
The Mandan City Commission met in regular session at 5:30 p.m. on September 15, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun, and Laber (via teleconference call). Department Heads present were Finance Director Welch, Police Chief Bullinger, 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, and Building Official Lalim. Absent: Assessor Shaw.

2. *Presentation of retirement award to Randy Frohlich, Utility Operator III:*
On behalf of the City of Mandan, Mayor Van Beek congratulated Randy Frohlich for his 37 years of dedicated service to the City of Mandan.

B. APPROVAL OF AGENDA: Commissioner Braun moved to approve the Agenda. Commissioner Rohr 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. 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 September 1, 2015 regular meeting.* Commissioner Laber moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Public Hearing scheduled at 6:00 p.m. to review and discuss the final 2016 Budget. (See Ordinances and Resolutions #1 and #2).* At 6:05 p.m. Mayor Van Beek called for the Public Hearing to review and discuss the final 2016 Budget. Mayor Van Beek invited anyone to come forward to speak for or against any of the items on the 2016 Budget.

Wayne Papke, Mandan resident, came forward and extended a thank you to the City Commission for their work on the 2016 Budget. He noted that he does not see disclosed to the public that the budget is up \$3.9 million, which is a 12.57% increase over the 2015 budget. That is the bottom line of costs assessed to the tax payers and that information has not been disclosed. He felt that there were fancy ways of hiding it. He indicated he said it that way because he doesn't like it. He commented that since there are many more units now that should be taking the property taxes down. He questioned whether the Commission doesn't want the public to know that the budget is up \$3.9 million or 12.57%. Mr. Papke was curious as to why the City wanted to hide that number. He pointed out that on the General Fund Levy, it is his opinion that it was over levied by about \$800,000 by the tax incentives that the City Commission gave away over the last

three years. As a result, the City had about a 24% higher levy than was needed because of those discretionary tax incentives that were given out. He said he is pointing that out for future reference for if the tax incentive matter ever comes back for discussion.

Commissioner Rohr commented in response to Wayne Papke's inquiries during the public hearing session, he explained that there have been a number of new residents, new businesses, new streets, and new infrastructure which requires additional resources and monies so the equation Mr. Papke presented is lacking the fact that the growth requires additional funds that go along with that. That increase would be there regardless. Those can't be avoided.

Finance Director Welch summarized the numbers that were presented at the first introduction on August 18, 2015 and it was fully reported in the Bismarck Tribune on September 1, 2015. The information is on the City's website as advertised. The increase in the budget includes major highlights such as increases of \$555,550 in capital outlay and that dollar amount fluctuates on a year-to-year basis due to different departments having different capital outlay requests. He also noted that there was an increase in the Operations and Maintenance costs of about \$215,250; increase in debt service of about \$127,100, and an increase of approximately \$79,872 in health insurance; but there are also requests for personnel of \$69,457. The largest increase from 2015 to 2016 is the \$1.9 million the City is going to collect from a new three-quarter-cent special sales tax for the Park District to build a new sports complex and ball fields. The City will then deposit the special tax revenue with the Bank of North Dakota according to the Escrow Agreement. That expenditure is the result of the collection of a whole new revenue source.

Commissioner Tibke asked Director Welch how many public noticed committee meetings, (for the budget), did the city hold? He pointed out that state law only requires one public meeting on the budget. Commissioner Tibke asked for a clarification as to whether the Budget Committee meetings where they met with all the departments and portfolio holders individually were public noticed. Director Welch explained that for every department and portfolio budget request, the public budget meetings were noticed. Commissioner Tibke commented that she felt we were very transparent and open with the budgeting process. Anyone can come to the meetings and anyone can have input. Maybe they don't agree with how they budgeted, or those sorts of things. But as far as being an open book and transparent, she believes the City is.

Mayor Van Beek announced once again that this is a public hearing and invited anyone to come forward to speak for or against any of the items on the 2016 Budget. A final announcement was made by Mayor Van Beek to come forward to speak for or against any of the items on the 2016 Budget. Hearing none, this portion of the public hearing was closed.

