



Anoka City Hall, Committee Room, 5:00 p.m.  
**Tuesday, April 12, 2016**



- I. **Call to Order**
- II. **Roll Call**
- III. **Approval of the March 8, 2016 Minutes**
- IV. **Public Forum**
- V. **Old Business**
  - A. Franklin Elementary School Sign Project
  - B. National Register Plaques Project
  - C. Expansion of Historic Districts
- VI. **New Business**
  - A. Sign Ordinance Update
- VII. **Committee Reports**
  - A. Sandwich Board Committee
  - B. Home and Garden Tour Committee
  - C. Tourism Committee
  - D. Historic Vignette Committee
- VIII. **Miscellaneous**
  - A. Next meeting will be May 10, 2016 at 5:00pm
- IX. **Adjournment**



**Minutes of the  
Heritage Preservation Commission (HPC)**

**Held at 5:00 p.m., March 8, 2016  
Committee Room, Anoka City Hall**

I. **Call to Order** Chair Ward called the regular meeting to order at 5:00 p.m.

II. **Roll Call**

Members present: Colleen Hansen, Cory Rahn, Barb Thurston, Bart Ward

Members absent: Jake Collins, Peg Flaig, Tim Nigh

Staff present: Clark Palmer, Associate Planner

III. **Approval of Minutes**

**MOTION MADE BY COMMISSIONER HANSEN, SECONDED BY  
COMMISSIONER THURSTON TO APPROVE THE FEBRUARY 10, 2015  
REGULAR MEETING MINUTES AS AMENDED. MOTION CARRIED 4-0.**

IV. **Old Business**

A. **Franklin Elementary School Interpretive Sign Project**

Associate Planner Palmer provided an update on the Franklin School sign project. Mr. Palmer discussed staff's meeting with the school's Principal regarding the project. He informed the Commission that the Principal's preference is for a 4' x 3' sign placed at location #1 mounted closer to the ground with an angled mounting.

The Commission reviewed and discussed the possible locations and mounting for the sign.

Commissioner Thurston asked about the sign's design and layout. Mr. Palmer advised that the layout and design of the sign will be similar to the Sandburg Education Center and Green Haven Golf Course and Event Center signs.

Mr. Palmer shared with the Commission an additional sign quote from Interpretive Graphics. The Commission discussed and compared the costs of both quotes.

Staff was directed to look into rounded corners for the sign and to reach out to the school board chair for organizing a dedication ceremony.

The Commission was asked to approve the sign budget and provide a recommendation on the sign's placement and mounting with consideration for the Principal's preferences. The Commission recommended locations #1 or #2.

**MOTION MADE BY COMMISSIONER HANSEN, SECONDED BY CHAIR WARD TO APPROVE THE SIGN BUDGET AND ANGLED MOUNTING. MOTION CARRIED 3-1.**

**B. National Register Plaques Project**

Associate Planner Palmer reviewed with the Commission placement locations for the National Register plaques at the Woodbury House and Windego Park Auditorium. Several options for placement and mounting were discussed for both locations.

The Commission briefly discussed plans for a dedication ceremony for the completion of the project.

The Commission was asked to make a motion to approve the mounting and locations for the placement of each of the plaques.

**MOTION MADE BY COMMISSIONER THURSTON, SECONDED BY COMMISSIONER RAHN TO APPROVE THE MOUNTING AND PLACEMENT LOCATIONS FOR THE PLAQUES. MOTION CARRIED 4-0.**

**V. New Business**

**A. Riverplace Counseling Center and Riverwalk Projects**

Associate Planner Palmer presented an overview of the proposed Riverplace Counseling Center and Riverwalk projects.

**VI. Committee Reports**

**A. Sandwich Board Committee**

Chair Ward and Commissioner Thurston spoke briefly about nominations for recipients of sandwich board sign awards. Associate Planner Palmer asked if an application was part of the process for nominations of sign awards. Mr. Palmer was advised that an application for nominations is not required.

**B. Home and Garden Tour Committee**

Commissioner Thurston led a discussion on the Home and Garden Tour. She stated that sponsors for the tour have been coming along, but it has been hard to find homes on the west side of the river to add to the tour.

**C. Tourism Committee**

No report

**D. Historic Vignette Committee**

Chair Ward talked about a vignette maker who he'd like to work with on creating pre-territorial historic vignettes that predate the establishment of the City of Anoka.

VII. **Miscellaneous**

Chair Ward discussed the USPS first day issue Halloween stamp and planned events.

