
The Mandan City Commission met in regular session at 5:30 p.m. on December 17, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

1. *Roll Call of All City Commissioners.* Present were Mayor Helbling, Commissioners Braun, Larson and Rohr. Department Heads present were, Finance Director Welch, Fire Chief Nardello, Planning & Engineering Director Froseth, Principal Planner Van Dyke, Business Development and Communications Director Huber, Police Chief Ziegler, City Administrator Neubauer, Assessor Markley, Building Official Ouradnik, Director of Public Works Bitz and Attorney Brown.

Absent: Commissioner Davis and Human Resource Director Cullen.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the December 3, 2019 Board of City Commission regular meeting.* Commissioner Braun moved to approve the minutes as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider approval of refund of application fees for vacation of 18th Ave SE.*
3. *Consider approval of Vanguard Appraisals, Inc. services and budget transfer.*
4. *Consider approval of minor plat of Lot 5 & 5A, Roughrider Estates Pioneer Addition.*
5. *Request for permission from Public Works Department to dispose of multiple city department’s obsolete vehicles at public auction.*
7. *Consider approval of NDDOT Maintenance Certification.*

Commissioner Larson requested removal of Consent Agenda Item No. 6 due to a conflict that involves her employer regarding this item.

Commissioner Larson moved to approve the Consent Agenda Items No. 1 through 5 and No. 7 as presented. Commissioner Braun seconded the motion.

Commissioner Rohr inquired of Director Bitz to provide information to the public if anyone is interested in the sale of the vehicles Consent Agenda Item No. 5. Director Bitz stated that the vehicles are not listed on the city’s website at this time and stated that he will get the information to the website team so they can put it on there for the public to access. The information will be on the website for 30 days and vehicles that don’t sell will be taken to the Northland Auction.

Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Consent Agenda Item No. 6: Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project. Commissioner Rohr moved to approve payment of bills for Morton Mandan Public Library / Downtown Parks Project Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Abstained; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

1. *Consider Sale of Lot 1A, Block 1, Roughrider Estates Pioneer Replat.*

City Planner John Van Dyke requested approval of the acceptance of one of two offers received for the purchase of Lot 1A, Block 1, Roughrider Estates Pioneer Replat. He reported that one offer is from Mr. Ternes for \$500 and the other is from Mr. Pitman for \$556. Mr. Pitman is the adjacent property owner who provided a previous offer. The list price is for \$1,000. He stated that there is a specials balance payoff through September 30, 2019 of \$443.79 existing on the property. Per the Purchase Agreements following proration for this year's installment, the buyers will be responsible for the remaining specials balance. He said that based on a communication with Darren Schmidt the Real Estate agent involved in this transaction, Mr. Ternes is seeking to park personal vehicles on the lot however that is not an approved primary use for an R-7 Residential district. Mr. Pitman is seeking to extend his backyard. City staff recommended the City Commission accept Mr. Pitman's offer due to the higher offer and the proposed use of the property. The offer by Mr. Pitman is what was proposed and countered by the City Commission previously and it takes into consideration the specials balance that will be largely absorbed by the buyer. He stated that the City Commissioners may accept, reject, or counter the offer provided by Mr. Pitman. The Engineering and Planning Department recommended approval of the sale of Lot 1A, Block 1, Roughrider Estates Pioneer Replat to Mr. Pitman pursuant to the purchase agreement outlined in Exhibit 2.

Commissioner Larson moved to approve the sale of Lot 1A, Block 1, Roughrider Estates Pioneer Replat to Geoffrey Pitman pursuant to the purchase agreement attached as Exhibit 2.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