F. BIDS:

G. CONSENT AGENDA

1. Consider approval of monthly bills. MONTANA-DAKOTA UTILITIES - 19,915.74; ADVANCED ENGINEERING SVC - 11,208.91; ALLIANCE AG BISMARCK AGR - 510.00; BIS-MAN CONVTN & VISITOR - 4,507.03; BULLINGER TREE SERVICE - 2,050.00; CENTRAL MECHANICAL INC - 30,600.00; DAKOTA'S BEST COFFEE - 59.00; ETHANOL PRODUCTS - 2,478.52; HAWKINS INC - 10,457.08; HIT, INC. - 435.00; MANDAN DAIRY QUEEN - 30,000.00; MANDAN PARK BOARD - 500.00; MILLER/CASEY - 2,380.93; MORTON COUNTY AUDITOR - 7,243.05; PRESORT PLUS - 2,411.50; RAZOR TRACKING - 371.00; ROSEN/BRANDON - 31.18; SEVERIN, RINGSAK & MORRO - 150.00; SWANBERG CONSTRUCTION IN - 414,900.00; TODD'S TREE & STUMP REMO - 3,400.00; MONTANA-DAKOTA UTILITIES - 29,769.48; POST BOARD - 40.00; SCHWAN BUICK GMC CADILLA - 8,128.00; POST BOARD - 45.00; ADVANCED ENGINEERING SVC - 22,837.65; AT & T - 785.40; BALABAN LAW OFFICE - 1,500.00; CENTRAL MECHANICAL INC - 20,793.60; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 8,055.00; DAKOTA WEST CONTRACTING - 56,268.42; DENNY'S ELECTRIC & MOTOR - 8,302.47; FORT DEARBORN LIFE - 1,678.99; GLASS/THOMAS J. - 1,500.00; HOLTER/DEBORAH - 70.00; JACOBSEN/CARL - 70.00; KELSCH KELSCH RUFF & KRA - 4,000.00; KOSTELECKY/EVE - 500.00; ND PERS - 111,413.98; ND WATER & POLLTN CONTRO - 674.00; SENSUS METERING SYSTEMS - 57,680.00; WINKS/LOREN K - 70.00; CENTURYLINK - 1,338.03; WELLS FARGO COMMERCIAL C - 238,518.23; A-1 TREE SERVICE - 2,375.00; ADVANCED ENGINEERING SVC - 8,713.25; BIS-MDN TRANSIT BOARD - 721.74; CBI BUSINESS SERVICES - 7,233.09; CENTRAL MECHANICAL INC - 36,000.00; CHIEF CONSTRUCTION - 1,500.00; COMPUTER PROFESS UNLIMIT - 89.00; CROWLEY FLECK PLLP - 4,500.00; CURTIS/JEREMY - 582.12; CUSTER DISTRICT HEALTH U - 1,075.00; D & F TELEPHONE - 108.50; DOLL/ELVIRA - 935.00; ETHANOL PRODUCTS - 1,107.74; FETZER ELECTRIC, LLC - 10,285.08; GRAYMONT CAPITAL INC - 12,234.00; HAWKINS INC - 7,954.28; HEPPEL OLSON ARCHITETS - 550.00; HUB INTERNATIONAL OF ND - 50.00; INFORMATION TECHNOLOGY D - 1,488.82; INTERGOVERNMENTAL SHOP - 13,128.62; KADRMAS, LEE & JACKSON, - 41,183.45; KREIN/LEROY - 108.40; LILLIS ELECTRIC INC. - 116.55; MANDAN AIRPORT AUTHORITY - 1,443.61; MANDAN MUNICIPAL COURT - 1,625.00; MANDAN PARK BOARD - 5,500.00; MARINER CONSTRUCTION INC - 349,293.71; MEDORA CORPORATION - 2,125.00; MILLER/CASEY - 287.73; MISSOURI VALLEY PETROLEU - 9,613.08; MISSOURI WEST WATER SYST - 75.11; MORTON COUNTY AUDITOR - 196.99; MORTON COUNTY RECORDER - 58.00; MORTON MANDAN PUBLIC LIB - 17,526.27; MY GOV, LLC - 1,050.00; ND STATE DEPT OF HEALTH - 320.00; ONE CALL CONCEPT INC - 766.70; POST BOARD - 110.00; PRESORT PLUS - 1,752.96; RAILROAD MANAGEMENT CO I - 1,457.16; RAZOR TRACKING - 125.00; RED BOOK CONNECT LLC - 600.00; RENNER'S LAWN SPRINKLING - 797.15; ROSEN/BRANDON - 359.79; TERRACON - 1,385.00; TRAFFIC SAFETY SERVICES - 325.00; UNICOM - 360.00; UNITED STATES GEOLOGICAL - 2,500.00; VAULT1440, LLC - 1,875.00; WEHRI/RADEANNA - 600.00

