

Committee Members:

Chairperson

Damian Huettl, Citizen
Term: 2013-2016

Vice Chairperson

Laurie Leingang, Citizen
Term: 2013-2016

Tammy Lapp-Harris, Citizen
Term: 2015-2018

Amy Schmidt, Citizen
Term: 2015-2018

Dale Schwindt, Citizen
Term: 2013-2015

Vacant, 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, March 12, 2015

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 . Program Coordinator Krista Harju, Sgt. David Mills, City Attorney Malcolm Brown and resident Brian Dehnert were also in attendance.

B. Consider minutes from meeting on February 12, 2015
Keith Johnson moved to approve the minutes from the Feb. 12, 2015 meeting. Ellen Huber seconded. The motion passed unanimously.

C. Consider letters of interest for service on the Community Beautification Committee and recommendations to City Commission

1. Brian Dehnert
2. Travis Hirsch

The committee received two letters of interest for service. Dehnert attended the meeting. Hirsch was not in attendance at the meeting, however, was contacted via telephone and email informing him of the meeting. The committee decided to move forward and consider Dehnert's application.

Johnson moved to recommend his appointment to an unexpired term ending in Dec. 2015. Amy Schmidt seconded. The motion passed unanimously. The recommendation will go before the City Commission at a March 17 meeting.

D. Discussion with City Attorney Malcolm Brown regarding proposed property maintenance code

Brown reviewed proposed changes to the property maintenance code. Since the changes are significant, he recommended circulating the information informally among the City Commissioners before formally introducing it to determine if

there is interest in and support for the changes. Brown said the proposed ordinance could be seen as intrusive by some people. Huber recommended submitting a report to encourage feedback. Laurie Leingang recommended calling for a public hearing due to the significance of the changes. Brown said a public hearing would not be required for the ordinance changes, but the Commission could choose to hold one after giving direction to put the changes in ordinance format.

A violation of an ordinance can be an infraction or offense Class B misdemeanor. Brown recommended making violations of the property maintenance code infractions, punishable by up to a \$500 fine. Johnson asked if the fine can accumulate for each day, week or month that a property is past the due date of coming into compliance. Dave Mills offered the example of in certain situations there being an additional fine of \$50 per day beyond a due date.

Jim Neubauer and Huber will draft a memo or report for the committee's review that listing significant recommended changes and penalties. The draft report will come back to the committee for review prior to being presented to the City Commission.

Leingang questioned how to address situations of economic hardship with regard to complying with potential property maintenance requirements. She asked if the Community Beautification Committee could serve as a hearing board. Brown questioned whether the committee would want to serve in such a manner. He explained that the municipal court has the power to suspend fines and respond to unique situations. He said language could be put in the ordinance to give the responsibility to the court. The committee will become aware if there are problems with the requirements if the judge is repeatedly tossing out cases or if the code enforcement officer reports problems. The city has a history of working with property owners on compliance. The City Commission ultimately serves as the Board of Adjustment such as if there are appeals to the fire code enforcement. Brown will further review the draft to identify any problem areas from a legal perspective. Jim noted that Planner Robert Decker has recommended putting the property maintenance requirements in a separate municipal code title from the nuisance title.

E. Review ordinance regarding placement of garbage containers for collection and container requirements

Bob Decker provided potential revisions to the existing section of municipal code for Solid Waste regarding placement of garbage containers for collection and container requirements.

The committee agreed to simplify the language in Sec. 22-542 Subsection (a) by changing the last sentence to, "No earlier than 6 p.m. the night before pick-up, the receptacle or receptacles shall be moved to THE PICK-UP LOCATION." Leingang suggested including language allowing the placement of loose garbage bags that do not fit in containers. She referenced the Dickinson ordinance, which allows property owners to set garbage bags beside the containers if they do not fit inside. Some committee members supported the language as presented indicating the loose bags would have to be secured in a cart or other receptacle, while others wanted to allow the loose bags without the requirement of a container or cart. Neubauer suggested striking "secured in a cart" from the language. Huber recommended publicizing the totes available through Armstrong Sanitation. The committee agreed to change the sentence to read, "All residential area garbage shall be deposited for pick-up in durable garbage metal or plastic receptacles equipped with close-fitting covers of a capacity of not less than 15 gallons nor more than 35 gallons or in loose garbage bags ~~secured in a cart~~ or other receptacle that will prevent the garbage from being strewn about by animals or the wind."

