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The Mandan City Commission met in regular session at 5:30 p.m. on June 2, 2009 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Jackson, Gangl and Serhienko. Department Heads present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Planner Baehurst, City Assessor Barta, Police Chief Bullinger, and Business Development Director Huber. Engineering Project Manager Bechtel and Director of Public Works Wright were absent.

MINUTES:

1. Consider approval of minutes from the following meetings: May 19, 2009, Board of Equalization, May 19, 2009, City Commission Meeting, May 27, 2009, Mandan Strategic Vision Plan Community Meeting. Commissioner Jackson moved to approve the minutes as presented for May 19, 2009, Board of Equalization, May 19, 2009, City Commission Meeting, May 27, 2009, Mandan Strategic Vision Plan Community Meeting. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. Consider approval of site authorizations for Fort Abraham Lincoln Foundation for 2009-2010: i. Broken Oar; ii. Seven Seas; iii. Midway Lanes; iv. Lonesome Dove; v. West Side Bar & Grill. The Board approved of site authorizations for Fort Abraham Lincoln Foundation for 2009-2010 for the establishments listed.
2. Consider games of chance for Mandan Dive Club for July 6, 2009. The Board approved of games of chance for Mandan Dive Club for July 6, 2009.
3. Consider approval of individual Special Assessments for Snow Removal of 2009. The Board approved of individual Special Assessments for Snow Removal of 2009.
4. Consider approval of Starion Financial request for street closing July 3. The Board approve of Starion Financial request for street closing July 3.
5. Consider approval of Sales & Use Tax Collection Agreement with the ND Office of State Tax Commissioner for 2009 – 2011. The Board approved of Sales & Use Tax Collection Agreement with the ND Office of State Tax Commissioner for 2009 – 2011.
6. Consider approval of site authorization for World’s Largest Sandhill Crane Foundation for June 3-30, 2009 at Captain Freddy’s. The Board approved of site authorization for World’s Largest Sandhill Crane Foundation for June 3-30, 2009 at Captain Freddy’s.
7. Consider approval of site authorization for World’s Largest Sandhill Crane Foundation for July 1, 2009 – June 30, 2010 at Captain Freddy’s. The Board approved of site authorization for World’s Largest Sandhill Crane Foundation for July 1, 2009 – June 30, 2010 at Captain Freddy’s.

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Commissioner Jackson moved to approve the Consent Agenda as presented.  
Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

OLD BUSINESS:

NEW BUSINESS:

1. *Consider draft report and recommendations from downtown parking study.*  
Business Development Director Ellen Huber introduced John Revell, Rich and Associates who will be providing the report to the Commission. Mr. Revell came forward and provided the following information: He stated that the Parking Steering Committee approved of presenting this information which was reviewed by the Committee on April 28, 2009. Mr. Revell stated that a \$6.38 million dollar multi-deck parking area could add 300 more parking spaces to the city. One area being considered is the Wells Fargo Bank parking lot. The study recommended a possible partnership between the city and the bank. The following is a synopsis of what the parking study consists of, the public input and recommendations and where to go from here. Mr. Revell reviewed the following:

- Analysis Re-Cap
- Parking Supply
- Land Use
- Utilization
- User Surveys

The information was pulled together and put into a plan that will detail the parking plan. Field observations are also planned out. A Surplus Deficit map will identify the businesses and how much parking they will need. In gathering the data, over 300 people were contacted and/or interviewed. 195 surveys were completed to help identify how much parking is needed. Mr. Revell stated that the parking user's data was reviewed and that 77% who replied lived within the city of Mandan.

The recommendations are provided for by phases. He suggested they be carried forward and debated by the city staff and Parking Authority. Mr. Revell briefly reviewed the outline of each of the phases.

