

The Mandan City Commission met in regular session at 5:30 p.m. on July 21, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. Department Heads present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Also present: Deputy Police Chief Leingang. Absent: Police Chief Bullinger.

B. APPROVAL OF AGENDA: Commissioner Laber requested that the Agenda order be revised so that Old Business follows New Business. Commissioner Laber moved to approve the Agenda. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone interested to speak for or against any items on the Agenda to come forward.

James Backer came forward to speak on the cemetery issues. He said there are a lot of problems to be addressed. He asked that consideration should be consistent for everyone. For example, if some benches don't have to be removed because someone paid a lot of money for them, then the others shouldn't have to be removed either. If one bench has to be removed, they should all be removed. He said the same standard should also apply to rock borders in that whatever is decided, it should pertain to all, not just some.

A second announcement was made to come forward to speak. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission July 7, 2015 regular meeting.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Conduct public hearing to consider adoption of new City Code.* Planner Decker stated that this process has been ongoing for a period of time. The City contracted with Municode Corporation to help update the City Code. Tonight is the time set for the residents to discuss the updates if they so desire. He explained that the format was revised and some of the language was updated. There were no substantive changes to the rules and regulations, as those will come later. This revision is only a reformatting of the code and making sure the language is up to date and complies with state law. He noted that the current code is divided into 15 Titles. The proposed new code is reorganized into two parts and contains 22 Chapters. The current code was last updated in 1994.

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Mayor Van Beek invited anyone interested to speak for or against the request for the adoption of new city code to come forward. A second announcement was made to come forward to speak. Hearing none, this portion of the public hearing was closed.

F. BIDS:

1. *Consider award of bids for insulation and rehabilitation of windows at Northern Pacific Beanery.* City Administrator Neubauer stated that this project has been ongoing since 2013 when the City of Mandan applied for a ND DOT grant for rehabilitation of the Depot and the Beanery. Due to the funds that were available, the Beanery is the only one receiving improvement at this time. In particular, there is no insulation in the attic in the Beanery and the tenants are paying astronomical heating and cooling bills in both summer and winter. Hepper Olson Architects were hired for the project and will meet all the requirements to obtain the DOT grant. The grant is for \$77,772 and the bid amount with alternatives is \$200,000. The project was bid out twice of which there were no bidders for the first bid. The second time bids were received Paulson Contracting LLP, Emerado, ND was the only and low bidder. With the project and architectural costs, the project is estimated to be about \$225,000 less the grant of \$77,772, and that will leave a balance of \$147,228 which would come out of the Visitors Fund. The Visitors Committee met in April 2013 and approved up to \$100,000 towards this project. This has been in process for a couple years and we are taking into consideration it has been challenging to bid this project. The request is to approve the base bids and alternates and to fund the improvements out of the Visitor's Fund.

Commissioner Laber stated that in reviewing this project it appears as if the request is for the Visitor's Fund to pay \$147,000 and to approve the construction contract of \$200,000. Nothing was said about the architect fees of \$25,000. Is that a separate contract that will be brought later? Administrator Neubauer stated the Commission approved the Architectural Contract in 2013. The amount, when taking the construction bid of \$200,000 and the Architect bid of \$25,000 for a total cost of \$225,000 less the grant amount of \$77,000 leaves a balance of \$147,000 that would be funded out of the Visitor's Fund.

Commissioner Braun moved to award the base bid plus alternates for rehabilitation at the Mandan Beanery of a total construction cost of \$225,000, utilizing the Visitor's Fund to pay the balance of \$147,228. Commissioner Laber seconded the motion.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* ENVIRODYNE SYSTEMS INC - 164.34; MONTANA-DAKOTA UTILITIES - 16,823.97; ADVANCED ENGINEERING SVC - 42,856.53; BIS-MAN CONVTVN & VISITOR - 1,237.57; CBI BUSINESS SERVICES - 7,228.59; CENTRAL DAKOTA FORENSIC - 80.00; CONRAD JUELKE ESTATE - 300.00; DAKOTA'S BEST COFFEE - 55.00; EDLING ELECTRIC INC - 15,017.21;