H. NEW BUSINESS

1. *Consider Renaissance Zone Committee (RZC) recommendations for appointments.*

Business Development & Communications Director Huber presented a request to consider appointments to the Renaissance Zone Committee for the 2020-2022 terms. The RZC makes recommendations to the City Commission regarding applications for investment in the purchase, rehabilitation, new construction and lease of commercial and residential properties in a 28-block area of downtown Mandan in accordance with state and local regulations. There are three positions up for appointment with the following preferences: one representing the financial sector, and two community at-large positions. The terms are 3-years ending on December 31, 2022. Members may be representatives of the business community through ownership or employment with a Mandan business or Mandan residents. Letters of interest were sought

through an October 1, 2019 news release with a requested deadline for responses by November 1, 2019 or until positions are filled. Members whose terms expire on December 31, 2019 are: Darren Haugen, representing the financial sector (3rd term); Rhonda Mahlum, community at-large, filling a vacant term since September 2018; and Robert Vayda, community at-large (3rd term). The RZC met December 3, 2019 and reviewed the individuals who submitted letters of interest: Clint Boyd, Darren Haugen, Robert Vayda, Rhonda Mahlum, Amber Rae Bernhardt and Karmen Siirtola. The RZC members were pleased with the qualifications of all applicants with diverse backgrounds for the open positions. They noted Mahlum had only served approximately one year however brought good insight and questions for Renaissance Zone applications. Members also felt Siirtola's past work experience and current ownership of a downtown Mandan business would be valuable to the Committee. The Committee voted 3-0 with three members absent and Haugen abstaining to reappoint Darren Haugen to represent the financial sector for a three-year term ending December 31, 2022. The committee voted 3-0 with three members absent and Vayda abstaining to appoint Karmen Siirtola and reappoint Rhonda Mahlum to represent the community at-large for three-year terms ending in 2022. Director Huber stated the Renaissance Zone recommended the appointment of Karmen Siirtola and the reappointments of Darren Haugen and Rhonda Mahlum for three-year terms from 2020 thru December 31, 2022.

Commissioner Rohr moved to appoint Karmen Siirtola and reappoint Darren Haugen and Rhonda Mahlum to the Renaissance Zone committee for three-year terms from January 1, 2020 thru December 31, 2022. Commissioner Braun seconded the motion. Roll call vote:

Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes;

Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *Consider the appointment of Commissioner Rohr as a liaison to the Bis-Man transit Board.* City Administrator Neubauer presented a request to consider the appointment of Commissioner Rohr as a liaison to the Bis-Man Transit Board of Directors. He explained that in order for there to be representation from the Mandan City Commission with the Bis-Man Transit Board, it has been recommended that the City Commission appoint a commissioner as a liaison to the Transit Board. The Bis-Man Transit Board consists of nine members from the community. Bismarck City Commissioner Nancy Guy serves as the Bismarck City Commission liaison to the Board. Commissioner Rohr has volunteered to be the liaison for the Mandan City Commission.

The Bis-Man Transit Board made a request recently for additional monies to be used for the Bis-Man Transit to upgrade their system. There was a vote taken several years ago that the City would levy up to 2 mills to support the Transit Board and we have been levying those 2 mills in support of the Transit Board so the City felt that was their obligation to the entity was met. A request came in for additional funds and when the request was first received, it was later in the fall and past the normal budget time. They were looking for representation from the City of Mandan on their Board. Commissioner Rohr stated that Bis-Man Transit does a lot of service in Mandan and it's important that the Mandan residents are served so it will be good to have our input on the transit system for the Mandan citizens. Mayor Helbling commented that this is a good service and their subsidies have gone up over the years. Administrator Neubauer explained that the Bis-Man Transit Board also includes several City of Mandan residents in addition to Commissioner Rohr so Mandan has been represented through the at-large positions and including one of our City Commissioners is important. Commissioner Rohr's position will not

be a voting position on the Board and it will be in equal par with the City of Bismarck wherein Commissioner Guy is a liaison to the Board and if Commissioner Rohr would be appointed as a liaison it would be a non-voting position on the Board. Administrator Neubauer recommended that Commissioner Rohr be appointed as the Mandan City Commission liaison to the Bis-Man Transit Board of Directors.

