

## MANDAN ARCHITECTURAL REVIEW COMMISSION MINUTES

April 23, 2019

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

**ROLL CALL:** Katie Wiedrich/Vice President, Shawn Ouradnik/Building Official, Kim Fettig/City Engineer Dept., Steve Nardello/Fire Chief (late), Lee Pierce, Ben Zachmeier, Chris Redmann, Amber Larson.

**MEMBERS ABSENT:** James Jeromchek/ President.

**SPECIAL GUEST:** Ellen Huber, Business Development Director, John Van Dyke, Principle Planner, Melissa Gordon & Susan Beehler.

**FIRST ORDER OF BUSINESS:** Proposal by Tammy with Rose City Signs for new signage for Mobil located at 808 Boundary Rd NW. No one was present to represent the project. Shawn point out that it looks like they are replacing a few signs, changing from Tesoro to Mobil gas station.

*Chris motioned to approve as presented.*

*Ben seconded.*

*Upon roll call vote, the motion passes unanimously.*

**SECOND ORDER OF BUSINESS:** Proposal by Stacy for an outdoor patio for Thomas & Moriarty's located at 200 W Main St. Stacy handed out what the fencing is going to look like. The patio will be located on the west side of the building and will be connected to the building. It will be secured with post and braded wire fencing that will be temporary and will come down when it get cold out. Stacy mentioned they will have someone dedicated to the patio to make sure everything is contained in the patio. Shawn questioned if the alcohol permit accepts the fact that you have to leave the main area, travel thru the common hallway to get to the outdoor patio. Stacy confirmed yes it would be. Shawn questioned the emergency exit and how the detach from the building. Stacy stated they clip on to the building. Chris asked how the post are held up. Stacy confirmed they have molds that will be filled with cement with the posts in place. Chris asked what type of tables they plan on using. Stacy indicated she was thinking glass tops but hasn't ordered anything yet. Amber asked how they will secure the furniture after hours. Stacy stated they will lock the tables and chairs down to prevent from theft. Shawn has some concerns of the emergency exit where it's located and the clips could be dangerous. Stacy specified they could switch out the emergency exit. John Van Dyke mentioned based on the liquor license that it would have to be connected for the outdoor patio. John stated if the emergency exit can be straight out when exiting the building. Stacy thought that would work as well. John felt as long as the Police Department was involved. Shawn

would like to see the exit straight out the building and some type of swinging gate for easy exit. Also the Police Department approval.

*Amber motioned to approve as presented contingent on adjustment for the swinging gate and approval of the Police Department.*

*Kim mentioned there should be contingency on meeting the liquor license requirements as well.*

*Shawn seconded.*

*Upon roll call vote, the motion passes unanimously.*

**THIRD ORDER OF BUSINESS:** Proposal by Cody with Anyleaks along with Brad with Indigo Signworks to install new signage for Old Ten Bar & Grill located at 417 E Main Street. Cody mentioned they would like to change the design of the pre-approved sign. The new sign will be black and white. One sign will be facing east, the other will be perpendicular on Main Street. Lee asked if the signs are lit, Cody confirmed yes. Kim mentioned the height of the sign meets the requirements and only 36” from the wall.

*Steve motioned to approve as presented.*

*Shawn seconded.*

*Upon roll call vote, the motion passes unanimously.*

**OTHER BUSINESS:** Discussion on mural ordinance. John mentioned with the attention the murals have gotten, legal stepped in and said we need to treat all wall murals as signs. The sign standards that apply to signs will apply to a mural. So now a mural will have to be 8 feet above ground, only 20% wall coverage applies and will have to be painted on a surface and will have to be mounted to the building. A mural cannot be painted directly to the building. They will have to be license to hang the mural. Ellen asked if there was more specificity on why. John stated other than to remove the controversy surrounding it, so allow it everywhere but treat them all the same. Again it had to do with not distinguishing between the content of it so it was that content neutrality. Amber stated so basically were just allowing murals. John stated yes, but we are being so permissive but there is so much regulation. Your traditional murals you would see elsewhere would not be allow because of following under the sign ordinance. This is the way legal has recommended we go given the environment some have created and John feels this is the way to go as well. John stated if this is the way it has to go for a couple of years and maybe revisit. John feels this is a placeholder to get thru this environment we are in. Ellen asked what was the date of the moratorium and when will it expire. John stated he believes it went into effect in January and would expire he believes June 22nd. Ellen expressed from a business and community development perspective that she is very

disappointed and would like to have legal counsel present for questions. Ellen would discourage that it go forward with any kind of endorsement for recommendation from the Architectural Review Commission or the Beautification Committee. John mentioned the sign ordinance does not apply to residential. Ellen feels this will sense the climate further. Amber agrees and feels she would like to look for ways to endorse and support public art. Shawn stated with a lot of the commentary that is published in the paper. Shawn has tried to inform the papers about what we are trying to do. They take everything out of context and drive the controversy on it. Susan Beehler stated last night she appeared at the public hearing and finds out it isn't a public hearing. She feels there is lack of communication coming from the source, the city. Susan feels you need to keep the public in the loop otherwise people suspect or think something else. Susan supports art and would like to see murals in our community. Shawn stated we cannot regulate the content but would regulate where it's being placed. Shawn commented people have a very difficult time differentiating what is commercial speech and what is artistic speech. Looking at the Lonesome Dove, by placing their name within the artistic speech they have now made a commercial speech which is regulated in a different way than artistic speech is. Shawn mentioned John has talked with the artist many times to try to use them to write the ordinance and try to get many people on board to get this done correctly. Melissa asked if anyone has approached Lonesome Dove on removing there name. Ellen stated it would be the willingness on the commission to reach a compromise on that particular issue and compromise that it would be permitted on the front of the building rather the side. Amber stated the challenge she has is the resistance at the beginning on the amount of beer signs they have displayed all over there building, they are in violation of code. Amber feels MARC was willing to make adjustments and allow it in the MARC meeting and wasn't having any discussions about taking any signs down. Amber feels there wasn't a lack of negotiation from MARC or City Commission. Ellen asked if there is an opportunity for a public input session or a working group to figure out beyond what's in front of us here. John stated we had the guidelines that was brought before the Beautification Committee, Architectural Review Committee, Planning & Zoning, held multiple public hearings, discussion with the artist at some point we include the public who wants to see it everywhere as long as it's tasteful. We don't get to decide the content. Ellen mentioned the moratorium doesn't expire until June 22<sup>nd</sup> but secondly another alternative would be to simply extend it to allow for further study, input and process which Ellen thought would be easier to communicate to the public. Ellen stated beings she assists with public relations and public communication, Ellen would urge not to take hasty action for something that could inflame the situation more, rather than resolve it. John would like a recommendation in support to move this forward to present this to Planning & Zoning.

*Kim motioned to approve the ordinance that John has brought before us today to support it.*

*Steve seconded.*

*Upon roll call vote, the motion passed by majority vote of 5-3 with Amber, Chris & Katie dissenting.*

**MINUTES: Approval of the minutes from April 9, 2019.**

*Kim motioned to approve the minutes.*

*Amber seconded.*

*Upon roll call vote, the motion passes unanimously.*

There being no further business, the meeting was adjourned at 1:55 p.m.

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Approved by:

Date

Transcribed by:

Carolyn Reisenauer/Admin. Specialist