

**City of Columbus**  
**Public Hearing**  
**AMENDMENT TO CITY CODE CHAPTER 7B SIGN REGULATIONS, SECTION**  
**7B-310, I-35 CORRIDOR LARGE OFF-PREMISE SIGNS**  
**08.07.19**

The August 7<sup>th</sup>, 2019 Public Hearing to consider an amendment to Chapter 7B Sign Regulations, Section 7B-310, I-35 Corridor Large Off-Premises Signs, was called to order at 7:22 p.m. by Chair Ron Hanegraaf at the City Hall. Present were Commission members: Kris King, Pam Wolowski, Barb Bobick and Jody Krebs; City Administrator Elizabeth Mursko; City Planning Technician Ben Gutknecht; and Recording Secretary Rochelle Busch.

Also in attendance were Mayor Jesse Preiner; City Council Members Denny Peterson, Shelly Logren and Janet Hegland; Lloyd and Debra Rehbein, John Young, Frank Walters, Ann Leonard, Dean Wright, Matt Weiland, Mike Hylandsson, Shawn Kupcho, Mark Mullozzi, and Randy Allee.

**Hanegraaf:** Alright we're going on to item number 10 on the agenda, public hearing and discussion for the amendment to the City Code Chapter 7B Sign Regulations, Section 7B-310, I-35 Corridor Large Off-Premise Signs, pages 22-27. Before we start this, open it up to the public, should we give a little history about...

**Wolowski:** She has to read the...

**Hanegraaf:** I'm sorry, I forgot it again, could you read the public notice, Rochelle?

Notice was read at this time by the recording secretary.

**Hanegraaf:** Thank you, Rochelle. Now I can go to you, right Elizabeth?

**Mursko:** Yes.

**Hanegraaf:** Could you just give us a little history about how we started this process? And why we started this process.

**Mursko:** Yes. So, for those of you who have been following our billboard discussion and those of you who are not, we will just give you a brief overview of where we started. So last year I brought to the attention of the City Council that we were coming to the end of a 20-year term for a majority of the billboards that were in the freeway district. And when I first came to Columbus in 2000, they had just finished looking at the billboard ordinance, and most of those billboards were constructed then. So, it was at the tail end and so, I knew that the permits were very close together in term. I wanted to know if the council wanted to make any changes and updates, because if they did, we wanted to be proactive and get in front of all of those applications. Because at the time when I was here, heard I should say, of the time in 1998-99 there was a moratorium at that time, and they studied it and somethings that happened then. So again,

wanting to be proactive, we thought we would get ahead of it and have a period of time where we could study it. So, the previous council did put a moratorium on and this past May we had an opportunity. When I say we, the City, the Planning Commission, and Council had a little bit of time in order to look at this. And so, we started to look at different ordinances and had discussion and our very first discussion was in May. When we talked about it there were several questions, we wanted to ask of the billboard companies. We reached out to them. We had a list of questions. We got some feedback and since then there have been meetings where we've had discussion back and forth with the Council. And so, I think the format was, we wanted to take in as much information as we could, in order to draft the ordinance. We have a draft ordinance now, we have a public hearing tonight. I think everyone here wants to hear from the audience, we had several letters after 3 o'clock, so certainly we want to hear from all of you. And it really is a time for us to take information, from everyone that is here, so we welcome the testimony. But also want to let the audience know that, we are not in a hurry. So, if we have to take a little extra time to talk through some issues, we certainly are willing to do that. I know the Planning Commission has spent a couple of hours on this subject. I think it will be a good dialogue. This will be the first opportunity for them to hear from all of you. So, with that I am going to turn it back over to the Chair and anyone else that wants to speak during the public hearing.

**Hanegraaf:** Okay, we're going to open it up to the public hearing to everyone and anyone that has an interest in this matter can step forward and present testimony as evidence in support of their position. And we'd like everybody to state their name and address and talk clearly into the microphone. If you have a statement or something that you'd like to say about this, please come forward.