Associate Planner Palmer informed the Commission that the Annual Boards & Commissions Appreciation Dinner will be held April 14 at Green Haven Golf Course and Event Center. Invitations will be sent mid-March.

Commissioner Thurston requested that at the next regular meeting the Commission discuss possible expansion of locally designated historic districts.

Next HPC meeting will be April 12, 2016 at 5:00 PM.

VIII. **Adjournment**

**MOTION TO ADJOURN BY RAHN AND SECONDED BY THURSTON.  
MEETING ADJOURNED AT 6:27 PM. MOTION CARRIED 4-0.**

DRAFT

# STAFF REPORT



## ITEM

Franklin Elementary School Storyboard Sign Project

## BACKGROUND

Staff will provide an update on the Franklin Elementary School storyboard sign project.

The sign is in production at Sign Station, and a copy of the sign draft is included in your packet for review and approval. Commissioners are asked to carefully proofread the sign draft for typos or other revisions. Initial review of the draft by staff revealed a few corrections/changes to be discussed at the meeting. Once changes have been made and approved, staff will direct the sign company to proceed with the full sign production.

Staff inquired about rounded corners for the sign and was advised it would increase the cost by about 3 times the current cost. The increased cost is partly due to needing a mounting bracket and frame that would accommodate the shape of the sign and have rounded corners.

The sign company also advised staff that the bracket for the sign will allow for both angled or vertical mounting.

Lastly, staff and Chair Ward have been working on organizing a dedication ceremony for the sign unveiling.

## ACTION

- 1) Motion to approve the sign sketch and continue with the full sign production.

Clark Palmer  
Associate Planner

# FRANKLIN SCHOOL



1931 6th grade class, Jeannette Fair - Teacher, Franklin School, Anoka, MN.

Franklin School was originally known as the Westside School. It was named Franklin School at a school board meeting in September of 1880.

The first teachers at Franklin were young, usually 18-years old. Many eighth-grade graduates were 17 and 18-years old. Those aspiring to become teachers went to a summer training session and then taught in grammar schools in the fall. County superintendents had a one-day training session throughout the year for which the teachers were awarded certificated to demonstrate they were meeting their training obligation.

“Scholars” were expected to be on their best behavior and willing to perform when called upon. The stern hand or voice of a teacher generally brought the desired response but the threat of keeping a student after school was effective. Many of the children had after-school chores to attend to at home or on the farm.



Franklin School, W. Main Street, Anoka, MN. Circa 1950.

## Original Franklin elementary was to be built for less than \$7,000 From an Oct 17, 1871 Anoka town meeting

The adjourned school meeting convened at town hall last Saturday at 7:30 p.m. and that hour found the house well-filled with taxpayers and voters with Mr. E. King in the chair and Mr. Geo W. Putnam, secretary. A motion was made and seconded that a school house not to cost less than \$7,000 be built on the west side of the river.

This opened the hall, amendments were offered and a discussion ensued in which a number of citizens expressed their opinions pretty freely. Some were in favor of building a school house to cost less than \$2,000 while others were in favor of building a house equally as good as the one that we could point to with pride and which would be an ornament to our village.

An hour or more was consumed in a free discussion of the question and at least the following motion carried by a round majority: “That we build a school house as good and one that will accommodate as many scholars as the one we have at present, on the west side of the river.” After this was disposed of the question of site for the new building was taken up and resulted in the directors being instructed to procure two lots owned by Mr. T.D. Mason at \$100 a piece provided that they could secure two more adjoining Masons’ lots at the same price



Original Franklin School building, Anoka, MN. No date.

### Franklin School Below Standard

Franklin School had been erected as a wood frame building in 1871 and by the turn of the century it was starting to show its age. The State Department of Education inspection in 1913 found the building unsafe and unsanitary. There was no water supply except for a pump in the yard. The inspector recommended that the building be closed. The next year the State Superintendent threatened to withdraw state aid, “If nothing was done about Franklin school, which was deficient in lighting, heating, ventilating and classed as the poorest excuse for a school building in town.”

The bond request for \$25,000 dollars for a new brick six room school was approved in March of 1915. This remains as the center section of the present school. This served the needs of the community well through the 1920’s and 30’s, but with the post World War II baby boom, the building again became crowded.



Sixth grade class in front of the old Franklin School Building around the turn of the

Franklin School in the 1880’s had two primary departments taught by Alice Eastman and Kate Apfeld and an intermediate department taught by Maria Pratt. By 1885 all four of the Franklin classrooms were open. There were three primary classes taught by Hattie King, who also served as the principal, Alice Park and Louise Baldwin. Nettie Fitch taught the intermediate class and Isaac Pratt was the janitor.

