

MANDAN ARCHITECTURAL REVIEW COMMISSION MINUTES

August 6, 2013

The meeting was called to order at 1:00 p.m.

ROLL CALL: Robert (Bob) Vayda/President, Doug Lalim/City Assessor & Building Official, Steve Nardello/Fire Chief,, Leonard Bullinger, Jerome Gangl, Rick Zander, Stephanie Smith & Kim Fettig/City Engineering.

MEMBERS ABSENT: Jason Krebsbach

GUEST PRESENT: Ellen Huber, Business Development and Communications Director.

FIRST ORDER OF BUSINESS: Proposal by Mann Signs representing Novaspect & Midwest Valve Services to put up a new wall mount and monument sign located at 2917 37th St. NW. Scott Bina presented today to represent this proposal of two illuminating wall signs and also an illuminated monument sign. The monument sign will be 10' off of the property line. They will be doing a landscaped area around the monument sign.

Leonard made a motion to approve.

Jerome seconded.

Upon roll call vote, the motion passes unanimously.

SECOND ORDER OF BUSINESS: Dan Halverson is here to discuss his ideas to MARC members on an awning for his business that is in need of repair or replacement located at 112 2nd Ave. NW. Dan indicated he received a letter in July from Doug in the Assessing Dept., second and final notice, of what we were going to do with the awning. He had also received a letter months before that from Richard Barta (the first notice) and he had been communicating with him in emails and letting him know exactly where they were at and what they were looking at. He found out that Richard Barta was no longer receiving these emails because he had retired. He didn't get any emails or notices that Richard Barta was no longer here so he contacted Doug and told him what they were thinking about. Some of the options they were thinking about would have to be presented to MARC and see what we thought. He had Mann Signs look at it for repairing. They had been waiting to see who was going to rent the space in case they might want something custom with their name on it so he didn't fix or repair it because it was unrented when he bought the building. The options they are looking at are taking the whole awning down or the whole structure down. If they do that, it more than likely will not be going back up again because it is quite large and would need to store it, etc. He likes the idea and hopes the city does, it is nice to have those old awnings there but he knows you want something on it and for it not to be looking bad. The second option is we could leave the awning up and just rip off the torn part that is on there now and leave it empty and Doug stated that probably would not be something MARC would be open to. He could also do that in lieu of finding out what exactly they want to put up there. To completely recover it, they have to take the whole thing down and the expense was

a lot more than he thought it would be. The third thing they could do is the current renter, which is a church, are looking at essentially, if you look at the awning there are little holes here and there is kind of flappy part in the middle, they could put something right over the middle and center it so it would look fairly decent and right now they are looking at doing something like that and see what it would cost. So that is where they are at and they can give them a deadline on when they think they would have a decision for him. Basically if they decide not to do anything, the two options are to take the whole structure down and it probably will never go back up again or leave the structure up and just take the ripped part off but then it is an empty frame setting up there. He doesn't have a deadline and hasn't given a deadline to the current renters about what they want to do because it will be their expense because it is quite expensive to put something custom on there. He would like the MARC's input.

Doug indicated there were a lot of options thrown at him and that he felt he wasn't in the position to make the decision because he is new and what he thinks might not be something that would be acceptable. The structure setting there without the ripped cloth would be better than what it is now and then get a renter in there and cover it after the renter gets in there and give him a timeline. Steph Smith agreed there should be a timeline. If it is not rented out then the structure needs to come down.

Bob stated there is something in the sign code about buildings. It reads: Obsolete signs, a sign which no longer advertises a bona fide business or product shall be considered an unlawful sign and must be removed within 180 days.

So if there is no business there, nothing being advertised, Bob suspects it should be taken down. Doug said it really isn't a sign though it is a canopy and it is not advertising anything.

Ellen Huber stated directly to Bob that it has been the past position of the Architectural Review Commission and also part of the corporate improvement policy to no longer encourage putting the name of a business directly on top of the awning or the canopy but rather on the valance and for storefront improvement matching funds would not be considered unless it was more of a generic approach to an awning that could be beneficial to most any business occupying the building or if the business name was going to be on it that it should be limited to the valance so you don't have that situation of an unlawful sign. Steve mentioned that his understanding is that there really are only two options and that is either mend it or take it down. Mr. Halverson stated there is another option of replacing the whole thing but it is cost prohibited so there are only two options for Mr. Halverson that he would consider. Mr. Halverson would like to leave the structure up and it would be nice for a renter potentially but he also understands we want something up there or fixed. They looked at replacing the whole thing and just putting the address on it and he thought that would look really nice but that would be still looking at thousands of dollars and as an owner that is cost prohibitive for him to do.

