

**Mandan Community Beautification Committee**

**Thursday, December 10, 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

Vice Chairperson Laurie Leingang called the meeting to order. Members present are indicated with a .

**B. Consider minutes from meeting held Nov. 12, 2015**

Keith Johnson moved to approve the minutes from the Nov. 12, 2015 meeting. Tammy Lapp-Harris seconded. The motion passed unanimously.

**C. Consider candidates for two committee positions with terms of 2016-2019 for members of the public (citizens or business representatives)**

Brian Dehnert and Dale Schwindt have terms expiring at the end of 2015. No letters of interest were received for the open positions. Schwindt indicated he is not seeking reappointment due to time constraints with his job. Dehnert said he didn't expect the meetings to be so focused on ordinance review. He asked if the committee would be interested in focusing on projects, such as beautification concerns regarding green space or parks and river access and upkeep. He felt ordinance review was beyond the scope of the committee. Doug Lalim agreed, saying he originally felt the scope of the committee would more project oriented. Johnson agreed.

Decker noted that committee representation is needed for the upcoming visitor way-finding signage project. Other ideas included a plan for boulevard tree replacement for those removed due to Dutch Elm disease.

Leingang said projects were the original intent of the committee. The committee began focusing on ordinance review because committee members believed there was room for improvement. She recommended getting through the current ordinance review and then looking at project ideas. Bullinger noted that because of the committee's efforts the City now has a code enforcement officer and that improvements to ordinances were needed.

Johnson felt the committee should be a policy driver, not the one drafting the language. Ellen Huber recommended city staff handle the brunt of the work and bring it to the committee for review before it is presented to the City Commission.

Dehnert decided he would be interested in continuing to serve on the committee, as many committee members shared his desire for a more project-based approach. Huber moved to recommend re-appointment of Brian Dehnert to the Community Beautification Committee. Bullinger seconded. The motion passed unanimously. The committee's recommendation will be presented to the City Commission on Dec. 15.

Letters of interest are welcomed until the position is filled. Huber asked the committee to keep spreading the word that there is room for one more citizen or business representative on the committee.

*Huber suggested the committee set aside time to brainstorm and prioritize project ideas. Leingang asked that it be a future agenda item.*

*Committee members indicated a desire to focus on recreational facilities and green space areas. Lalim recommended inviting a representative from the Park District to serve on the committee. Huber noted the Park District is the primary entity responsible for recreational facilities.*

*Johnson noted there was a significant amount ordinance review on the agenda and asked if, given the discussion, the committee wanted to continue reviewing the ordinances. He suggested allowing city staff to move forward and present the information to the City Commission. Leingang felt the committee should continue with the agenda as presented.*

*Huber recommended that in the future changes to the proposed ordinances are reviewed and comments are submitted prior to the meeting. This would allow the committee to review an overall draft at the next meeting. City staff could make changes and circulate it before the next meeting.*

**D. Report on status of revised grass cutting and weed ordinance (Camisa)**

*The revised grass cutting and weed ordinance is on the agenda for consideration at the Dec. 15 City Commission meeting.*

**E. Consider revisions to draft animal sanitation ordinance (Camisa)**

*The animal sanitation ordinance is on the agenda for consideration at the Dec. 15 City Commission meeting.*

*Huber indicated concern regarding the inclusion of fines. She is not comfortable with those particular numbers being included in the language being recommended by the committee. Leingang agreed. Camisa said he is researching it further and the fines will not be included in the language presented to the City Commission.*

*Lalim did not think fines should not be a part of the ordinance. He recommended making it a resolution, so it can be easily updated.*

**F. Consider revised language in a proposed garbage container ordinance (Decker)**

*Huber addressed new language in Section 17-6-9 Item C. The language appears to require recycling. Huber noted while the City is providing recycling containers, it cannot require residents to participate. She recommended striking the language entirely. The committee agreed.*

*Leingang asked for clarification on Section 117-6-9 Item D. At the last meeting, committee members addressed concerns about location restrictions and Lalim recommended allowing containers to be stored outside, as long as containers are kept behind the front plane of the house. Lalim noted that the ordinance could create liability, as some properties have steps leading down to the sidewalk and some residents may not be able to move the containers. Leingang asked if staff could check to see if Bismarck has any language in its ordinances since garbage containers are also required there. Decker will modify the language and bring a revised draft back to the next committee meeting.*

*Huber said she was uncomfortable with the language regarding financial burden in Section 117-6-13 Item C. She recommended addressing exorbitant project costs or financial infeasibility, rather than the financial situation of the property owner.*

G. Consider revised language in a proposed ordinance for outdoor storage in industrial, commercial and residential properties. (Decker)

