties: A/P, A/R, payroll, payroll and sales tax reporting (including W-2's & 1099's), cash planning and forecasting, compile job reports, complete account reconciliations, coordinate audits, and other duties as assigned. Accounting software used: Timberline and Quickbooks.

**The Skogen Group, Inc.**

1450 Triangle Drive  
Houlton, WI 54082  
Contact: Patti Skogen  
(612) 867-5843  
Client since 11/96

Duties: A/P, payroll, payroll and sales tax reporting, monthly financial statements, account reconciliations, YE tax returns and tax reporting (W-2's and 1099's). Accounting software used: Quickbooks.

**Printing Plus of Western Wisconsin**

145 W. Second Street  
New Richmond, WI 54017  
Contact: Amy Measner  
(612) 839-8584  
Client since 3/08

Duties: A/P, payroll, payroll and sales tax reporting, monthly financial statements, account reconciliations, YE tax returns and tax reporting (W-2's and 1099's), resolved delinquent tax status with federal and state taxing authorities, assisted in recent sale of business. (6/09) Accounting software used: Quickbooks.

**Bean Bag Inc.**

245 S. Knowles Avenue  
New Richmod, WI 54017  
Contact: Lisa Bensen  
(715) 222-2273  
Client since 6/08

Duties: Monthly financial statements and budget, cash planning and forecasting, QE and YE tax returns and tax reporting (W-2's and 1099's), general business guidance as needed. Accounting software used: Quickbooks.

**Wes Bue Video**

3050 Alabama Avenue  
St. Louis Park, MN 55416  
Contact: Wes Bue  
(612) 987-6804  
Client since 6/02

Duties: Monthly payroll, QE payroll reporting, YE payroll and 1099 reporting.

**Root Relief**

2915 Inwood Avenue  
Lake Elmo, MN 55042  
Contact: Carey Dubbs  
(651) 592-2851  
Client from 1/08-5/09

Duties: Initialized and monitored all activity for this non-profit set up to assist the NE Minnesota flood victims. This included filing all of the new business paperwork, reconciling all fundraiser deposits and distributions and filing the annual 990's.

**Wells Fargo Bank NA**

Minneapolis, MN 55402  
Contact: Lon LeClair  
(612) 217-5625  
Client from 7/04-7/07.

Duties: Initially hired to assess the accounting functions performed in their CT office and provide recommendations for streamlining the processing and centralizing the functions in Minneapolis. Later, C&J was used on numerous other projects including numerous large Corporate Trust distributions. Worked with the Corporate Accounting group to convert over to a new accounting software system (From Hyperion to Essbase with Clarity reporting).

**PROPOSAL TO PROVIDE  
CLERICAL ACCOUNTING  
SERVICES**

**FOR**

**THE CITY OF  
LAKE ELMO, MINNESOTA**

*June 26, 2009  
Presented by:*

**KDV**

**KERN · DEWENTER · VIERE**

**7100 Northland Circle North, Suite 119  
Brooklyn Park, Minnesota 55428-1500**

**220 Park Avenue South  
P.O. Box 1304  
St. Cloud, Minnesota 56302**

**Contact: Joe Rigdon  
Phone: (763) 537-3011**

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## Letter of Transmittal

June 26, 2009

Tom Bouthilet  
Finance Director  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042-9629

We are pleased to submit this proposal for clerical accounting services for the City of Lake Elmo, Minnesota, and appreciate your consideration. This proposal will serve to explain the qualifications of our firm, the scope of the services we will provide and our commitment to provide superior service on a timely basis.

We feel especially qualified to provide services to the City because of our extensive experience in providing consulting and auditing services to Minnesota cities and other local governmental units.

- Our clerical accounting services under this proposal will include the following:
  - Accounts Payable services, twice per month, performed within City facilities and using City equipment
  - Payroll services, bi-weekly, performed within City facilities and using City equipment
- Our future clerical accounting services (not under this proposal) may include the following:
  - Utility Billing services to be determined, quarterly or as necessary
- Specific qualifications of KDV relating to the provision of clerical accounting services include:
  - Hands-on experience reviewing, auditing, and completing accounts payable, payroll, and utility billing processes for cities
  - Hands-on experience with numerous municipal accounting software systems, including Springbrook and Banyon systems



KERN · DEWENTER · VIERE

Proposal to Provide Clerical Accounting Services for the  
City of Lake Elmo, Minnesota



- **Specific knowledge and understanding of the City of Lake Elmo's financial and accounting systems, based on a current relationship providing financial oversight services**

**We will work with your representatives to schedule specific fieldwork dates to ensure meeting your deadlines. We are prepared to begin providing clerical accounting services to the City of Lake Elmo in July 2009.**

**We wish to thank you for the opportunity to submit this proposal. If you have any additional questions about our firm or the services we provide, please contact me at (763) 537-3011. We look forward to serving you.**

Sincerely,

**KERN, DEWENTER, VIERE, LTD.**



**Joe Rigdon  
Certified Public Accountant**

## **Company Background**

Founded in 1945 as a CPA firm, KDV is a firm of 90+ employees, which has built on its heritage of sound, strategic advice over the years. Today, we offer a full range of business and financial services to help small and mid-size clients increase their efficiency and financial performance. We do it through the following services:

### **Certified public accountants**

We help organizations better manage their finances through CPA services, such as audit and tax planning, as well as everyday accounting services like payroll and general ledger.

