

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER CITY CODE 21.60.095, ELECTORAL SIGNS; HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

21.60.040 Definitions. ~~In~~ For the purpose of this chapter, **in addition to terms defined in HCC §21.03.040,** the following words and phrases shall have the meanings set forth in this ~~section~~ chapter.

"Abandoned sign-" ~~means a~~ Any sign ~~containing copy~~ that refers to a business or activity that is no longer being conducted or pursued.

"Animated sign." ~~means a~~ Any sign that uses flashing lights, movement or change of lighting to depict action or create a special effect or scene, **or that includes characters, letters, or illustrations whose message changes at least one time per day; provided that a changing-** ~~A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature does not cause a sign to be shall be considered a time and temperature portion of a sign and not an animated sign for purposes of this chapter.~~

"Banner-" ~~means a~~ Any sign of lightweight fabric or similar material that is **attached to a rigid structure either at each corner or along its entire circumference mounted to a pole or a building by a permanent frame at one or more edges.** ~~A flag, as defined in HCC § 21.60.040, shall not be considered a banner.~~

"Beacon-" ~~means a~~ Any sign **that emits with one or more beams of light,** capable of being directed in **one or more** ~~any direction or directions or capable of being~~ rotated or moved.

[Bold and underlined added. Deleted language stricken through.]

Comment [IR1]: This is my attempt to address the Commission's concerns about banners.

Rick this basically eliminates banner, suggest discussion of use of traditional banner as temporary sign.

44 "Building marker-" ~~means a wall~~ Any sign cut or etched into masonry, bronze, or similar
45 material that includes only the building name, date of construction, or historical data on historic
46 site.

47 "Building sign-" ~~means a~~ Any sign that is attached to and supported by any part of a
48 building, but that is not a freestanding sign unless it is supported in whole or in part by
49 structures or supports that are placed on, or anchored in, the ground and that are independent
50 from any building or other structure.

51 "Changeable copy sign." ~~means a~~ A sign that includes or portion thereof with
52 characters, letters, or illustrations that can be changed or rearranged without altering the face or
53 the surface of the sign, and A sign on which the message changes less often than more than one
54 time per day shall be considered an animated sign and not a changeable copy sign for purposes
55 of this chapter; provided that a A-changing sign on which the only copy that changes is an
56 electronic or mechanical indication of time or temperature does not cause a sign to be shall be
57 considered a time and temperature portion of a sign and not a changeable copy sign for purposes
58 of this chapter.

59 "Commercial message-" means letters, graphic material or a combination thereof Any
60 sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls
61 attention to a business, brand, product, service or other commercial activity.

62 "Department." ~~The Planning and Zoning division or department of the City.~~

63 "~~Electoral sign." Any sign used for the purpose of advertising or promoting a political~~
64 ~~party, or the election or defeat of a candidate initiative, referendum or proposition at an election.~~

65 "Flag-" means the flag Flags of the United States, the State, the City, a foreign nations
66 having diplomatic relations with the United States, and any other flag adopted or sanctioned by
67 an elected legislative body of competent jurisdiction. ~~A flag shall not be considered a banner for~~
68 ~~purposes of this chapter.~~

69 "Freestanding sign-" ~~means a~~ Any sign supported, ~~in whole or in part,~~ by structures or
70 supports that are placed on, or anchored in, the ground and that are independent from any
71 building or other structure.

72 "Ground sign-" ~~means A~~ ground sign is a freestanding sign that is placed directly on the
73 ground with having or appearing to have a foundation or solid base beneath 50 percent or more
74 of the longest horizontal dimension of the sign.

75 "Handbill." Any flyer, notice or brochure advertising or promoting any product, business,
76 cause, political candidate or issue, and intended for distribution to the general public.

77 "Incidental sign-" means an A sign, generally informational, or directional sign that
78 incidental and subordinate has a purpose secondary to a principal the use of the lot on which
79 it is located, such as "no parking," "entrance," "loading only," "telephone," ~~and other similar~~
80 directives. No sign with a and that bears no commercial message that is legible from outside
81 that a position off the lot on which the sign is located shall be considered incidental.

82 "Lot." See HCC § 21.32.030.

83 "Marquee." Any permanent roof like structure projecting beyond a building or extending
84 along and projecting beyond the wall of the building, generally designed and constructed to
85 provide protection from the weather.

[Bold and underlined added. Deleted language stricken through.]

Comment [IR2]: I eliminated this definition part of an effort to eliminate content-related categories in the ordinance.

