
The Mandan City Commission met in regular session at 5:30 p.m. on November 19, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Planning & Engineering Director Froseth, Planner Decker, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Business Development and Communications Director Huber.

B. APPROVAL OF AGENDA: Commissioner Frank motioned to approve the Agenda as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS: No one came forward. This portion of the public communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held November 5, 2013.* Commissioner Rohr moved to approve the minutes as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Consider approval of vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition. (See Resolution No. 9).* Planning and Engineering Director Froseth reviewed with the Board the vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition. Director of Public Works Wright, the Project Manager from Icon Architects and Froseth met to discuss Edgewood Vista’s plan to expand. Froseth said that their plan is to install a new storm sewer system to run mostly to the west to a dead loop portion of the Heart River at their cost. Both the Public Works office and Engineering Department were in agreement with the plan. Froseth stated that the proper notices were published and the City has received no objections to the vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition.

Mayor Van Beek announced this is a public hearing and asked for comments from the commissioners or the public for or against the vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition. A second announcement was made by Mayor Van Beek to come forward. Hearing none, this portion of the public hearing was closed.

Commissioner Rohr moved to approve the vacation of storm sewer easement in Lot 9, Block 2, Lakewood 6th Addition. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

F. BIDS

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* BILL BARTH FORD INC - 14,500.00; MONTANA-DAKOTA UTILITIES - 18,223.65; ABM EQUIPMENT & SUPPLY I - 232.09; ADVANCED ENGINEERING SVC - 63,767.04; BIS-MAN CONVTN & VISITOR - 7,383.50; BROWN & SAENGER, INC. - 17.99; CBI BUSINESS SERVICES - 6,973.25; CENTRAL DAKOTA FORENSIC - 80.00; CITY OF MANDAN - 255.20; DAKOTA SUPPLY GROUP - 4,540.84; DIRECTMED - 84.06; EIDE BAILLY - 3,600.00; FETZER ELECTRIC, LLC - 7,972.55; HDR ENGINEERING, INC - 239.44; INTERSTATE ALL BATTERY C - 58.95; ISAKSON/CHARLES - 300.00; KADRMAS, LEE & JACKSON, - 30,214.54; MANDAN MUNICIPAL COURT - 200.00; MANDAN PARK BOARD - 700.00; MIDCONTINENT COMMUNICATI - 52.05; MIDWEST TESTING LAB INC - 253.00; MISSOURI VALLEY PETROLEU - 82.90; MOTION INDUSTRIES - 187.72; MVTL LABORATORIES, INC - 1,534.50; NDACO RESOURCES GROUP - 993.98; NEWTON/SCOTT & ROMA - 375.00; NORTHERN IMPROVEMENT CO - 2,272,928.08; R K ELECTRIC - 648.87; ROTO-ROOTER SEWER & DRAI - 130.00; ROUGH RIDER INDUSTRIES - 354.48; SEVEN SEAS INN & CONF CE - 480.00; SRF CONSULTING GROUP - 50.54; STANTEC CONSULTING SERVI - 10,393.22; STARION BOND SERVICES - 122,060.25; TIME RENTAL - 68.00; UNITED PRINTING INC - 672.87; URS CORPORATION - 4,470.02; ZANDER BODY SHOP INC - 250.00; AT & T - 719.02; MONTANA-DAKOTA UTILITIES - 32,874.90; CENTURYLINK - 4,125.18; ADVANCED ENGINEERING SVC - 21,965.43; AMERICAN WATER WORKS ASS - 72.00; AT & T MOBILITY - 484.24; BALABAN LAW OFFICE - 1,500.00; BERUBE/BRIAN - 60.31; BURLEIGH COUNTY - 400.00; CENEX- FUOC BISMARCK-MAN - 16,560.00; CENTURYLINK - 148.97; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 6,658.08; FORT DEARBORN LIFE - 461.12; GLASS/THOMAS J. - 1,500.00; HOGAN/BONNIE - 40.00; HUPERT/ISIAH & JOSIAH - 69.14; KELSCH KELSCH RUFF & KRA - 4,000.00; MANDAN PARK BOARD - 157,115.23; MORTON COUNTY AUDITOR - 7,230.45; ND ASSOC OF ASSNG OFFCRS - 230.00; ND DEPT OF TRANSPORTATIO - 122,265.73; ND PERS - 92,441.06; NORTHERN IMPROVEMENT CO - 455,708.64; POSTMASTER - 2,600.00; QUAM CONSTRUCTION CO INC - 209,983.50; SRF CONSULTING GROUP - 58.10; STARION BOND SERVICES - 3,910.62; SWANBERG CONSTRUCTION IN - 130,300.91; TARGET BANK - 86.10; TOMAN ENGINEERING CO - 148,528.57; VEIT DREDGING, INC - 22,558.00; WHITMAN/JAMES - 77.97; POST BOARD - 30.00; ABC SEPTIC - 650.00; ACME ELECTRIC - 84.85; ADVANCED BUSINESS METHOD - 164.62; ADVANCED ENGINEERING SVC - 4,505.56; ADVANCED WEIGHING SYSTEM - 1,450.00; AIRE MASTER OF ND - 105.00; AMERICAN WELDING SUPPLIE - 66.36; AMERIPRIDE LINEN & APPAR - 78.69; ARMSTRONG SANIT & ROLL O - 40,450.37; ARROWHEAD CLEANERS & LAU - 653.40; ASC CONSTRUCTION EQUIPME - 367.07; BAR BEE CARPET CLEANING - 195.00; BILL BARTH FORD INC - 364.88; BIS-MAN AREA CHABR OF CO - 125.00; BIS-MAN CONVTN & VISITOR - 4,460.25; BIS-MDN TRANSIT BOARD - 1,435.76; BISMARCK TRIBUNE/THE - 3,968.08; BOBCAT OF MANDAN INC - 92.49; BORDER STATES INDUSTRIES - 44.99; BROWN & SAENGER, INC. - 2,991.97; BURLEIGH COUNTY SHERIFF - 1,341.78; BUTCHER BLOCK MEATS - 86.25; BUTLER MACHINERY COMPANY - 4,057.88; CBI BUSINESS SERVICES - 6,972.50; CENEX- FUOC BISMARCK-MAN - 6,907.35; CENTURYLINK - 1,493.94; CITY OF BISMARCK - 1,504.40; CITY OF MANDAN - 360.80; CLOVERDALE FOODS COMPANY - 280.35; COLLECTION CENTER INC - 1,391.99; COMPUTER PROFESS UNLIMIT - 83.00; CONNECTING POINT COMPUTE - 135.00; CROSS COUNTRY COURIER - 68.21; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,037.02; D & E SUPPLY COMPANY INC - 203.25; DAKOTA AWARDS INC - 260.75; DAKOTA COMMUNICATION SVC - 127.21; DAKOTA FIRE STATION INC - 212.10; DAKOTA FLUID POWER INC - 112.68; DAKOTA STAFFING SOLUTION - 204.53; DAKOTA SUPPLY GROUP -