Bob questioned the rest of the fabric and how good is the rest of it on the canopy besides the piece that is ripped. Mr. Halverson said that he thinks this awning has looked that way for a very long time and has no idea how long it will last but if he can come up with something that costs just hundreds of dollars to basically fix over the middle part and then frankly if

something went wrong with the rest of the awning then they would have only two options and that is to take the whole structure down or patch up the middle part. The church would potentially like to do that and patch up the middle part. The previous renters have a business that he thinks he may be able to get that accomplished but it won't be a uniform looking awning but at least that flappy part in the middle would not be flapping down.

Kim stated that he did mention there are pin holes in parts of it which then makes you wonder how long the rest of it will last and then you stick that money in putting that face on that sides are going to catch wind and tear it apart. Mr. Halverson stated the issue is if he patches up the middle part that would be at his expense so if he did that or if he worked with the church to do that and something else happened then it is gamble he took that didn't work.

Steph felt the best option at this point to just keep it nice, simple and clean would be to take it off instead of doing a patchwork job in the middle. Just take it down and then if a renter comes in the future and wants to get it fixed up then they can at their own expense get it fixed up and get it put back up.

MARC members did not feel that patching it would be an option and if just patching it doesn't work out you are out of money and it still needs to come down and then he would have to come before MARC again to approve the patching job. It would need to come down to patch it anyway. Mr. Halverson said the previous renters had put something over the top of it before and it worked just fine but if they don't feel he should patch it then he will go with that but mentions again that if that structure comes down then more than likely it will not be put back up because you are looking at an expense of \$2,000 - \$4,000 to put it back up there and most businesses that would be a major expense.

Leonard felt also it should come down; the patching he didn't feel would work. Doug stated at this point that if he comes back soon within a week or so of a picture of how or whether they are going to patch it and what it is going to look like we can make the call at that time. Bob thought maybe then they could take pictures of the existing canvas to see how much damage there is. Steph agreed if he could bring pictures and how he would patch it and then we could make the decision at that point. Maybe give them a couple of weeks and bring it back. Bob indicated they want to work with him and resolve it with the least amount of cost to the owner. Mr. Halverson stated he would look at some patching options, take some pictures and in his research he finds nothing he will come back in two weeks and state he found nothing and will take it down. He is thinking maybe just having the address on it. He can come before MARC in two weeks and present it and see what we think. Doug asked Mr. Halverson to bring in the information, pics, etc. to the Assessing and Building Inspections office so we can get him on the MARC agenda in a couple of weeks.

THIRD ORDER OF BUSINESS: Proposal by Indigo Signworks to put up some temporary signs for Meadow Ridge Apartments as well as a sign for BNC that is providing the financing for the project located at 601 Meadow Ridge Loop, Building #2. Brad from Indigo Signworks stated they do site signs for BNC Bank. The top panel where it says "financing by" in this proposal that is going to come off and they are going to put it what they call a rider panel on it that says "Congratulations Meadow Ridge Apartments." So the whole sign

would be that plus the BNC logo. They want it up for approximately a year until the project is done.

Leonard made a motion to approve.

Rick seconded.

Upon roll call vote, the motion passes unanimously.

FOURTH ORDER OF BUSINESS: Proposal by Andy Meldahl/Pinnacle Homes to construct a new 4-plex located at 4203 Shoal Lp. SE.

No one was here to represent this project; carry over for the next MARC meeting.

FIFTH ORDER OF BUSINESS: Proposal by Steph Smith representing JLG Architects for Crown Equity, LLC to construct a 3,000 square foot commercial space and 29 apartment units located at the corner of Collins and Main. The contractor of this project is Community Contractors. The architect is JLG Architects.

