



CITY COUNCIL MEETING

November 8, 2021

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

MINUTES

CALL TO ORDER

Mayor Lund called the City Council meeting of November 8, 2021, to order at 7:00 p.m.

PRESENT

Mayor Scott Lund
Councilmember Dave Ostwald
Councilmember Tom Tillberry
Councilmember Stephen Eggert
Councilmember Ann Bolkcom
Walter Wysopal, City Manager
Scott Hickok Community Development Director
Jim Kosluchar, Public Works Director
Stacy Stromberg, Planning Manager
Korrie Johnson, Assistant Finance Director
Andrew Biggerstaff, City Attorney

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/PRESENTATIONS

1. Proclamation for Nathan Brewer Day – Saturday, November 13, 2021

APPROVAL OF PROPOSED CONSENT AGENDA

Motion made by Councilmember Tillberry to approve the Consent Agenda. Seconded by Councilmember Bolkcom.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES

2. Approve the Minutes from the City Council Meeting of October 25, 2021.
3. Receive the Minutes from the Planning Commission Meeting of October 20, 2021.

NEW BUSINESS

4. Resolution No. 2021-110, Approving a Sanitary Sewer and Water Services Agreement with the City of Mounds View for Belden River View.
5. Resolution No. 2021-111, Receiving Feasibility Report and Calling for a Public Hearing for 2021 Street Rehabilitation Project No. ST2021-01.
6. Resolution No. 2021-112, Approving Application to Enter into Funding Agreement with the Department of Employment and Economic Development (DEED) for Grant Assistance for the Willows Bend Senior Housing Redevelopment, 6455 University Avenue N.E., Fridley, Minnesota, Anoka County.

CLAIMS

7. Resolution No. 2021-113, Approving Claims for the Period Ending November 3, 2021.

ADOPTION OF REGULAR AGENDA

Motion made by Councilmember Ostwald to adopt the Agenda as presented. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

OPEN FORUM, VISITORS: Consideration of Items not on Agenda – 15 minutes.

No one from the audience spoke.

REGULAR AGENDA ITEMS**NEW BUSINESS**

8. Ordinance No. 1396, Amending the Fridley City Code Chapter 214, Signs (First Reading).

Stacy Stromberg, Planning Manager, stated the update to the sign ordinance was made after considering the recent Supreme Court decision to remove content-based regulations, incorporate a "substitution" clause allowing noncommercial speech on any signs where commercial speech is allowed, make minor changes to ordinance administration by removing annual limit for temporary sign permits and modify the approval process for Comp Sign Plans to staff approved. The Town of Gilbert's sign code listed signs exempt from permitting, including political signs, ideological signs and temporary directional signs. The city had to look at messages on signs to determine how to regulate it.

The content based sign restrictions are based on the type or purpose of sign like rummage/garage sale sign, real estate sign or construction. The content neutral signs include the time, place and manner restrictions like placement of sign, materials and construction and permanent vs. temporary.

Previously real estate signs were a temporary sign erected for the purpose of selling, leasing or promoting real estate. Real estate signs may be erected for the purpose of selling, leasing or promoting development. Open house signs are allowed only during the day of the open house. Revised real estate signs are allowed as temporary signs or static display area signage. One temporary sign of up to 6 sq. ft. allowed per street frontage, without a permit in SF residential districts. One static display area sign up to 48 sq. ft. per street frontage for MF, commercial or industrial districts.

Previously rummage/garage sale signs were a temporary sign which advertises or directs the public to the sale of used merchandise. They were allowed in all districts without a permit with a maximum size of three square feet in area to be removed within three days following the sale. The revised garage sale sign is allowed as a temporary sign. One temporary sign of up to 6 sq. ft. allowed per street frontage, w/o a permit in residential districts.