FOUR SQUARE CONCRETE LLC - 166.75; HAWKINS INC - 7,501.56; HIT, INC. - 14.50; INTEGRATED PROCESS SOLUT - 24,232.00; LAMOUREUX/NATHAN - 400.00; MANDAN PARK BOARD - 1,500.00; MANDAN PUBLIC SCHOOL - 1,421.69; MCLEISH/NATHAN - 136.01; MISSOURI VALLEY PETROLEU - 3,420.00; MORTON COUNTY AUDITOR - 10,502.88; ND FIREMENS ASSOCIATION - 40.00; PRESORT PLUS - 2,312.36; RED BOOK CONNECT LLC - 300.00; RENNER'S LAWN SPRINKLING - 96.00; ROUGH RIDER INDUSTRIES - 88.27; STANTEC CONSULTING SERVI - 2,330.45; TERRACON - 411.00; THOMSON REUTERS - WEST - 312.00; TOMAN ENGINEERING CO - 31,651.50; WOOFER/DEBBIE - 84.55; MONTANA-DAKOTA UTILITIES - 32,346.20; AT & T - 771.50; BALABAN LAW OFFICE - 1,500.00; COMPANION LIFE - 10.00; CURTIS/JEREMY - 270.65; DAKOTA MEDIA ACCESS - 8,055.00; EDLING ELECTRIC INC - 2,116.00; ELECTRO WATCHMAN, INC - 431.40; FETZER ELECTRIC, LLC - 4,945.44; FORT DEARBORN LIFE - 1,705.13; FOUR SQUARE CONCRETE LLC - 11,685.95; GLASS/THOMAS J. - 1,500.00; GRAYMONT CAPITAL INC - 11,759.00; HEWLETT-PACKARD COMPANY - 3,626.18; KELSCH KELSCH RUFF & KRA - 4,000.00; MCLEISH/NATHAN - 153.10; MILLER/CASEY - 820.36; MISSOURI VALLEY PETROLEU - 4,277.86; ND PERS - 112,896.02; PKG CONTRACTING INC - 7,500.00; RENNER'S LAWN SPRINKLING - 1,355.00; ROSEN/BRANDON - 171.61; SOUTHWEST NARCOTICE TASK - 11,707.20; TOMAN ENGINEERING CO - 6,486.00; DAKOTA WEST CONTRACTING - 247,835.25; WELLS FARGO COMMERCIAL C - 268,977.50; MONTANA-DAKOTA UTILITIES - 19,394.08; ADVANCED ENGINEERING SVC - 14,347.70; ARENZ/JON & DAWN - 50.00; BIS-MDN TRANSIT BOARD - 7,273.49; CAPITAL SCALE CO. INC. - 376.75; CBI BUSINESS SERVICES - 7,232.34; CENTRAL MECHANICAL INC - 16,598.70; CLAREY'S SAFETY EQUIP. I - 19,168.59; COFELL'S PLBG HTG & EXC - 251,795.00; COMPUTER PROFESS UNLIMIT - 89.00; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,075.00; DENNY'S ELECTRIC & MOTOR - 22,727.70; ECOLAB PEST ELIIMINATION - 149.04; EDLING ELECTRIC INC - 2,455.11; EGGERS ELECTRIC MOTOR CO - 14,335.00; ETHANOL PRODUCTS - 2,350.60; FETZER ELECTRIC, LLC - 2,195.20; FLEXIBLE PIPE TOOL COMPA - 2,101.00; FOUR SQUARE CONCRETE LLC - 9,118.19; GLASS/DARREN - 50.00; HANNAIKEELAN ASSOCIATES - 805.00; HARMONY PROPERTIES, LLC - 300.00; HAWKINS INC - 29,682.50; HDR ENGINEERING, INC - 157.30; HEPPER OLSON ARCHITETS - 7,189.00; HIT, INC. - 420.50; HUB INTERNATIONAL OF ND - 1,307.00; INFORMATION TECHNOLOGY D - 1,402.60; INTERGOVERNMENTAL SHOP - 12,593.17; INTERSTATE ENGINEERING - 2,620.39; KADRMAS, LEE & JACKSON, - 35,565.14; KOSTELECKY/EVE - 500.00; KRAEMER TRUCKING & EXCAV - 96,994.70; L-TRON CORPORATION - 162.00; LEROY'S TESORO - 89.43; LINCOLN-OAKES NURSERIES - 1,121.50; MANDAN AIRPORT AUTHORITY - 14,547.10; MANDAN MUNICIPAL COURT - 2,783.80; MANDAN PARK BOARD - 9,500.00; MISSOURI VALLEY PETROLEU - 12,158.11; MISSOURI WEST WATER SYST - 79.84; MORTON COUNTY RECORDER - 26.00; MORTON MANDAN PUBLIC LIB - 40,457.48; MY GOV, LLC - 1,050.00; ND INSURANCE DEPARTMENT - 29,498.78; ND SEWAGE PUMP & LFT ST - 720.00; ND STATE DEPT OF HEALTH - 320.00; ND STATE DEPT OF HEALTH - 135.00;