52,046.17; DAKOTA'S BEST COFFEE - 55.00; DAN'S SUPERMARKET - 34.84; DIAMOND VOGEL PAINT CENT - 112.50; DIRECTMED - 82.90; DIRK PLUMBING & HEATING - 431.70; ECKSTROM/JERRY - 99.50; ECOLAB PEST ELIIMINATION - 144.00; EIDE BAILLY - 5,400.00; EILER/CHAD J - 700.00; ENVIRONMENTAL TOXIITY CO - 425.00; ETHANOL PRODUCTS - 1,105.91; FACTORY MOTOR PARTS COMP - 64.94; FASTENAL COMPANY/THE - 771.51; FERGUSON WATERWORKS #251 - 114.14; FETZER ELECTRIC, LLC - 3,031.36; FLECK & SONS CONCRETE IN - 310.00; FRONTIER ELECTRIC INC - 210.00; FROSETH/JUSTIN - 410.48; FUSION INTEGRATED TECHNO - 1,268.00; GRAND CENTRAL, INC. - 365.12; GRAND FORK POLICE DEPT. - 500.00; GRAY OIL COMPANY - 2,984.03; GRAYMONT CAPITAL INC - 11,549.83; HACH COMPANY - 665.14; HAGEMEYER NORTH AMERICA, - 166.80; HALFTONED APPAREL INC. - 304.00; HAWKINS INC - 13,257.12; HEDAHLS OF MANDAN INC - 2,370.26; INFORMATION TECHNOLOGY D - 1,259.06; INLAND TRUCK PARTS - 60.00; INTERGOVERNMENTAL SHOP - 19,511.46; INTERNTL CODE COUNCIL, I - 416.57; INTERSTATE ALL BATTERY C - 127.84; INTERSTATE POWERSYSTEMS - 622.96; ISAKSON/CHARLES - 60.00; JAKE'S AUTO GLASS INC - 475.80; JOHN HENRY FOSTER MN INC - 82.76; JT SERVICES INC - 41.68; KEY'S CRANE SERVICE - 180.00; KLAPPRODT/ADELINE - 10.00; KNIFE RIVER - 1,510.35; KUPPER CHEVROLET INC - 399.14; LANDEIS/KEITH AND MARLYS - 10.00; MANDAN AIRPORT AUTHORITY - 2,871.60; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 1,765.00; MANDAN PARK BOARD - 5,500.00; MANDAN PLUMBING & HEATIN - 148.49; MANDAN TIRE CENTER - 3,071.28; MARINER CONSTRUCTION INC - 3,608.94; MIDCONTINENT COMMUNICATI - 92.39; MIDWEST TESTING LAB INC - 200.00; MILLER/CASEY - 130.57; MISSOURI VALLEY PETROLEU - 22,001.15; MISSOURI WEST WATER SYST - 40.87; MOR-GRAN-SOU ELECTRIC CO - 10,645.01; MORTON COUNTY RECORDER - 58.00; MORTON MANDAN PUBLIC LIB - 18,367.83; MVTL LABORATORIES, INC - 4,480.00; NALCO CHEMICAL CO - 148.80; NAPA AUTO PARTS - 883.33; ND APARTMENT ASSOCIATION - 100.00; ND LEAGUE OF CITIES - 940.00; ND STATE DEPT OF HEALTH - 320.00; NDACO RESOURCES GROUP - 1,076.00; NELSON LEASING INC DBA - 8,640.47; NORMONT EQUIPMENT CO - 1,370.00; NORTH COUNTRY TRUCKS & P - 29.65; NORTHERN IMPROVEMENT CO - 316,990.98; NORTHERN PLAINS EQUIP CO - 154.22; NORTHWEST TIRE AND RETRE - 3,787.27; O'REILLY AUTOMOTIVE, INC - 59.90; ONE CALL CONCEPT INC - 283.80; PAHLKE STEEL, INC. - 67.53; PEPSI AMERICAS - 194.08; PRAXAIR - 331.26; PREBLE MEDICAL SERVICES - 629.00; PRESORT PLUS - 772.32; PUKLICH CHEVROLET INC - 91.67; RAILROAD MANAGEMENT CO I - 146.16; RDO EQUIPMENT CO VERMEER - 103.44; RED WING SHOE STORE - 150.00; RENNER'S LAWN SPRINKLING - 963.50; RIGGING & TOOLS INC - 52.05; ROTO-ROOTER SEWER & DRAI - 180.00; ROUGH RIDER INDUSTRIES - 2,115.25; RUNNING'S SUPPLY INC - 966.23; S.S.C - 121.68; SEVERIN, RINGSAK & MORRO - 120.00; SPECIALTY AUTOMOTIVE - 69.10; SRS CRISAFULLI - 1,558.00; STEIN'S INC - 167.20; SWANBERG CONSTRUCTION IN - 77,734.00; SWANSTON EQUIPMENT CORPO - 409.02; TITAN MACHINERY INC - 1,136.20; TOWNSQUARE MEDIA BISMARC - 189.46; TWIN CITY IMPLEMENT - 134.70; TWIN CITY ROOFING INC - 239.00; UNIFORM CENTER & EMBROID - 493.87; UNITED PRINTING INC - 527.35; VERIZON WIRELESS SERVICE - 1,972.35; WASTE MANAGEMENT OF ND, - 30,115.16; WD LARSON COMPANIES LTD, - 239.99; WEEDA/JOHN - 583.07; WEHRI/RADEANNA - 500.00; WEILER/ROMAN - 50.00; WELLS FARGO REMITTANCE C - 26,374.14; WENCK ASSOCIATES, INC - 2,124.85; WESCO DISTRIBUTION INC - 11,905.11; WOODMANSEES INC - 668.63; YOUNG/AGLAE - 114.00