The parking will be in the northeast corner and leasing out the rest of the spaces behind the fire station. The main floor on the Main Street side will be retail. The apartments will be three feet up. The brick is to match the surrounding buildings. The other exterior materials are rain screen panels. Bob asked about the two signs and if it would be possible for them to consider putting one sign on the corner at 45 degrees instead of having two signs out there. The reason for it is he visualizes that some of the businesses may want to put signs along the wall so there will be a wall of signs there and if that is a possibility to do that. Steph said she can talk with them about that. This is just an architectural rendering at this point and the signs would come later. Steve asked if there were any concerns that it wasn't compatible with the Kelsch Law Firm because it was two -story and the fire station has two and now this is four. This is actually two above Kelsch's Law Firm. Steph indicated that she did some research on this and that on corner lots it is an exception to be higher than the adjacent buildings as long as mixes anesthetically with the others.

The colors are going to be what the rendering shows with reddish brown bricks. The building will be set back some over to the Keller building. They will be looking at the snow load of the adjacent building as well.

Leonard made a motion to approve.

Jerome seconded.

Upon roll call vote, the motion passes unanimously.

MINUTES: Approval of July 30, 2013.

Leonard made a motion to approve.

Jerome seconded.

Upon roll call vote, the motion passes unanimously.

OTHER BUSINESS: Lorrin Selheim, daughter of Alvera Selheim, who is one of the partners of the Thrift Store – Dakotas Help Fill A Dream located at 216 W. Main Street is present today to discuss the sign violation and the email she sent.

She would like a decision that was made earlier in the year to be reconsidered. Back when that decision was made she was not familiar with the sign policy. She realizes they didn't get a permit and they were wrong for not doing that but she wasn't aware she needed a permit. She looked at the sign policy, building code, city ordinances, international building codes, etc. and based on that she would like to know how exactly her sign violated the sign policy. When she was first here, what she believes was December 4, 2012, she thought it was going to be reconsidered and that they would be invited to another MARC meeting. She had talked with Jason Krebsbach, who is a relative of hers, and he told her it was nonconforming and that he would talk to Richard Barta and she thought they were going to be included on another round of discussion. As of January 8, 2013, it was decided it was nonconforming and she was in violation but it was never stated exactly what she violated. Right about that time they were just about to open and she put it off and had a lot going on. She started doing research and also realized Richard Barta had resigned and was waiting for Doug basically to come in and see what his opinion was. She put forth many opinions in the email she sent to Doug and she would like them to be addressed because she is a layman and she does not know law or architectural code. She started looking at things and she just wants to know how this decision was made. She looked at our sign policy and there are a lot exemptions made for public right-of-way and certain structures.

I brought up in my email that I am on a block that has this marquee that is basically going to the curb and it supposed to be one foot within and that is an obstruction to their business. You are trying to tell me to take my sign down and that is private property and that is a necessity for a small business to have a sign. It has been proven that signs can really help or hinder a business to get people to notice you. I have also been looking at other sign codes from other cities and a lot of sign codes state you should determine your size of your sign based on visibility and traffic. Is it visible, can people see it, so based on that I am not sure how this sign policy came up with this size parameter for projecting signs; I didn't find anywhere else in the building code. I am just asking what the basis for the decision.

I am also looking into law; public right versus private right. I have a right to advertise and that goes into the first amendment. I have a right to use the property. There is also the public right to maintain the safety of the public so if you are saying I should take the sign down, what are the arguments for the public right, is it a nuisance; is it physically ugly. She would like us to respond.

Jerome asked, didn't we say at the initial meeting that the biggest problem is there are two signs. If the wall one was taken down, were we not going to leave the other one up at that time? Leonard indicated yes one or the other. One sign was to be removed.

Bob stated there was another thing about this on the one sign and that was the color of the white background. It wasn't right, but we were willing to give a pass on that. Jerome indicated he thought that one could stay if they put the wall mount sign on the back. Lorrin indicated she never heard what the rationale was and why only one sign as opposed to two. Bob indicates it is in our policy, Mandan Architectural Review Commission approved the number of signs per premise and that is our job and we approved for one sign. Lorrin wanted to know why; a lot of other businesses are allowed two signs such as Butcher Block, they have that vertical sign plus they have a sign on the awning. She is asking how we arrived at the justification. For instance, she looked up Fargo and they just recently updated their sign policy and it is 80 pages long. Leonard told Lorrin each city has their own policy; Bismarck has their own. We don't go by Fargo's code and we don't go by Bismarck's either. Lorrin stated she knows we can't use Fargo's code but she is bringing this up as an example. Lorrin stated in this concept of regulating signs; it seems to be there are constants for frontage of the street and also the frontage of walkways and if you face main public parking lot, which we do, and the thing too is it has to be visible for Main Street. There are other businesses that have more than two signs and how do you determine if a business can have more than two signs on their front. Lorrin said our policy doesn't really say that only one sign is allowed.