Previously temporary commercial signs may be displayed for a period of 14 days after a permit is issued by the City. The number of permits issued per year for a single or multiple use buildings/shopping centers shall be based upon the number of businesses within said building as follows:

Businesses	Permits Allowed
1-5	2
6-10	4
11-15	6
16+	9

The revised temporary commercial signs shall be limited to one sign per street frontage in all nonresidential districts, except properties with more than 100 linear feet of street frontage may have two temporary signs. A temporary sign permit shall be valid for the time period stated on the approved permit. There is no limit on the number of temporary sign permits allowed per year.

The new definition for obsolete sign is "Sign copy that no longer advertises or correctly identifies a use conducted on the property on which the sign is located." Different approach to reviewing content not to permit or deny signs but preventing deception / ensuring accurate information. It is considered to be a public nuisance if not removed within 30 days of City's notice.

The Planning Commission held a public hearing on October 20, 2021. The notice was published in the Star Tribune on October 8, 2021. No comments were received from the public. Following discussion, Commission recommended allowing two temporary signs at a time for Commercial/Industrial with 100+ feet of street frontage. Commission unanimously recommended approval of TA #21-04 with suggested modification. Staff recommend concurrence with the Planning Commission to approve the first reading and approve the summary publication. Unless otherwise directed the second reading is scheduled for November 22nd.

Councilmember Tillberry asked about garage sale signs if they were allowed around neighborhoods.

Ms. Stromberg replied that city code prohibits any signs in the public right of way in the existing and new code.

Councilmember Tillberry noted that there are a lot of garage sale signs on Mississippi Street. He asked what could be done when they are placed in the public right of way.

Ms. Stromberg replied that code enforcement and police are involved in picking up signs as time allows. If habitual signs keep appearing, staff has contacted them. It is important to have the necessary language in the code for enforcement.

Mayor Lund asked if people had the right to pull signs if they are not allowed.

Councilmember Eggert asked if removal of signs was limited to staff.

Ms. Stromberg discouraged removal of signs and staff will try to keep up with the demand. It is best for someone with a safety vest to pull the signs that are not allowed.

Councilmember Tillberry noted that real estate signs for open houses are posted pretty far away from where the open house is located.

Ms. Stromberg replied that signs are not allowed in the public right of way. Real estate companies should put signs out for open houses the day of the event.

Councilmember Bolkcom asked for clarifying information regarding temporary signs.

Ms. Stromberg replied that homeowners can have a 6' sq. ft. sign in their yard as long as they want as long as it is not obscene. The sign must be 10' back from the curb and driveway. Residents can also have window signs and that was not allowed before. Daycare and hair salon signs are also allowed in the residential district.

Councilmember Bolkcom asked if the signs have to look nice.

Ms. Stromberg replied that signs are required to be taken care of, made of durable material and able to handle the weather.

Councilmember Bolkcom asked if someone could have a garage sale sign in their yard even if the sale isn't today, like it said garage sale coming soon.

Ms. Stromberg replied yes, the city can't tell you what it can say. The sign can stay up as long as it is durable, in good condition and on your property.

Mayor Lund understands about not regulating content, but temporary signs can become permanent as long as they are kept up. Sandwich boards are okay in commercial areas and could become an issue with eye pollution down the road. 95% of requests will be reasonable but he is concerned about the 5% that will be unreasonable. He asked if staff have looked at other cities and their regulations regarding the time limit signs can be posted.

Ms. Stromberg replied that commercial properties can have sandwich display signs that can be up all year provided they are in good condition. A temporary sign for an event or sale has a time limit on it. Business/commercial signs require a permit.

Councilmember Ostwald asked if Attorney Biggerstaff had any input or wanted to share any challenges that could come up.

Attorney Biggerstaff replied that this approach mirrors what other cities are doing. The tradeoff is that we can't say garage sale signs are ok and others aren't. Signs that are a public nuisance, misleading or dilapidated would need to come down. Staff did a lot of work and this is a well thought out ordinance. There is an opportunity for the city to have time limits on residential signs, but this becomes a staffing issue and could be an administrative burden. If complaints arise Council could revisit the ordinance. If property owners have an unauthorized sign on their property, they have the right to remove it. Most cities regulate but few do something about it. People should make sure to put signs where they have permission.