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4. *Consider request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.*
 5. *Consider amendment to Engineering agreement with AE2S to rebid the Lift Station Central Alarm System.*

Commissioner Frank moved to approve the Consent Agenda Items No. 1, 4, 5 as presented. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Frank requested the following Consent Agenda items be removed for discussion:

2. *Consider approval of street name change from West View Place SE to 25th Street SE. (First consideration of ordinance 1177)(Resolutions and Ordinances: No. 7).*

Commissioner Frank stated that address changes have been discussed at prior meetings. She asked if the Police and Fire Departments have been notified and if their acknowledgement for this request covers the 911 operating system? Planner Decker stated that this was already addressed as “25th” so this is not trying to change the addresses of the houses as they were addressed originally. The curve is what caused the mix-up of the street naming.

Commissioner Frank moved to approve the street name change from West View Place SE to 25th Street SE. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider request from Builders for Christ for a waiver of the requirements set forth in Mandan Code of Ordinances Section 14-12-02.* Commissioner Frank requested additional information regarding the work that will be done and the number of trailers that will be on the lot. She stated her concern is that there are 14 campers and according to the Ordinance it is 1 unit per thousand square feet. How many would be permitted with this lot in mind at that Ordinance Number? What is the overage? Are they one camper over? Thirteen campers? City Administrator Neubauer stated that there is probably 70,000 sq. ft. which would accommodate 7 campers so the overage would be 7 units. Commissioner Frank questioned whether there is a fee associated with this such as \$200 per month per unit? She inquired if other Commissioners have thoughts regarding this? Commissioner Rohr asked if this would be considered as non-profit and if so, what would that entail?

The building project director for the Redeemer Lutheran Church’s addition, (Rod Mulske), came forward and explained that the Child Care Center will be part of the addition with the church itself. The child care addition will be in the basement with a walk-out entrance. Commissioner Tibke stated that any groups that come and work for free are treated equally. She stated she is comfortable granting the variance. Commissioner Frank stated that she was looking for the Commissioners to put some

thought behind this decision and recognize that it could be something that comes around again.

Commissioner Tibke moved to approve Consent Agenda item No. 3 request from Builders for Christ for a waiver of the requirements set forth in Mandan Code of Ordinances Section 14-12-02. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. *Consider granting Northern Improvement Company a time extension for unmet contract dates for each of the following projects. (i) SID – 176; McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE (ii) SID – 177; Meadows 6th Addition (iii) SID – 178; Keidel's South Heart Terrace 2nd Addition (iv) SID – 181; Meadows 7th Addition (v) SID – 185; Heart Ridge 2nd Addition.* Planning and Engineering Director Froseth stated that this construction season started off with being abnormally wet. In addition to that problem, the development of land has been increasing and contractors have been difficult to find. That has resulted in the pushback of rough grading and underground construction work to late September and a couple projects until October. The October 4th and 5th rainfalls dropped over 2.5 inches of moisture. Following that storm October brought more moisture and below average temperatures. The weather conditions have not been conducive to asphalt, pavement and installation work late into the construction season. Because of the weather conditions the Engineering Office recommends an extension for unmet contract dates until May 31, 2014. The Commission has authority to extend all projects together or each project individually. City Attorney Brown confirmed that all projects could be addressed at once or they could be separated out. Mayor Van Beek recommended considering all projects as one. Commissioner Frank questioned whether these projects are all under one contractor? Froseth indicated they were all under Northern Improvement Company. Froseth stated that the City met with Northern Improvement Company shortly after the deadline of completion and that the City relies on the engineering company that does the project observation to contact the contractor. There was some discussion prior to the due date deadlines. However, the discussion regarding that the projects will not be completed this year did not happen until late October.