Bob stated that sign that she rebuilt was an illegal sign, it should not be up there. Our policy states, obsolete signs, a sign which no longer advertises a bona fide business or product shall be considered an unlawful sign and must be removed within 180 days. The people that owned the property was George's Bakery were in violation for not taking down that sign. If that sign wasn't put there you would not be in front of us. Lorrin asked why it wasn't taken down. Bob stated he did not know he cannot answer that. The Hallmark building next to you right now has a big Hallmark sign; that sign needs to be taken down in 180 days after the building closes for business.

Lorrin asked then on the last page of her email about the definition of a nonconforming sign. A properly maintained sign will be allowed until substantial improvements are proposed to the sign structure site. Bob stated he is no lawyer but from what he understands she is telling us it is nonconforming, he is saying that sign is an illegal sign; there is a definition of illegal and nonconforming and that is where he is going to leave it. Lorrin stated you all looked at the other sign codes to create your policy, from what she looked at even with Fargo, there are allowances as well as international codes for existing buildings that if you alter, you are allowed to alter and replace the sign face usually if you don't make it any less nonconforming. The sign she has is a projecting sign but there is a structure and there is also a panel, everywhere else there are allowances to simply just replace the panel and then other sign codes from other cities too there is a clause that says basically I didn't change the occupancy use of the building and there was a transfer of ownership. Some policies have a clause that allows the new owner to replace the pre-existing sign panels. How do you respond to 29.1, you are just saying it is illegal. Leonard said he knows Jerome had a tenant in his building and he was going to put up a sign that protruded out further than 36 inches

and he had to take it down. It was a protruding sign off of the building and we made him take it down because it was sticking out further than 30 inches. That is another big thing she wants to bring up, where did you come up with the size parameters. Rick said I will tell you what happened here, it took like two years to go through this sign policy and there was a lot of back and forth and back forth, did we get the perfect thing, no, is it going to be perfect, no, and of all the people that worked on it at that time, there are now only two that are still here. Do I remember all the questions and answers of how we came up with this stuff; no. It is just something we thought was cool and was going to work, but it took two years and there were a lot of six hour days and you are sitting here questioning everything we did from stuff from Fargo and timbucktoo. You are reading the Fargo code, did we come up with the perfect deal, no I admit it, but it took us two years and I don't want to go through another two years of four hour meetings. Rick asked her if she got a permit for her sign work and she said no; so technically everything up there is illegal because it was put up without a permit. She says so you are going to put it on that. Rick said, well technically, you are trying to get technical with other codes and revisions from other cities, let's work together and find a common deal.

Lorin says she feels that this sign policy for some reason discriminates against projecting signs and internally illuminated signs. Leonard stated you can have illuminated signs. Our sign is basically an internal illuminated sign; you have one definition something about internally illuminated sign and you admit that it is an electric sign, then we go into the electric sign requirements and there is nothing in here about parameters or square footage area for an internally illuminated sign but you give a whole page to the electronic message display. Those are the ones that are flashing because they were creating a nuisance with the flashing. At least you took the time and I respect this of per zoning district giving allowable square footage per street so if I stuck my sign into these parameters based on CB, I know I am downtown core now, this only says CB and says principle arterial. That is Main Street right; it is not an Interstate. Main Street is a principle arterial right? Here it says for CB districts you are allowed 100 square feet per signage area for a digital sign and there are a lot of restrictions that it could be a nuisance. Steve asks so does this apply to your sign or are you just picking apart everything it states. Lorin states she is wondering why. I still haven't gotten an answer why the sign policy came up with a projecting sign can only go out 36 inches when you allow awnings, marquees and canopies to go. Jerome has a question; he is confused as to what this has to do with the situation we have here. There are two signs, and I have a small business and I understand your point of view, but it comes a point that has nothing to do with that type of sign that we have got. We have got one issue here; there are two signs there and had you come in or talked to anyone prior to that you would not have done that. I understand now you are trying to get forgiveness for what you have done and I think you should be happy you can keep one sign up there, which one would you prefer to keep? Lorin stated the projecting. Jerome said okay then we should discuss that and not worry about the rest of the world. Lorin stated I thought you were eliminating the projecting sign based on the fact that we don't meet these size requirements. Jerome stated it is sticking out further from the building than is allowed. Lorin stated what she is questioning is how did you arrive at that; I didn't find any other codes that limited it like that. I am trying to make an analogy. Jerome stated she is overthinking this. Lorin asked why you allowed one of these signs like the marquee. Jerome stated that marquee is part of the building, it is on there forever. Lorin stated it was nonconforming too according to this. Leonard stated but they didn't do the changes on that sign, they put the message part of it on there, the rest of it