Commissioner Braun moved to appoint Commissioner Rohr be as the Mandan City Commission liaison to the Bis-Man Transit Board of Directors. Commissioner Larson seconded the motion. Roll call vote: Commissioner Davis: Absent; Commissioner Rohr: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Consider Growth Fund Committee recommendation for forgivable loan to Latidot Scoop & Gift Shop as the 2019 Business Pitch Challenge Winner.* Business Development & Communications Director Huber provided a request to consider a Mandan Growth Fund Committee (MGF) recommendation for a forgivable loan to Latidot Scoop & Gift Shop as the winner of the 2019 Mandan Business Pitch Challenge. On June 4, 2019, the Mandan City Commission approved awarding a \$10,000 forgivable loan to the winner of the 2019 Mandan Business Pitch Challenge subject to contingencies: (i) That the contest winner open or grow a business in Mandan or the surrounding 10-mile radius in Morton County by December 31, 2020, that is substantively in harmony with the plan presented to competition judges; (ii) That the business must register with the ND Secretary of State's Office with a Mandan-based address and have a commercial location in Mandan; (iii) Home-based businesses were eligible to apply for the Business Pitch Challenge, but needed to indicate a plan to grow beyond the home. Location in a commercial property required for consideration of the Growth Fund Committee prize money; (iv) That the loan be forgiven in equal increments over a span of five years as long as the business does not relocate to another community.

The Business Pitch Challenge was held on November 12, 2019. The judges of the competition voted Latidot Scoop and Gift Shop by Dot Frank as winner. Ms. Frank plans to open a hand-scooped ice cream and gift shop specializing in unique items such as stationery, greeting cards, toys and novelties plus limited furniture and décor. She hopes to open in December 2019 or January 2020. She has leased space in the east end of the building located at 200 Collins Avenue in the same building with RuLissa Boutique and Express Yourself Salon, located near her other business, Cappuccino on Collins. The space is addressed as 104 First St NE.

The MGF Committee members participated in a question and answer session with Ms. Frank at the December 6, 2019 meeting. Ms. Frank stated that she plans to install new flooring and paint and she is working to clean up the space and complete the merchandising. The space is 800 sq. ft. and the operating hours will be Thursdays and Fridays 10 a.m. to 7 p.m. and Saturdays and Sundays, 10 a.m. to 5 p.m. Hours may be extended in summer months. Ms. Frank has launched a website at www.latidot.com and she has a social media presence on Facebook, Instagram and Pinterest. The \$10,000 forgivable loan for the Business Pitch Challenge winner is a commitment on the Mandan Growth Fund's financial statement.

The MGF voted unanimously (8-0 with one member absent) to recommend approval of a \$10,000 forgivable loan to Latidot Scoop & Gift Shop as winner of the Mandan Business Pitch Challenge with the contingencies as outlined. Ms. Frank was available to answer questions.

Commissioner Braun moved to approve a \$10,000 forgivable loan to Latidot Scoop & Gift Shop as winner of the Mandan Business Pitch Challenge with the contingencies as outlined.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

4. *Consider the update to the City's Budget Policies & Procedures and recommendations from the Budget and Finance Committee.* Greg Welch, Finance Director, on behalf of the Budget and Finance Committee presented the update to the Budget Policies & Procedures and recommendations from the Committee as follows:

The City's Budget Policies & Procedures serve a critical purpose. According to the Government Finance Officers Association (GFOA), "The operating budget is among the most important public documents a government produces. The budget represents; 1) a financial plan, 2) a policy document, 3) an operations guide, and 4) a communications device. The budget is a powerful expression of the governing board's vision for how a government will serve its community." Therefore, "Budget policies provide guidelines to help the board and staff consider the broader implications of their budget discussions and, ultimately, to prepare a budget that is consistent with public finance best practices."

The City's Budget Policies were originally approved by the Board of City Commissioners in September 2010. The Policies at that time were brief statements. The Board approved additional Policy recommendations from the Budget and Finance Committee in May 2011. The Finance department recently updated the Budget Policies & Procedures document by adding more content and detail supporting the Committee's current budgeting practices. The Budget Policies & Procedures provide specific guidance for the Committee or a road map for the City's budget development process in relation to the Municipal Budget Law (NDCC 40-40), the City's Home Rule Charter (Article 3b), the GFOA "Best Practices" and the City's annual Budget Working Session with the Board and department managers.

