

Committee Members:

Chairperson

Damian Huettl, Citizen

Term: 2013-2016

Vice Chairperson

Laurie Leingang, Citizen

Term: 2013-2016

Tammy Lapp-Harris, Citizen

Term: 2013-2014

Amy Schmidt, Citizen

Term: 2013-2014

Dale Schwindt, Citizen

Term: 2013-2015

Jason Steffenhagen, Citizen

Term: 2013-2015

Jim Neubauer,

Administration

Doug Lalim, Assessing &
Building Inspection

Ellen Huber, Business
Development &
Communications

Keith Johnson, Custer
Health

Steve Nardello, Fire

Justin Froseth, Planning &
Engineering

Dennis Bullinger, Police

Jeff Wright, Public Works

Mandan Community Beautification Committee

Thursday, September 11, 2014

7:30 a.m.

Mandan City Hall

205 Second Avenue NW

A. Roll Call:

1. Roll call of committee members and liaisons
Chairman Damian Huettl called the meeting to order. Members present are indicated with a . City Planner Bob Decker and Program Coordinator Krista Harju were also in attendance.

B. Consider minutes from meeting on Aug. 14, 2014
Dennis Bullinger moved to approve the minutes as presented. Laurie Leingang seconded. Motion passed unanimously.

C. Report on budgeting for code enforcement officer
Jim Neubauer provided a report on budgeting for a code enforcement officer. He said the plan is to use funds from the 2014 budget from savings for new positions in the police department not yet filled. The goal is fill the position by the end of 2014. The next step is to develop the job description. Huettl asked if any further actions were required of the committee. Neubauer said no.

D. Review revisions to proposed landscaping ordinance
Planner Bob Decker gave an overview of the revisions made to the proposed landscaping ordinance as a result of the recommendations made at the Aug. 14 meeting.

Justin Froseth said the meat of the changes really comes in the zoning district criteria and the qualifications for landscaping. Landscaping requirements are a little more stringent for larger lots.

Some corrections are needed in the numbering and lettering of sections. Ellen Huber suggested changing language in subsection 4B from 4D to 4 dwelling units. Jeff Wright pointed out there were 2 b's. Laurie Leingang recommended correcting Section 6, since it should become Section 5 with the changes and

updating the contents on the first page.

Huettl asked for clarification on the tree/shrub requirements for larger commercial and industrial lots. The proposed ordinance only says trees or shrubs must be included in the landscaped area. He asked if there is a minimum number. Decker said it is not specified. He has looked at other cities for reference. Huber said the gateway overlay currently makes reference to units. Decker suggested referencing for the trees and shrubs allowed in boulevards. Huber questioned if boulevard standards were an appropriate reference

because more types of trees and shrubs might be suitable to a large lot than to a boulevard . Wright suggested referencing Mandan Architectural Review requirements.

Leingang asked what would be referenced pertaining to the tree/shrub requirements. Decker said he would insert, “landscaped area per MARC requirements.” Huber said she didn’t think it was the appropriate reference, instead it should reference the standards outlined as part of the gateway overlay in municipal code 21.04.18 (see page 101). She questioned if the gateway requirements were really appropriate to the whole city and suggested it be studied. Nardello agreed and suggested staff review the requirements closer to see if they would apply to a single family residential property, since the draft requirements currently target commercial lots.

Huber pointed out trees and shrubs are only required on large commercial and industrial lots. Decker said the intent was for the smaller areas not to require trees and shrubs. Decker said people aren’t required to plant trees when building a home. Leingang and Amy Schmidt suggested a minimum tree requirement. Decker said he could add the language. Neubauer said some developments don’t want trees, because it could obstruct a view. Huber said some people don’t like trees.

Nardello suggested encouraging the planting of trees by offering an incentive. Wright suggested extending the boulevard tree program to property owners, saying it can be difficult to plant trees on boulevards due to street improvements, water lines and utilities. He said requiring home owners to plant a tree on their property wouldn’t be a bad idea and the program could be adapted for trees planted on private property. The current program reimburses property owners 50% for trees up to \$100, with a maximum of six trees per property.

Decker recommended taking the draft landscape ordinance to the Planning and Zoning Commission for review.

Froseth said it’s easy to put in the language, but it will be tough to enforce. Neubauer agreed and said he anticipates some pushback from the community, particularly from the elderly community who may not want the extra work. Wright also pointed out nothing could be done to existing properties. Neubauer suggested getting feedback from the Planning and Zoning Commission. Leingang asked Decker to include what other communities, including Bismarck, have done in his presentation to the commission.

Decker will make the changes and present it to the Mandan Architectural Review Committee and the Planning and Zoning Commission for suggestions. He will bring it back to the Community Beautification Committee at the Oct. 9 meeting for review. After receiving approval, Decker will take the ordinance to the Planning and Zoning Commission on Oct. 27 for consideration of recommendation to the City Commission.