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NORTHERN IMPROVEMENT CO - 22,263.44; ONE CALL CONCEPT INC - 447.70; ORR ACOUSTICS - 3,709.06; POST BOARD - 110.00; PRESORT PLUS - 1,883.82; RAILROAD MANAGEMENT CO I - 3,664.35; RAZOR TRACKING - 100.00; RED BOOK CONNECT LLC - 300.00; RENNER'S LAWN SPRINKLING - 205.00; ROY/DUANE - 139.00; RURAL SPRAYING SERVICES - 225.00; SEVERIN, RINGSAK & MORRO - 100.00; ST. ALEXIUS MEDICAL CENT - 604.50; STANTEC CONSULTING SERVI - 3,500.00; SWANBERG CONSTRUCTION IN - 281,925.00; TRAFFIC SAFETY SERVICES - 19,352.24; VAULT1440, LLC - 1,875.00; WEHRI/RADEANNA - 400.00.

2. *Acting as Board of Adjustment, consider lot coverage variance request for 1501 4<sup>th</sup> Ave. NE.*
3. *Consider approval of the pledge of securities reports as required by NDCC 21-04.*
4. *Consider approval of temporary road closure at 15<sup>th</sup> St. NW from 6-8:30 on September 21<sup>st</sup>.*
5. *Consider approval of Change Order No. 2 to the Engineering Service Agreement with Stantec for SID #199.*
6. *Consider Supplementary Agreement to Construction Engineering Agreement with KLJ for Safe Routes to School project for Red Trail sidewalk.*
7. *Consider for approval the advertisement of bids for the sale of used water meters removed during the Water Meter Improvement Project.*
8. *Consider approval of the Bond Counsel Agreement from Arntson Stewart Wegner.*
9. *Consider Proclaiming November 1, 2015 as “Extra Mile Day” in the City of Mandan.*
10. *Consider Approval of Law Enforcement Center Improvement Requests.*
11. *Consider approval of liquor license transfer for the Old Town Tavern.*

Commissioner Braun moved to approve the Consent Agenda as presented.

Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

#### H. OLD BUSINESS:

1. *Consider new rules and regulations at the Mandan Union Cemetery as proposed by the Cemetery Task Force Committee.* Director of Public Works Wright discussed the proposed rules that were brought to this Commission on May 19, 2015 indicating that as a result of that discussion, a Cemetery Task Force was organized. They were requested to study the new rules and to come back with a recommendation to the Commission. There were 6 members appointed to the Task Force; 3 of which supported the rules and 3 that did not. The Task Force consists of Sharon Huettl, Becky Hilfer, Mandy Dendy, Marsha Boehm, Cindy Rebenitsch and JoAnn Hodny. The task force committee requested that Mandy Dendy present the proposed rules and regulations to the Commission.

Mandy Dendy came forward and extended a thank you to Commissioner Tibke and the other task force members who worked on this project. She said that after listening to

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everyone's different opinions, it soon became clear that a change must be made.

Groundskeeper Chad Boehm expressed that each grave site at the cemetery is to be neatly trimmed and respectfully cared for. There was consensus among the committee during discussion that he cannot do his job to the best of his ability under the current circumstances. Ms. Dendy said the caretakers tending to graves will change over time and it is not possible for staff to notify them all so policy changes must be uniform. She said no one was completely satisfied with the new policy, but it was a nice compromise. After this policy goes into effect, she said she will be going out to her family grave site and will be removing a bench as well as other items that she would prefer not to remove. She outlined the guidelines of the proposed policy:

- Floral items may be placed no earlier than seven days before specified holidays and must be removed within 14 days after the holiday: Memorial Day, Independence Day, Veterans Day, Thanksgiving, Christmas and Easter
- Floral items that are attached to the headstones and placed in a manner that allows for unobstructed mowing and trimming. These will be removed when they become unsightly
- Fresh flowers can be placed on the grave site at any time, but there must be no wrapping, plastic or glass containers
- Annuals will be allowed in a ground-level planting area on the east side of the headstone, not to exceed the length of the headstone and no wider than 8 inches
- Borders or rocks are not permitted on cemetery grounds
- Ground mount memorial vase holders are allowed to be placed on the southwest corner of a flat marker
- No trees or perennials will be permitted
- Commemorative items that are attached to or placed above a headstone in a manner that does not impede mowing and trimming are allowed
- No benches are allowed unless an integral part of the monument
- Previous permanent plantings will be grandfathered in. However, plantings that impede ground maintenance will be cut back or removed
- Visitors have until Oct. 15 to collect items not permitted. Staff will remove them and hold them until June 1, 2016
- Non-compliant plantings will be relocated, removed and discarded at the discretion of cemetery staff
- September 1, 2015, is adopted as the date for implementation of the rules and regulations under the new policy.

Mayor Van Beek extended a thank you to the Task Force for their time and efforts in coming up with a policy and guidelines that will enhance Mandan Union Cemetery. Commissioner Tibke stated that it was a honor to serve with this Task Force by listening to the perspectives of all the individuals involved.

Commissioner Braun motioned to approve the new rules and regulations with the exception that the clause "Pets are welcome, however, they must be leashed and please pick up after them." be removed and no pets would be allowed in the Cemetery. Commissioner Rohr seconded the motion.

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Commissioner Tibke stated this matter was discussed and it was determined by the Task Force that this would not be a problem. She said she is against the motion. Ms. Dendy returned to the podium and indicated that they had discussed this issue at the task force meetings and the cemetery staff did not indicate that there was a big problem with pet waste. Director of Public Works Wright said the animal waste issue was a mild one at the cemetery grounds and people do bring their dogs to walk dogs. Bags and disposal sites for the pet waste may be provided in the future. Chad Boehm commented that it is a minor issue and not one big enough wherein pets should be banned from the cemetery.

Roll Call Vote: Commissioner Rohr: No; Commissioner Tibke: No; Commissioner Laber: No; Commissioner Braun: Yes; Commissioner Van Beek: No. The motion failed.

Commissioner Laber moved to approve the new rules and regulations for the Mandan Union Cemetery as proposed by the Cemetery Task Force Committee. Commissioner Tibke seconded the motion. Roll Call Vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: No; Commissioner Van Beek: Yes. The motion passed. City Attorney Brown recommended publishing the new Policy Rules and Regulations in the newspaper.

I. NEW BUSINESS:

1. *Introduction of Police Officers Michael Breid, Jessica Krosch, Dominic Hanson and Code Enforcement Officer Joseph Camisa.* In the absence of Police Chief Bullinger, Deputy Police Chief Leingang, presented the following new officers and staff that have recently joined the Mandan Police Department: (i) Michael Breid: Officer Breid is a graduate of the Law Enforcement Academy in Alexandria, Minnesota. He previously worked as a Deputy Sheriff in Adams County. He completed his training about July 1, 2015. (ii) Jessica Krosch: Officer Krosch is a native of Minnesota and graduated from the Law Enforcement Academy in Hibbing, Minnesota. She has a Bachelor's Degree in Criminal Justice. She is also in the Army Reserves. She completed field training about a week ago. (iii) Dominic Hanson was unable to be present. (iv) Joseph Camisa: Code Enforcement Officer Camisa comes from New York. He has a BS and MA in American History and will be completing his Master's degree in Public Administration. He previously worked for the National Park Service. He will be working with the department heads to address all coding enforcement issues for the City. Mayor Van Beek welcomed all the new employees to the City of Mandan.

2. *Consider Appointment of new Morton Mandan Public Library Board of Trustees new members.* Sarah Warneke, Assistant Library Director, stated that as of July 2014, the Library Board has had 4 vacancies, 2 for the City and 2 for the County. The MMPL Board has 2 representative recommendations for the City position for the Commission's approval this evening. The first candidate, Ashley Portra currently works for the Governor's Communication team. The second member is David Leingang, who was a part of the Library's Strategic Planning Committee. The county positions are still vacant. She encouraged interested parties to visit the website and to contact the Library if they are interested in serving.