Wally Wysopal asked about bus benches and advertisements.

Ms. Stromberg replied that bus bench signs are allowed in the existing code and will continue to be allowed in the new code provided they are at a transit stop and limited to size.

Councilmember Eggert asked about benches that are not in designated bus stop areas.

Ms. Stromberg said she would check with public works if they should be allowed. Legally, benches should only be allowed if there is a bus stop at that location.

Mr. Wysopal asked about apartment buildings and if temporary signs could be placed in a window or balcony.

Ms. Stromberg replied that property owners could place signs in the window or yard, but not the balcony. Permission is required from the property owner before any signs are displayed.

Councilmember Bolkcom said that apartment complexes could always have a sign that says for rent; this could be kept up as long as they wanted if the sign is in good condition.

Scott Hickok replied that he doesn't anticipate that would be an issue. The sign would be posted in the window of the unit they rent.

Mr. Wysopal asked about public right of way if that means city, county, or state.

Ms. Stromberg replied correct. When placing signs make sure to follow a city, county, or state ordinance.

9. Ordinance No. 1397, Amending the Fridley City Code Chapter 11, Fees, Amending Fees Charged for Signs and/or Billboards (First Reading)

Ms. Stromberg said that there is just one change to this ordinance. Currently the city charges \$50 for a business to change the face on their sign. Since content can't be regulated the city would no longer charge a \$50 fee. Staff recommends approving the first reading and approving the summary publication. Unless otherwise directed the second reading is scheduled for November 22nd.

10. Resolution No. 2021-108, Approving the Redemption of Series 2010A General Obligation Utility Revenue Bonds, for the City of Fridley

Korrie Johnson, Assistant Finance Director, stated that the City of Fridley has an outstanding Utility bond that was called for redemption and prepayment this year. The bond was issued on August 4, 2010 and has a variable interest rate between 2.5% and 3.5%. The 2022 interest rate on the original bond is 3.5%. By allowing the bond to be called, the City will have a savings of \$98,425 in external interest payments. The Community Investment Fund (CIF) was designed to be able to provide internal loans to the City's Utility Funds. A lower interest rate can be used through an interfund loan. A benefit will be realized by the City through collecting interest at the rate of 2%. This allows the Community Investment Fund to collect \$68,300 in interest over five years. A benefit will be realized by the Utility Funds and an interest savings of \$30,125 will be recognized over five years.

Motion made by Councilmember Bolkcom to approve Resolution No. 2021-108, Approving the Redemption of Series 2010A General Obligation Utility Revenue Bonds, for the City of Fridley. Seconded by Councilmember Eggert.

Voting Yea: Mayor Lund, Councilmember Bolkcom, Councilmember Eggert, Councilmember Ostwald, Councilmember Tillberry.

11. Resolution No. 2021-109, Approving an Interfund Loan from the Community Investment (CI) Fund to the Utility Funds (Water, Sanitary Sewer and Storm Sewer) in the Amount of \$1,120,000

Motion made by Councilmember Bolkcom to approve Resolution No. 2021-109, Approving an Interfund Loan from the Community Investment (CI) Fund to the Utility Funds (Water, Sanitary Sewer and Storm Sewer) in the Amount of \$1,120,000. Seconded by Councilmember Ostwald.

Voting Yea: Mayor Lund, Councilmember Bolkcom, Councilmember Eggert, Councilmember Ostwald, Councilmember Eggert.

INFORMAL STATUS REPORTS

None

ADJOURN

Motion made by Councilmember Ostwald to adjourn, Seconded by Councilmember Eggert.

Voting Yea: Mayor Lund, Councilmember Bolkcom, Councilmember Eggert, Councilmember Ostwald, Councilmember Tillberry and the meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Krista Peterson
Recording Secretary

Scott J. Lund
Mayor