

MANDAN ARCHITECTURAL REVIEW COMMISSION MINUTES

January 8, 2013

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

ROLL CALL: Leonard Bullinger/President, Robert (Bob) Vayda, Steve Nardello/Fire Chief, Jerome Gangl, Jason Krebsbach, Steph Smith, Richard Barta/Building Inspections/City, Kim Fettig/City Engineering, & Rachel Hastings.

MEMBERS ABSENT: Richard Zander

Before we begin, I would like to thank Stephanie for being on the board and taking your time out for being here.

1. **FIRST ORDER OF BUSINESS:** Proposal by Brad with Indigo Signworks to remove and replace Conoco signs for Red Carpet Carwash. Brad indicated he got approached right before Christmas by the Wonnemberg's that they are buying the Dakota Express. They wanted Signworks to hurry and get the Conoco signs taken down and cover up the Conoco sign and that double pole. They are going to be rebranding it something, they are deciding on that right now. So as soon as he comes up with that he will come in again before us and let MARC know what it will be. The temporary banner will just have their logo Red Carpet; it is a white awning like material.

Richard motioned to approve the temporary banner.

Kim seconded.

Roll call vote, motioned passed unanimously.

Brad from Indigo Signworks stated Wayne Monson asked him to mention that he will be in to meet with MARC soon regarding St. Alexius and Wal-Mart.

DISCUSSION: We did some researching to find out when the sign policy went into effect. Kim did indicate she checked with Greg Welch and determined that Huntington Books had started leasing the building from the City of Mandan in 2005. We didn't find anything else about taking down the sign. We reviewed the sign policy from back in 1981 and found that Huntington Books was still in violation of the projecting sign. The new sign policy was put into effect in 2008. The City of Mandan had to look at Huntington Books sign before because we were concerned about the safety of it so the Street Dept. was supposed to go up there and tighten up the guide wires. From the previous policy, Jason states, the projecting signs or any part thereof may not project more than 36 inches from the face of supporting store front and not more than 10 feet in height and shall not exceed 30 inches in width. Even by that standard, they are still nonconforming. They never came before us to get a permit. In fact Jason states their lease says that they need to have approval from the landlord, which would be the City of Mandan, in writing to approve any signs that they propose to attach to the

building. It seems pretty clear to Jason that sign was never conforming; therefore, we need to ask them to take that sign down. Furthermore, we need to instruct the Thrift Store to take their sign down as well. The Thrift Store sign also extends out and they also cannot have more than two signs. Either way, The Thrift Store will have to take one of them down.

Jason stated that as far as Huntington Books goes, he can't imagine they were in compliance because that sign has got to be longer than 36 inches so Huntington was never in compliance with the original policy; therefore, they are certainly not in compliance with the current policy. There are two non-compliant signs and they need to come down. Jason stated he needs to contact the lady from the Thrift Store and give her some direction.

Jason stated when this commission was reenacted by the city that the city looked at it as we have a commission here that has an active oversight over the things that are happening here to assist the city to moving forward in a positive direction and to give the Assessing and Building Inspections Dept. some support in what is going to pass and not pass. By looking at it that way we really need to step up and if the business owner is unhappy with that and if they feel they are being treated unfairly then they have by all rights to come before the city commission and can overrule us. But in order for us to establish a clear direction here we need to enforce our policies and the signs need to come down now.

Bob asked Steve if there was a meeting with Jim Neubauer about the sign policy and enforcement and what type of suggestions or opinions he had on the sign policy in general. Steve stated they did talk about the enforcement and he indicated to us that if this committee doesn't feel that there is proper enforcement of any of these policies or ordinances, then we need to write a letter coming from the President of the Board to the Administrator that we don't feel that it is being enforced properly in order for him to take an action.

Leonard stated on the new policy, it says notice of unsafe, unlawful signs, when any sign becomes insecure, in danger of falling or otherwise unsafe or if any sign shall be unlawfully installed, erected, maintained or in violation of any of the provisions of this policy, the owners shall be notified by the building inspection department. It still is in the policy that the building inspections office would have to notify them. Jason states the building inspections office can notify those that violate the policy and give them 30 days to comply and if they don't comply within those 30 days, at that point, it can then be turned over to the City Attorney for further action. Leonard stated the policy states the building inspection department has the authority by Title XIV of the Mandan Municipal code of Section 8.

Leonard indicated we will send certified letters to both the Thrift Store and Huntington Books and let them know they are in noncompliance and it was erected without going through the policy or the board. Steve indicated that we talk with the City Attorney and have him review this and make sure we have the proper procedures in place

Jason was inquiring that it was clear that the Thrift Store wall mount sign will be acceptable and members stated yes it was and the only sign we were talking about that would not be acceptable would be the projected sign.

Steve motioned to send certified letters to the Thrift Store and Huntington Books to remove all nonconforming or unpermitted signs.

Kim seconded.

Roll call vote, motioned passed unanimously

Leonard indicated down by Ohm's Café, D & V Towing put up a banner, which is on 7th and Main Street, and didn't think they came to the Building and Inspections office for permission to put this banner up. We will need to send a letter to them as well. Zanders own the building. This is the building located on the east side of Ohm's Café, the old gas station, the one with the three bays.

Election of Officers for President and Vice President of MARC.

A nomination by Jason to nominate Bob Vayda as President.

Jerome seconded.

All those in favor say "Aye", all those opposed, say "no". The "Aye's" have it, motion passed.

MINUTES: Approval of December 11, 2012 meeting minutes.

Kim motioned to approve the minutes.

Jerome seconded.

Upon roll call vote, the motion passes unanimously

There being no further business, the meeting was adjourned at 1:40 p.m.

Approved by:

Date

Transcribed by:
Rachel Hastings/Admin. Assistant