The Budget Policies & Procedures document covers a variety of topics such as; Budget Calendar, Budget Working Session, Budget Instructions, Preliminary Budget, Major Funds, Operating Reserves, Taxable Valuation, Mill Levy and Property Taxes, Special Assessments, Salaries and Benefits, Capital Outlay, Infrastructure Projects, Debt Service, Annual Cost for City Services, Final Budget, Budget to Actual Expenditure Reports, Budget Amendments and Transfers.

The first recommendation from the Budget and Finance Committee relates to salaries. According to a "best practice" from the GFOA, "Inflation can have a significant impact on payroll forecasting. Cost-of-living adjustments often are used when forecasting personnel costs. The Consumer Price Index (CPI), a broad measure of consumer inflation, is the cost-of-living index used most often for determining salary increases. The U.S. Bureau of Labor Statistics

Employment Cost Index might be a better index for this purpose, as it measures the change in the cost of labor, free from the influence of employment shifts among occupations and industries.”

Therefore, the Committee recommends changing the cost of living adjustment for employee salaries from the increase in the Bureau of Labor Statistics (BLS) Consumer Price Index-W (Midwest region) to the increase in the BLS Employment Cost Index for wages and salaries, for state and local government workers. The recommendation would become effective for the City’s 2021 Budget preparation.

The next recommendation from the Budget and Finance Committee relates to infrastructure projects through establishing funding formulas for the City’s buy-down of maintenance projects from the Municipal Infrastructure Fund. The Municipal Infrastructure Fund is also known as the “Operation Prairie Dog Bill” or House Bill 1066 which was approved during the recent Legislative Session. The recommendation would become effective for fiscal year 2020.

The four scenarios below pertain to funding for infrastructure (maintenance) projects under \$10M:

NDDOT (90/10)

Federal/State = 90%

Local = 10%

- City’s Share of Special Assessments Fund = 2.5%
- 1% City Sales Tax Fund = 2.5%
- Special Assessment District = 5%
- Municipal Infrastructure Fund = 0% since the Federal/State share is above 80%.

NDDOT (80/20)

Federal/State = 80%

- If less than 80% is available, the Municipal Infrastructure Fund will pay for the remaining Federal/State share.

Local = 20%

- City’s Share of Special Assessments Fund = 5%
- 1% City Sales Tax Fund = 5%
- Special Assessment District = 10%
 - If a District is not created, the City’s Share of Special Assessments Fund and/or the 1% City Sales Tax Fund will pay for the remaining local share.

Street Maintenance District

Local = 100%

- Municipal Infrastructure Fund = 20%
 - If less than 20% is available, the City’s Share of Special Assessments Fund and/or the 1% City Sales Tax Fund will pay for the remaining 20% share.
- Special Assessment District = 80%

Water and Sewer Maintenance District

Local = 100%

- Water and Sewer Utility Fund = 100%
 - If less than 100% is available, the Municipal Infrastructure Fund and/or the City's Share of Special Assessments Fund and/or the 1% City Sales Tax Fund and/or special assessments will pay for the remaining balance.

The recommended funding formulas are only guidelines for the Budget and Finance Committee. The funding for each infrastructure maintenance project would still come before the Board of City Commissioners for review and discussion before the funding for a project is approved. Likewise, the funding formula for infrastructure (maintenance) projects of \$10M or more will be determined by the Board for each project.

In summary, the recommendations from the Budget and Finance Committee are as follows; to approve the update to the Budget Policies & Procedures, to change the cost of living adjustment for employee salaries from the increase in the Bureau of Labor Statistics (BLS) Consumer Price Index-W (Midwest region) to the increase in the BLS Employment Cost Index for wages and salaries, for state and local government workers, and to establish funding formulas for the City's buy-down of maintenance projects from the Municipal Infrastructure Fund.

Commissioner Rohr moved to approve the update to the Budget Policies & Procedures and recommendations from the Budget and Finance Committee as presented. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

5. *Consider reappointing Edgar Oliveira and Julie Haibeck to the Mandan Parking Authority Board.* Police Chief Ziegler presented a request to fill two positions that expire on December 3, 2019 on the Mandan Parking Authority Board. The positions were advertised as per the City of Mandan requirements requesting letters of interest for the positions. Only two responses were received from the current board members holding the positions. They are Edgar Oliveira and Julie Haibeck. The Mandan Parking Authority Board recommended the reappointments of Edgar Oliveira and Julie Haibeck to the Board for terms which begin on January 1, 2020 and end on December 31, 2022.