Commissioner Frank inquired if the City has options available to impose penalties? Froseth indicated that there is a cease period for penalties that is an option from the date of November 15th to when conditions are favorable to resume construction activities as determined by the City Engineer's office in the spring. The penalties for each project are \$100 per day with keeping that cease period in mind. If the City were to impose penalties starting May 1st, that would be approximately 30 days if they did not finish the first lift by May 30th. That would be approximately 30 days at \$100 per day or \$3,000 of penalty. Commissioner Frank pointed out that there are times when the City is encouraged to operate like a business and this is an opportunity for the City to do so. The contract has a deadline to have a project completed. This is an opportunity to hold contractors accountable and impose a fee that is part of a contract that the company signed to begin

with. Commissioner Braun concurred with Commissioner Frank's recommendation to hold the firm accountable under the terms of the contract for non-completion of the projects.

Mayor Van Beek indicated that it is important to give consideration for the rain days that made it impossible for them to work over the summer months in addition to the rain days up to November 15th. He inquired if there have been problems in the past with Northern Improvement? Consideration should be given to the (bad weather) conditions that occurred during this construction period. Froseth commented that should there have been communication earlier that even after the October 4th rain event there was still hope that it would have dried out enough to get the streets in. But there was rain for 14 days after that time thereby conditions never became optimal. Commissioner Frank summarized that the penalties will amount to \$4,500 per project based on that \$100 per day fine? Froseth clarified that is making the assumption that they would finish 30 days after the City Engineer's office deems conditions appropriate to resume construction activities. The 31st of May is the date chosen by the City Engineer's Office to reasonably expect that they can perform the completion of the project by that time. Froseth explained that mid-April to early May is the general expected timeframe to resume construction activities indicating that 30 days from that date is what the City is willing to give them to complete all projects. Penalties would be assessed after May 31st. Froseth indicated that he believes there are justifications for their requests for the time extensions which are reasonable.

Commissioner Tibke pointed out that the City struggled with the Airport reconstruction project completion timeline as far as the weather conditions were concerned. Commissioner Rohr questioned what obligations the developers have under these situations? Froseth replied that the City has met with some developers who are in agreement to put in temporary roads in order to allow access to these lots. Commissioner Frank asked what the intent is of "penalties" on these projects. Froseth replied that the intent is to penalize the contractor for not completing a project on a contract time which is the fault of the contractor. That is what the debate appears to be in these situations being discussed. He said that the City Engineer's office is in a position to say that the fault was not one of the contractors but rather one of weather conditions. Commissioner Braun indicated it appears the responsibility in these projects is on Northern Improvement. Mayor Van Beek pointed out that consideration should be given in the decision of this matter due to the fact that it is difficult to obtain anyone to complete these projects due to the lack of contractors even submitting bids in the first place. Froseth mentioned that September rainfall was 4.3 inches wherein normal is 1.6 and October brought 4.5 inches where normal is 1.25 inches.

Commissioner Tibke pointed out that this is a consist theme throughout the community as to how weather has impacted projects. She stated that she is comfortable with granting an extension on the basis of that and on the recommendation of the Engineering Department. However, she would encourage Commissioner Rohr and the Engineering Department to review the communication processes with these projects to assure that they are flowing appropriately and report to the Commission level in a timely manner.