- E. Continue review of draft property maintenance code beginning with MCO 17-05-18 from Overland Park, KS example (Note: Information needed from Keith Johnson)

Leingang said the committee is waiting on input from Keith Johnson on 17-05-18 regarding private sewer systems before moving forward.

17-05-19 – Hard Surfaces, Walkways and Driveways.

Decker said he wants sidewalks to be an obligation of the developer instead of the homeowner. He said sidewalks should be part of the construction of the street and installed at the time the street is put in. Neubauer mentioned construction equipment could damage the sidewalk. Decker said sidewalks need to be built better, and the construction company would be responsible for damage after it is installed. Froseth agreed, saying it would save the department a lot of headaches. He said it needs to be discussed further. Huber suggested it was outside of the scope of the Community Beautification Committee as to who has responsibility for construction of sidewalks .

Leingang noted that repair requirements are in Mandan Title 10 - Streets, Sidewalks & Public Places and asked if it would be good to reference Title 10 in 17-05-19. Title 10 states, "It shall be the duty of the owner of any property along with the sidewalk to maintain the same in good repair or safe condition." Huettl said he thought it was redundant. Froseth said Muni Code was hired to review and organize the municipal code for content and redundancy. Decker said the recodification will help clean it up.

Decker expressed concern about enforcing the repair requirements on private property such as a backyard sidewalk. He said as written, it allows city employees to go onto private property if there is a safety hazard and ask the property owner to repair it, which could be seen as intrusive. Leingang said safety is an issue, but the focus of this committee's work is on the appearance.

Huettl asked about the violation. Bullinger recommended treating it as an infraction. Decker said it was a Class B misdemeanor punishable with up to a \$1,000 fine or 30 days in jail.

Leingang questioned if the last sentence of the section needed to be included. The sentence states, "There shall be a presumed violation of this section if there has been an actual incidence of personal injury or property damage as a result of deterioration as described above." Froseth said a mailman or city worker could get injured while on the job if property is not maintained. Huber recommended having the City attorney review, as it could be a private property or homeowner issue. Decker said he thinks it's too broad as it is written. He will contact the principal reviewer for Muni Code for review.

Leingang said a small section in the international property maintenance code includes stairs. She said bad stairs are unattractive and a safety hazard.

Huettl suggested eliminating the hard surfaces reference and instead refer to walkways and driveways, since those are the areas accessible to the public.

Decker questioned if the City should oversee the maintenance of private property. Wright suggested eliminating “safety hazards” from the language and instead requiring the property owner to take care of deteriorated property. Huber said it then requires a definition of deteriorated. Neubauer said changing the language could remove a more concrete definition. Wright suggested removing the last sentence, which pertains to the violation of the section. Leingang agreed. Neubauer recommended waiting until Decker spoke to the people from Muni Code before making the change, as they may have another recommendation.

17-05-20 – Outdoor Storage – One- and Two-Family Dwellings.

Decker noted the section refers to the Mandan Code of Ordinances with regard to authorized trash containers and questioned if the code addressed trash containers. Huber said some committee members expressed interest in addressing it. Decker said there are no standards for commercial. Huber said it is something that requires further research, but it could be defined.

Leingang asked if there was language in the city codes that refers to outdoor storage units and how they are maintained.

Huber suggested changing the language regarding storage. The language suggests everything needs to be put in structure or behind a fence. Decker said it isn’t functionally feasible in some areas of the community. Wright agreed, noting that some homes have camper or boat pads in their yard. Huber suggested striking the section. Leingang agreed.

Decker asked if the fire code has a standard for the placement or storage of fire wood. Nardello said not for a single family home, only for commercial. Nardello said he didn’t think it needed to be included. Consensus was that firewood is not a problem at this time that needs to be addressed.

F. Adjourn

Neubauer moved to adjourn. Nardello seconded. Motion passed unanimously.

FUTURE 2014-15 AGENDA ITEMS:

- 1. Consider a minimal requirement or standard for provision for trash receptacles or dumpsters for commercial property plus any residential criteria*
- 2. Review to-date suggested changes to proposed property maintenance code*
- 3. Consider signage to discourage littering*
- 4. Plan for 2015 Community Cleanup Event*

Items for follow-up

- Staff studying of tree and shrub requirements beyond large, commercial lots to include what other communities may require for smaller lots and for single-family residential.*
- Discussion about financial feasibility of expanding the “Pards” program beyond boulevard trees to possibly include trees on private property for residential properties.*
- Review by Muni Code of the draft section about hard surfaces, walkways and drive ways.*
- Research of requirements in other cities for trash receptacle requirements, both commercial and residential.*