nothing has changed. There wasn't a thing that changed on that sign. Lorrin asked why the message center got put on. It was remodeled around 2008. Rick said they were trying to address that at that time too and he thought that even fell into some federal stuff because of the highway. Lorrin asked if Main Street was a highway. Steve indicated it was a State Highway. Ellen stated it was Business Loop I-94. Lorrin said she could bring something else up too according to ND Department of Transportation laws they have nonconforming signs are allowed to be left up and if they are taken down you have to be compensated for that. Leonard stated she can go before the City Commission if she didn't like what we are deciding. Kim stated she hasn't said much but she did print this that stated from our Ordinance section 14-02-03 on any conflicts. In the event of any conflicts between the provisions of the state building code adopted and the applicable provisions of state law or city ordinances, rules or regulations shall prevail and be controlling. If the state had more restrictions on theirs, but the city has the final say if we put more restrictions on what we do than what the state actually has. So when we come up with the size, I wasn't part of when the policy was put together, but that was something that must have been determined of what they thought would be so it would not be blocking people from seeing other signs so if you want to regulate what you are having put on and then that is what they had come up with at that time. Lorrin stated well the marquee is blocking us and the digital display sign is out just as far as ours and for this thing saying it can only be out 36 inches and it is out just as far. It is further below, the height clearance is less. Lorrin stated I guess what I am trying to do, and I am not trying to pick apart your sign policy but I am asking you to fairly apply all area and clearance standards to all types of signs and I feel that it hasn't. Kim stated that this has been determined prior to the sign policy anything that was done with the marquee or the 2009 sign policy. The purpose of putting the sign policy together was so we could start regulating everything that was going on. If they do anything to change that, then at that point we can come back and make them do something different with it. Steve said she may have some valid points but the issue here is that this is the policy in effect. Just like my son got a ticket on the Interstate for going 65 in a 60 and I asked why is it 60, well it doesn't matter here is your ticket because you violated the law. Now if you want it 65 then you have to go to the state legislature and that is kind where we are at here too. Steve stated why it is like this, maybe we need to relook at it, but at this time you are in violation of the policy so we have to enforce the policy. Maybe you can come to us with recommendations on changing the policy. But at this point, we can't change some things. Lorrin stated but you can revise and amend it and maybe in places where it is not right like why are marquees, canopies and awnings given an exception. Those types of signs are also broad termed projecting and you also let all of those signs be 8 feet clearance. My sign is 13 feet clearance. Why can they project out 1 foot from the curb? Leonard stated that was before our time though, that was before the new sign policy, that is why that one is left out there. It is a nonconforming.

Doug indicated he kind of came into the middle of this and basically from what he is hearing here is you are not going to have two signs, you have got to pick one or the other and ask this body whether you can have one or the other because whatever they tell me after you leave is what I have to do and turn it over to the attorney; I will do it, I have to so if you want one or the other I think that is what you need to ask today because you are not going to get two. Bob asked Ellen if she has something to say. Ellen stated I think what the chief building official, Doug Lalim, is getting to the crux of the point and I guess I was going to suggest some negotiation here or some compromise or at least determine what the priority wish here