*Committee members are to review the draft and e-mail and comments to Decker for inclusion or consideration prior to the next meeting. At the previous meeting, the committee discussed penalties for outdoor storage violations. City staff had indicated it would seek legal advisement. Leingang noted the ordinance contains a 10 percent administrative charge and a \$25 penalty. Camisa said the penalty is pretty standard and a 10 percent administrative charge is automatically added to anything that is assessed.*

H. Discussion about regulations regarding grading and drainage with respect to standing water. See IPC 302.2 (Froseth or Johnson)

*Johnson said the language in the International Property Maintenance Code (section 302.2) regarding grading and drainage is sufficient. Justin Froseth agreed. Camisa said there is nothing currently in the city code regarding standing water. The only thing the City can act on now is standing water in tires. There is no language relating to grading or drainage. He felt it would be beneficial to include language in the proposed property maintenance ordinance. Huber agreed. Camisa suggested leaving it broad to allow city staff to administer it.*

*Huber will insert the language into the proposed property maintenance summary that will be presented to the City Commission at a future meeting. It will also need to be added to the proposed property maintenance code.*

I. Update on draft memo to City Commission summarizing the proposed property maintenance code (Huber)

*Huber presented changes from the October meeting. Regarding instances of violation, Camisa explained that he would use an administrative approach with the issuance of a notice. If not resolved within a reasonable time period, a second notice would be issued indicating if not resolved by a date certain that fines would start and then it could result in a court review. He said Williston has a good track record with use of this administrative approach. Camisa recommends at least a \$500 per day fine. It would not be a criminal fine, but an administrative fine. If fines are not paid, they are special assessed against the property.*

*City Attorney Malcolm Brown previously advised presenting the proposed property maintenance code to the City Commission as a memo first, to ensure it is the City Commission's preference to put it into ordinance form. It may appear on the City Commission agenda in January. Huber will consult with Neubauer as to timing and method of submittal or presentation.*

*As a result of today's meeting, a grading and drainage section will be added.*

*Johnson moved to forward the summary onto the City Commission with the inclusion of language regarding grading and drainage. Lapp-Harris seconded. The motion passed unanimously.*

J. Update on discussions about inspections of manufactured homes (Johnson, Lalim, Nardello, Camisa and Decker)

*Johnson said older manufactured homes are a class of housing that isn't covered by any ordinance. The state health department inspects mobile home courts in terms of spacing, accessory sheds and propane tanks, but there isn't a code to cover maintenance within older manufactured homes. Johnson suggested the property maintenance code could cover areas of concern. He suggested the discussion be ongoing, but parallel and separate from the committee's work.*

*Lalim said manufactured homes built prior to 1976 are no longer allowed in city limits because they don't have a HUD sticker. Some properties were grandfathered in, but cannot remain within city limits if sold. Individual mobile home courts may have other standards. Bullinger said the property owner is responsible for property maintenance.*

*Camisa said a court order is required to remove personal property, as it is constitutionally protected. He tries to coax people to clean up their property, but cannot remove property unless ordered by the court. If approved by the City Commission, the property maintenance ordinance will address exterior property maintenance concerns.*

#### K. Other Business

1. Consider someone to serve on task force for way finding signs.

*The City's current way finding signs are out-of-date. City and Park District officials asked the Leadership Pride and Image Committee to assist in improving the signage. The LPI committee presented ideas to the Visitors Committee along with a request to fund the project. The Visitors Committee felt it would be beneficial to allow for additional input.*

*The City Commission approved authorization to negotiate a contract and form an ad hoc committee to help provide guidance and assist with sign design and location selection. The City would like to have a representative of the Community Beautification Committee on the ad hoc committee. Huber said she wouldn't anticipate a big time commitment and anticipates the project will be completed in July 2016. She thought it would require attending a few meetings and e-mail correspondence. Dehnert volunteered to serve on the ad hoc committee, but requested meetings are scheduled early morning or late afternoon.*

#### L. Future Meetings

1. Thursday, January 14, 2016, 7:30 a.m.
2. Thursday, February 11, 2016, 7:30 a.m.

*Huber recommended putting future agenda items regarding ordinance review into staff hands. Staff would draft language and provide it to the committee at a future meeting. It would allow for brainstorming of project ideas to be included on the January agenda.*

*Huber recommended striking "Discussion of regulations regarding outdoor hot tubs and pools" from the list of future agenda items. The committee agreed.*

#### M. Adjourn

*Bullinger moved to adjourn the meeting. Froseth seconded. The motion passed unanimously.*

#### *FUTURE AGENDA ITEMS:*

1. *Community Clean-up Day (begin discussions in February 2016)*
2. *Consider signage to discourage littering*
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 (Ask City Arborist Kaiden Straabe to provide information and attend.)*
5. *Discussion of regulations regarding outdoor hot tubs and pools. See IPC 303.1 – 303.2*