2. *Consider approval of replat of Lot 6, Block 2 of Replat of Bridgeview Bay Addition*
3. *Consider AE2S Engineering Agreement for Services for the FEMA approved Emergency Generator Project.*
4. *Consider Recycling Contract and Transfer Station Lease with Dakota Sanitation, Inc. for single stream curbside recycling in Mandan.*
5. *Consider Agreement with AE2S for GIS (Geographic Information System) project services.*
6. *Consider Increasing the Parking Enforcement Officer Position from Three Quarter Time to Full Time.*
7. *Consider approval of plat for Lot 1, Block 1, Prairie Rose Addition*
8. *Consider proclaiming October 2, 2015 as Cajun Cowboy Fais Do Do Day in the City of Mandan.*

Commissioner Tibke 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:

I. NEW BUSINESS:

1. *Consider future of 911 and dispatching services for the City of Mandan:*
Fire Chief Nardello and Police Chief Bullinger presented a recommendation for services of 911 dispatching. Chief Nardello provided a summary of the history of the dispatch center systems that have been utilized including the Bismarck Computer Aided Dispatch (CAD) system. He stated that the Mandan Fire and Police Chiefs have been reviewing options for dispatching services for over a year. They are now coming forward with a formal recommendation to pursue a consolidated dispatch service system with Bismarck/Burleigh Combined Communications Center (BBCCC) and a request to allow the City of Mandan personnel to work on an acceptable Memorandum of Understanding. Both Chief Nardello and Chief Bullinger believe that the 911 dispatching service, for both the community and emergency responders, will improve through the BBCCC and that the City of Mandan will see a considerable cost savings if the consolidation is approved.

Chief Nardello went over some of the concerns/questions that have been encountered:

(1) Will Mandan have equal voice with Bismarck/Burleigh? Chief Nardello stated that both he and Chief Bullinger have always had a professional, non-territorial relationship with Bismarck / Burleigh entities and truly believe that Mandan would be an equal partner with such a merger.

(2) What will the Center be named? The name will be determined at a later date. One suggestion would be to have the employees of the center select the new name.

(3) Will Bismarck “slam” Mandan with a huge cost for future infrastructure needs? Director Dannenfelzer, of Bismarck/Burleigh Combined Communications Center, has indicated that past planning on future needs has been built into the Bismarck-Burleigh

budget process and that Mandan would not be expected to make a one-time large “catch-up” contribution. The proposed budget includes 15% capital outlay reserve to anticipate future needs.

(4) Can Bismarck cancel an agreement with Mandan at any time leaving Mandan with no dispatch center? The preliminary Memorandum of Understanding have included a 30-year agreement with any party opting out after a minimum of a one-year notice but no party may opt out for five (5) years so that we can give the merged Combined Communications Center a chance. Emergency responders will experience no change with radio operations as inner operability will be maintained as it is today and most likely improve by adding additional users such as the Bismarck/Burleigh Communications Center and possibility the ND State Radio. Radios will remain programmed the same as they are today so that all law enforcement agencies can communicate as they do today. All Fire and EMS agencies can communicate as they do today. Emergency Responders will not need to change their record management software as the SunGard CAD System of the Bismarck/Burleigh Communications Center will integrate with all records management systems such as it did with ours successfully over a year ago. Morton dispatchers will have an opportunity to work at the Bismarck/Burleigh Center with no application process and possibly have better benefits than they are currently receiving.

Chief Nardello stated that both he and Chief Bullinger believe the combined center will improve services for the responders and the residents of Mandan; while at the same time reducing the budget. They are confident that they can work on a Memorandum of Understanding with the Bismarck/Burleigh Communications Center that will be acceptable by all parties and that Mandan will receive equal representation and voice in such a merger. It is their recommendation that the City Commission consolidate with Bismarck/Burleigh Combined Communications Center for communication services and to allow Mandan’s City staff to develop an acceptable Memorandum of Understanding that will be brought back for the City Commission for final consideration. Should the City Commission vote to approve this merger with Bismarck/Burleigh Communications Center, Morton County will most likely close their dispatch center and have North Dakota State Radio provide dispatching services for the balance of Morton County. At that point the City of Mandan would realize a savings of more than \$500,000 and Morton County more than \$2 million over the next 4 years. Chief Nardello provided a handout of the of cost comparisons of which both Bismarck/Burleigh and Mandan/Morton Communications have agreed to the numbers outlined in the handout report as being accurate. For the reasons presented, Fire Chief Nardello stated that he and Police Chief Bullinger request that the City Commission approve consolidation of the Mandan City Dispatch Services with the Bismarck/Burleigh Combined Communications Center.

