

Committee Members:

Chairperson

Damian Huettl, Citizen
Term: 2013-2016

Vice Chairperson

Laurie Leingang, Citizen
Term: 2013-2016
St
 Tammy Lapp-Harris, Citizen
Term: 2015-2018

Amy Schmidt, Citizen
Term: 2015-2018

Dale Schwindt, Citizen
Term: 2013-2015

Brian Dehnert, Citizen
Term: 2015-2015

Jim Neubauer,
Administration

Doug Lalim, 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

Liaisons:

Robert Decker, City
Planner

Joe Camisa, Code
Enforcement Officer

Krista Harju, Program
Coordinator

Mandan Community Beautification Committee

Thursday, October 8, 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 marked with a .

B. Consider minutes from meeting on September 10, 2015

Jim Neubauer moved to approve the minutes. Dennis Bullinger seconded. The motion passed unanimously.

C. Report on graffiti ordinance. (Jim)

The first reading of the graffiti ordinance occurred during the Oct. 6 City Commission meeting. The City Commission voted 5 – 0 to approve the first reading. No comments were received from the public. A second reading is scheduled for Oct. 20. If approved it would become effective immediately.

D. Report on proposed garbage container ordinance (Jim)

Bob Decker presented the proposed garbage container ordinance, incorporating the committee's previous recommendations and offering some additional suggestions.

Section 117-6-9

Doug Lalim said the committee's recommended addition of "Containers shall be kept out of sight from the street and from the property, except on collection days," to Subsection D may not be enforceable. He suggested adjusting the language to read, "Containers shall be kept inside or behind the front plane of the house." Neubauer noted that people may prefer to leave the containers outside, especially with the addition of a recycling container.

Huber noted the committee's recommendation on time restrictions regarding the placement of garbage containers for pick-up was already incorporated into the current code. She felt it should have been brought before the committee and City Commission in ordinance form prior to being adopted.

Section 117-6-10

Decker struck the last sentence in Sec. 117-6-10, as similar language appears in Sec. 117-6-14. He will look for further duplications in the code.

Decker recommended adding the following language to Sect. 117-6-10: "Each commercial property owner is required to arrange for the

removal of accumulated garbage or other waste by a licensed contractor or by personally hauling the garbage to an approved landfill or transfer station. Failure to arrange for proper removal or depositing waste in another property owner's container without permission is an infraction."

Huettl suggested striking, "arrange for the removal of," and substituting the word "remove."

Section 117-6-14

Decker recommended requiring solid walls on commercial or industrial garbage container enclosures. Steve Nardello said the Mandan Architectural Review Commission allows for chain link fences. Lalim suggested adjusting the language to read, "Each commercial or industrial property owner shall provide an opaque or solid enclosed area to store the garbage containers."

Decker also suggested requiring the walls of the enclosures to be 1 foot taller than the garbage containers within the enclosures. He said it would help prevent garbage from blowing out of the enclosures. Laurie Leingang asked how it would affect existing enclosures. If they are not already 1 foot higher than the containers, would property owners be required to rebuild? Huber recommended requiring the enclosures to be equal height or taller than the enclosed containers. The committee agreed.

Decker suggested adding language requiring formal agreements for the storage of garbage containers between neighboring properties to be recorded. He further suggested records be filed with the county recorder. Huettl felt it should be a private agreement between property owners and didn't think the City should require a formal agreement. Brian Dehnert agreed. Decker said it would make it possible to search for existing agreements between property owners. If it became an enforcement issue, a record would exist. Huettl felt it would deter people from reaching an agreement. Huber recommended striking the suggested language, as the City has no means of enforcing it. The committee agreed.

The committee discussed when the new requirements would become effective for existing properties and new construction. Decker recommended requiring immediate compliance for new construction. He suggested requiring existing properties to be in compliance by Jan. 1, 2016. Huber questioned if it was financially and technically feasible. Lalim said the requirements are not feasible on some existing properties, and feels some people are going to fight it. Decker suggested offering a waiver for those properties. Huber suggested including a clause for situations where compliance may be technically or financially infeasible. She also recommended allowing one year for existing properties to be compliant with the new requirements, as they should have one full warm season to erect the enclosure.

Bob will make changes based on the committee's suggestions and present it at the committee's Nov. 12 meeting.

E. Outdoor storage for industrial, commercial and potentially residential properties. Present 1st Draft of Mandan Ordinance (Bob - bring proposed language for different types of industrial and commercial zones)

Sec. 16-3-1

Decker updated the definition of refuse by merging it with the definition of rubbish and eliminating the words "putrescible" and "nonputrescible".

