

MEDORA PLANNING AND ZONING COMMISSION

Official Proceedings on May 15, 2018

(Subject to board review and approval)

Meeting was called to order at 6:00 p.m. by President Kinley Slauter. Present were Jim Bridger, Doug Ellison, Ben Brannum, and Aaron Axvig

Minutes from the April 17, 2018 meeting were presented to the Board for approval. Brannum made the motion to approve the minutes. Second by Ellison. Motion passed unanimously. Discussion for the City Auditor to clarify how to sign since Carla Steffen's name is on the Minutes.

Application No. 18-14, an application from DeMores School at 350 Broadway to replace a current swing set. The swings will be placed in the same location as the current set. Axvig made the motion to approve Application No. 18-14. Second by Bridger. Motion passed unanimously.

Application No. 18-15, an application from Doug and Mary Ellison at 420 Broadway for a design change on front deck. The request is to approve a modification to the originally approved deck design to square off one corner instead of angling it. This allows for a stronger deck. Brannum made the motion to approve Application No. 18-15. Second by Bridger. Axvig, Brannum, and Bridger; aye. Ellison abstained.

Application No. 18-16, an application from Norbert Sickler at 690 Doc Hubbard Drive to install a step-down fence. The request is to approve a modification to the originally approved design, 6' height, to have a step-down fence. This change will allow better visibility to street traffic. There currently is a trailer parked on the street blocking the view of the street, he requests the City should look at trailer parking ordinances. The fine previously assessed will remain regardless of action today. Axvig made the motion to approve Application No. 18-16. Second by Brannum. Approval contingent on previous fine being paid. Ellison commented we need to respect personal liability. Motion passed unanimously.

Application No. 18-17, an application from Jessica Quandt/Wildflowers Boutique at 338 Pacific Ave. for four signs. The Commission requested a rendering of sign one on the hide shape consistent with the other signs on the mall. Sign 2 is OK. Sign 3, Open Sign does not count. Sign 4, is a sandwich board and is OK. Brannum made the motion to approve Application 18-17 excluding Sign 1. Second by Bridger. Motion passed unanimously.

Application No. 18-18, an application from Troy Mack/Black Hills Gold & Gift Outlet at 346 & 362 Pacific Ave. for placement of a vending machine and a carousel horse in each entry doorway. Doors are not used for customer ingress or egress. The vending machines are for customers who would like something after hours and the horse is like what was there for children to ride on. Comment was that Badlands has vending machines now. Concern was raised about the colors and look of the vending machines. Pictures of the proposed vending machines and the horses are needed, tabled until the next meeting.

Application No. 18-19, an application from TRMF for adding a sidewalk between SHSND stone entry to Town Square Showhall. Clarified that the request is to add a sidewalk from the existing sidewalk to the SHSND property line. If this were to move forward will need the dimensions, placement, and materials to be used described. Brannum made the motion to table the request until the issue with the SHSND is resolved. Second by Ellison. Motion tabled.

Misc Business

The State Historical Society of North Dakota(SHSND) hired a contractor to modify the fence at deMores Park. Zoning sent a letter to SHSND on 4-18-18 that a permit approved by the City is required for the work and asked that a representative of the Chateau attend the May 15 Zoning Meeting to explain their actions. There is no representative from SHSND at this meeting. The response we received was SHSND doesn't feel they need to follow City ordinances. The City Attorney is in discussions with SHSND and ND Attorney General's office on the issue but we do not have an update from the City Attorney at this time. Given the interest of the public in attendance we will open up the meeting for public comment.

Following are public comments and Commission comments that were made:

- Several people, including Doug Ellison and Ben Brannum, who worked in the past for the Chateau for many years commented that they were told to always comply with City ordinances.
 - Several commented that the last issue they knew of was a trailer was moved in sometime in the 1980's without permits so the Chateau was fined and there was eventually some compromise they thought.
 - Ellison commented that the Chateau asked last fall before doing bottom work.
 - Slauter commented that he feels the Attorney General opinions that SHSND referenced were more related to fire code, etc. Since SHSND charter seems to be to preserve history why are they resistant to City of Medora's Historic Integrity ordinance?
 - Shocking to hear SHSND is taking out Medora's history
 - It is illegal to charge to use State property so if the Foundation is going to use deMores Park for paid events then there is a serious problem.
 - Clarence Sitter (who works for TRMF) stated that to his knowledge the Foundation does not intend to use the Park for any paid events, it may use it for Community events that are free and open, and there is an agreement in place for the Foundation to maintain the property for SHSND.
 - The Commission asked if Clarence would provide a copy of the agreement between SHSND and TRMF for the public record. He said he would get the City a copy.
 - Clarence has no knowledge of any Foundation intent to take down the wall but he isn't party to all discussions.
 - The State has spent significant money repairing the wall and improving the Park, why are they tearing it down?
 - There is a long history of everyone respecting the Park and keeping it well kept, there is no respect in what is going on.
 - Is the City going to do something about this or should people be addressing the State of ND? Response from Slauter: the City feels there is a violation and there is now a legal discussion with the State and SHSND. Our view is the State is charged with protecting a historical place. If people want to make their feelings known they should contact Bismarck.
 - The City has contributed to paying off improving the Interpretive Center at the Chateau with a Sales Tax increase, etc. The City of Medora has tried to be a good partner.
 - A resident stated that they were told by someone at the State that the wall was being taken down for Chuckwagon overflow.
 - A resident asked if the stones were still there so they could be put back if this gets straightened out.
 - A comment was made that Fern at the State Historical Society is well aware of the compliance issue.
 - Several commented that they should voice their concerns to the State of ND and circulate a petition for a response.
- Slauter stated that we will wait for the City Attorney input before any decisions are made and this item will stay on the Agenda. He thanked everyone for their input.

Application No. 18-09, a previously approved application for Farmhouse Café signage. Slauter stated that vinyl lettering on a window is considered a sign. The sign as defined is approved. There is also approval to have one more vinyl lettered window. To clarify this issue for the record: The clarification that Jodi sought was characterizing the two windows of each store space as one sign, since her business occupies two spaces she has been allowed to have three signs per space to maintain the rhythm of the building and currently was approved for two high signs and window lettering on four windows which will be considered two signs so has a total approval for 2 signs per storefront out of her four signs.

Application No. 18-11, a previously approved application for Farmhouse Café signage. To clarify previous action, Brannum made the motion to approve modifying the existing sign with “Breakfast, Lunch and Dinner” vs stating the hours open. Second by Bridger. Motion passed unanimously.

Application No. 18-06, a previously approved application for the Elkhorn Quarters security fence around the pool. Requested a change to a 6’ brown aluminum fence vs the perforated corrugated metal fence previously approved. The fence will be in the same location as approved previously. Bridger made the motion to replace the previously approved corrugated metal fence with a brown aluminum fence. Second by Ellison. Axvig, Brannum, Bridger, and Ellison, aye; Slauter stated that as an employee of TRMF, there is a potential for conflict of interest. Since there is no direct and substantial personal or pecuniary interest in the matter, I intend to participate as necessary in the action.

A question was raised if there should be a barrier put up around the work being done at deMores Park. The Commission position is as a landowner the TRMF should decide if a barrier should be put up on their property to make it safe.

There being no other business, Brannum moved to adjourn, Second by Ellison. Without objection meeting adjourned at 7:30p.m.

ATTEST: _____ Kinley Slauter, President

ATTEST: _____ Gary Ridenhower, City Auditor