

City of Excelsior
Hennepin County, Minnesota

Minutes
Heritage Preservation Commission

Tuesday, January 22, 2019

1. CALL TO ORDER/ROLL CALL

Chair Macpherson called the meeting to order at 10:00 a.m.

Commissioners Present: Bolles, Chair Macpherson, Brabec, Caron

Commissioners Absent: Reece, Finch, Salita

Also Present: City Planner Becker, City Attorney Staunton

2. AGENDA APPROVAL

Commissioner Caron moved, Commissioner Brabec seconded, to approve the agenda. Motion carried 4/0.

3. DISCUSSION ITEMS

a) Code Enforcement Issues/Sign Policy

Caron asked that City Attorney Staunton clarify what can be done to help enforce the Code. Staunton said that there are a number of options for enforcing the Code. The first is charging the defendant with a misdemeanor. This is cost effective and gets people's attention. The issue is that these violations are often low priority in the courts. The second is issuing an administrative citation. This also gets attention and isn't as offensive as a misdemeanor. The setback to this option is that the defendant has to participate in order for it to be effective. This is done through an outside attorney, and it is determined by the arbitrator. Brabec asked if we could charge a misdemeanor after the administrative citation could not be issued. The third category is a civil injunctive. This is essentially the beginning of a lawsuit. This is way more precise, but it is much more expensive. The argument could be made that it is sending a message, and this is done by a number of cities, but those cities have many more resources than this city does.

Macpherson felt that the misdemeanor option would be the most effective, as administrative citations are more difficult to issue, and the injunctive is not cost effective.

Sandwich boards were discussed, and it was asked if the City is able to remove sandwich boards that are blocking the sidewalk. Staunton felt that it would be appropriate for Public Works to remove these so long as they were blocking the sidewalk and not in compliance with Code.

Grandfathered signs were discussed, and it was clarified that existing signs that were erected legally are allowed to be replaced so long as they are not expanded.

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There was question on whether or not a non-conforming canopy that did not adhere to the current guidelines in that the writing was not located near the bottom could be replaced with the writing in the same location. Staunton said that he would need to look further in to it.

Commissioner Brabec left the meeting at 11:30 a.m.

Macpherson stated that he would create an outline of the sign policy for review at the next meeting.

4. ADJOURNMENT

Motion by Caron, seconded by Bolles to adjourn at 11:50 a.m. Motion carried 3/0.

Respectfully submitted,

Emily Becker
City Planner