Decker also redefined salvage material. Joe Camisa suggested adding the words "for use," and adjusting the language to read, "Salvage material means items which have been collected for use or reprocessing into a usable item or for sale as scrap," as the intention isn't always for reprocessing.

Section 16-3-9

Huber asked if salvage yards currently require enclosed structures or opaque fences. Camisa said the areas are usually fenced, but it may be an insurance requirement rather than a city requirement.

Section 16-3-9 Subsection 6

Lalim suggested striking, “for a period not to exceed six months,” from the language. As long as the property owner has a valid building permit, the materials and equipment can be stored on the property. Many projects take more than six months to complete.

Section 16-3-9 Subsection 7

Huettl question if Subsection 7 is necessary. Camisa said the intent is to allow salvage and junk yards to contain inoperable vehicles, while other businesses are required to store them in an enclosed building. Dehnert said many property owners have projects, such as vehicle restorations, in the driveway. Huettl recommended creating an exception that allows people to buy or obtain a permit allowing for outdoor storage for a predetermined period of time. Bullinger supported his suggestion. He said people may say they are restoring a vehicle, but never complete it. A permit could require the project to be completed in a specific time period. Decker will work on updating the language.

Section 16-3-9 Subsection 8

Huettl suggested moving this subsection to Sec. 16-3-1, as it is a definition of inoperable vehicles. Decker agreed. Huber felt property owners should be able allowed to place a vehicle upon jacks, blocks, chairs or other supports without the vehicle being deemed inoperable. She suggested adding language allowing property owners to place vehicles on supports for a certain period of time, without the vehicle being deemed inoperable.

Section 16-3-10 Subsection B

Huettl thought the section should address both private and public property. Camisa noted the public property removal process differs from the private property removal process. Leingang felt the subsection applies to all property as written. She suggested adding a penalty fee in addition to an administration fee and the cost of hauling. Camisa said there would need to be a process that allows him to enforce a penalty and remove private property. The court becomes involved if he asks a property owner to remove private property and the person doesn't comply. The only exception is if the health department orders the removal of the property. If he has a court order, he can remove the property, but he cannot charge a penalty. Neubauer said city staff will look into option on enforcing a penalty.

Decker will update the language based on the committee's recommendations and present the revision at the Nov. 12 meeting.

F. Review and discuss memo to City Commission related to changes proposed to property maintenance code, including penalty provisions (Ellen)

The only change to the property maintenance code is in regard to animal sanitation. Huber noted that Camisa is proposing to address issues regarding animals waste under the animal title of the municipal code. The committee determined pools of water should stay in the property maintenance code. Outdoor storage will be handled separately. She will need to revise the information regarding placement of containers for garbage collection, as some of the committee's recommendations were woven in during the municode adoption. The committee had previously agreed the violation and penalty section required legal review. Legal guidance is still needed.

Neubauer recommended taking the next two meetings to finalize the memo and presenting it to the City Commission before the end of the year. Huber recommended removing animal sanitation, outdoor storage and placement of garbage containers from the memo and presenting it at the next meeting. It would allow the committee to continue to work on other issues while also making progress. Leingang agreed. Neubauer recommended waiting until the municode adoption is complete before presenting it to the City Commission.

1. Recommendations regarding animal sanitation (Joe)

G. Report on status of proposed changes to the grass cutting and weed ordinance (Joe)

H. Discussion of regulations regarding grading and drainage with respect to standing water. See IPC 302.2 (Justin or Keith)

I. Other Business

J. Future Meetings

1. Thursday, November 12, 2015 7:30 a.m.
2. Thursday, December 10, 2015 7:30 a.m.

K. Adjourn

Bullinger moved to adjourn the meeting. The motion was seconded and the meeting was adjourned.

FUTURE 2014-15 AGENDA ITEMS:

1. *Consider signage to discourage littering*
2. *Suggestions from Joe on potential code changes*
3. *Discussion of regulations regarding rodent harborage. See IPC 302.5 (Keith)*
4. *Discussion of regulations regarding Dutch Elm and Ash Borer Disease. See Mandan Public Nuisance Code 17-03*
5. *Discussion of regulations regarding outdoor hot tubs and pools. See IPC 303.1 – 303.2*
6. *Community Clean-up Day*

ITEMS FOR FOLLOW-UP:

- *Decker will make changes to the proposed garbage container ordinance based upon the committee's suggestions.*
- *Decker will make changes to the proposed language for outdoor storage based upon the committee's recommendations.*