

The Mandan City Commission met in regular session at 5:30 p.m. on December 5, 2023 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL

1. *Roll Call of all City Commissioner.* Those present were Mayor Helbling and Commissioners Braun, Olson, and Rohr. Department heads present were City Administrator Neubauer, Finance Director Welch, Assessor Markley, Human Resource Director Cullen, Engineering Director Wigness, Deputy Police Chief Bier, Fire Chief Nardello, Building Official Singer, Public Works Director Bitz, Business Development & Communications Director Cermak, Planner Stromme, Airport Manager Gerhardt, Library Director Sandstrom, and City Attorney Oster.

B. PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

D. ARRROVAL OF AGENDA

E. MINUTES

1. *Consider approval of the minutes from the November 21, 2023 Board of City Commission Regular Meeting.* Commissioner Rohr moved and Commissioner Braun seconded to approve the minutes as presented. Roll Call vote: Aye 4, Nay 0, Absent 1 (Camisa). The motion passed.

F. PUBLIC HEARING

G. BIDS

H. CONSENT AGENDA

1. *Consider approval of the Law Enforcement Resiliency Grant application to provide funding for the Dakota Child Advocacy Center (DCAC)*

2. *Consider 2024 expenditure budget amendment for health insurance premiums*

3. *Consider Class E Liquor License application for Leerick Mandan LLC (dba) Kroll’s Diner*

Commissioner Braun moved and Commissioner Olson seconded to approve the Consent Agenda item 1 through 3 as presented. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider the following committee appointments:*

a. *Dan Polk to serve on the Mandan Airport Authority for a five-year term.* Airport Manager Gerhardt presented the Airport Authority’s appointment recommendation. Commissioner Rohr moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

b. *David Mills & Renee Murrish to serve on the Code Enforcement Appeals Board for two-year terms.* Administrator Neubauer presented the Police Department’s recommendation for the Code Enforcement Appeals Board appointment. Commissioner Braun moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

c. *Tanner Intveld to serve on the Planning and Zoning Commission for a five-year term.*

Planner Stromme presented the Planning and Zoning Commission appointment recommendation.

Commissioner Braun moved and Commissioner Olson seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

d. *Shane Weltikol and Jason Angel to serve three-year terms on the Mandan Architectural Review Commission.* Building Official Singer presented the Mandan Architectural Review Commission appointment recommendations. Commissioner Rohr moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

2. *Consider Amendment to Lakewood 10<sup>th</sup> Development Agreement.* Planner Stromme presented the

amendment to the development agreement for Lakewood 10<sup>th</sup>. Commissioner Olson moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

3. *Introduction of Bismarck Mandan Chamber EDC President & CEO Brenda Nagel.* Bismarck Mandan Chamber EDC President & CEO Brenda Nagel introduced herself to the Commission.

4. *Consider Renaissance Zone Committee recommendations*

a. *Rehabilitation of 216 E Main St. by Kirt Pelster.* Business Development & Communications Director Cermak presented the rehabilitation application for 216 E Main St. Commissioner Braun moved and Commissioner Olson seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

b. *Lease of 216 E Main St. by Same Day Mattress of Bismarck.* Business Development & Communications Director Cermak presented the lease application for 216 E Main St. Commissioner Braun moved and Commissioner Olson seconded to approve without the lease language in the motion. Commissioner Braun amended his motion to include the lease and Commissioner Olson seconded to approve. Roll Call voted on amended motion: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

5. *Consider a Time Extension Change Order for Street Improvement District 224.* Engineer Wigness presented the time extension change order. Carl Jackson with Moore Engineering was available to answer questions. Mayor Helbling wanted to make sure that the City didn't incur any additional costs or be expected to remove snow from the site this winter. Commissioner Rohr moved and Commissioner Braun seconded to approve with stipulation to make sure to provide for road closure or accessibility this winter. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

6. *Consider an Engineering Amendment for Street Improvement District 224.* Engineer Wigness presented the engineering amendment. Commissioner Rohr moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