### **Financial services**

We help business owners and their employees keep more of the money they earn. We do it by matching the most appropriate financial tools--like brokerage accounts, employee benefit plans and life and health insurance--to their specific needs.

### **Organization development**

We help entities make changes across their entire organization to improve effectiveness. From operations and administration to a new strategic direction, we guide organizations through the process of change to make sure they reach their goals.

### **Strategic consulting**

We help organizations look strategically at their business. It may be to help them better understand their current position, find more efficient ways of doing business, uncover new business opportunities or position them for growth.

### **Technology services**

We help companies improve their operations by recommending and providing the most appropriate technology tools. Our services cover hardware, software and networking installation, as well as Web site and e-commerce solutions. Today, technology is a necessary investment. We help clients invest wisely.

Over the years, we have developed expertise tailored to clients in three major industry segments:

- Government entities, including cities and schools
- Privately held companies
- Nonprofit organizations

On the following pages, you will learn more about how we can help you achieve your goals, improve your financial efficiencies and increase public confidence.

## Qualifications of Our Firm

In recent years, we have concentrated our efforts in providing accounting, auditing and consulting services to Minnesota cities. To provide this service, we have kept our professional full-time government audit staff of 25+ employees who work in specialized areas, such as cities, current on accounting and legislative changes. This is achieved through formal training by sending our staff members to annual seminars, workshops and profession sponsored classes on governmental accounting and reporting requirements. Issues covered during this training include: GASB updates; Single Audit compliance updates; TIF reporting and legislative updates and other issues that qualify as continuing education under *Government Auditing Standards*. We also provide considerable informal training including monthly KDV meetings held to discuss relevant issues and to educate our staff on new changes in the profession and specifically, the governmental arena. In addition, several members of our firm have participated as speakers for seminars sponsored by the Minnesota Government Finance Officers Association, Minnesota Clerks and Finance Officers Association, the League of Minnesota Cities, Minnesota Association of School Business Officials, Minnesota Society of Certified Public Accountants and our own firm sponsored workshops.

Our firm is a member of the American Institute of Certified Public Accountants and the Minnesota Society of Certified Public Accountants. Individuals within the firm are actively involved with the Governmental Accounting and Auditing Task Forces of the Minnesota Society of Certified Public Accountants.

Our firm is a member of the Private Companies Section of the AICPA Division for CPA Firms. This Division was founded in 1977 by the AICPA to promote CPA excellence and to provide a voluntary, objective means of monitoring adherence to professional standards. Each member firm is required to periodically subject its audit and accounting practice to a comprehensive quality review by specially trained outside CPAs. Our last such review was in 2008, at which time we received a clean report on our practices and methods. This peer review included an inspection of various governmental engagements.

Various members of our firm are members of the special review committee of the Government Finance Officers Association whose purpose is to review comprehensive annual financial reports to determine eligibility for the Certificate of Achievement for Excellence in Financial Reporting.

The Kern, DeWenter, Viere, Ltd. approach is cost effective, designed specifically for Minnesota cities and responds to your specific situations, expectations and requirements. We believe our extensive qualifications place us in a position to offer you some unique benefits:

- Our *experienced governmental team* will closely plan and coordinate our activities with city representatives to ensure we meet agreed upon deadlines. The City of Lake Elmo will benefit from this approach by avoiding unnecessary disruptions and eliminating duplication of work.
- We are *truly a governmental firm*. Our clients include cities, school districts, housing and redevelopment authorities and numerous governmental joint powers agreements. These governmental units account for such activities as electric utilities, water and sewer utilities, golf courses, economic development authorities, tax increment financing districts and federal grant programs.