Commissioner Tibke moved to authorize a change order on granting Northern Improvement Company a time extension for unmet contract dates for each of the following projects. (i) SID – 176; McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE (ii) SID – 177; Meadows 6th Addition (iii) SID – 178; Keidel’s South Heart Terrace 2nd Addition (iv) SID – 181; Meadows 7th Addition (v) SID – 185; Heart Ridge 2nd Addition. Commissioner Braun seconded the motion.

Commissioner Braun indicated that this action should be a lesson to the bids coming in to error on the side of safety. That if a contractor does not feel they will complete a project, they should come forward to deal with the circumstances surrounding any concerns thus avoiding any penalties that may be imposed. Commissioner Frank questioned whether that due to allowing the date to be extended into May 2014, would it be to the City’s advantage to start developing the neighborhoods. To instead of having so many days to the date of completion? To indicate within an “x” number of days of construction season? Would that be beneficial to the community? Froseth replied that it would be possible to designate so many days into the season when construction could resume.

Commissioner Frank moved to create an amendment to the first Motion, to have at staff’s discretion to set the completion date at a number of days after the start of construction season which is deemed by the Engineering Department or no later than May 31st at their discretion. If they can come up with a date prior to that but no later than May 31st as a completion date. Froseth agreed with the recommendation as presented. City Attorney Brown stated that it would be appropriate that the Commission determine the number of days from the start of the construction season rather than leave it up to the Engineering Department. The contractor does not get paid until they are completely finished with the project. Commissioner Frank modified the amendment to the motion to set the deadline at 45 days from the commencement of the construction season as determined by the Engineering Department. Commissioner Tibke seconded the amendment to the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Mayor Van Beek returned to the original motion made by Commissioner Tibke and seconded by Commissioner Braun as follows: To approve the authorization for a change order on granting Northern Improvement Company a time extension for unmet contract dates for each of the following projects. (i) SID – 176; McKenzie Drive SE, 34th Avenue SE, and Genoa Court SE (ii) SID – 177; Meadows 6th Addition (iii) SID – 178; Keidel’s South Heart Terrace 2nd Addition (iv) SID – 181; Meadows 7th Addition (v) SID – 185; Heart Ridge 2nd Addition. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: Yes. The motion passed.

I. NEW BUSINESS:

1. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer’s report and approve sufficiency of petition for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st*

Addition). (See Resolution No. 8). Engineering Project Manager Fettig reviewed with the Board a request to create and allow the assessments of specials related to and approve the required paperwork for the requested project. The developer is requesting that the City allow the special assessment of street costs to the benefiting properties for the development of Lena Court, SE, Mia Court SE, Will Court SE, Mario Court SE, Philip Court SE and Macedonia Avenue SE. The property is located south of 19th street and west of Ft. Lincoln Elementary School. The cost of the project is \$666,696.00 with engineering and administration costs of \$233,343.60 bringing the total to \$900,039.60. There are 44 lots in the area that will be assessed \$20,455.45 each. Lots in this area are zoned R3.2 which allows single family and two family dwellings on each lot. The lots that are developed with 2 units will be splitting the cost of the lot at \$10,227.73 each. Fettig explained that what is dictating the size of the lots is the topography. There is a lot of unbuildable space on the lots.

Commissioner Frank moved to approve the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report and approve sufficiency of petition for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1172, An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1172, An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code. Commissioner Rohr seconded the motion. Commissioner Frank commented that the modification was made to be "charcoal burners and open flame devices" under 308.1.4. Her question was if "or decks" was removed from this version? Considering decks, (but then also patios), what she was thinking most was apartment complexes. Would you be allowed with this language to have an open flame device near the structure if it is on a patio? Or a deck? If you are on a lower level walk-out should that stay in there? Fire Chief Nardello explained that within the Code it is not allowed within ten (10) feet of combustible. Nardello clarified that "or decks" should stay within the policy (not stricken). Mayor Van Beek noted that fireworks were added to this as December 31st, 5:00 p.m. until January 1st, 1:00 a.m.