School curriculum underwent some change in this decade. In addition to reading, writing and arithmetic, the state legislature required teachers to instruct students in social and moral science. Students would be taught order, industry, economy, punctuality, patience, self-denial, health, purity, temperance, cleanliness, honesty, truth, justice, politeness, peace, fidelity, philanthropy, patriotism, self-respect, hope, perseverance, courage, self-reliance, gratitude, mercy, kindness, conscience, self-reflection and will.



Franklin School, October 1940, Anoka, MN.

Students looked forward to the Memorial Day Parade. The scholars were expected to march in the parade with their final report card of the year. If you didn’t finish the required class work, you did not march in the parade. This could be very shameful to the student and his family.



# STAFF REPORT



## ITEM

National Register Plaques Project

## BACKGROUND

Staff will provide an update on the National Register plaques project.

Staff contacted MnDOT to extend the permit (US-15-65316) for installation of the Mississippi River Bridge sign within the MnDOT right of way (ROW) which is now permitted through July 1, 2016. Work was originally supposed to be completed by May 1, 2015.

Planning staff is currently working with Public Services staff to schedule the installation the plaques which should begin soon, weather permitting.

Staff will also lead a discussion on whether the Commission is comfortable with the tamper resistant hardware for the pole mounting of the plaques, or if staff should explore alternatives for affixing the plaques to the poles such as by welding or other means.

## ACTION

- 1) None

Clark Palmer  
Associate Planner

# STAFF REPORT



## ITEM

Proposed Historic Districts Expansion

## BACKGROUND

Staff will lead a discussion on the proposed expansion of locally designated historic districts within the city. Staff is aware that efforts in the past were made to expand the districts and gather interest from related property owners. Staff would like to continue this work from where the previous efforts ended in 2015.

Included in your packet is the Historic Preservation Ordinance that includes criteria for designation of historic sites, structures and districts. According to City Code Section 20-64, "Before land may be considered for designation..., the Commission must receive a petition bearing the signatures of a majority of Property Owners within the proposed district." Prior to recommending a district for City designation, an investigation and report by staff is to be submitted to the Commission.

The Commission may recommend designation only when the property or properties within the proposed district meet at least two of the following criteria:

- (1) The district has character, interest or value as a part of the development, heritage, or cultural characteristics of the City;
- (2) The district's location was a site of a significant historical event;
- (3) The district is identified with a person or persons who have significantly contributed to the culture or development of the City;
- (4) The district embodies a distinguishing characteristic of an architectural type;
- (5) The district is identified with the work of an architect or master builder whose individual work has influenced the development of the City;
- (6) The district embodies architectural design, detail, materials or craftsmanship that represents significant architectural innovation;
- (7) The district's unique location or singular physical characteristics represent an established and visual feature of a neighborhood or the City as a whole.

A public hearing is also required for designation with notice provided to the newspaper and all property owners within the proposed district. If the Commission proceeds with a designation, the

Commission is required to forward a complete report with its recommendation to the City Council for consideration and decision.

Staff also researched Minnesota Statute and rules for municipal heritage preservation. Pursuant to MN Statute 471.193, Subd. 6., "Proposed site designations . . . must be sent to the state historic preservation officer at the Minnesota Historical Society, who shall review and comment on the proposal within 60 days." Included in your packet is a copy of the MN Statute. Since our last meeting staff contacted the State Historic Preservation Office (SHPO) for information on their role in reviewing proposed local designations. SHPO reported being unaware of any local designations within the City. Staff plans to gather information on the City's current Historic Preservation Ordinance and districts to send to SHPO. Staff will continue to work with SHPO as work proceeds.

**ACTION**

- 1) None

Clark Palmer  
Associate Planner

## CHAPTER 20. HERITAGE PRESERVATION REGULATIONS

### **ARTICLE III. Regulations for Heritage Preservation Districts, Sites or Structures.**

**Section 20-60.** Definitions. For the purposes of this Chapter, the following words or phrases are defined as follows. Words not defined in this Chapter shall have the meaning as found in Chapter 74 of the City Code, or if not defined, shall have their common meaning.

City. Means the City of Anoka.

City Register. Means a City maintained listing of City-designated Heritage Preservation District, Sites or Structures.

Commission. Means the City of Anoka Heritage Preservation Commission.