is of the store owner and if I am understanding correctly I think I am hearing that the priority is for the projecting sign to remain. Is there a willingness to remove the wall mount sign if the dimensions for the projecting sign can be considered and perhaps this commission can consider or allow for a greater projection for the signs within the downtown core area in keeping with the history of the projecting signs? It comes to the crux of what the building official said which of the two signs are to remain. If it is the projecting one then from that from it would be the dimensions that are the primary issue. Doug stated his primary feeling is the lenses were changed of the structure and nothing was altered on the projecting one. The wall one in my mind is illegal and should not be there so that is his take on the whole thing. Leonard stated that is what they talked about with Jason that day is to decide you can have one or the other. You take the one you had made so you just don't throw it out is to put it back in the alley on the backside of your building and we had talked about that with Jason. I know he was there that day so you are not just throwing those signs out so you can still use that other sign. Lorrin said our building has a parapet in the back, there is a certain height clearance for a wall sign in an alley isn't there, but I would have to abide by that. Leonard stated but that would just attach to your building, that one doesn't protrude out at all, it is just a flat panel that is attached to your building. Lorrin asked isn't there a clearance as to the bottom of the sign to the grade; Doug told her not when it is attached to your building. Lorrin stated in relation to you telling me that I am allowed to put it in the alley, what I am saying is that I don't know if I have enough clearance. Bob indicated it would need to be 12 inches above the surface which is attached and extended beyond the top of the parapet wall. Lorrin asked what the site clearance was from the bottom of the sign to the street. Steph stated the lowest edge should be a minimum of 8 feet above grade. There is a step up about 10 inches.

Again, Lorrin asked the reason you don't allow two signs is? Rick indicated that the reason he remembered why the policy would not allow two signs was he thought because of the liquor stores, there were just too many signs on the sides of these buildings so they decided on just one sign so you don't have any problems. Lorrin asked so there are no allowances for being on the corner. Leonard indicated if you are on a corner then you can have it on both sides, but you are not on a corner. Lorrin stated she is going back to the Fargo sign policy where they give frontage for another area. Doug asked so your preference is to keep the protruding sign. Lorrin said yes mainly for the fact that there are so many people still to this day that say that they wouldn't have known you were here except for the fact that I saw the projecting sign. It also is above the marquee a little bit which does block it if you are coming down the street and you look at that marquee it completely blocks the wall mount sign.

Doug asked if she needs to come back if she wanted the other sign on the alley side. Bob stated if the sign comes down she has to come back here for a permit.

Doug stated that is why he wants to keep it clear. He told Lorrin when she gets her plan together to put it on the alley side to bring it back.

Kim made a motion to approve the protruding sign and the wall mount sign needs to come down with 30 days.

Jerome seconded.

Upon roll call vote, the motion passes unanimously.

Lorin thanked everyone for their consideration. She thinks we should revisit parts of our sign policy because to go into electrical signs and there is no definition for illuminated sign. Like mine, it almost seems like it excludes the opportunity for me to even have it. Leonard indicated that he thinks the Butcher Block brought his in. Somebody else wanted to bring one in and it was the same thing, they still only can go out to 36 inches and then he had to change that.

Ellen stated she also thinks this commission should reconsider the amount of projection allowed for Main Street because wall mount signs are difficult to capture attention with the speeds and the nature of Main Street for that area as well as the projection signs being historical relevance in some cases. I think you were just allowed to keep your projection sign so I am not sure what we are continuing to have contention about here. Lorin stated she found that with historical relevance too and she also evaluated it and yes her building is in the historical district and the sign structure can be part of preserving the historical face. Steve stated he thinks she should submit these recommendations to this committee and we can look at them. Lorin stated that people should be able to download our sign policy and look at it and understand what their parameters are. Aren't they on the design process too? What if I have an illuminated panel sign that I would like to keep and I don't see a definition of any allowance. Lorin was told If you were to go with a sign company, the sign companies know what are regulations are and they know if you went with them and say I want to do a sign in Mandan, what can I do, they would explain it to you. Lorin indicated she didn't go to Indigo or Mann Signs. Lorin said if you look at the IBC code and you go to signs and then the main category electrical. The first thing it says is internally illuminated signs, that is one of the main types, and what I am saying is looking up definitions here and it says electrical and you go to that and right away you go into the message center. Leonard stated but how many lawyers and other people were looking at this when they were doing their signs. None of us are lawyers here that volunteer our time to do this. We don't get paid to do this. We volunteer our time here. The people that were on here originally, there were nine of them, there are two left, three with Jason, and we didn't go through that whole system the rest of us that are here. They spent a lot of time on it. The other companies and the other cities probably had lawyers look at them, we didn't have that here and we didn't have the option to have that. Rick stated we tried to get the best thing out there and yes there are imperfections in it. Ellen said by and large we try to encourage anybody that is building a new building or opening a new business to make a stop at City Hall to check everything out be it with Building Inspections, Fire Inspections, sign permits, the whole gamut up front, be aware, ask any questions of areas of confusion and that is really the stuff that was missed in this whole process.