**KDV**

KERN · DEWENTER · VIERE

Proposal to Provide Clerical Accounting Services for the  
City of Lake Elmo, Minnesota

- **We monitor the governmental industry and provide our clients timely information on legislative matters, summaries of regulatory rulings and updates on required GASB implementations which will affect your financial statements. To assist our governmental clients in preparing for GASB Statement No. 34, we developed three stages that provided them guidance with all aspects of the implementation. We also assisted a number of governmental units in early implementation of this Statement. We will continue to use this approach for future standard changes, including GASB Statements No. 43 and 45 relating to Other Post Employment Benefits. Our commitment to the government industry provides our clients with security in knowing they will be informed and prepared for financial statement changes.**

**Our firm has been providing auditing and consulting services to cities since the 1960's; and we presently work with over 60 cities. The following is a summary of the types of governmental entities to which we are providing service:**

- Cities and Townships
- Fire Relief Associations
- EDA's and HRA's
- Special taxing districts, such as Metropolitan Transit Commissions, Area Planning Organizations, Regional Library Systems, etc.
- School Districts and Education Districts
- Charter Schools

**The majority of our governmental clients are, or have been required to have an audit performed in accordance with *Government Auditing Standards* and the Office of Management and Budget's *OMB Circular A-133*. In addition, we also audit numerous nonprofit entities, which receive a significant amount of federal money and are required to have an audit under the requirements of the Single Audit Act of 1996.**

**We also provide other value added services for our governmental clients including:**

- **Assisting with budgeting**
- **Developing new budgeting processes**
- **Assisting in setting up and changing accounting systems, including computer installations and conversions**
- **Assisting with negotiations with employee bargaining units**
- **Helping cities conform to the requirements of the Government Finance Officers Association to receive their Certificate of Achievement for Excellence in Financial Reporting**
- **Working with cities to assist with improving their bond ratings**
- **Providing consultation on a wide variety of issues, including tax increment districts and economic development authorities**
- **Developing financial reporting systems for departments and governing bodies**

Our firm also performs numerous peer reviews of other accounting firms to determine their compliance with U.S. generally accepted auditing standards, *Government Auditing Standards* and reporting in accordance with U.S. generally accepted accounting principles.

Several partners and staff in our firm are members of the following organizations:

- Minnesota Government Finance Officers Association
- Special Review Committee of the National Government Finance Officers Association
- The Governmental Accounting and Auditing Task Forces of the Minnesota Society of CPAs

In addition, we have subscriptions to all of the above organizations that publish information affecting cities concerning financial reporting and compliance issues.

Cities and other governmental organizations we serve have been strong supporters of our firm because of the quality work we have performed. In this regard, I submit the following specific references:

- City of Freeport  
Paul Hetland, Clerk/Treasurer  
320-836-2112
- City of Corcoran  
Dan Donahue, City Administrator  
763-420-2288
- City of Greenfield  
Sunny Bjorklund Schultz  
763-477-6464

## **Dedicated Team**

We believe the key to establishing and maintaining an excellent professional relationship between the City of Lake Elmo and our firm is the client service team. The team we have assigned to serve you combines technical expertise and proven ability to work effectively with our clients' personnel.

Our overall client service team includes individuals who have extensive governmental experience from our St. Cloud and Minneapolis offices. Our professional full-time government audit staff of 25+ employees provides a broad range of expertise, and will become a valuable resource for the City. This commitment will assure that you will receive quality service backed by the full resources of our firm for an indefinite period.

The following resumes describe the experience of the specific professional staff assigned to the engagement.

## **Joe Rigdon, CPA**

### **Role in engagement**

- Engagement Manager

### **Education**

- Bachelor of Science Degree in finance from St. Cloud State University, graduating Summa Cum Laude

### **Experience**

- Seventeen years experience in governmental consulting, accounting, and auditing, including eight years in local city and county municipal finance
- Recipient of the Certificate of Achievement for Excellence in Financial Reporting issued by the Government Finance Officers Association for preparation of Comprehensive Annual Financial Reports
- Recipient of the Distinguished Budget Presentation Award issued by the Government Finance Officers Association for preparation of budget documents
- Audit manager of numerous city and school district audits
- Attends workshops on school district, city, and non-profit governmental accounting and reporting requirements on an annual basis that qualifies as "yellow book" continuing professional education

### **Professional and Civic Activities**

- Minnesota Society of Certified Public Accountants
- American Institute of Certified Public Accountants
- Government Finance Officers Association
- Minnesota Government Finance Officers Association (past executive board member)
- League of Minnesota Cities
- Municipal Clerks and Finance Officers Association
- Past Member of Minnesota Office of the State Auditor Tax Increment Financing Panel
- Past member of Minnesota Society of CPA's Governmental Auditing and Accounting Task Force
- Treasurer of Rogers Community Law Enforcement Foundation, Rogers, Minnesota

## **Jennifer Nevins**

### **Role in Engagement**

- Advanced Staff Accountant

### **Education**

- Bachelor of Science Degree in accounting from St. Cloud State University

### **Experience**

- Two years public accounting experience working in governmental and non-profit accounting, auditing, tax and accounting services
- Experience providing bookkeeping and consulting services to governmental entities
- Attends workshops on school district, city and non-profit governmental accounting and reporting requirements on an annual basis that qualifies as "yellow book" continuing professional education
- Prepares financial statements and management letters
- Involved with tax preparation for individuals, corporations, partnerships and nonprofits
- Assists businesses with preparation of monthly, quarterly and annual financial statements