Heritage Preservation District. Means a contiguous collection or group of lands, parcels, sites, structures, buildings or objects that are determined to be historically, culturally, or architecturally significant as a whole and has been designated as a Heritage Preservation District pursuant to this Article.

Heritage Preservation Guidelines. Means the established criteria by which any proposed changes, including architectural or site modifications, are judged for a Heritage Preservation District, site or structure.

Heritage Preservation Site. Means any individual property, parcel, or place that has been determined to be historically, culturally, or architecturally significant and has been designated a Heritage Preservation Site pursuant to this Article.

Heritage Preservation Structure. Means any building, structure, work of art, or other object that has been determined to be historically, culturally, or architecturally significant and has been designated as a Heritage Preservation Structure pursuant to this Article.

National Register of Historic Places. Means the Nation's official list of properties worthy of designation by the United States Department of the Interior, National Park Service.

Property Owner. Means the record owner of real property located in the City of Anoka.

### **Section 20-61. Purpose and Intent.**

The purpose and intent of Heritage Preservation designation is to provide for the preservation of the buildings, lands, sites, and areas or neighborhoods that possess historical, cultural or architectural significance in the City.

### **Section 20-62. City Designation of a Heritage Preservation Site.**

(a) Designation.

- (1) The Commission or any person of voting age may nominate a site of the City Register with the written permission of the Property Owner of the site.
- (2) The Property Owner shall bear the responsibility of assuring the Commission that the designation will not have a detrimental impact upon any person or entity having a financial interest in the site.
- (3) An affirmative vote of a majority of the entire commission is necessary to recommend designation of a site.

- (b) Background Report.
  - (1) Prior to recommending a site for City designation, an investigation and report on the historical and cultural significance of the site shall be completed by City staff and forwarded to the Commission.
  - (2) The report shall contain the legal description of the site and shall note any projected or planned improvements for the site.
- (c) Criteria for Designation. The Commission may recommend designation of a site only when, in its sole discretion, the property meets at least two of the following:
  - (1) The site has character, interest, heritage or cultural characteristics, or value as part of the development of the City;
  - (2) The site was the location of a significant historical event;
  - (3) The site is identified with a person or persons who have significantly contributed to the culture or development of the City;
  - (4) The site's unique location represents an established visual feature of a neighborhood or the community as a whole.
  - (5) The site is identified with the work of a landscape architect whose individual work has influenced the development of the City of Anoka.
  - (6) The site embodies elements of design, materials or craftsmanship that represent architectural innovation.
- (d) Hearing. Upon receipt of the information required in Section 20-62 (a) and (b), the Commission shall hold a public hearing to consider designation. At least ten (10) days prior to the hearing, the City shall (1) publish notice of said hearing in the official newspaper and (2) send a copy of the hearing notice to the Property Owner.
- (e) Recommendation to the City Council. The Commission shall forward a complete report to the City Council, including the Commission's recommendation, the criteria upon which any designation is being considered, the background report, proposed Heritage Preservation guidelines specific to the proposed site and minutes from the hearing.
- (f) City Council Action. The City Council may, by ordinance, designate the site as a Heritage Preservation site or the Council may deny the designation. The City Council shall include written findings in support of their decision.

**Section 20-63. City Designation of a Heritage Preservation Structure.**

- (a) Designation.
  - (1) The Commission or any person of voting age may nominate a structure to the City Register with the written permission of the Property Owner of the structure.
  - (2) The Property Owner and the owner of the structure shall bear the responsibility of assuring the Commission that the designation will not have a detrimental impact upon any person or entity having a financial interest in the structure.
  - (3) An affirmative vote of a majority of the entire Commission is necessary to recommend designation of a structure.

- (b) Background Report.
  - (1) Prior to recommending a structure for City designation, an investigation and report on the historical, cultural and architectural significance of the structure shall be completed by City staff and forwarded to the Commission.
  - (2) The report shall contain the legal description of the site on which the structure is located and shall note any projected or planned improvements to the structure.
- (c) Criteria for Designation. The Commission may recommend designation of a structure only when, in its sole discretion, the structure meets at least two of the following:
  - (1) The structure embodies a distinguishing characteristic of an architectural type;
  - (2) The structure is identified with the work of an architect or master building whose individual work has influenced the development of the City;
  - (3) The structure embodies elements of architectural design, detail, materials, or craftsmanship that represents significant architectural innovation;
  - (4) The structure was constructed prior to 1930;
  - (5) The structure has character, interest or value as a part of the development, heritage or cultural characteristics of the City of Anoka;
  - (6) The structure was the location of a significant historical event;
  - (7) The structure is identified with a person or persons who significantly contributed to the culture of the development of the City of Anoka; and
  - (8) The structure's unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood, community or the City as a whole.
- (d) Hearing. Upon receipt of the information required in Section 20-63, the Commission shall hold a public hearing to consider designation. At least ten (10) days prior to the hearing, the City shall (1) publish notice of said hearing in the official newspaper and (2) send a copy of the hearing notice to the Property Owner and owner of the structure.
- (e) Recommendation to the City Council. The Commission shall forward a complete report to the City Council, including the Commission's recommendation, the criteria upon which any designation is being considered, the background report, proposed Heritage Preservation guidelines specific to the proposed structure and minutes from the hearing.
- (f) City Council Action. The City Council may, by ordinance, designate the structure as a Heritage Preservation structure or the Council may deny the designation. The City Council shall include written findings in support of their decision.