(Phase 1)

- Parking – Conclusion is that parking is inefficient
- Continue working with private businesses to provide parking

(Phase 2)

- Discourage new parking lots in the core area
- Timing the traffic lights and crosswalk (encourage pedestrian activities)
- Marketing – information should be provided to businesses
- Establishing rules for snow removal making sure it is done timely

- Establishing residential permit program
- Eliminate the leased parking system – parking on the south side will be free
- Parking on north side – meter type
- Parking on west side of library – use for larger vehicles
- Utilize a hand held unit for enforcement (tracks how long vehicle is there)
- City should seek city/county participation in the project. The county has been contacted;

(Phase 3)

- Review cost benefit analysis for implementation – Preliminary cost: Assuming \$18,000 per stall: Example calculation:
  - 300 stalls = \$6,380,000 total
  - 7.5% interest
  - \$692,000 per year (20 years)
  - ½ block layout would bid less per stall than ¼ block layout (contractors use square foot rather than stalls)

Next Steps:

- 1) Ongoing editing, additional information, final comments
- 2) Final report submitted in July

Business Development Director Huber stated that the Parking Study Committee met today and they did approve of the report as provided by Rich & Associates, however, the Committee members were opposed to installing parking meters as a suggested revenue source.

Commissioner Tibke moved to approve the draft report and recommendations from the downtown parking study. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

## 2. *Consider Growth Fund Recommendations*

*i. Storefront Improvement applications: (1) Stepping Stones Children's Academy*  
Business Development Director Huber reviewed with the Commission a request for a storefront improvement application from Stepping Stones Children's Academy. This is a project at 906 – 2<sup>nd</sup> Street Northwest, Mandan, ND, formerly known as the building occupied by Toman Engineering. The grant requested and the recommendation is for \$10,000. The total cost of the project is \$27,333. The subject building is eligible for the storefront improvement program funds. The application includes an automatic door as required by city ordinance. Ms. Huber recommended approval of the request subject to final approval by the Mandan Architectural Review Commission. Zachary Hedstrom was available to answer questions regarding the project on behalf of Stepping Stones Children's Academy.

Commissioner Serhienko moved to approve the storefront improvement application request of \$10,000 from the Mandan Growth Fund matching funds for the Stepping

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Stones Children’s Academy improvement project subject to final approval by the Mandan Architectural Review Commission. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

*ii. Property Tax Exemption Review Procedure:* City Administrator Neubauer reviewed a request to consider having the Mandan Growth Fund (MGF) review requests for property tax exemptions and make recommendations to the Board. The MGF is an economic development arm of the City; they review MGF applications and also review Tax Increment Financing (TIF) requests that they review property tax exemption requests. This would enhance the MGF’s ability to have a better understanding of all the business incentives a particular entity may be requesting rather than just some of the information.

Commissioner Gangl moved to amend the process for which property tax exemptions are considered to include a review step by the Mandan Growth Fund. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

*3. Consider authorization for River Patrol for the Bismarck/Mandan Area.* Police Chief Bullinger reviewed with the Board a request to permit off-duty officers to volunteer for River Patrol on the Missouri River in the Bismarck/Mandan area. He stated that the Game and Fish Department has received additional funds to pay off-duty officers who volunteer to work River Patrol. This has been discussed with the Game and Fish Department, the Bismarck Police Department and Burleigh/Morton County deputies.

Commissioner Serhienko moved to approve the authorization for River Patrol for the Bismarck/Mandan Area. Commissioner Gangl seconded the motion (with a comment that police officers receive the required “rules of the road” training).

Chief Bullinger stated that Game and Fish will provide the necessary training for police officers regarding water safety rules, regulations and safety. Commissioner Tibke inquired of liability coverage for “off-duty” officers. Bullinger stated that the city is responsible. He also stated that the police department will prioritize department staff first vs. the off-duty volunteer work staffing. The motion received unanimous approval of the members present.

*4. Consider request by American Legion Post 40 for use of the former Morton County Library space.* City Administrator Neubauer reviewed with the Board a request allowing the American Legion Post 40 - free use of the space formerly occupied by the Morton County Library. The request comes as a result of the American Legion having sold their building. The only condition would be that the city may have to use the room for City purposes at which time it will need to be made available. Neubauer recommended that a basic use agreement be developed and put in place for purposes of what each party will be responsible for.

Commissioner Tibke moved to approve allowing the American Legion Post 40 use of the former Morton County Library space with the understanding the room may be used for other City purposes as needed. Commissioner Gangl seconded the motion. Commissioner Jackson inquired if an agreement or contract should be in place prior to motioning for approval. City Attorney Brown stated that he and Administrator Neubauer could develop an agreement and bring it back to the next meeting for review by the Board. The motion received unanimous approval of the members present.