86 "Marquee sign:" ~~means a~~ Any sign attached in any manner to, ~~in any manner,~~ or made a
87 part of, a permanent roof-like structure projecting beyond a building, generally designed
88 and constructed to provide protection from the weather marquee.

89 "Non-conforming sign." Any lawfully pre-existing sign that does not conform to
90 regulations of this chapter that became applicable after erection of the sign.

91 "Official traffic control device" means a sign not inconsistent with Alaska Statutes
92 Title 28, placed or erected by authority of a state or municipal agency or official having
93 jurisdiction, for the purpose of traffic regulating, warning and guiding.

94 "Off-premise sign." means a A sign containing a commercial or non-commercial
95 message drawing attention to goods or services, business or other activity not offered or
96 conducted on the lot on which the sign is located.

97 "Pennant:" means a Any lightweight plastic, fabric, or other material, whether or not
98 containing a message of any kind suspended from a rope, wire, or string, usually in series,
99 designed to move in the wind.

100 "Permanent sign" means a sign that is not a temporary sign.

101 ~~"Portable sign." means a Any sign not permanently attached to the ground or other~~
102 ~~permanent structure, or a sign designed to be transported, including signs designed to be~~
103 ~~transported by means of wheels; signs converted to A or T frames; menu and sandwich board~~
104 ~~signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on~~
105 ~~vehicles parked and visible from the public right of way, unless said vehicle is used in the~~
106 ~~normal day-to-day operations of the business.~~

107 "Principal building:" means a The building in which is conducted the principal use of the
108 lot is conducted on which it is located. Lots with multiple principal uses may have multiple
109 principal buildings, but storage buildings, garages, and other accessory structures shall not be
110 considered principal buildings.

111 "Projecting sign:" means a Any building sign affixed that is approximately
112 perpendicular to a building or wall and that in such a manner that its leading edge extends
113 more than six inches beyond the surface of the such building or wall.

114 "Public Sign:" means A Public Sign is an off-premise off premises sign placed by a
115 governmental agency to that provides direction or information, or to identify or identifies
116 public facilities such as parks, playgrounds, libraries, or schools or to a distinct area of the City,
117 such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City. Public Signs may
118 identify categories of services available, but may not carry any other commercial message.
119 Public Signs are non-regulatory.

120 "Residential sign:" means a Any sign located in the Rural Residential, Residential Office
121 or Urban Residential zoning districts that contains no commercial message except for advertising
122 for goods or services legally offered on the premises where the sign is located, if offering such
123 services at such location conforms with all requirements of the zoning code.

124 "Roof sign, integral:" means a Any sign erected and constructed as an integral part of a
125 ~~normal~~ the roof of a building structure, such that no part of the sign extends vertically more than
126 two feet above the highest portion of that roof of which it is a part.

Comment [IR3]: Since portable and temporary signs are treated the same, a separate definition of portable sign is unnecessary.

[**Bold and underlined added.** Deleted language stricken through.]

127 "Setback:" ~~means the~~ **means the** distance between **a sign located on a lot and the closest lot**
128 ~~line and the sign.~~

129 "Sign:" ~~means a~~ **means a** Any device, fixture, placard, or structure that uses any color, form,
130 graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the
131 purpose of a person or entity, or to communicate information of any kind to the public.

132 "Suspended sign:" ~~means a~~ **means a** sign that is suspended from the underside of a horizontal
133 plane surface and is supported by such surface.

134 "Temporary sign:" ~~means a~~ **means a** Any sign that is used only temporarily and is not
135 permanently mounted.

136 "Wall sign:" ~~means a~~ **means a** Any sign attached parallel to, but within six inches of, a wall,
137 painted on the ~~wall surface of,~~ or erected and confined within the limits of an outside wall of any
138 building or structure, which is supported by such ~~wall of building or structure,~~ and which
139 displays only one sign surface.

140 "Window sign:" ~~means a~~ **means a** Any sign, pictures, symbol, or combination thereof, designed to
141 communicate information about an activity, business, commodity, event, sale, or service, that is
142 placed inside a window or upon the window panes or glass and is visible from the exterior of the
143 window.