**Section 20-64. City Designation of a Heritage Preservation District (HPD).**

- (a) Establishment of a Heritage Preservation District.
  - (1) Designation of a HPD establishes a special overlay district that will be identified on the City's zoning map.
  - (2) Designation of land as a HPD shall not change or affect, in any way, the uses allowed or the restrictions then or thereafter applicable to the land under any other zoning classification in which the land is then or thereafter located.

- (3) All of the underlying zoning district regulations shall continue to apply to the land within an HPD.
  - (4) Additional restrictions may also apply to land within an HPD as a result of designation.
- (b) Designation. Before land may be considered for designation of an HPD district, the Commission must receive a petition bearing the signatures of a majority of Property Owners within the proposed district.
- (c) Background Report.
- (1) Prior to recommending a district for City designation, an investigation and report on the historical, cultural, and architectural significance of the district shall be completed by City staff and forwarded to the Commission. The report shall provide information on the historical significance of buildings, structures, sites or objects within the proposed district.
  - (2) The report shall recommend the boundaries of the proposed district and shall include the legal descriptions of all properties to be included in the district.
  - (3) All recommendations shall be made in consideration of any master plans, zoning requirements, projected public improvements, and existing or proposed redevelopment applicable to the properties under consideration for designation.
- (d) Criteria for Designation. The Commission may recommend designation of an HPD only when, in its sole discretion, the property or properties within the proposed district meet at least two (2) of the following criteria:
- (1) The district has character, interest or value as a part of the development, heritage, or cultural characteristics of the City;
  - (2) The district's location was a site of a significant historical event;
  - (3) The district is identified with a person or persons who have significantly contributed to the culture or development of the City;
  - (4) The district embodies a distinguishing characteristic of an architectural type;
  - (5) The district is identified with the work of an architect or master builder whose individual work has influenced the development of the City;
  - (6) The district embodies architectural design, detail, materials or craftsmanship that represents significant architectural innovation;
  - (7) The district's unique location or singular physical characteristics represent an established and visual feature of a neighborhood or the City as a whole.
- (e) Hearing. Upon receipt of the information required in Section 20-65, (b) and (c), the Commission shall hold a public hearing to consider designation. At least ten (10) days prior to the hearing, the City shall: (1) publish notice of said hearing in the official newspaper and (2) send a copy of the hearing notice to all of the Property Owners within the proposed district.
- (f) Recommendation to the City Council. The Commission shall forward a complete report to the City Council, including the Commission's recommendation, the criteria upon

which any designation is being considered, the background report, proposed Heritage Preservation guidelines specific to the proposed district and minutes from the hearing.

- (g) City Council Action. The City Council may, by ordinance, designate the proposed site as a Heritage Preservation District or may deny the designation. The City Council shall include written findings in support of their decision.

**Section 20-65. Review & Approval.**

- (a) Additional Review Required. Review of proposed construction affecting designated sites, structures or districts shall be required in the following situations:
  - (1) When proposed work is inconsistent with the approved guidelines for the site, structure or district; or
  - (2) When moving a building into the district.
- (b) Process for Approval. Requests for approval of projects under subsection (a) of this section shall be accompanied by three (3) copies of detailed plans for the proposed construction, including a site plan showing the location of structures on the site and the location of the new construction, building elevations, and design details and materials as necessary to evaluate the request. The application shall be submitted to the appropriate staff who, within fifteen (15) business days of submission, shall determine whether the submission is complete. If incomplete, the applicant will be notified with instructions for completing the application. If complete, staff shall forward the application to the Commission for review, consideration and recommendations to the City Council.