Bob asked Lorin a question, when Richard Barta came down to visit with you and you had to get a building permit for occupancy, did he mention anything to you that you need a sign permit. Lorin stated she wasn't there when he visited so it could have been mentioned to her mother, she never said anything to me, and I think when he visited the sign was already up. Bob asked did he make a point of saying anything about the sign being up without a permit. Lorin said she couldn't say. She thinks after he came, then soon after that's when

we were called to the initial meeting on December 4, 2012. But they didn't even tell me who was there or that he even came in and I didn't even realize so I can't say for sure or not. Because they didn't tell it to me, he may have said that to them, it doesn't mean he didn't. Things were forgotten, I am not sure.

OTHER DISCUSSION: Doug stated as everyone knows he wasn't here last week and he read through the minutes. There were some questions towards Rachel that he didn't really think was appropriate. If you have any issues or whatever, he thinks they should just come into his office and deal with him. She was a little uncomfortable answering the things because she just takes the minutes. One of the issues was how are things getting followed through once we have something as far as a motion recommendation, things that are put on such as landscaping, dumpster enclosures, how is all that getting followed through with. Before it wasn't put in the file and things were getting overlooked. Now since I have started we have put all these minutes and all the information into each building permit file and to take it one step farther I kind of have an outline of how I want to handle the process and how with the help with the other departments. With all their help we can handle like for example the dumpster enclosure, we are building inspectors, we don't know if that will work with garbage trucks so we will probably get a sign off from Public Works or something saying that okay they got it in place and it is all okay so we can check that off. Things like landscaping requirements, we have to count on the Engineering Department to tell us do they have what they need and the code talks about putting a bond in place if they don't have it done because you know that you can't plant trees in the middle of winter or when weather doesn't permit so then we will rely on the Engineering Department to help us out with that part of it. We might give a temporary CO with a restriction on with so many days you have to go and get your bond and place it wherever it need to be. We probably will have a check off list or sign off at the time of the permit of the body of the minutes of that project so that they are saying yes I am going to do what the MARC says so then we have that also in place. There are some things that are not going to get covered because we don't do any CO's on signs and we don't do any permits on painting or refacing a building. There might be something like that going up out there we are not aware of so there is going to be some fall through and we are going to try to do the best we can but you know everyone is busy and we are staffed as good as we can be staffed; everybody is overloaded. But as far as the big thing he wants to invite anybody that has an issue or anything to come into the office so that we can work on it and make it better rather than just letting it go. Leonard stated the reason he brought it up it wasn't with the landscaping it was with Big Willies, they were going to put a window in on that south side and some wainscoting on the front and I know they are storing stuff into the building and he had talked to Richard about it and told him nothing was getting done on this building and this was supposed to be done and it wasn't. I apologized to Rachel, I'm not trying to get you on the hook, when you talk to Doug and just find out if there is something on there. Doug said there are five issues that basically happened before I got here that we are dealing with now. One of them is Big Willies. Jon checked it out, they are not using the building, they are just storing a few cars in the bottom and they are in a big lawsuit with the builder right now to try and get over the hump with that. They have got the windows, they are going to stucco around the windows and they are probably going to have to get an extension on the permit or else they have to get a new permit and then the other building would have to come down to provide parking for the new building so those are some of the things we are working on but you don't see any results so that is why you don't think we are

not doing anything. Leonard indicated Leon Klein had brought it because he said why do I have to do that on the front of my building when he called me personally when you have Big Willies down the street on Memorial Highway that doesn't have it. I said he is supposed to have it, that is why I had asked Rachel to find out if they have a certificate of occupancy or if he can be in there or not, that is what I had asked.