144
145 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on
146 private property with and without permits, are amended to read as follows:

147
148 21.60.060 Signs allowed on private property with and without permits. a. Signs shall be
149 allowed on private property in the City ~~in accordance with,~~ and only in accordance with Table 1.
150 If the letter "**A**" appears for a sign type in a column, such sign **type** is allowed without prior
151 permit approval in the zoning district represented by that column. If the letter "**P**" appears for a
152 sign type in a column, such sign **type** is allowed only with prior permit approval in the zoning
153 districts represented by that column. Special conditions may apply in some cases. If the letter
154 "**N**" appears for a sign type in a column, such a sign **type** is not allowed in the zoning districts
155 represented by that column under any circumstances.

156
157 Section 3. Homer City Code 21.60.060, Signs allowed on private property with and
158 without permits, is amended by amending Table 1 by striking the row for the Portable sign type,
159 striking note j, and amending the row for the Temporary sign type to read as follows:

	RR	UR	RO	INS(a)	CBD	TC	GBD	GC1	GC2	CM	MI	OSR	PS
Temporary (h)	AN	AN	AN	AN	P	P	PS	P	P	P	P	PN	PN

161
162 Section 4. Homer City Code 21.60.060, Signs allowed on private property with and
163 without permits, is amended by amending Table 2, Maximum Total Sign Area Per Lot by Zoning
164 District, Part B, to read as follows:

[Bold and underlined added. Deleted language striken through.]

166 Table 2 Part B

167
168 In all other districts not described in Table 2 Part A, the maximum combined total area of all signs,
169 in square feet, except incidental, building marker, and flags, shall not exceed the following:

171 <u>Square feet of wall frontage (c):</u>	172 <u>Maximum allowed sign area</u> <u>per lot principal building</u>
173 750 s.f. and over	150 s.f.
174 650 to 749	130 s.f.
175 550 to 649	110 s.f.
176 450 to 549	90 s.f.
177 350 to 449	70 s.f.
178 <u>2000 to 349</u>	50 s.f.
179 <u>0 to 199</u>	<u>30 s.f.</u>

180
181 ~~In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with~~
182 ~~multiple independent businesses or occupancies in one or more buildings, the total allowed sign~~
183 ~~area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by~~
184 ~~20%. This additional sign area can only be used to promote or identify the building or complex~~
185 ~~of buildings.~~

186
187 In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not
188 exceed the following limitations:

189
190 Only one freestanding sign is allowed per lot, except one freestanding public sign may be
191 additionally allowed. A freestanding sign may not exceed ten (10) feet in height. The
192 sign area on a freestanding sign (excluding a public sign) shall be included in the
193 calculation of maximum allowed sign area per lot and shall not exceed the following:

195 One business or occupancy in one building	36 s.f.
196 197 Two independent businesses or occupancies or 198 principal buildings in any combination	54 s.f.
199 200 Three independent businesses or occupancies or 201 principal buildings in any combination	63 s.f.
202 203 Four independent businesses or occupancies or 204 principal buildings in any combination	72 s.f.

205
206 Section 5. Homer City Code 21.60.070, Permits required, is amended to read as follows:
207

[Bold and underlined added. Deleted language stricken through.]

208 21.60.070 Sign permits ~~Permits required.~~ a. No person may place, construct, erect or
209 modify a sign for which ~~If a sign requiring a provision of this chapter requires a permit~~
210 without first obtaining a permit for the sign ~~under this section the provisions of this chapter is~~
211 ~~to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign~~
212 ~~permit prior to the construction, placement, erection, or modification of such a sign in~~
213 ~~accordance with the requirements of HCC § 21.60.120.~~

214 b. Applications. An application for a sign permit shall be submitted to the
215 Department on an application form or in accordance with application specifications
216 published by the Department. An application for a permit for a sign that is not an off-
217 premise sign shall be submitted by the owner of the lot where the sign is to be located, or by
218 a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a
219 business, brand, product, service or other commercial activity of the tenant.

220 c. Fees. An application for a sign permit shall be accompanied by the applicable
221 fees established by the Homer City Council from time to time by resolution.

222 d. Action. Within seven working days after the submission of a complete
223 application for a sign permit, the Department shall either:

224 1. Issue the sign permit, if each sign that is the subject of the application
225 conforms in every respect with the requirements of this chapter; or

226 2. Reject the sign permit if a sign that is the subject of the application
227 fails in any way to conform to the requirements of this chapter. In case of rejection,
228 the Department shall specify in the rejection the section or sections of this chapter to
229 which the sign does not conform.

230
231 Section 6. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to
232 read as follows:

233
234 21.60.090 Permanent sSigns in the public rights-of-way. No person may place,
235 construct or erect a permanent sign shall be allowed in a the public right-of-way, except for
236 the following:

237 a. ~~Permanent Signs. Only the following permanent signs, including:~~

238 a1. Official traffic control devices.

