

**Mandan Community Beautification Committee**

**Thursday, November 12, 2015**

**7:30 a.m.**

**Mandan City Hall**

**205 Second Avenue NW**

**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**

**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**

**A. Roll Call:**

1. Roll call of committee members and liaisons

*Chairman Huettl called the meeting to order. Members present are marked with a .*

**B. Consider minutes from meeting on October 8, 2015**

*Leingang moved to approve the minutes as presented. Huber seconded. Motion passed unanimously.*

**C. Report on committee members' expiring terms**

*As a result of previous committee member resignations, Dehnert and Schwindt had both been appointed to terms that expire in 2015. Commission policy requires that a call for interested persons be publicized for all expiring terms on the City's various boards and committees. A notice is planned for Nov. 13 with letters of interest due by Dec. 4. Dehnert and Schwindt were encouraged to express interest in continued service on the committee. The committee can then consider candidates at its Dec. 10 meeting.*

**D. Report on graffiti ordinance.**

*First and second readings are complete and the ordinance has been enacted. The update to the municipal code has been submitted.*

**E. Recommendations regarding animal sanitation**

*Camisa presented a draft ordinance with revisions as discussed at the committee's September meeting. Suggested changes and discussion points about Sec. 6-2-13 were as follows:*

- *As drafted, subsections (b) and (c) appeared to be in conflict. Suggested clarifying (b) to state, "Pet waste that is on the pet owner's property must not accumulate to the extent that odors from the waste migrate off the property."*
- *There were questions about whether subsection (d) was needed. Huettl thought subsection (a) adequately addressed the need to clean up waste beyond a pet owner's property. However, Bullinger indicated it was needed to all for a citation to those walking pets elsewhere who fail to clean up after their pets.*
- *Neubauer inquired as to whether the draft ordinance had been patterned after regulations of any other city. Committee members were specifically interested in knowing Bismarck's requirements and fine structure. There were questions about whether the proposed fines of \$50 for a first offense and \$200 for a second offense within a year might be high.*
- *Leingang clarified that the City will not be remediating animal waste issues on private properties and special assessing. Camisa explained that her interpretation was correct, that the City would only remediate*

*in an extreme situation under court order.*

*The committee would like to see the revised draft of the proposed animal waste ordinance at the Dec. 10 meeting.*

**F. Report on status of proposed changes to the grass cutting and weed ordinance**

*Camisa presented a draft ordinance with revisions as discussed at a previous meeting. One notable change had been to change the degree of slope for which a mowing exemption would be granted from the previously proposed 45 degrees to 30 degrees instead. The City Weed Board has also reviewed and concurred with the draft along with a re-write of the noxious weed section. Discussion points were as follows:*

- *Huettl expressed concern about the part regarding application for a waiver. Camisa explained that the weed control officer (now under his duties as code enforcement officer) would need to use discretion. If there were situations where complaints about a lack of mowing occurred and the property was greater than 30 degrees in slope, the officer would encourage the property owner to apply for a waiver.*
- *Penalties are outlined in the full code in Section 16.*
- *Dehnert asked about wetlands. Camisa responded that this situation would again require some discretion as they sometimes serve as a buffer.*
- *Areas in the city that have been somewhat problematic in the past include West Main Street (beyond 10<sup>th</sup> Avenue) and the hillside south along Highway 1806 between 8<sup>th</sup> Avenue and 19<sup>th</sup> Street. Johnson asked if the City owns a bushhog mower for use on such slopes. It does not.*

*Huber moved the committee recommend approval of the proposed ordinance as presented. Nardello seconded. Motion passed unanimously*

**G. Report on proposed garbage container ordinance**

*Decker presented the latest draft of a potential ordinance about garbage regulations. Discussion about Section 117-6-9 included:*

- *Striking the container capacity limitation, “of a capacity of not less than 15 gallons nor more than 35 gallons,” because the containers being provided for recycling are 96 gallons.*
- *A lack of consensus on whether residents should be required to have their garbage in a container or whether they should continue to be allowed to set out bagged garbage.*
  - *Leingang suggested only allowing bags for occasions of excess garbage, in other words requiring receptacles but retaining flexibility to put a bag next to it for collection.*
  - *Huettl prefers to retain the right to set bagged garbage out, preferring that option to receptacles blowing down the street.*
  - *It was noted that problems mostly arise from residents who keep trash in bags outside for periods of time beyond the garbage collection day. Animals can get into the bags and scatter items about.*
  - *Johnson urged that the committee lead the way by recommending a requirement for the use of totes. It was noted that the current garbage contract expires in October 2017.*
  - *If residents move towards the use of the 96-gallon containers for regular garbage, there could be less need for extra bags to be set by containers. A downside with the recycling containers is that items are not to be bagged, so if a lid blows open, recyclables could blow around.*
  - *The word “rubbish” may need to be defined for use in subsection (c) and how it differs from garbage. It references items not from household use.*

- *In subsection (d), there was concern about requiring that containers be “secured to a solid object.”*

*Other discussion:*

- *Section 117-6-11 — Strike the extra “that only” from the first sentence.*
- *Section 117-6-12 — Better differentiate between public sites for recycling such as bins for collection of grass clippings as compared to household recycling containers.*
- *Section 117-6-13 — Subsection (c) — Change to “shall have until January 1, 2017 to comply with...” instead of “come into compliance with.” Replace the reference to a “hardship waiver” with language similar to that in the ordinance requiring an automatic door with use of business incentives. It is along the lines of “technically or financially infeasible.”*
- *Section 117-6-15 — subsection (a) — Change to “first obtaining a license” instead of “having obtained.”*

Remaining items on the agenda.

*The committee did not address these topics due to time constraints:*

- Outdoor storage for industrial, commercial and potentially residential properties.
- Discussion of regulations regarding grading and drainage with respect to standing water. See IPC 302.2
- Update on draft memo to City Commission related to proposed property maintenance code

*Additionally, Johnson requested that a future agenda include discussion about building code enforcement for manufactured housing in mobile home courts. Committee members discussed that if the property maintenance ordinance were approved, it would apply to the exterior and yards. Johnson is concerned that manufactured homes are not being inspected. He explained that the state health department only looks at them once a year for accessory units, propane tanks and spacing issues, but they don’t look at the interior, so safety issues may be overlooked. Neubauer requested that Decker, Camisa, Johnson, Lalim and Nardello meet to discuss this matter and report back on the status at the December meeting.*

#### *FUTURE AGENDA ITEMS:*

1. *Community Clean-up Day (begin discussions in February 2016)*
2. *Consider signage to discourage littering*
3. *Suggestions from Joe on potential code changes*
4. *Discussion of regulations regarding rodent harborage. See IPC 302.5 (Johnson)*
5. *Discussion of regulations regarding Dutch Elm and Ash Borer Disease. See Mandan Public Nuisance Code 17-03*
6. *Discussion of regulations regarding outdoor hot tubs and pools. See IPC 303.1 – 303.2*