The Building Official shall not issue any permits related to an application for construction within a designated Heritage Preservation District or on a designated site or structure until the request has been approved by the appropriate staff, based on compliance with this Chapter.

- (c) Review Criteria. When considering requests under this Section and in making its recommendations to the City Council, the Commission shall make reasonable attempts to:
  - (1) Provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment. If no compatible use can be found, adaptive reuse may be considered in lieu of demolition.
  - (2) Keep the distinguishing original qualities or character of a building, structure or site and its environment.
  - (3) Avoid the removal or alteration of any historic material or distinctive architectural features where possible.
  - (4) Treat distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site with sensitivity. If no discernible architectural style is present, a building exterior may emulate or compliment other prevailing styles in the district.
  - (5) Repair deteriorated architectural features if possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities.
  - (6) Require that surface cleaning of structures be undertaken with the least abrasive means possible. Sandblasting and other cleaning methods that will damage

historic building materials shall not be undertaken absent extreme circumstances and prior City Council approval.

- (7) Permit contemporary designs for alterations and additions to existing properties when such alterations and additions do not destroy historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
  - (8) Protect the essential form and integrity of the primary structure.
  - (9) Protect and preserve archeological resources affected by, or adjacent to any project.
  - (10) Retain the original exterior walls or surface of buildings and structures to the maximum extent possible. In no case shall more than fifty percent (50%) of the original exterior walls be destroyed, removed or covered.
- (d) Commission Review. The Commission shall determine if the work to be performed would adversely affect the Heritage Preservation District, site or structure based on the criteria set forth in subsection (c) of this Section. The Commission shall make and forward written findings to the City Council in support of their recommendation for either approval or disapproval.
- (e) City Council Action. Upon receipt of a recommendation from the Commission, the City Council shall consider the application at its next available meeting and shall approve or deny the request by resolution. The Council shall make written finding in support of their decision.

**Section 20-66. Emergency Repairs.** In emergency situations where repair is needed to protect the safety of a structure and its inhabitants, the Building Official, in consultation with other appropriate staff, may, without Commission action, approve the repair of only those items needed to insure safety. If a permit is issued pursuant to this Section, the Building Official shall require that such repairs be made in conformance with the recommended standards of historic preservation as set forth in this Article and adopted Heritage Preservation Guidelines, to the extent possible. In addition, staff shall notify the Commission of such action and specify the facts or conditions constituting the emergency situation.

**Section 20-67. Exception.** The regulations of this Article do not apply to the Historic Downtown Core District as identified in Article II of this Chapter.

**Section 20-68. Penalty for Violations.** Any Property Owner, owner, or occupant of any area, place, building, structure, or other object within a locally designated Heritage Preservation District, or a designated site, or of a designated structure, who violates any provision of this Article, shall, upon conviction, be guilty of a misdemeanor. Each day the subject property is in violation of this Article shall constitute a separate violation and may be punishable as such. The imposition of penalties herein prescribed shall not prevent the City from taking appropriate action or proceeding to prevent unlawful alteration of a building, structure, site or district. Such action may include any civil remedy including injunction, restraining order, declaratory action, civil enforcement action, or nuisance abatement action under State Law or City ordinance.

**Section 20-69. City Register.** The office of the City Clerk shall record the legal descriptions of all designated site, structures or districts within the City.

**Section 20-70. District Court Appeals.** Any Property Owner or owner of a structure aggrieved by a decision of the City Council under this Article may file an appeal with the Anoka County District Court. No appeal shall be effective unless it is served within sixty (60) days from the decision of the City Council.

**Section 20-71. Incentives and Tools.** In furtherance of the City’s Heritage Preservation goals, the Commission may”

- (a) Develop and promote the use of incentives and/or tools to encourage preservation, i.e. façade easements.
- (b) Work with the Economic Development Commission and the Housing & Redevelopment Authority to identify programs and incentives for City-designated heritage preservation properties.
- (c) Encourage property owners to consider listing their property on the National Register of Historic Places.

**471.193 MUNICIPAL HERITAGE PRESERVATION.**

Subdivision 1. **Policy.** The legislature finds that the historical, architectural, archaeological, engineering, and cultural heritage of this state is among its most important assets. Therefore, the purpose of this section is to authorize local governing bodies to engage in a comprehensive program of historic preservation, and to promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens of this state.

Subd. 2. **Heritage preservation commissions.** The governing body of a statutory or home rule charter city, county, or town may establish a heritage preservation commission to preserve and promote its historic resources according to this section.