**Hylandsson:** Hello, okay, is that a good volume? Okay, alright. My name is Michael Hylandsson. I am the president of Schubert and Hoey Outdoor Advertising. I'm here about the billboard ordinance. We have a sign along I-35. But first I'd like to give you a little background about us and our company. My grandfather started Schubert Outdoor Advertising in 1946 and my mom started Hoey Outdoor Advertising in 1991. I'm the 3<sup>rd</sup> generation to run the company. About 80% of our business is in, here in central Minnesota. We're a small local family business. And our customers are local Minnesota companies. Due to the nature we're in greater Minnesota and our client base are not national brands but small local companies. So, the sign that we have on I-35 is a single pole steel structure, that we built in 2006. The sign is very important for us. In the course of doing business we pay thousands of dollars in property taxes every year. Since 2015 over \$3500 was paid to the city and over \$2500 was paid to the school district. So, here is the issue with the proposal. The proposed changes make it so that the existing signs must meet the new requirements when the interim use permit would expire, and you'd go to apply for a new one. In our case the changes have been, the criteria for me getting a new interim use permit has changed so much, we would not, the interim use permit would not be approved for us. There's another problem with the way the code is written, the City would be taking our, the rights we have to operate as a business in Columbus away from us without just-compensation, and that is illegal under the Minnesota Constitution. I just want to stay in business. If the City would like to stop having new signs put up, that is okay. I request that the Planning Commission make changes to the proposal so that existing signs would be allowed, so that we could keep our sign and continue. I would be happy to meet with the Planning Commission to talk about what that could

mean. There's a lot of different ways the ordinance could be changed. Do you have any questions now? I'd be happy to answer any.

**Hanegraaf:** Well, thank you. How many signs do you have in the city?

**Hylandsson:** We have 2 signs. We have 1 on I-35 and 1 on Lake Drive.

**Mursko:** They're the sign that's the 1952 vintage.

**Hanegraaf:** Yeah, that's the one on Lake Drive, we're not even talking about.

**Hylandsson:** Right, right.

**Hanegraaf:** So, its only the one in the district, the freeway district.

**Hylandsson:** That's right, yes.

**Hanegraaf:** And that was put up in when? 2006?

**Hylandsson:** Well technically the interim use permit was approved in December I think of 2005. But as part of the agreement to put up, as part of the approval process, we agreed to take down an old sign and that had like 5 poles to hold it up and build a modern new sign. And that was built in early 2006.

**Mursko:** Just for clarification there was one item that was brought to our attention and it appears there was a missing word in the ordinance. So just for everyone else here for other issues. There was a discussion about setback. Today's code says it's a 5-foot setback versus a 20-foot setback. And the code should have said any new billboards erected would have to have the 20-foot setback, but all existing billboards would only remain with the 5-foot. And we realized, because we did have quite a lot of discussion about easements, and we knew there was going to be an issue if we looked at setbacks and changes setbacks. Then people would have to renegotiate easements. And that would be a long legal issue and such and would cost a lot of money. And so, in the code that one nuance, that one little word, is not in there, but that was the intention.

**Hylandsson:** Okay.

**Mursko:** That the setback would only apply to new billboards.

**Hylandsson:** Okay, well that's interesting.

**Mursko:** So, if that was one of your issues.

**Hylandsson:** Would it be possible to get a copy of what, that corrected one?

**Mursko:** I think when we have the discussion, those things, that's what we'll put into. Once we take the public hearing testimony, the Planning Commission will come up with any changes they feel that are important. Or things that weren't included. Because I think the Planning Commission members have identified 2 or 3 things that they talked about that they wanted to add. And so, I think you'll see there will be tweaks along the way to that ordinance. And that one I do know was one that was came up in a couple letters about the setbacks. So, I just want to clarify, that it was the intent to, and always the intent, that it was new billboards that would have to meet the setbacks.

**Hylandsson:** Okay, and does that, the same for. So that the setback, that's on page 2, part A. But one other thing that would affect us, or our sign, is in section F, in the first paragraph, not paragraph number 1, but the introduction paragraph of the interim use permit right here number 4, establishment of a non-residential use on the property. There was an existing business, I mean there's been a business, I mean I don't know when that business is there. But if were going to go by the black and white, that would be a reason for the City to say that no we couldn't renew our permit.

**Mursko:** And I will say, that particular paragraph was brought up by City Council, so that is open for discussion, and taking in your testimony I think they'll take that into consideration.

**Hylandsson:** Okay. Great. Thank you very much.

**Hanegraaf:** Thank you.

**King:** Thank you.

**Weiland:** Good evening Chair, Planning Commission. My name is Matthew Weiland, I'm with Clear Channel Outdoor. We have a large number of signs in town. We have approximately 27 signs. Majority of those are on properties that we lease, we lease the land from the land owners. We do own some land as well. First off, I thank you Elizabeth, that you open....