Commissioner Larson moved to approve the reappointments of Edgar Oliveira and Julie Haibeck to the Mandan Parking Authority Board for terms which begin on January 1, 2020 and end on December 31, 2022. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

6. *Consider Community Beautification Committee recommendation for appointments.* City Administrator Neubauer presented a request to consider two appointments to the Community Beautification Committee. There are two positions up for consideration. Both terms are for three years ending December 31, 2022. Letters of interest were sought through an October news release with a requested deadline for responses by November 1, 2019 or until the

positions are filled. Members whose terms are expiring are Jody Skogen (filling a vacancy for an unexpired term; only been on committee for one year) and Laurie Leingang (2nd term: 2017-2019).

The Community Beautification Committee met December 12, 2019 and at that time the Committee discussed consideration for 2020 appointments. People submitting letters of interest included: Jody Skogen, Laurie Leingang and Rena Mehlhoff. Ms. Mehlhoff has been a resident of Mandan for over 15 years and is currently the Communication Specialist for Bismarck Parks and Rec. She is a certified NDSU Extension Master Gardener and has her own certified pollinator garden. Committee members expressed that both Ms. Skogen and Ms. Leingang are very active members and valuable members on the Committee, and that Ms. Mehlhoff would bring great experience and knowledge to the Committee. The Committee is currently made up of six community at-large representatives. The Committee expressed interest in adding another at-large position. The Committee has two recommendations to bring to the City Commission:

(1) Changing the community at large representation from six positions to a range of six to eight community at-large positions; (2) The appointment of Rena Mehlhoff and reappointments of Jody Skogen & Laurie Leingang for 3-year terms from January 1, 2020 to December 31, 2022.

Commissioner Braun moved to approve changing the community at-large representation on the Community Beautification Committee from six positions to a range of six to eight positions. and to approve the appointment of Rena Mehlhoff and the reappointments of Jody Skogen and Laurie Leingang to the Community Beautification Committee for three-year terms ending December 31, 2022. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES

1. Second and Final Consideration of Ordinance 1330 which will amend and re-enact the penalty sections of 24-1-2, 24-10-1, 24-12-8, 24-15-19, and 24-16-1 of Mandan Code of Ordinances to double the fine amount for each section. City Attorney Brown presented the second and final consideration of Ordinance 1330 which will amend and re-enact the penalty sections of 24-1-2, 24-10-1, 24-12-8, 24-15-19, and 24-16-1 of Mandan Code of Ordinances to double the fine amount for each section. He stated that the 2019 North Dakota State Legislature permitted cities to double fines by Municipalities at their discretion. Ordinance 1330 would change the fines in those applicable sections to double the current fine amount as provided by ND Century Code with one except to 24-12-8 to double the fine for no liability insurance from \$150 to \$300 and a second offense within a 3-year period would go from \$300 to \$600. There was concern expressed by Judge Kautzman that this amount is already a challenge for people who do not have insurance to get insurance and then pay the \$600 fine. He said he checked with the cities of Bismarck and Fargo and found they did not double the fine for that particular offense. Another consideration that has come up is that there is a threat by an attorney in Fargo to challenge this on equal protection constitutional grounds and that is based on a theory that if a Morton county deputy sheriff stops an individual in the City of Mandan and cites the individual for one of these offenses that because he is not a city peace officer the fine cannot be doubled rather it can only be whatever the state law says. Attorney Brown stated he is not clear if that is an equal protection argument but if there is a lawsuit filed and the results of the law is overturned

that will result in providing refunds or whatever fines were collected when doubled. Mayor Helbling stated that he is not in favor of picking out just one of the items; in particular, the people without insurance should not be driving anyway. Attorney Brown commented that stats show that they are also driving with a suspended license. Commissioner Rohr commented that it has been his experience in the past that people who don't have insurance will drive anyway. The fine does not have any detriment to the offender.