Huber recommended making changes to Subsection D to reflect the Dickinson ordinance. The committee agreed to add the language, "Containers shall be kept out of sight from the street and from the property, except on collection days."

Johnson moved to approve the proposed regulations regarding resident area garbage collection with the recommended changes. Tammy Lapp-Harris seconded. The motion passed unanimously.

Huber noted the language in Sec. 117-6-14 regarding storage location for commercial and industrial properties does not include the requirement of opaque fencing, as discussed in the Feb. 12 meeting. The committee agreed to change the language to include, "Each commercial or industrial property owner shall provide AN OPAQUE three-sided or AN OPAQUE enclosed area to store the garbage containers."

Leingang moved to approve the section with the recommended changes. Tammy Lapp-Harris seconded. The motion passed unanimously.

F. Review of draft ordinance regarding graffiti remediation

Decker drafted a graffiti ordinance (shown as an additional chapter to the existing Title 17 related to nuisances) , but it did not appear to be similar to the Billings, MT, sample ordinance as had been the direction given in a motion approved at the February meeting. Huber recommended changing the language under 17-16-01: Property Holder Responsibility, which indicates only 48 hours for removal. The committee agreed the ordinance should reflect that graffiti needs to be removed within ten days from the day the notice is mailed. The committee also agreed to eliminate the language regarding inclement weather and to add a minimum fee of \$100 for noncompliance.

Neubauer suggested passing a recommendation onto the City Commission as soon as possible, due to issues of vandalism at the former junior high school building. There is nothing in the current ordinance that deals with graffiti.

Neubauer will send the recommendations to Brown and ask him to draft a version reflecting the Billings ordinance. Harju will send an updated version of the ordinance to committee members before it is presented to the City Commission.

G. Report on May 2 "Keep Mandan Beautiful" Community Clean-Up Day

The Community Clean-Up Day will be held on May 2 from 9 a.m. - 12 p.m. Volunteers will meet at Dykshoorn Park. Specific areas in the community will be targeted. Public Works Director Jeff Wright will provide the locations. Huber encouraged committee members to participate in the event.

At the time of the meeting, Schmidt was focusing on raising awareness of the event. She invited youth groups in the Mandan area, as well as other organizations. Huber and Del Wetsch from the Mandan Progress Organization are encouraging businesses to participate and/or sponsor the event. Cloverdale agreed to sponsor the event by providing meat. Schmidt is hoping to secure live music as well.

H. Other Business

The police department will be holding interviews for the position of code enforcement officer on March 19. The fire department will take part in the interviews. About 12 applications were received. It has been narrowed down to three applicants. Bullinger would like to see the successful applicant report for work two or three weeks after hire. Sgt. Mills will provide training and supervise the position.

I. Future Meetings

1. Thursday, April 9, 2015 7:30 a.m.
2. Thursday, May 14, 2015 7:30 a.m.

J. Adjourn

Having no other business, the meeting was adjourned.

FUTURE 2014-15 AGENDA ITEMS:

1. *Consider signage to discourage littering*
2. *Discuss outdoor storage for residential and commercial properties.*

Items for follow-up prior to next meeting

- *Neubauer and Huber will draft a report for the committee's review on the proposed property maintenance code. It will include a list of the key significant changes and penalties. The report will come back to the committee at the April 9, 2015 meeting, prior to going before the City Commission.*
- *Neubauer will ask Brown to make changes to the graffiti ordinance that incorporate the committee's recommended changes and reflect the Billings ordinance. Harju will send an updated version of the ordinance to committee members before it appears before the City Commission.*
- *Next steps were not indicated for advancing the requirements for garbage containers.*
- *Brian Dehnert needs to receive copies of materials the committee has been working with including the proposed property maintenance requirements based on the Overland Park, KS sample and perhaps the International Property Maintenance Code.*