7. *Design Services for Mandan Street Lighting LED Replacement Project.* Engineer Wigness presented the design services for the street light LED replacement project. Commissioner Braun moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

#### K. RESOLUTIONS AND ORDINANCES

1. *Second and final consideration of Ordinance 1438 related to a Zone Change from MB – Industrial to MA - Industrial for Riverwood Commercial Park 4<sup>th</sup> Addition.* Commissioner Olson moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

2. *Second and final Consideration of Ordinance 1439 related to a Zone Change A – Agriculture to CB – Commercial for Schaff Estates 2<sup>nd</sup> Addition.* Commissioner Rohr moved and Commissioner Olson seconded to approve. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

3. *Second and final consideration of Ordinance Nos. 1434 to 1437:*

a. *Ord. 1434 Updates City Ordinance Chapter 18 (various criminal law provisions).*

#### **ORDINANCE NO. 1434**

An Ordinance to Amend and Re-enact

Sections 18-4-6, 18-4-8, 18-4-9, and 18-4-17 of the Mandan Code of Ordinances

Relating to Offenses and Miscellaneous Provisions

Be it Ordained by the Board of City Commissioners as follows:

#### **Sec. 18-4-6. – Criminal mischief.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 12.1-21-05.

*12.1-21-05. Criminal mischief.*

1. A person is guilty of an offense if that person:

a. Willfully tampers with tangible property of another so as to endanger person or property;  
or

b. Willfully damages tangible property of another.

2. The offense is:
  - a. A class B felony if the actor intentionally causes pecuniary loss in excess of ten thousand dollars.
  - b. A class C felony if the actor intentionally causes pecuniary loss in excess of two thousand dollars but not in excess of ten thousand dollars or damages tangible property of another by means of an explosive or a destructive device.
  - c. A class C felony if the actor commits the offense while engaged in a riot, as defined in N.D.C.C. § 12.1-25-01.
  - d. A class A misdemeanor if the actor recklessly causes pecuniary loss in excess of two thousand dollars or if the actor intentionally causes pecuniary loss of from one hundred dollars through two thousand dollars.

Otherwise the offense is a class B misdemeanor.

**Sec. 18-4-8. – Theft of property.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 12.1-23-02. The grading of theft offenses is found under N.D.C.C. § 12.1-23-05.

*12.1-23-02. Theft of property.* A person is guilty of theft if he:

1. Knowingly takes or exercises unauthorized control over, or makes an unauthorized transfer of an interest in, the property of another with intent to deprive the owner thereof;
2. Knowingly obtains the property of another by deception or by threat with intent to deprive the owner thereof, or intentionally deprives another of his property by deception or by threat; or
3. Knowingly receives, retains, or disposes of property of another which has been stolen, with intent to deprive the owner thereof.

**Sec. 18-4-9. – Theft of services.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 12.1-23-03. The grading of theft offenses is found under N.D.C.C. § 12.1-23-05.

*12.1-23-03. Theft of services.* A person is guilty of theft if:

1. He intentionally obtains services, known by him to be available only for compensation, by deception, threat, false token, or other means to avoid payment for the services; or
2. Having control over the disposition of services of another to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled thereto. Where compensation for services is ordinarily paid immediately upon their rendition, as in the case of hotels, restaurants, and comparable establishments, absconding without payment or making provision to pay is prima facie evidence that the services were obtained by deception.

**Sec. 18-4-17. – Carrying loaded firearm in vehicle.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 62.1-02-10.

*62.1-02-10. Carrying loaded firearm in vehicle—Penalty—Exceptions.* An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile, in this state.

An individual violating this section is guilty of an infraction This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who has reciprocity under N.D.C.C. section 62.1-04-03.1 with a handgun.
4. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and possesses a valid concealed weapons license from this state or has reciprocity under N.D.C.C. section 62.1-04-03.1.
5. An individual in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
6. A security guard or private investigator properly licensed to carry firearms.

