

MANDAN ARCHITECTURAL REVIEW COMMISSION MINUTES

February 26, 2019

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

ROLL CALL: James Jeromchek/ President, Katie Wiedrich/Vice President, Shawn Ouradnik/Building Official, Kim Fettig/City Engineer Dept., Lee Pierce, Chris Redmann, Amber Larson.

MEMBERS ABSENT: Ben Zachmeier, Steve Nardello/Fire Chief.

SPECIAL GUEST: Ellen Huber, Business Development Director, John Van Dyke, Principle Planner.

NEW BUSINESS: John Van Dyke is looking for recommendation of approval of mural ordinance. The primary differences are the location is directed to an area downtown, limited to commercial structures, texts and dominate themes to be remove. John presented the changes to Planning and Zoning last night. Primary the public art is driven by a purpose and have a particular location. John has been working with Melissa Gordon, a local artist, and had originally limited it to the alley ways within approximately 6 block area. Melissa felt it was too limited. John revised the boundaries that includes Main Street and Front Street areas. John provided a few examples from other cities. John stated we can only regulate the location, size and aesthetics but we cannot regulate content. Ellen asked why we can't. John stated it fringes upon freedom of speech, which is the first amendment right. Ellen asked if this has been run by the city attorney Malcom. John stated Malcom has reviewed the ordinance and he indicated the ordinance is much better than the guidelines. Ellen stated she did some research, last June and that there are quite a few communities that do work to put together a public art budget then they commission artist to submit concept and they determine which ones they will fund. This way they have a higher degree to control the content. John stated the Beautification Committee recommendation was to approve the ordinance as written with the understanding there are concerns over, is the area to restrictive or should we allow them on the street front side of structure. If there are problems arising these two concerns, we can address them in the future. John stated he has approval from the building department, Planning & Zoning, and Planning & Engineering. John is seeking recommendation from MARC to present to city commission and if there are major deviations John will take it back to Planning & Zoning. Amber thought there was language restricting obscene or political. Ellen stated the guidelines did. Ellen questioned, why not put it in there and someone would have to challenge it. John stated we could make a decision then we would infringe upon their freedom of speech. Chris stated the city would be liable with attorney fees and cost of litigations. Chris expressed if we want more control of content, is there any discussion on creating some type of public fund for tasteful murals approved by the city. Ellen stated there has been discussion and could be grant opportunities. John indicated we can't deny something that we are not legally able to deny in that language. John indicated he will

reach out to Malcom &/or Amy and invite them to the next MARC meeting for more clarification. Amber expressed her concern as a building owner in this area, she is concerned if anything can go, and she would rather not have it at all.

Kim motioned to table this until we get Malcom's input and in the meantime for everyone else here, if you have any thoughts to bring them before John.

Amber seconded.

Upon roll call vote, the motion passes unanimously.

FIRST ORDER OF BUSINESS: Discussion of Sign and MARC revisions. Shawn would like to change the sign ordinance to allow the building department office to approve and process the sign application if it meets the guidelines of the ordinance. Anything else would need to come before MARC. Shawn would also update unlawful or unsafe signs, having to go thru code enforcement which is the process we go thru now. Shawn stated there also was no total sign area restriction on pole signs. Shawn researched other cities for their requirements. Shawn would like to mirror Fargo's requirements of max sign area of a pylon or pole sign is 2.5 square feet per one foot of lot frontage but cannot exceed 30 percent of the area of all sides of the building front of street. Shawn also removed "or as otherwise approved thru MARC", Shawn stated that statement doesn't need to be there beings it's written in the beginning of the ordinances. Shawn stated under Architectural Review, Shawn changed it needs to be recorded in the minutes of the MARC meeting, stating specific reasons for the action. Before it was in writing and we weren't sending out in writing. Shawn is looking for a recommendation from MARC to present to Planning & Zoning.

Kim motioned to approve as presented.

Lee seconded.

Upon roll call vote, the motion passes unanimously.

OTHER: Kim mentioned when there are incidences when it's close to not having a quorum, can other department members fill in in their place. Ellen asked what the makeup reads in the ordinance. Kim read Ordinance 1003 the architectural review commission is hereby established, which commission shall be appointed by their board of city commissioners. The commission will consist of nine members, including the building inspector, fire chief and city engineer, or their designees. Shawn read the updated version, which doesn't not state or their designees. Shawn will add "or their designees".

MINUTES: Approval of the minutes from February 12, 2019.

Lee motioned to approve the minutes with the change of DJ2 Studio to J2 Studio.

Chris seconded.

Upon roll call vote, the motion passes unanimously.

There being no further business, the meeting was adjourned at 1:59 p.m.

Approved by:

Date

Transcribed by:

Carolyn Reisenauer/Admin. Specialist