239 b. Public signs erected by or on behalf of a governmental body to post legal notices,
240 identify public property, convey public information, and direct or regulate pedestrian or
241 vehicular traffic;

242 c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
243 and

244 d3. Signs containing commercial messages that have been ~~must be~~ approved by the
245 State of Alaska Department of Transportation, ~~Tourist Oriented Directional Signing Program.~~

246 ~~b. Temporary Signs. Temporary signs for which a permit has been issued in~~
247 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
248 ~~requirements:~~

249 ~~1. The signs shall contain no commercial message; and~~

[Bold and underlined added. Deleted language stricken through.]

- 250 2. ~~The signs shall be no more than two square feet in area each.~~
251 3. ~~Notwithstanding (1) and (2), such signs calling attention to civic events~~
252 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
253 ~~exceed the width of traveled portion of road.~~
254 e. ~~Emergency signs. Emergency warning signs erected by a governmental agency, a~~
255 ~~public utility company, or a contractor doing authorized or permitted work within the~~
256 ~~public right of way.~~
257 d. ~~Other Signs Forfeited. Any sign installed or placed on public property, except in~~
258 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~
259 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
260 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~

261
262 Section 7. Homer City Code 21.60.095, Electoral signs, is repealed.

263
264 Section 8. Homer City Code 21.60.100, Signs exempt from regulation under this chapter,
265 is amended to read as follows:

266 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
267 exempt from regulation under this chapter:

- 268 a. Any sign bearing only a public notice or warning required by a valid and applicable
269 federal, state, or local law, regulation, or ordinance.
270 b. Any emergency warning signs erected by a governmental agency, a public utility
271 company, or a contractor doing authorized or permitted work within a public right-
272 of-way.
273 c. Any sign inside a building, not attached to a window or door, that is not legible from a
274 distance of more than three feet beyond the lot line of the lot or parcel on which such sign is
275 located,
276 c. Works of art that do not contain a commercial message;
277 d. Holiday lights between October 15 and April 15;
278 e. Traffic control signs on private property, such as a stop sign, a yield sign, and similar
279 signs, the face of which meet Department of Transportation standards and that contain no
280 commercial message of any sort.
281 f. Signs in existence before February 11, 1985, but such signs shall not be replaced,
282 moved, enlarged, altered, or reconstructed except in compliance with this chapter.

283
284
285 Section 9. Homer City Code 21.60.120, General permit procedures, is repealed.

286 Section 10. Homer City Code 21.60.130, Temporary signs-private property, is amended
287 to read as follows:

288
289
290 [**Bold and underlined added.** Deleted language stricken through.]

Comment [IR4]: The content-related regulation of electoral signs is legally questionable. They are addressed generically as temporary signs under HCC §21.60.130

291 21.60.130 Temporary signs-Private property. a. **All temporary signs are subject to the**
292 **following requirements:**

293 **1. Temporary signs shall not be illuminated, animated, or changeable copy**
294 **signs.**

295 **2. Unless a smaller size is required by another provision of this chapter, the**
296 **maximum size of a temporary sign is restricted to 16 square feet.**

297 **3. A temporary sign whose message pertains to a specific date, event, or time**
298 **period shall not be displayed for more than seven days after that date or the**
299 **conclusion of the event or time period.**

300 **b. Temporary signs on private property shall be allowed in all zoning districts** subject to
301 the following requirements:

302 a. Term. A temporary sign shall not be displayed for more than 14 days in any 90-
303 day period, except a sign offering for sale or lease the lot on which the sign is located,
304 which is allowed as long as the property is for sale or lease.

305 b. Number. Only one temporary sign per lot is allowed.

306 **1b. No temporary sign that bears a commercial message may be an off-**
307 **premise sign.** Only one temporary sign bearing a commercial message per lot is
308 allowed, and is limited to the following:

309 **i. Advertising the property on which the sign is located for sale or for**
310 **rent.**

311 **ii. Advertising a temporary sale of household goods on a property**
312 **occupied by a dwelling.**

313 **2. Temporary signs that do not bear a commercial message are allowed in**
314 **any number and shall be in addition to any other signs allowed under this chapter.**

315 **c. Temporary signs in public rights-of-way shall be allowed in all zoning districts**
316 **subject to the following requirements:**

317 **1. No person may erect or place a temporary sign in a public right-of-way**
318 **without first obtaining a permit for the sign under HCC §21.60.090. No more than**
319 **20 signs may be erected under one permit.**

320 **2. No temporary sign in a public right-of-way may bear a commercial**
321 **message.**

322
323 Section 11. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
324 repealed.