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Ms. Warneke recommended appointment of the two applicants: Ashley Portra for a 3-year term from July 2015 to June 2018 and to reappoint David Leingang to a second 3-year term from July 2015 to June 2018.

Commissioner Laber moved to approve the appointments of Ashley Portra to the Morton Mandan Public Library Board of Trustees for a 3-year term from July 2015 to June 2018 and to reappoint David Leingang to a second 3-year term from July 2015 to June 2018. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider recycling proposal options.* Director of Public Works Wright previously presented recycling proposals from Waste Management, Dakota Sanitation and Armstrong Sanitation. On June 2, 2015, the City Commission awarded Armstrong Sanitation the contract to haul the household garbage directly to Bismarck. The recycling bid proposals received included residential, curbside single sort recycling including 2 and 3-plex units, and single sort recycling drop-off sites and optional apartment single sort recycling for apartments over 4 units. All proposals were bid for a 5 year term. The single sort curbside includes a 96 gallon tote that would be picked up every other week. He reviewed the bids for the Commission. The bids for residential curb side single sort recycling ranged from \$4.38 month/unit to \$5.80 month/unit. The low bid was based on using the Mandan Transfer Station to compact materials into boxes and then haul them to a recycling center in Minnesota. If the existing transfer station cannot be used, the cost would be \$4.79 month/unit. The bids include the apartment single sort range from \$3.71 month/unit to \$6.43 month/unit. The low bid was based on using the transfer station at the landfill and if not then the cost would be \$4.12 month/unit. The apartment units would be provided with a 300 gallon recycling tote for every 8 yard recycling bin that they now have. The last bid option was to provide single sort recycling at 4 drop off sites throughout the city. They range from \$16,650 to \$53,207 per year. The low bid proposal being 4-20 yard dumpsters picked up once a month to 16-8 yard dumpsters picked up twice a week.

Director Wright said that when Bismarck introduced recycling, they saw a 14% reduction in solid waste at the landfill. He said that Mandan should expect to see that percentage of reduction with Armstrong Sanitation. Director Wright reviewed the options for consideration and the fiscal impact for each of those options.

Mayor Van Beek questioned whether Bismarck picks up every other week. Director Wright replied that they do pick up every other week.

Rick Anderson from Dakota Sanitation came forward to comment on the single stream recycling process by West Fargo, in which they are projecting a 25% reduction based on weight. He said that Bismarck is based at 14% and if they would not have gone with the option to opt out, their numbers would have been much higher. However, it is projected that recycling will be the process for the future.

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Commissioner Laber asked what the purpose was of the Landfill Reserve Fund. Director Wright stated that the Landfill Reserve Fund is set aside for purposes if there is to be a replacement of the current landfill site. Finance Director Welch stated that the Landfill Reserve Fund is also to be used for major improvements that may be needed down the road for a transfer station. Further, it is not only for a landfill reserve, it is also for a building improvement reserve. That reserve stays the same amount every year. Commissioner Laber stated that she would not be in favor of using the Landfill Reserve Fund to fund this project. However, she is in favor of a curb side single sort recycling program for the City of Mandan. Director Welch stated that the subsidy, if taken out of the reserve, would be replenished by the end of 2018. Mayor Van Beek commented that without needing a motion this evening, both curb side and the site locations should be considered. He noted that recycling is important. Director Wright said the options will be revisited and he will see how they will affect the 2016 budget. He will bring that additional information back to the Commission.

Paul Kalibabky from Waste Management commented that he believes single stream recycling is the preferred way to go with this project. The reason his bid was higher was mainly because Waste Management has experience in initiating the process of recycling. He mentioned he previously launched both the Bismarck and West Fargo projects.

4. *Consider joint power agreement with Mandan Park District.* City Attorney Brown stated that this is the next step of the sales tax vote for the Park District project improvements. State law authorizes governmental political subdivisions like the City and the Park District or the City and the County to venture into Joint Powers Agreement to do things that both parties have to do together. He explained what this will accomplish. General administration of the project will be by the Park District who will be responsible for the contracts. The involvement of the City will be the collection of the sales tax wherein the State Tax Commissioner has already been notified to start collecting that tax on October 1<sup>st</sup>. There is an Escrow Agreement with the Bank of North Dakota assuming that the City will sell bonds to pay for this project wherein BND will be the escrow agent. There is a draft document for review in circulation now that will be presented at an upcoming meeting. The Agreement will be effective when it is approved by both the City and the Park District. It can be amended from time to time if needed.