RESOLUTIONS AND ORDINANCES:

1. *Consider second and final reading of Ordinance 1054 An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to district boundaries and zoning map. (Lot 7-12, Block 35 and Lots 1-6, Block 36, Mandan Proper in the City of Mandan.).* Commissioner Gangl moved to approve the second and final reading of Ordinance 1054 an ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to district boundaries and zoning map. (Lot 7-12, Block 35 and Lots 1-6, Block 36, Mandan Proper in the City of Mandan.). Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

ORDINANCE NO. 1054

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE  
MANDAN MUNICIPAL CODE RELATING TO DISTRICT BOUNDARIES  
AND ZONING MAP.

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

SECTION 1. AMENDMENT. Section 21-03-02 of the Mandan Municipal Code is amended to read as follows:

The following described property located within the City of Mandan shall be excluded from the RM Multi-Family Residential District and shall be included in the CB Heavy Commercial District, namely;

Lot 7 - 12, Block 35 and Lots 1 – 6, Block 36, Mandan Proper in the City of Mandan, Morton County, North Dakota

The use of the above described property under the CB zoning classification is further restricted as follows:

Restaurant and tavern uses are not allowed.

and as so amended said section is hereby reenacted. The purpose of the zone change is construction of a barn. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.





corner of said Lot; thence westerly along the extended south boundary of said Lot a distance of 305.68 feet to the southwest corner of said Lot, thence northerly to the extended southern boundary of Lot 3, Block 1, Bahm's 1<sup>st</sup> Addition, a distance of approximately 87 feet; thence westerly along said extended boundary to the Corporate Limit line of the City of Mandan, a distance of approximately 80 feet; thence northerly along the eastern boundary of the Corporate Limit line to the extended northern boundary of Lot 1, Block 3, Bahm's 1<sup>st</sup> Addition, a distance of approximately 192 feet; thence easterly along said extended boundary to the Point of Beginning. Said tract containing 2.39 Acres, more or less.

**SECTION 2. Corporate Boundary Extended.** Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

By: /s/ Timothy A. Helbling  
President, Board of City Commissioners

Attest:

/s/ James Neubauer  
James Neubauer, City Administrator

First Reading: May 19, 2009  
Second Reading: June 2, 2009  
Date of Recording: \_\_\_\_\_

4. *Consider second and final reading of Ordinance 1053 An Ordinance to repeal Chapters 13-19 And 13-20 relating To Taxicabs And Taxicab Drivers and enact a new Chapter 13-19 of The Mandan Code of Ordinances.* Commissioner Serhienko moved to approve the second and final reading of Ordinance 1053 An Ordinance to repeal Chapters 13-19 and 13-20 relating To Taxicabs And Taxicab Drivers and enact a new Chapter 13-19 of The Mandan Code of Ordinances. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

**ORDINANCE NO. 1053**

**AN ORDINANCE TO REPEAL CHAPTERS 13-19 AND 13-20  
RELATING TO TAXICABS AND TAXICAB DRIVERS  
AND ENACT A NEW CHAPTER 13-19 OF THE  
MANDAN CODE OF ORDINANCES**

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

1. **REPEAL.** Chapters 13-19, Taxicabs, and 13-20, Taxicab Drivers, of the Mandan Code of Ordinances are hereby repealed.
2. **ENACTMENT.** Chapter 13-19 relating to Taxicabs and Taxicab Drivers is hereby enacted as follows:

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## CHAPTER 13-19 TAXICABS

### Section 13-19-01 Definitions.

For purposes of this chapter the following words have the meanings ascribed herein:

1. “Taxicab” means a motor vehicle regularly engaged in the business of carrying passengers for hire, with a seating capacity of thirteen persons or less and not operating on a fixed route.
2. “Passenger” means any person engaging a taxicab under the terms of this chapter.

### Section 13-19-02 Scope of Service.

All persons engaged in the taxicab business in the city, operating under the provisions of this chapter, must render an overall service to the public desiring to use taxicabs. Licensees shall maintain a central place of business open twenty-four hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received for services inside the corporate limits of the city as soon as they can do so, and if services cannot be rendered within a reasonable time they must then notify the prospective passengers how long it will be before the call can be answered and give the reason for delay. Any licensee who refuses to accept a call in the corporate limits of this city at any time when the licensee has available cabs, or who fails or refuses to give overall service, is in violation of this chapter.