7. An individual possessing a valid special permit issued pursuant to N.D.C.C. section 20.1-02-05.
8. An individual with a handgun who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under N.D.C.C. chapter 62.1-04 and who possesses a valid driver's license or nondriver identification card issued by the department of transportation or by the individual's state or territory of residence.
9. An individual who possesses a rifle or shotgun, is not in the field hunting or trapping, and is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under N.D.C.C. chapter 62.1-04 and possesses a valid driver's license or nondriver identification card issued by the department of transportation or by the individual's state or territory of residence.

By: /s/Tim Helbling

Tim Helbling, President, Board of City Commissioners

Attest:

/s/James Neubauer

James Neubauer, City Administrator

First Consideration: November 21, 2023

Second Consideration and Final Passage: December 5, 2023

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*b. Ord. 1435 Updates City Ordinance Chapter 24 (traffic and vehicle provisions).*

**ORDINANCE NO. 1435**

An Ordinance to Amend and Re-enact

Sections 24-14-14, 24-14-19, 24-14-22, 24-15-13, and 24-15-16 of the Mandan Code of Ordinances, and to Enact New Section 24-15-13.1 of the Mandan Code of Ordinances,

Relating to Traffic and Vehicles

Be it Ordained by the Board of City Commissioners as follows:

**Sec. 24-14-14. – One-way roadways and rotary traffic islands.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-10-16.

*39-10-16. One-way roadways and rotary traffic islands.*

3. The director and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.
4. Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or at such times as shall be indicated by official traffic-control devices.
5. A vehicle passing around a rotary traffic island must be driven only to the right of such island.
6. After a vehicle enters a rotary traffic island, the vehicle may not exit from any position within the rotary traffic island without first giving a signal of intention to exit the rotary traffic island.

**Sec. 24-14-19. – Closing road because of hazardous conditions.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-10-21.1.

*39-10-21.1. Closing road because of hazardous conditions—Posting of official traffic-control devices—Entering closed road prohibited.*

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If such a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. If a road closure under subsection 1 has been announced to the public, an individual may not drive on the road.

**Sec. 24-14-22. – Stop signs and yield signs.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-10-24.

*39-10-24. Stop signs and yield signs.*

3. Preferential right of way may be indicated by stop signs or yield signs as authorized in section 39-07-03.
4. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways and shall yield the right of way to any other vehicle previously stopped for another stop sign at the intersection if the intersection is clear for each driver to proceed.
5. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision is deemed prima facie evidence of the driver's failure to yield the right of way.

**Sec. 24-15-13. – Windshield—Must be unobstructed and equipped with wipers—Tinted windows.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-39.

*39-21-39. Windshield—Must be unobstructed and equipped with wipers—Tinted windows.*

1. A motor vehicle must be equipped with a windshield. An individual may not drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows which obstructs the driver's clear view of the highway or any intersecting highway.
2. The windshield on a motor vehicle must be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which must be constructed as to be controlled or operated by the driver of the vehicle.
3. The windshield wiper upon a motor vehicle must be maintained in good working order.
4. An individual may not operate a motor vehicle with any object, material, or tinting displayed, affixed, or applied on the front windshield or any window unless the object, material, or tinting in conjunction with the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least seventy percent or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent. This subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides that meet the requirements of section 39-21-38.
5. Subsection 4 does not apply to nonreflective sunscreening or window tinting material above the AS-1 line or within the top five inches [12.7 centimeters] of the windshield.

**Sec. 24-15-13.1 – Windshield impairing vision of drivers.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-39.1.

*39-21-39.1. Windshield impairing vision of drivers.*

A windshield may not be shattered or in such a defective condition that the windshield materially impairs or obstructs the driver's clear view.

**Sec. 24-15-16. – Use of safety belts required in certain motor vehicles—Enforcement—Evidence.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-21-41.4.