Subd. 3. **Powers.** The powers and duties of any commission established pursuant to this section may include any power possessed by the political subdivision creating the commission, but shall be those delegated or assigned by the ordinance establishing the commission. These powers may include:

(1) the survey and designation of districts, sites, buildings, structures, and objects that are of historical, architectural, archaeological, engineering, or cultural significance;

(2) the enactment of rules governing construction, alteration, demolition, and use, including the review of building permits, and the adoption of other measures appropriate for the preservation, protection, and perpetuation of designated properties and areas;

(3) the acquisition by purchase, gift, or bequest, of a fee or lesser interest, including preservation restrictions, in designated properties and adjacent or associated lands which are important for the preservation and use of the designated properties;

(4) requests to the political subdivision to use its power of eminent domain to maintain or preserve designated properties and adjacent or associated lands;

(5) the sale or lease of air rights;

(6) the granting of use variations to a zoning ordinance;

(7) participation in the conduct of land use, urban renewal, and other planning processes undertaken by the political subdivision creating the commission; and

(8) the removal of blighting influences, including signs, unsightly structures, and debris, incompatible with the physical well-being of designated properties or areas.

No power shall be exercised by a commission which is contrary to state law or denied a political subdivision by its charter or by law. Powers of a commission shall be exercised only in the manner prescribed by ordinance and no action of a commission shall contravene any provision of a municipal zoning or planning ordinance unless expressly authorized by ordinance.

Subd. 4. **Exclusion.** If a commission is established by the city of St. Paul, it shall for the purpose of this section exclude any jurisdiction over the Capitol Area as defined in section 15B.03, subdivision 1.

Subd. 5. **Commission members.** Commission members must be persons with demonstrated interest and expertise in historic preservation and must reside within the political subdivision regulated by the ordinance establishing the commission. Every commission shall include, if available, a member of a county historical society of a county in which the municipality is located.

Subd. 6. **Communication with state historic preservation officer.** Proposed site designations and design guidelines must be sent to the state historic preservation officer at the Minnesota Historical Society, who shall review and comment on the proposal within 60 days. By October 31 of each year, each commission shall submit an annual report to the state historic preservation officer. The report must summarize the commission's activities, including designations, reviews, and other activities during the previous 12 months.

**History:** *1971 c 128 s 1; 1973 c 123 art 5 s 7; 1985 c 77 s 1; 1989 c 9 s 2; 2003 c 17 s 2*

# STAFF REPORT



## ITEM

Overview of Proposed Sign Ordinance Update

## BACKGROUND

Staff will provide an overview of the proposed sign ordinance update.

One of the goals of the City of Anoka Planning Commission in 2016 is to review and update the sign ordinance and related provisions. Staff is interested in gathering input from various groups of stakeholders throughout the process. Staff has identified the following topics for review.

### Codification

- Organize all sign provisions into one section

### Definitions

- Review definitions and update as needed

### Electronic Signs

- Investigate potential new language and standards for illuminated signs and LED signs
- Ensure that signs are properly regulated to control impacts on adjacent properties
- Issues: movement, frequency of changing messages, brightness

### Temporary Signs

- Review types of temporary signs and determine whether any clarification on types is needed
- Review time limits on different types of temporary signs
- Ex: sandwich board signs, window signs, portable signs

### Main Street Mixed Use District regulations

- Sandwich board signs in the Main Street districts
- Heritage Preservation Guidelines

### Highway 10

- Overlay district allowing for taller signs along Hwy 10 for the Anoka Solution project

### Constitutional Issues

- Signs are protected as speech
- Content neutral regulations (time, place and manner) vs. content-based regulations

Questions for the HPC:

- How do you feel about signage in the City of Anoka?
- What are you seeing in your neighborhood?
- How do you feel about signage in the MS District?
- What are you hearing from your stakeholders?
- Would you be concerned if the content/language of a sign was not regulated?

Included in your packet is a copy of an information memo from the League of Minnesota Cities regarding sign ordinances and the First Amendment.

**ACTION**

- 1) None

Clark Palmer  
Associate Planner



## INFORMATION MEMO

# Sign Ordinances and the First Amendment

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

### RELEVANT LINKS:

See [sample sign ordinance](#), City of Hopkins.

## I. First Amendment principles

The First Amendment protects signs as speech, and courts will look very closely at any attempts to regulate signs. There are a few rules for regulating signs:

- Do not regulate based on content.
- Do not favor commercial speech (advertising) over noncommercial speech.
- Restrictions on signs must accomplish a substantial government interest and be no broader than necessary. The main substantial governmental interests recognized by courts are traffic safety and aesthetics.