325
326 Section 12. Subsection (e) of Homer City Code 21.60.150, Time of compliance-
327 Nonconforming signs and signs without permits, is enacted to read as follows.

328
329 (e) Notwithstanding the remainder of this section, a temporary sign that does not conform
330 to the current provisions of this chapter shall immediately be either brought into conformity to
331 the provisions of this chapter or removed.

332 **[Bold and underlined added. Deleted language stricken through.]**

Comment [IR5]: Regulations limiting the duration for which temporary signs may be displayed frequently are struck down, particularly, but not exclusively, if they are content related. Regulations requiring the removal of temporary signs within a reasonable time after the event to which they pertain have been upheld.

Comment [DH6]: It's my understanding that commission reconsidered and will allow one commercial sandwich board per lot, max. of 16 sq. ft. during business hours, max. of 12 hrs. per day. Temporary signs are in addition to their sign allowance.

Comment [IR7]: Courts often reject limitations on the number and content of non-commercial temporary signs on private property.

Comment [RA8]: Rick - Consider elimination of "c"

Comment [DH9]: Temporary signs, as in banners and sandwich boards would need to comply upon adoption, adjusted to Jan. 1, 20xx. All other signs must comply when the face of the sign is changed, or within 3 years, effective Jan. 1, 20xx, whichever comes first. An effective date of Jan. 1, 20xx is when signage is at a minimum. This also gives plenty of time for businesses to make adjustments before the summer season.

We do not want one building on the boardwalk to be the 'sign culprit' for the entire boardwalk. We do not want to tie sign compliance with ownership because there are multiple layers of ownership of the boardwalks, ownership of the building, ownership of the business and maybe a tenant. We do not want to tie sign compliance with sign removal because most businesses remove their signs in the winter to prevent weather damage.

333 Section 13. ~~Homer City Code 21.60.160, Violations, is repealed.~~

Comment [IR10]: Violations are addressed in HCC 21.90.090.

334
335 Section 14. Homer City Code 21.60.170, Enforcement and remedies, is amended to read
336 as follows:

337
338 21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC
339 Chapter 21.90, violations of this chapter are subject to the following remedies:

340 a. A person designated to enforce this title under HCC 21.90.020 may remove a
341 temporary sign placed in a public right-of-way in violation of this chapter. The person
342 responsible for the illegal placement shall be liable for the cost incurred in removing the
343 sign. Any violation or attempted violation of this chapter or of any condition or requirement
344 adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by
345 injunction or other appropriate proceedings pursuant to law.

346 b. Notwithstanding any other provision of this title:

347 1. An appeal to the Planning Commission from an enforcement order that
348 requires the abatement or removal of a temporary sign placed on private property
349 in violation of this chapter must be filed within seven days after the date of
350 distribution of the enforcement order to the person whose property is the subject of
351 the enforcement order.

352 2. An appeal from a final decision of the Planning Commission regarding an
353 enforcement order that requires the abatement or removal of a temporary sign
354 placed on private property in violation of this chapter must be taken directly to the
355 Superior Court. ~~A violation of this chapter shall be considered a violation of the zoning~~
356 ~~code of the City, subject prosecution and, upon conviction, subject to fines pursuant to~~
357 ~~HCC § 21.90.100.~~

358 e. ~~The City shall have and may exercise all remedies provided for or allowed by City~~
359 ~~code or other law for the violation of the zoning code.~~

360 d. ~~All remedies provided herein shall be cumulative. To the extent that state law may~~
361 ~~limit the availability of a particular remedy set forth herein for a certain violation or a part~~
362 ~~thereof, such remedy shall remain available for other violations or other parts of the same~~
363 ~~violation.~~

364
365 Section 15. Sections 1 through 14 of this Ordinance are of a permanent and general
366 character and shall be included in the City Code.

367
368 Section 16. This Ordinance shall become effective on January 1, 2012.

369
370 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
371 _____ 2011.

372
373 CITY OF HOMER

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[Bold and underlined added. Deleted language stricken through.]

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JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager
Date: _____

Thomas F. Klinkner, City Attorney
Date: _____

[Bold and underlined added. Deleted language striken through.]