Bob stated he is going to apologize for the whole group since I am in charge. I don't think anybody personally went after Rachel but there is a frustration here and I think you can see this that a lot of things are hanging out that weren't taken by the previous administration that is all I am going to say. The thing is that he has got people calling him, there are things I see out there, and we just asked what the procedure was. One of the things we would like to do is sit down with you in there or any department in Mandan and try to help one another accomplish what we are supposed to do; otherwise, we feel we are here and we are not accomplishing anything and it is a waste of time. Bob said Kim brought up some things that were very interesting; she is in the process of revising her planning and zoning stuff. Kim indicated we are looking at how we are doing things and see what we can do better and not let things slip through. One of the frustrations is that on the building permits, we don't know what is written on them. Is the MARC stuff made part of the building permit, does the building inspector look for this, do they have a file to go to find out. Doug stated that is why he is here today telling you that. Bob said okay so you are being proactive about this then. Doug stated it is going to change and the process will be implemented. I am saying it is not going to be perfect. Bob stated but it is a step in the right direction and it takes time. Doug stated he is new and pretty much most of his staff is new. Doug stated he doesn't even know the streets yet. Bob said one thing that came out of this meeting that we had with the lady in here today, something that maybe you have to start looking at is obsolete signs because we are going to see more and more storefronts with signs on. We would not be in the predicament with her if that sign was taken down by the old administration. It was there for a year and a half hanging there.

Ellen mentioned do you want to continue that particular policy or do you want to put more flexibility into that policy. I think with George's Bakery, I think there was a hope and sometimes I think we even had some possibilities of getting another bakery into that building so I think there were probably reasons why that didn't go to the top of the enforcement list. Is 180 days too long or is it what you want? Those are things to consider too. Leonard said that is probably why we never pushed it with George's Bakery because they talked about one of the guys that worked at the Donut Hole; those people were going to buy it. That is why no one really pushed that sign coming down. Ellen indicated these are historic signs and that could be a consideration as well. There probably are some things in here that if things slow down and there is some point to consider are there any adaptations you want to make based on the experience you've had in implementing this over the course of the last four years or so. Rick said if you take some of the old signs down then we don't have history. Ellen said now if you do want obsolete signs down in 180 days then so be it.

Bob asked Ellen if she could tell us where we are with the Hallmark store. Ellen stated they only closed May 1st and they haven't been closed that long. Bob said that falls in with the 180 days. Ellen said but we are not there yet. Leonard said we brought things up before at other meetings and we said this needs to get taken care of and nothing had been taken care

of. There have been signs I talked to Richard over two years ago that are still the same way and that is part of it and what we are trying to do is if we are going to spend our volunteered time and we want something taken care of then lets either take care of it or why are we doing this and why are we volunteering our time to be here because most of us are here every week. Doug indicated we over 800 permits we issue per year and that is just building permits that doesn't include plumbing or mechanical. Doug said all of my guys are running and that is why you guys with the eyes out there you can tell us these issues because I don't have a clue if I walked down the street and see a vacant building or how long it has been vacant, etc. Leonard indicated again there have been signs for over two years that I talked to Richard about that hadn't been done. That one by Subway, the car dealership, he has got the banners up there, that is his sign and that has been three years or better. Steve said well he did go talk to the owner. Doug stated he had to leave as he has a meeting to go to. Steve said Doug is very productive and he conveyed to him there are frustrations that nothing gets done but I think he has a great plan. I like the bonding issues so that way if someone doesn't do it at least we have funding to do it ourselves or have the city to do it or hold their money or whatever. The checklist is going to be awesome to make sure that it gets done. We may tell someone at the meeting and that is as far as it will go because they would forget when they walk out and he is the same way if it isn't written down. Leonard stated that is kind of the reason we talked with Rachel last week is just to bring some of these ideas up to you, we weren't trying to have her tell us everything because we don't know what it going on but just to let you know. Doug stated well she is new too and she doesn't know Mandan and when you talk and ask questions, it made her uncomfortable put it that way. Leonard said we said it so she could ask you the questions so that you could know what we are looking for so you didn't come to the meeting all of a sudden and this way you had time to just think about it. Leonard said I apologized to her; we are not trying to come down on you because you don't know. Bob said she got hit one to three.

Ellen said what the preference would be is we pick up the phone or send an email to Doug or Doug's office. Kim said she thinks the reason it all happened though is because it is on everyone's mind and they thought Doug would be here and he wasn't so they wanted to voice their concerns.

There being no further business, the meeting was adjourned at 2:30 p.m.

Approved by:

Date

Transcribed by:

Rachel Hastings/Admin. Assistant