Commissioner Frank motioned to amend the Motion to the amendment under Section 308.1.4, that the verbiage be added back in "or decks". Commissioner Tibke seconded the Amended motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Mayor Van Beek returned to the Motion for Ordinance 1172, the second consideration as amended. Commissioner Tibke pointed out that the fireworks on December 31/January 1 could be another event that could be expanded upon to promote Mandan. Commissioner Frank provided a reminder that at the last meeting there was an attempt to ban the

Memory Lantern Fireworks item which failed to be banned. Commissioner Rohr commented that if the fireworks permitted on New Year's Eve should become a problem, it can be addressed at a future meeting. Chief Nardello stated that he has contacted other cities and found that the majority of the cities do not allow fireworks within city limits. However, with the sale of fireworks during this time of year when it is cold out, their concern is that we advocate the use of them and the sale of them. But how are they going to keep the tents warm and will there be potential for major catastrophe?

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: No. The motion passed.

2. *Second consideration and final passage of Ordinance 1173, An Ordinance to Amend and Re-enact Section 12-02-11 of the Mandan Code of Ordinances Relating to Alcoholic Beverage License Expiration.* Commissioner Frank moved to approve the second consideration and final passage of Ordinance 1173, An Ordinance to Amend and Re-enact Section 12-02-11 of the Mandan Code of Ordinances Relating to Alcoholic Beverage License Expiration. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Second consideration and final passage of Ordinance 1174, An Ordinance to Create a New Section 12-02-08(4) of the Mandan Code of Ordinances Relating to Transfers of Licenses Limited.* Commissioner Frank moved to approve the Second consideration and final passage of Ordinance 1174, An Ordinance to Create a New Section 12-02-08(4) of the Mandan Code of Ordinances Relating to Transfers of Licenses Limited. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Second consideration and final passage of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Second consideration and final passage of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City.* Commissioner Frank moved to approve the second consideration and final passage of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City. Commissioner Braun seconded the motion. Roll call vote:

Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Introduction and first consideration of Ordinance 1178, An Ordinance to Amend and Re-enact Chapter 20-15-03(2) of the Mandan Code of Ordinances Relating to All-Terrain Vehicles.* City Attorney Brown stated that this matter is related to a proofreading error. The ordinance was passed changing the “all-terrain” section. But in the last sentence it was missed and this corrects that proofreading error. Commissioner Frank moved to approve the Introduction and first consideration of Ordinance 1178, An Ordinance to Amend and Re-enact Chapter 20-15-03(2) of the Mandan Code of Ordinances Relating to All-Terrain Vehicles. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Introduction and first consideration of Ordinance 1177, An Ordinance to change the street name West View Place SE to 25th Street SE.* Commissioner Rohr moved to approve the Introduction and first consideration of Ordinance 1177, An Ordinance to change the street name West View Place SE to 25th Street SE. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

8. *Consider the Resolutions creating district, approving engineer’s report, approve sufficiency of petition, approving the plans and specifications for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition).* Commissioner Tibke moved to approve the Resolutions creating district, approving engineer’s report, approve sufficiency of petition, approving the plans and specifications for Street Improvement District No. 186, Project No. 2013-22 (Macedonia Hills 1st Addition). Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

9. *Consider the Resolution approving Vacation of Storm Sewer Easement on Lot 9, Block 2 Lakewood 6th Addition.* Commissioner Frank moved to approve the Resolution approving Vacation of Storm Sewer Easement on Lot 9, Block 2 Lakewood 6th Addition. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

1. Mayor Van Beek reminded everyone to get out on November 30, 2013, Small Business Saturday to support the Small Businesses located in Mandan. There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 6:27 p.m. Commissioner Rohr

seconded the motion. The motion received unanimous approval of the members present.
The motion passed.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek,
President, Board of City
Commissioners