**Hanegraaf:** Can I stop you right there? Did you get his name and address?

**Busch:** I got it.

**Hanegraaf:** Oh, okay. I'm sorry, go ahead. Excuse me.

**Weiland:** Yeah, no problem. Thank you for mentioning this public hearing is an opportunity for dialogue. We really do appreciate that. Thank you for the clarification on the setback. That was one of our main concerns. I think Mike did a good job of summarizing our concerns. We have a large number of signs in town. Under interim use permits, they were built, they were approved at the time under the conditions that were there at the time. Majority of our signs don't meet that new setback, so that is a huge relief for us that that's something that's coming off. But we have the same concerns that Mike does is, with existing signs, as long as the new regulation would be for new signs and there was a way for existing interim use permits to be renewed under existing conditions is what were asking for the Planning Commission and Council to consider. We also

have a number of signs where we have existing businesses there. We've been there a long time. That's this is state the existing. We'd like the opportunity to continue with the, at least have the opportunity to apply for a renewal when our permits come up next year, to be renewed under the existing conditions that they are the business there, those taken into consideration. So that's the, that would be our request. Otherwise that becomes a huge impact to those land owners as well. As they are going to lose out on that income as well.

**Mursko:** Just one clarification Matt. The clarification that I made was for the setback and in that particular paragraph we would add new. I think the Planning Commission Members have looked at the ordinance and I think there's going to be a couple of different tweaks to it. As far as placement goes, and separation because of the introduction of dynamic billboards. That's something that 20 years ago we didn't have. And kind of was introduced and there was a tweak to the ordinance. And as we see dynamic billboards come into play more and more to the community, we realize there are a couple tweaks that need to be done to the ordinance. And it had to do with lighting and then there are some protrusions and extensions and things that they really didn't contemplate early on. And so, when you look at the ordinance, I think they really took the time to look at things that were happening today that really weren't happening 20 years ago. So, I think most of the things that you'll see are, because technology has changed. And they got a lot of education along the way about that type of technology. I think we all got a lesson in nits and all of those things. I think we, if we have a dialogue, we get just amount education from all of you in the newest technologies and wanted our code to reflect that.

**Weiland:** And I appreciate that. And I do applaud you guys, looking forward and to the technology that's changing. That's where our industry is going. We don't have a dynamic sign in Columbus. We're very interest in putting one here. Along those lines, some of the other things in my notes to consider, I know your talking about moving your interim use permits from 20 years to 10 years as one of them. As someone who's looking to do a dynamic sign, there's a huge investment in those. We look for 20 years from our landlords to be able to do that. So that's something that we ask you to consider at least for... I know you don't want to complicate things, but at least for interim use permits for digital signs, that you would look at least 20 years. Because the investment to put into them. But I certainly applaud you guys, in looking at cities around you, and being proactive and being ready for the future.

**Mursko:** I'll also just add. One of the things that did not get into the ordinance, but we did discuss it at length, during this 20-year period of time, Columbus went from a township to a city. Identity is a very big issue. We want people to know they're in Columbus. And when they drive into Columbus, we want them to appreciate that we have an exit, and all of those things. They did talk for quite a period of time about putting the city of Columbus on the billboards like you have done in other communities, whether its Blaine and others. Believe me we all pass billboards now and we take measure as to what's in each billboard. And also looking at upgrading them. Meaning that we've seen other communities where you've upgraded your bases and you've put whether its masonry or I really actually don't know what it made out of. But I know you have enhanced them, at least on Clear Channels. I don't know about others. Again, they talked about it because they also looked at everyone else's. While it didn't get into the draft it was discussed and I believe upon further discussion you're going to see an add as to those features.

**Weiland:** Certainly. I think that's fair for especially... we want to the investment in digital is a big investment for us. That's also why we want to invest in the structures. And we love partnering with cities. The cities were in, we provide them advertising in our signs. I think even now we provide the city some advertising or when we can on our static signs. But any city were in with our digital signs we provide messaging on our sign for community events and so forth. We look at it as a real partnership, we need each other.