Commissioner Rohr moved to approve the second and final consideration Ordinance 1330 which will amend and re-enact the penalty sections of 24-1-2, 24-10-1, 24-15-19, and 24-16-1 of Mandan Code of Ordinances to double the fine amount for each section with exception to the one having to do with driving without insurance at section 24-12-8 will be \$300 and all others will apply. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: No. The motion passed.

2. *Second and Final Consideration of Ordinance 1331 to amend and reenact Article 2 Section 111-2-1 of the Mandan Code of Ordinances.* Building Official Ouradnik presented the second and final consideration to update the Mandan Building code. He stated there have been no changes or comments received since the first consideration.

Dot Frank from the Bismarck Mandan Home Builders Association, requested to speak on this matter. She stated that she attended the first consideration however the opportunity to speak was not presented and subsequently she sent information to each of the Board members for review prior to today's meeting. Ms. Frank voiced concern that there are inconsistencies with building codes in Mandan, Bismarck and Lincoln. She referenced that there is an International Codes Council that is available to provide recommendations on certain codes for community governments and they meet and publish new code books every three years. Subsequently representatives from North Dakota meet to discuss those codes to determine if deviations should be made to our state based on the uniqueness of our communities and our contractors. During that process building officials and contractors are given an opportunity to testify. At the last meeting of the International Building Codes Council of North Dakota there were some changes to the international code that North Dakota supports. There were some omissions that were additions for the City of Mandan. This evening, the City of Bismarck is holding a public hearing to consider some of those codes, which are inconsistent with what Mandan. She stated that some of her peers are attending the meeting in Bismarck and they are supporting that Bismarck and Mandan adopt the same code. She stated that there were some codes that were omitted from the State of North Dakota; however we have the opportunity to testify and challenge the code and move forward based on the decisions made. Those codes were included in the Agenda packet the last time the City Commission met. She stressed the importance of identifying the insufficiencies and discrepancies. At this point in the process, she recommended that the City of Mandan adopt the State Building residential code as suggested. She is aware that administrative amendments may have to occur. She said that Bismarck opted for a public hearing wherein Mandan has addressed this matter in a First and Second Final Consideration.

Mayor Helbling suggested tabling this matter to see what Bismarck decides. Commissioner Rohr commented that he has questions regarding this matter and the practicality of it. He agreed

to table the matter to see what direction Bismarck goes in order to have continuity amongst builders in the two communities.

Building Official Ouradnik stated that he has attended some of the public hearings regarding this matter and Fargo put forth the adoptions because most of them were previous adoptions and the only fact finding they do was in the last code, was to add it to this code. Many do not do any additional research so they leave it up to municipalities to change as they deem fit. He said he believes consistency will bring the codes up to a higher standard in Mandan and the surrounding counties. One item that is highly contested is the self-closing doors between a house and a garage and he discussed this one with Chief Nardello. Building Official Ouradnik said that he agrees that it would be appropriate to table this matter until a later time to see what Bismarck does. The State Building Code is scheduled be adopted and implemented January 1, 2020.

Commissioner Rohr moved to table the discussion on the Second and Final Consideration of Ordinance 1331 to amend and reenact Article 2 Section 111-2-1of the Mandan Code of Ordinances until the next City Commission meeting. Commissioner Larson seconded the motion. Commissioner Larson commented that it is desirable to have consistency in the building code with Bismarck. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Introduction and First Consideration of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass.* Police Chief Ziegler presented the Introduction and First Consideration of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass. He stated that the North Dakota Legislature in 2019 made changes to Section 18-4-7 of the North Dakota Century Code relating to Criminal Trespass and this Ordinance 1302 will bring the Mandan Code of Ordinances in compliance with these changes in ND Century Code. Chief Ziegler recommended approval of the Introduction and First Consideration of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass.

Commissioner Rohr moved to approve the Introduction and First Consideration of Ordinance 1332 to Amend and Re-enact the Mandan Code of Ordinances Relating to Criminal Trespass. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Larson motioned to adjourn the meeting at 6:32 pm. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present.

s/s James Neubauer

James Neubauer
City Administrator

s/s Tim Helbling

Tim Helbling, Mayor
Board of City Commissioners