### Section 13-19-03 License Required and Term Thereof.

1. A person may not operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without obtaining a license pursuant to this chapter.
2. Licenses granted under this chapter expire at the expiration of one year from the date of issuance unless renewed in accordance with the provisions of this chapter or unless sooner revoked.
3. Restrictions as to passenger capacity for each motor vehicle used as a taxicab shall be stated on the license.

### Section 13-19-04 Application and Fee.

An applicant for a taxicab shall file a sworn written application signed by the applicant, if an individual, all partners if a partnership, or the president and secretary if a corporation or limited liability company, with an application fee of \$100.00. The application must contain the following information:

1. The name and address of the applicant;
2. The experience of the applicant in the transportation of passengers;
3. The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;

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4. The color scheme or insignia to be used to designate the motor vehicle or motor vehicles of the applicant;
  5. The make, model and serial number of each motor vehicle for which license is sought and the number of passengers that can be carried; and
  6. A rate schedule showing all proposed rates, fees and charges.

Section 13-19-05 Public Hearing and Issuance of License.

1. Upon the filing of an application for a taxicab license the Board of City Commissioners shall fix a time and place for a public hearing thereon.

Notice of the hearing must be given to the applicant.

2. If the Board of City Commissioners finds that the applicant is fit, willing, and able to perform taxicab services and to conform to the provisions of this chapter, the board shall direct the city administrator to issue a license stating the name and address of the applicant, the number and capacity of motor vehicles authorized under the license and the date of issuance; otherwise the application shall be denied.

3. In making the above findings, the Board of City Commissioners shall take into consideration the character, experience and responsibility of the applicant as well as the suitability of the applicant's equipment.

Section 13-19-06 Indemnity Bond or Liability Insurance.

A license may not be issued under the provisions of this chapter or continued in operation unless there is in full force and effect liability insurance for each vehicle authorized in the amount of \$500,000.00 for bodily injury or property damage to any one person and in the amount of \$1,000,000.00 for injuries or property damage to more than one person which are sustained in the same accident. The liability insurance policy must be issued by an insurance company authorized to do business in this state. The insurance policy must contain a provision that the company knows of this provision of this Code, and issues it pursuant to the terms of this chapter, and that no cancellation shall be valid unless thirty days written notice in advance is given by registered mail to the city administrator.

Section 13-19-07 Passenger Capacity Limitation.

It is unlawful for any licensee to carry passengers in excess of the number specified for that motor vehicle in the license.

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Section 13-19-08 Taxicab Meters.

Every taxicab must be equipped with a taximeter of a make, construction and operation satisfactory to the chief of police, and have a lighted dial in plain view to passengers which registers the fare for each trip. Taximeters must be factory sealed and certified by the manufacturer to be accurate. Before being used for the charging of fares, taximeters must be certified as to accuracy, and sealed before use. The police department may inspect and test a taximeter at any time.

Any taximeter which is the subject of a complaint must be placed out of service until it is re-certified by the manufacturer or a qualified service provider. No person may tamper with or break the seal of a taximeter for any purpose. No taxicab may be operated in the city if the seal of the taximeter has been broken until the taximeter is re-inspected by the manufacturer or a qualified service provider and resealed. No person may operate any taxicab without a sealed operating taximeter in compliance with this chapter.

Section 13-19-09 Taxicab Fares and Uniformity.

1. Rates of fare:

a. All applicants or licensees must annually file a statement or scheduled listing all fares, multiple loading charges, flat rate charges for certain specified routes, and any other information necessary to clarify rates to be charged with the city administrator prior to the operation of taxicabs.

b. Any passenger has the option of electing payment by the taximeter rate or by the hourly rate. If a passenger engages a taxicab at the hourly rate the taximeter may not be used.

c. When a taxicab is in service, which includes waiting time, other than when hired at the hourly rate, a flag or indicator on the taximeter must be lowered setting the taximeter in operation at the time the passenger enters the taxicab and must be raised, which stops the taximeter, when the taxicab is halted to discharge such passenger(s). Waiting time includes the following:

1) Time beginning three minutes after arrival at a place in which the taxicab has been called and while it is not in motion.

2) The time consumed by delays in traffic or elsewhere.

3) The time consumed while standing at the direction of the passenger. The passenger may not be charged for any inefficiency of the driver of the taxicab or for arrival of the taxicab at the place of call prior to the appointed time.

d. Any licensee may operate a taxicab car pool service.

2. A licensee's rates must be uniform throughout the city.

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Section 13-19-10 Taxicab Stands.