**Hanegraaf:** I think that's what we, you know Matt and Mike and everybody out there, we weren't here to put people out of business. We were here to improve and tighten up ordinances. And to make our community look as good as others. And testimony helps us a long way. We had nobody in here talking to us. That's where we stand. And we appreciate everyone who comes up for it, who brings more information.

**Weiland:** And thank you. I'm more than happy to answer questions, provide information. I've talked a little bit with Ben. We haven't even formally met, but I appreciate Bens time that he's given me. And were certainly more than willing to communicate. And we've offered some different language as long as the intent is there. I know you guys can figure out the best way to do it. And were here to certainly help draft or dialogue as necessary. We appreciate the opportunity.

**Bobick:** Just for our education, can you give us some idea of what it does cost to build a billboard?

**Weiland:** A dynamic sign?

**Bobick:** No, just the regular. See we had no idea of what the cost was.

**Weiland:** Yeah, I mean it's, there's a lot of things that go into it. Soil conditions and heights and sizes. But typically, you're looking at 6 figures, to put in a billboard just the structure. These things are, I always say there easy, because I'm not the one building them. There like a big erector set. But these things are individually engineered, and you know there designed to last through hurricanes. There's a lot that goes into these things and 20-foot, 20-30-foot holes for the footings. And there meant to stay up and last. When you add digital to them, the digital it's a 672 square foot video screen if its 14x48. It's a very large video display which are also very expensive that now your adding to that structure. And then when your adding the rock and other stuff it's a good investment. But advertisers certainly allow the flexibility where it's in. We love it from the stand point, were in the business of making money, a for profit company. But it also does allow us to further our mission with community involvement and involvement with law enforcement and emergency management. We get awards every year for helping the FBI on amber alerts. We're a really quick way to put up amber alerts for kids that are missing because they are usually in a car and people are in the cars. And we put those ads up right away. And same with fugitives, most wanted, or emergency weather problems. All those things. You guys, I don't need to sell you on that, you're already willing to do digital in your city. But it's something that I applaud that on. We do want to invest and come back an invest in the City as well. We've done stuff down the road in Vадnais Heights. I just did one in New Brighton, so we are creeping up here, from Blaine and creeping up to this area.

**Bobick:** Well thank you for the information.

**Weiland:** Yeah. Thank you for your time.

**Hanegraaf:** Thank you, Matt.

**King:** Thank you.

**Hanegraaf:** Is there anybody else that would like to step forward? Well we've come to a cross roads here. A cross road is this, do we end this public hearing, or do we carry on for a couple weeks and what information we can get from the public again?

**Mursko:** At this point there's two options one is you continue the hearing, if you feel what you heard tonight from the billboard companies, that perhaps they would submit some more information in addition to what they've already submitted. You can close the hearing with the right to reopen if you think that there's significant more information and you can do that at any time. And then if you close with the right to reopen, you can start your discussion tonight. You can kind of think about what you've heard I know you've received letters today, 3 different letters kind of late in the day. And if you want to take time to read that, its really what your comfort level is. I can't really speak to the legal issues that were brought up tonight, I would have to ask Bill as to what he felt, or how to address those. So, those are your two options.

**Hanegraaf:** Well we can't, we'd have to close it to discuss it? Whose decision is that then to continue it?

**Mursko:** Really, yours.

**Hanegraaf:** Well, looking at everyone here, I think we should continue it, and come back in two weeks at our next planning commission.

**Mursko:** If you continued a hearing, you have to continue it to a date certain.

**Hanegraaf:** Okay so what's the next Planning Commission would be August 21<sup>st</sup>. So, we don't end it.

**Mursko:** No, you continue, you make a motion to continue the hearing to your meeting on August 21<sup>st</sup> at 7pm

**Hanegraaf:** Okay, I'll make a motion that we continue this hearing until August 21<sup>st</sup> at 7pm 2019. Do I have to have someone second that?

**Bobick:** I'll second that for you.

**Hanegraaf:** Barb seconding it. All those in favor say 'Aye'

**Krebs:** Aye

**King:** Aye

**Bobick:** Aye

**Wolowski:** Aye

**Hanegraaf:** Aye. Those oppose. Hearing none, we'll continue this later.

At this time Chair Hanegraaf closed the Public Hearing. Hearing closed at 7:45 p.m.

Respectfully submitted:

Rochelle Busch, Recording Secretary