Commissioner Laber moved to approve the Joint Power Agreement between the Mandan Park District and the City of Mandan related to the sales tax authorized by City Ordinance 1210. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance 1207 adopting new city code.* City Attorney Brown addressed the following: (1) The Ordinance is not as long as the code because the City must publish any ordinance. The Ordinance was drafted and lists any penalties contained in the code. There are no new penalties. Because of the publication of the code, it was decided to publish the penalty associated with the Ordinance. (2) A thank

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you was extended to Planner Decker for his efforts in this project and working with Municode.

Planner Decker said there were Committee meetings held with various department heads and other key people including City Attorney Brown. He said that each chapter has been reviewed. For example, he indicated that the traffic section has a specific numbering system to cross reference the state numbering system for use by the police department as needed. Doug Lalim, Building Official stated that they had advertised jointly with Municode to adopt some “housekeeping” language for the flood maps. The Appendix includes flood maps and flood plain information stating that new maps will be released on 10/16/15. This does not affect residential properties.

Commissioner Laber moved to approve the First consideration of Ordinance 1207 adopting new city code. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Second Consideration and Final Passage of Ordinance No. 1208 rezoning Lakewood 8th Addition.* Commissioner Rohr moved to approve the Second Consideration and Final Passage of Ordinance No. 1208 rezoning Lakewood 8th Addition. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Second Consideration and Final Passage of Ordinance No. 1212; An Ordinance to Amend and Re-enact Section 20-14-23(7) of the Mandan Code of Ordinances Relating to Parking of Certain Vehicles and Unattached Trailers Restricted.* Commissioner Laber asked if this section is 20-14 and if it does not match the code adopted tonight, will it be absorbed into the new one. Planner Decker said that Municode will adjust any of these Ordinances that the City adopts and will work with the existing numbers to merge them into the new code. Once we adopt these Ordinances, we send them over to Municode for merging.

Commissioner Laber moved to approve the Second Consideration and Final Passage of Ordinance No. 1212; An Ordinance to Amend and Re-enact Section 20-14-23(7) of the Mandan Code of Ordinances Relating to Parking of Certain Vehicles and Unattached Trailers Restricted. Commissioner Braun seconded the motion.

Commissioner Rohr commented that still of concern is that just because a resident purchases a camper, it should not be an obligation of the City to provide “free” parking on the street for those campers. He pointed out that other residents that do have recreational vehicles make arrangements to park their (campers) vehicles elsewhere for a fee. He doesn’t think parking these vehicles on the street should be an option. Commissioner Tibke stated that the concern is allowing residents to pull up to their home and load & unload the camper without getting a visit from the police to deal with the

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parking situation. She suggested allowing 48 hrs. so the vehicle is not parked there for a full week.

Harold Schmidt, a Mandan resident came forward to comment. He said he believes having the larger campers, sometimes with boats attached to them, parked on the street is a nuisance and a danger if there are children in the area.

Mayor Van Beek stated that it has been brought up as to how close to a corner or alley way the campers can be parked because of blinded vision. He suggested looking into 10 or 15 feet distance requirement of parking a vehicle from a corner or alleyway. Deputy Chief Leingang stated that he has visited with Chief Bullinger who would be in favor of reducing the time limit from 72 hrs. to 48 hrs. and that they have not had time to review any setbacks that were brought up. He explained that for enforcement purposes, it would have to be taken “times two” as there is a (timing) process to go through from getting a complaint before ticketing the vehicle in violation.

Commissioner Tibke said she would like to amend the parking requirement to 24 hours, due to possible violation enforcement actions that may have to be taken by the police department.

Commissioner Tibke motioned to amend Ordinance 1212 to state as follows: For the time from May 15<sup>th</sup> to September 15<sup>th</sup> a trailer or vehicle may be parked on a street for a period not to exceed twenty-four (24) hours. Commissioner Laber seconded the motion to amend Ordinance 1212. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: No; Commissioner Van Beek: Yes. The motion passed.

**K. OTHER BUSINESS:**

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:57 p.m. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

/s/ James Neubauer

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James Neubauer,  
City Administrator

/s/ Arlyn Van Beek

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Arlyn Van Beek,  
President, Board of City  
Commissioners