The Board of City Commissioners may designate the places where taxicabs licensed under this chapter are permitted to stand while awaiting employment.

Section 13-19-11 Motor Vehicle Safety Inspections and Maintenance.

Prior to the use and operation of any motor vehicles as a taxicab under the provisions of this chapter, the motor vehicle must be thoroughly examined and inspected by a certified mechanic and found to provide safe transportation and to comply with state and city laws. Every motor vehicle used as a taxicab must be inspected at least semi-annually by a certified mechanic to insure the continued maintenance of safe operating conditions. Every motor vehicle operating under this chapter must be kept in a clean and sanitary condition. A report of every required inspection must be kept on file and furnished to the chief of police upon request. The police department may inspect any taxicab for compliance with this section.

Section 13-19-12 Restrictions on Alcoholic Beverages in Taxicabs.

A person other than passengers may not possess an alcoholic beverage in a taxicab within the city limits.

Section 13-19-13 Suspension and Revocation.

Any license issued pursuant to this chapter may be revoked or suspended by the Board of City Commissioners for any violation of any provision of this chapter, city ordinance or state law.

Prior to a license being revoked or suspended, a hearing must be held by the board. The licensee must be given at least five days notice of the time and place for the hearing. The notice must specify the action proposed to be taken, the reason for it, and the licensee's right to appear. The notice must be mailed to the licensee by mail or personally served not less than eight days before the hearing.

If after the hearing the Board concludes that the violation charged has been proved, it may either revoke the license or suspend the license for a period not exceeding sixty days.

Section 13-19-14 Substitution and Retirement of Motor Vehicles.

If a licensee sells or disposes of a motor vehicle licensed as a taxicab, the license issued for such taxicab may be transferred to another motor vehicle without charge upon application, and upon the furnishing of satisfactory evidence of required insurance coverage. If the licensee desires to retire a motor vehicle licensed as a taxicab from active service, the licensee may reinstate such motor vehicle at some future time during the year for which originally licensed, without the payment of an additional fee and provided satisfactory evidence that the motor vehicle is covered by insurance.

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Section 13-19-15 Vehicle Identification.

Every licensee shall fix the number of the license, in figures at least four inches high and three inches wide and in distinctive contrasting colors to the color of the vehicle, on the two sides and rear of the vehicle prior to its use as a taxicab. The number must be plain and distinct at all times when the taxicab is in use. Upon the expiration or cancellation of the taxicab license, the licensee shall immediately remove the number from the motor vehicle. The motor vehicle may not be used with that number on the vehicle.

Section 13-19-16 Taxicab Driver's License.

A person may not operate a taxicab for hire upon the streets of the city, and no person who owns or controls a taxicab may permit it to be so driven, unless the driver has a taxicab driver's license issued annually under the provisions of this chapter.

Section 13-19-17 Taxicab Driver's License Application.

Any person desiring to obtain a taxicab driver's license required by the provisions of this chapter must make application on forms to be provided by the city. The application must state the name, date of birth, driver's license number, and place of residence of the applicant, and any other information that may be required by the city and shall be signed and verified by the applicant.

At the time of the submission of the application, the city may require the applicant to furnish a fingerprint card prepared by the police department showing the fingerprints of the applicant, and the applicant shall provide a photograph taken by or under the supervision of the police department. The fingerprint card, if required, and photograph must be retained by the police department in its regular fingerprint and photograph file.

Each applicant must be accompanied by a certificate from a physician that the applicant has no disease or infirmity which may make the applicant an unsafe or unsatisfactory driver or otherwise threaten the health and safety of the passengers.

Section 13-19-18 Taxicab Driver's License Restrictions.

A license may not be issued to any person under the age of eighteen years or to any person convicted of any felony within the previous five years whether or not sentencing is deferred, or of driving while under the influence, being in actual physical control of a motor vehicle while under the influence, reckless driving or leaving the scene of an accident or any other criminal traffic offense within the previous three years, to any person whose driving record shows that he or she is not a safe and prudent driver if the Board of City Commissioners determines that the person has not been rehabilitated within the meaning of NDCC, Section 12.1-33-02.1, to a person required to register as a sex offender, or to a person who has

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demonstrated conduct that indicates against the safety of other persons. If the City Commission makes a finding that the person has been rehabilitated, the above conditions may be waived but any license so issued shall be temporary until the above conditions are met.