## II. Drafting a sign ordinance

With the First Amendment rules for regulating signs in mind there are several steps cities can take when drafting ordinances. There are things every sign ordinance should probably contain and provisions all sign ordinances should avoid.

### A. Provisions to include

#### 1. Statement of purpose

This section tells why the ordinance was drafted and how it should be applied. It should state clearly that it is not intended to have content-based restrictions and should not be applied that way. It provides a quick clear statement of government purposes and how the ordinance fulfills those purposes rather than needing to review your legislative record if challenged.

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

**RELEVANT LINKS:**

[Minn. Stat. § 211B.045.](#)

## **2. Substitution clause**

A substitution clause provides that for every sign that is allowed, any non-commercial message could be legally substituted. This ensures that non-commercial speech is never discriminated against based on content because it will always allow a noncommercial message on any sign. Many ordinances inadvertently define signs in terms of advertising and may incidentally seem to allow only commercial messages. A substitution clause may correct these mistakes by providing a catch-all allowance of noncommercial messages notwithstanding other provisions.

## **3. Severability clause**

A severability clause provides that if any provision of the ordinance is found to be invalid, the remainder of the ordinance stands on its own and is still valid. This clause may prevent a flaw in part of the ordinance from invalidating all of it.

## **4. Election season pre-emption**

Your ordinance should contain acknowledgement of election season preemption required by state law. Under this law municipalities must allow noncommercial signs of any size during election season, from 46 days before the state general primary until ten days after the state general election.

## **5. Content-neutral regulations**

Regulations should be objectively based on time, place, and manner, not content. Examples include regulations based on size, brightness, zoning district, spacing, and movement.

## **B. Provisions to avoid**

### **1. Unfettered discretion**

Avoid discretionary approval by the city. Having discretion creates the potential for favoring some messages or messengers over others, whether or not that discretion is actually abused. Permit requirements should be transparent and objective.

### **2. Exemptions or favoritism**

Avoid exempting certain groups or messages, such as church signs or official flags, from permit requirements. This could be content-based discrimination.

## RELEVANT LINKS:

Exemptions also may “water down” the substantial government interest. For example, if an ordinance prohibits temporary signs but allows a long list of exemptions, it suggests the city is not really concerned about temporary signs.

Exemptions may be based on valid time, place, or manner restrictions, such as exempting all signs under a certain size from permitting requirements.

### 3. Over-defining signs

Cities may inadvertently treat non-commercial speech differently by defining “sign” as “advertising”. This occasional problem is the combination of a few steps:

- Signs are defined as advertising devices.
- The ordinance allows signs as defined.
- All other signs are prohibited.

This arguably prohibits noncommercial speech, which is unconstitutional.

## III. Common sign ordinance issues

### A. Off-premises advertising (billboards)

Off-premise advertising consists of commercial signs that do not advertise for a business on the same premises as the sign. It is legal to forbid off-premise advertising, so long as the prohibition does not extend to noncommercial messages

### B. Flags

Be cautious of regulations that might favor some types of flags, particularly the United States Flag, over other flags. This is a good place for the substitution clause; if one type of noncommercial flag would be acceptable, any noncommercial flag should be allowed.

### C. Yard signs

Some courts have held that yard signs are constitutionally protected and cannot be prohibited. Be especially cautious about provisions that favor some messages over others, such as exemptions for real estate or construction project signs.

*City of Ladue v. Gilleo*, 512 U.S. 43, 114 S. Ct. 2038 (1994),

## RELEVANT LINKS:

SRF Consulting Group,  
*"Dynamic Signage: Research  
Related to Drive Distraction  
and Ordinance  
Recommendations"*, June 7,  
2007.  
Minn. Stat. § 462.355, subd.  
4.  
Minn. Stat. § 462.357, subd.  
1e.

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## D. Electronic signs

Electronic signs present new challenges, as the technology is capable of new levels of brightness, movement, flashing, and potential distraction. Most sign ordinances do not adequately address these issues. The League has commissioned a study on the traffic safety implications of the technology. Cities may wish to consider moratoriums while the study is conducted and then drafting ordinances that apply the information to each community. A moratorium may prevent electronic signs from becoming grandfathered.

## IV. Further assistance

There are exceptions to these general rules about sign ordinances and the First Amendment but they should be approached cautiously and with legal advice. Cities should work closely with their city attorney to draft and review sign ordinances.

You may also contact League staff for assistance and sample ordinances.