Commissioner Rohr provided a brief history of the dispatch centers from over the years dating back to 1985 when both Mandan and Morton County operated separate dispatch systems. About 3 or 4 years ago, they combined into a County Communications Center wherein everything was put under the auspices of the County. That was how it has progressed historically. Since then there have been many changes in technology, leadership, security requirements, and so on. He commented that dispatching services have changed considerably over the last 30 years. The proposal presented today shows a

cost savings and just as good or probably even better services will be provided to the citizens. It will also provide a better adjustment to the new and better technology services while remaining under the current records management systems that are in place within the Police and Fire Departments. Police Chief Bullinger stated that there is an interface that has been started already. But it has been put on hold until a decision is made on this matter. This interface will allow the Bismarck CAD software to push that information into the records management software that the Mandan Police Department is currently using.

Commissioner Laber moved to pursue drafting an acceptable Memorandum of Understanding between Burleigh-Bismarck Emergency Dispatch and the City of Mandan for the consolidation of a Communications Center. Commissioner Rohr seconded the motion. Commissioner Laber stated that it will be important to follow up with the Memorandum of Understanding to make sure the needs of the City of Mandan are met since this relates to public health and welfare.

Commissioner Tibke indicated that this decision is not made lightly. It has been discussed for quite some time from every angle possible. After considerable thought being put into it, it was felt the time has come to make a final decision.

Commissioner Rohr wished to verify that if the City does separate from the County in this matter, the County will not be left in a predicament or uncomfortable position in order for them to continue dispatch services with their own resources.

Commissioner Braun commented that when looking at the big picture, (like the flood of 2011), when all the emergency management teams came together; he believes there should be a hierarchy process. He noted that if the County goes with the State Radio System, then the key is that all systems should eventually be tied together. He also noted that currently the first responders for the County Sheriff are the highway patrol so it is appropriate for them to go with the State Radio as their dispatch service. For the City of Mandan, the first responder is the Sheriff's Department. But the City also looks to Bismarck/Burleigh within this consolidated program. He said it is important to him to work towards going with the State Radio System as a focal point that controls these matters. A good example is the Fargo, Moorhead and West Fargo systems and how well they work together. Lastly, as administrators, it is important that we are fiscally responsible to the community.

Morton County Commissioner Cody Schulz commented that it would be beneficial to have an immediate transition plan in place in order to assign or reassign dispatchers to State Radio or the Bismarck/Burleigh Center whichever the case might be should certain dispatchers decide to look for other work rather than transition to another center.

Mayor Van Beek called for a roll call on the motion made by Commissioner Laber which was seconded by Commissioner Rohr to pursue drafting an acceptable Memorandum of Understanding between Burleigh-Bismarck Emergency Dispatch and the City of Mandan for the consolidation of a Communications Center. Roll call vote: Commissioner Rohr:

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

2. *Consider adoption of media relation guidelines: Business Development*
Communications Director Huber stated that she and City Administrator Neubauer have worked on developing a set of proposed media relations guidelines at the request of commissioners who were seeking further guidance for themselves and for City staff when communicating with the media in response to media inquiries. The City of Mandan is committed to creating and maintaining consistent, accurate and timely communication with all members of the media and the public regarding programs, projects, planning, activities and policy decisions of the City Commission. Also while recognizing the role the media plays in communicating City news and information to the public and the value of reporting the public's views back to the City of Mandan. She said that research has been conducted with other cities of similar size within North Dakota, having found that some do not have a policy and others might have direct contact with various departments and staff without having to channel information through a communications department. It was recommended that the City continue to allow the media to have direct contact with the subject matter experts in the various departments. She welcomed questions, if any, to the proposed guidelines that have been provided.