Section 13-19-19 Examination.

Before any application for a license required by this chapter is finally passed upon by the chief of police, the applicant must show that he or she has a current motor vehicle operator's permit issued by the state.

Section 13-19-20 Investigation of Taxicab Driver's License and Approval of Application.

1. The police department shall conduct an investigation of each applicant for a taxicab driver's license and a report of the investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police.

2. The chief of police shall issue or deny the license within a reasonable time of receipt of the application. Written notice of issuance or denial must be mailed to the applicant at the address listed as current on the application. In the case of a denial, the notice shall contain a statement of the facts upon which the denial is based and notification of the right to appeal to the Board of City Commissioners.

Section 13-19-21 Appeal.

1. Denial of a license is subject to an appeal to the Board of City Commissioners upon written notice of appeal filed with the city administrator within ten days of receipt of the letter of denial from the chief of police. If no appeal is filed within the time specific the chief of police's action is final.

2. Upon receipt of a notice of appeal, the city administrator shall set a date for a hearing before the Board within twenty days of receipt of the notice of the appeal. Notice of the time and place for the hearing must be served upon the applicant personally or by registered mail at least five business days before the hearing.

Section 13-19-22 Display of License.

Every taxicab driver licensed under this chapter shall post the taxicab driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab.

Section 13-19-23 Fees.

Fees are as follows:

1. Taxicab company:

- a. Initial application: \$100.00 plus \$25.00 for each motor vehicle licensed.
- b. Renewal for each motor vehicle licensed: \$25.00.
- 2. Driver:
  - a. New: \$20.00.
  - b. Renewal: \$10.00.

Section 13-19-24 Reciprocity with Bismarck.

A taxicab business licensed to do business by the City of Bismarck and a taxicab driver licensed to drive taxicabs by the City of Bismarck may provide taxicab services in the City of Mandan so long as the business license and the driver's licenses are issued in conformance with the provisions of this chapter. A taxicab business must be licensed in the city where it is located.

3. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

4. EFFECTIVE DATE. This ordinance shall take effect upon final passage.

By: /s/ Timothy A. Helbling  
President, Board of City Commissioners

Attest:

/s/ James Neubauer  
City Administrator

First Reading: May 19, 2009  
Second Reading and Final Passage: June 2, 2009  
Publication Date: June 12, 2009

~~5. Consider second and final reading of Ordinance 1057 an ordinance to amend and reenact subsection 1 of section 21-01-06 of the Mandan Municipal Code relating to the time of meetings for the Planning and Zoning Commission.~~

OTHER BUSINESS:

1. Consider approval Special Sunday opening for The Drink for June 2009. City Administrator Neubauer clarified that the request is for the entire month of June. Commissioner Tibke moved to approve the request for approval for Special Sunday

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opening for The Drink for June 2009. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

2. *Mr. Ressler - addressing concerns with the Commission.* Mr. Ressler came forward to speak in concern of the parking situation (downtown). He also voiced concern about the parking at the police station. Mayor Helbling replied that the matter has been reviewed and will be part of the parking study modifications that are currently being considered.

Mr. Ressler voiced concern about disposing of grass clippings and if garbage can be disposed of in boxes and what about carpet and other debris? Mayor Helbling replied that there is a date set aside annually (Spring Cleanup Week) for garbage pickup of items not regularly picked up by the Public Works Department in order to keep the city cleaned up. Mayor Helbling advised Mr. Ressler if he has knowledge of any one discarding garbage, trees, etc, inappropriately, that the Police Department should be contacted immediately.

Mr. Ressler voiced concern about the diesel spill. Mayor Helbling replied that litigation has resolved much of the concern with the railroad and the diesel spill problems.

3. *Report from Del Wetsch – Upcoming weekend festivities:* Mr. Wetsch reported that Buggies-N-Blues weekend is scheduled this weekend. He extended an invitation to all the Commissioners to partake in the events that are scheduled.

There being no further actions to come before the Board, Commissioner Jackson moved to adjourn the meeting at 6:35 p.m. Commissioner Serhienko seconded the motion. Upon roll call vote, the motion received unanimous approval of the Board and the meeting adjourned.

/s/ James Neubauer  
James Neubauer,  
City Administrator

/s/ Timothy A. Helbling  
Timothy A. Helbling,  
President, Board of City  
Commissioners