### **Professional Activities**

- Minnesota Society of Certified Public Accountants



## **Fees**

Our estimate of the fees to provide clerical accounting services for the City of Lake Elmo assumes the City of Lake Elmo agrees to perform the following functions in connection with this engagement:

- Make all management decisions and perform all management functions
- Designate a competent individual to oversee the services
- Evaluate the adequacy and results of the services performed
- Accept responsibility for the results of the services

Estimate of Services (subject to change, based on the City's needs and requests):

It is estimated that the clerical accounting services will include the following:

- Accounts Payable: Two full days per month
- Payroll: One half day per pay period

To complete the tasks as described, we are proposing a fee of \$1,650 per month. Upon six months of service, we would request a mutual review of the services provided and fees incurred.

We are enthusiastic about the opportunity to serve as your clerical accounting provider. The City of Lake Elmo can be assured we are committed to providing timely, quality service, and effective communication with you and the City Council for 2009 and into the future.

## Tom Bouthilet

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**From:** David Blumberg [DBlumberg@hlbtr.com]  
**Sent:** Tuesday, July 07, 2009 9:48 AM  
**To:** Tom Bouthilet  
**Subject:** Request for Services - Clerical Accounting Services

Hello Tom,

Dave Mol from our office wanted me to send you an email regarding your Request for Services for Clerical Accounting Services. We have discussed this internally and propose a monthly fee of \$2,000 (\$1,300 for Accounts Payable and \$700 for Payroll). I understand that this is considerably more than what you are currently paying. If you need further information, please feel free to give either myself, or Dave Mol a phone call.

Thanks Tom.

David E. Blumberg, CPA

HLB Tautges Redpath, Ltd.

Senior Manager, Government Audit

Phone: 651-407-5868

Fax: 651-426-5004

In accordance with the Internal Revenue Service Circular 230, any tax advice included in this written or electronic communication (including attachments) was not intended or written to be used, and it cannot be used by the taxpayer, for the purpose of avoiding any penalties that may be imposed on the taxpayer by any governmental taxing authority or agency.

ITEM: Demontreville Trail – Discussion on Trail Options as part of the Washington County Reconstruction and Turnback Project

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Ryan Stempki, Assistant City Engineer  
Craig Dawson, Interim City Administrator  
Kyle Klatt, Planning Director

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SUMMARY AND ACTION REQUESTED: The City Council will be presented with a high level summary of the options, costs and impacts associated with adding a trail along Demontreville Trail as part of the Washington County Reconstruction and Turnback Project. This presentation is intended to solicit discussion and input from the City Council to provide direction to staff for working with County staff on their reconstruction project.

BACKGROUND INFORMATION:

Washington County currently owns and maintains Demontreville Trail, from 50<sup>th</sup> Street North to Trunk Highway 36. The County does not identify the road as “serving a County function” and has informed the City of their intention to turnback this roadway to the City of Lake Elmo. The County has indicated a tentative schedule to improve the roadway in 2010 using a full-depth reclaim with localized drainage improvements. At that time the road would be transferred to Lake Elmo authority.

Over the past year, staff has received several requests to add a trail along Demontreville Trail to improve safety along this roadway segment. To facilitate a trail, several issues and challenges must be addressed including a clear definition of the trail purpose and need, identification and acquisition of additional right-of-way, identification of physical property impacts and wetland impacts, and identification of available funding. At this time, the County has indicated that they will not provide additional funds for the trail addition.

ORDER OF BUSINESS

- Introduction Craig Dawson, Interim City Administrator
- Report by staff or other presenter Jack Griffin, City Engineer
- Questions from City Council members to the presenter Mayor Facilitates
- Questions/comments from the public to the City Council Mayor Facilitates



## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

### MEMORANDUM

**TO:** City Council  
**FROM:** Craig W. Dawson, Interim City Administrator  
**DATE:** July 16, 2009  
**SUBJECT:** 2010 Budget Calendar

Attached is the calendar for the 2010 Budget process. Work on the General Fund budget will start at the August 11 Council work session; hopefully, the Council will be able to take action on the 2010 preliminary budget and proposed tax levy on September 1, but the schedule allows for another work session and final action by the statutory September 15 deadline. Work sessions on the enterprise and capital funds budgets are scheduled over October and November.

The truth-in-taxation process was changed during the 2009 session of the Legislature. The required separate public meeting on the budget and tax levy was eliminated, but the City still needs to publish the meeting at which the final budget and tax levy will be determined. At present, the date anticipated would be December 1, and the Council could continue the matter to its December 15 meeting if necessary. The final budget and tax levy must be adopted by December 18.