Commissioner Tibke stated that she made these recommendation or amendments to what staff brought forward, noting this would be for spokesperson rules:

(1) Suggested that the portfolio commissioner be the official spokesperson for the interviews that deal with their portfolio, typically that individual knows more about the subject matter or will have more history of what is going on.

(2) If a commissioner contacts the media, they are to be clear about whether his/her comments represent the official City position. After vote, she recommended that it should be both the Mayor and the Commissioner.

Director Huber pointed out that what Commissioner Tibke is referencing above comes directly from the Leadership Code for Elected Officials that had been previously approved by this City Commission. She recommended that if there are changes to that section, we would want to bring it back for future review under the Leadership Code which would include the Mayor as a Commissioner. Commissioner Tibke requested clarification because there are two different interpretations, at least for future reference. Commissioner Rohr commented it is his re-collection that the original Leadership Code came from the League of Cities. Administrator Neubauer stated that the Leadership Guide for Elected Officials was originated from the City of Wahpeton, and that also includes more things, not just the Leadership Policy, such as general principles. Director Huber stated it was adopted by the City Commission on January 18, 2011.

Commissioner Tibke moved that the City of Mandan adopt media relations guidelines as proposed but with the amendment that if a Mayor or Commissioner are contacted by the media that both the Mayor or the Commissioner need to be clear about whether his or her comments represent the official City position or if it is their personal viewpoint.

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

3. *Consider adding additional traffic related cross-references to North Dakota Century Code sections to new city code:* Planner Decker explained that this is a minor revision to clean up this area where a City Code section number was linked to each section number of Chapter 39 for Motor Vehicles in order to be able to issue citations into Municipal Court.
4. *Consider setting recommended penalty amounts for certain traffic related violations of city code:* City Planner Decker explained this is a companion item to No. 3 establishing the recommended penalty for traffic related violations of City Code so the person paying the citation has the option to pay and not go to court. This gives a value to the citation. The goal is to create one list of penalties and put them in one place so the Police Department employees have a list that cross-references the City Code section to the Century Code section. Most fees are set by state law and are carried over in their existing amounts. The court costs are separately assessed, this references the citation amounts for the basic penalty. Chief Bullinger verified that the fees and fines referenced are up to date with state requirements.
5. *Update on recycling program communications plan:* Business Development & Communications Director Huber stated that with the approval of the recent recycling program a request was made to develop a communication plan to introduce the new program to Mandan residents. City Staff and Dakota Sanitation met to outline the roles and responsibilities. Dakota Sanitation will be responsible for all communication activities or advertising that have a direct cost. This will include brochures to be included in the November mailing of the water bill along with the monthly newsletter and packet of information that will be distributed with the recycling totes in December. Information will be also distributed in news releases and media guest interviews through television or radio. A www.cityofmandan.com/recycle has been established explaining information as it becomes available. The Mandan Messenger and Mandan's Facebook page will include information now and in future publications. Dakota Media has created a "City Current" link and they are currently working with the City of Mandan and City of Bismarck to provide updates for various departments. Public Service announcements will be utilized too. A timeline with expectations was drafted that states Dakota Sanitation will have all key "how to" information to the City no later than October 1st. which is included in part of the contract that was approved. Dakota Sanitation will be required to have pre-approval from the City of Mandan for any publications it will use. The brochure that will go out with the water bills to be mailed in November should be finalized by 10/26/15. Collection will begin in January 2016. One of the best practice suggestions is that some cities have used, is to set a target date of residential waste diversion by a certain time/year which will be discussed at a future time. Director Huber stated that City staff is comfortable with the plans for implementation thus far and will monitor resident participation and continue with on-going communications of those involved. This report is informational with no action required.

Rick Anderson, Owner of Dakota Sanitation provided additional information on the recycling project and concurred with the implementation plan as outlined by Director Huber. He added that there will be no charge to the school system for recycling costs noting that it is their thought that the kids will begin to realize the importance of recycling programs. He said there will be no cost to the Mandan Airport. He projected a 22½ % reduction in waste and reported that there has been a lot of positive feedback from citizens. He said they eventually intend to take this recycling program to the rural population and smaller communities. The recycling services will be conducted on the same day as garbage service, but every other week. The calendar schedule will be provided to citizens and it will be easy to read.

Mayor Van Beek commented that social media is the best way to get information out to our residents so they are aware of when it starts, when totes will be showing up, etc. Commissioner Laber noted the City buildings recycling sites and encouraged that they be used accordingly.

6. *(Possible) Consider legal action against Mr. Volochenko for violating city storm water management ordinance.(No. 1005):* Planning & Engineering Director Froseth, stated that on August 14, 2015, he was contacted by Director of Public Works Wright concerning the re-grading activities on the property without an approved storm water management plan nor proper erosion controls measures in place. These have caused unapproved alterations to storm water collection for the lots owned by Leslie Volochenko and the other surrounding lots. Joseph Camisa, City Code Enforcement Officer, was asked to follow up with Volochenko on 9/2/15 to explain the City's concerns about the grading activities. Volochenko stated a plan was submitted to the City and he received no response so he thought it was accepted. The site engineer was contacted on 4/9/15 and there was a list of items to be improved before approving any revisions. The site engineer was contacted again to see if a new request had been submitted for a revision and there has been no response since 4/9/15. As of the commencement of the grading activities, no revised storm water plan has been received or approved.

A sequence of events was provided and reviewed with the Commission by Director Froseth. He noted that the Engineer's Office sent a certified letter to Mr. Volochenko on 8/20/15 and that the notification has been received that Mr. Volochenko did get that letter. In the contents of the letter, Mr. Volochenko was requested to regrade the property to restore the natural low area in the property where the water previously channeled to the City's storm water inlet. He was requested to install Best Management Practices erosion control where necessary to ensure no sediment or any other material leaves his site. And he was advised to cease all earthmoving activities aside from the activity necessary to accomplish #1 until he has an approved Storm Water Management Plan.

Consistent with Title 14.1 requires Commission authorization to allow the City Attorney to take legal action for unauthorized storm water management activities without a storm water management plan. Based on the above, Director Froseth requested authorization for the City Attorney to commence action for appropriate legal and/or equitable relief.

Commissioner Braun commented that it appears the City staff has gone above and beyond trying to resolve the matter this far with Mr. Volochenko. Director Froseth stated that at no time did anyone ever tell Mr. Volochenko that it was okay to proceed.

Mayor Van Beek commented that it is understandable as to what the neighbors have tolerated with for the last several years, and that it is clear that Mr. Volochenko has not cooperated with his neighbors. The City has annexed the land and Mr. Volochenko still continues to be non-compliant. It is apparent that legal action needs to occur at this time for appropriate legal and/or equitable relief.

Commissioner Tibke moved to proceed against Leslie Volochenko for violating city storm water management ordinance (No. 1005) for appropriate legal and/or equitable relief. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider the second and final consideration of Ordinance No. 1215 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2016, and ending December 31, 2016, and making the annual tax levy for the year 2015.* Commissioner Tibke moved to approve the second and final consideration of Ordinance No. 1215 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2016, and ending December 31, 2016, and making the annual tax levy for the year 2015. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Resolution Establishing Rates and Charges for Services from the Solid Waste Utility Fund.* Commissioner Laber moved to approve the Resolution Establishing Rates and Charges for Services from the Solid Waste Utility Fund. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *First consideration of Ordinance No. 1219 adding language to Chapter 24 of the New Mandan Code of Ordinances related to traffic violations.* Commissioner Laber moved to approve the First consideration of Ordinance No. 1219 adding language to Chapter 24 of the New Mandan Code of Ordinances related to traffic violations. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider for adoption resolution setting recommended penalty amounts for various violations of city code.* Commissioner Braun moved to approve the adoption resolution setting recommended penalty amounts for various violations of city code.

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

5. *Second Consideration and Final Passage of Ordinance 1216 creating zoning for Lakewood 9th Addition.* Commissioner Tibke moved to approve the Second Consideration and Final Passage of Ordinance 1216 creating zoning for Lakewood 9th Addition. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Second Consideration and Final Passage of Ordinance 1218 – An Ordinance to Amend and Re-enact Section 9-02-11 of the Mandan Code of Ordinances Relating to Meters – Repair and Control.* Commissioner Tibke moved to approve the Second the Second Consideration and Final Passage of Ordinance 1218 – An Ordinance to Amend and Re-enact Section 9-02-11 of the Mandan Code of Ordinances Relating to Meters – Repair and Control. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 6:42 p.m. Commissioner Laber 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