*39-21-41.4. Use of safety belts required in certain motor vehicles—Enforcement—Evidence.* A driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or seatbelt in accordance with section 39-21-41.2; to drivers of implements of husbandry; to operators of farm vehicles as defined in subsection 5 of section 39-04-19; to rural mail carriers while on duty delivering mail; to an occupant with a medical or physically disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician, physician assistant, or advanced practice registered nurse states in a signed writing the nature of the condition and the reason restraint is inappropriate; to an occupant who is an emergency medical services personnel, during the provision of direct patient care; or when all safety belts are in use by other occupants. A physician, physician assistant, or advanced practice registered nurse who, in good faith, provides a statement that restraint would be inappropriate is not subject to civil liability. A violation for not wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

By: /s/Tim Helbling

Tim Helbling, President, Board of City Commissioners

Attest:

/s/James Neubauer

James Neubauer, City Administrator

First Consideration: November 21, 2023

Second Consideration and Final Passage: December 5, 2023

Publication: December 29, 2023

*c. Ord. 1436 Bicycling or riding an animal while under the influence of alcohol or drugs, as well as multipassenger bicycles.*

**ORDINANCE NO. 1436**

An Ordinance to Amend and Re-enact Sections 24-11-3 and 24-12-7 of the Mandan Code of Ordinances, and to Enact New Sections 24-4-5, 24-4-6, and 24-4-7 of the Mandan Code of Ordinances, Relating to Bicycles and Multipassenger Bicycles

Be it Ordained by the Board of City Commissioners as follows:

**Sec. 24-4-5. – Bicycling or riding an animal while under the influence of alcohol or drugs - Penalty.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-10.1-10.

An individual operating a bicycle or riding an animal on a roadway, or an area the public has access to, may not be under the influence of alcohol or any drug to a degree which renders the individual a hazard to themselves or the general public. An individual who violates this section must be assessed a fee of two hundred dollars.

**Sec. 24-4-6. – Multipassenger bicycles.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-10.1-11.

A multipassenger bicycle, as defined in N.D.C.C. § 39-01-01(51), may not be operated on any bicycle path or multi-use path.

**Sec. 24-4-7. – Definition of bicycle.**

“Bicycle” means every device propelled solely by human power upon which any person may ride, having two tandem wheels or two parallel wheels and one forward or rearward wheel. The term includes an electric bicycle and a multipassenger bicycle.

**Sec. 24-11-3. – Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-08-01.

*39-08-01. Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle—Penalty.*

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7. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
- a. That person has an alcohol concentration of at least eight one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.
  - b. That person is under the influence of intoxicating liquor.
  - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
  - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.
  - e. That individual refuses to submit to any of the following:
    - i. A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under section 39-06.2-10.2 if the individual is driving or is in actual physical control of a commercial motor vehicle; or
    - ii. A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under section 39-20-01; or
    - iii. An onsite screening test, or tests, of the individual's breath for the purpose of estimating the alcohol concentration in the individual's breath upon the request of a law enforcement officer under section 39-20-14.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.

The driver of a multipassenger bicycle, as defined in N.D.C.C. § 39-01-01(51), is subject to a violation of this section but a multipassenger bicycle passenger may not be charged with a violation of this section.

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**Sec. 24-12-7. – Open container law.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-08-18.

*39-08-18. Open container law—Penalty.*

1. A person may not drink or consume alcoholic beverages, as defined in section 5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not have in that person's possession on that person's person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It is unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle is kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment must be deemed to be within the area occupied by the driver and passengers. This subsection does not prohibit the consumption or possession of alcoholic beverages in a house

car if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain, or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating this subsection must be assessed a fee of fifty dollars; however, the licensing authority may not record the violation against the person’s driving record unless the person was the driver of the motor vehicle at the time that the violation occurred.

2. Subsection 1 does not apply to a public conveyance that has been commercially chartered for group use, any passenger for compensation in a for-hire motor vehicle, or a privately owned motor vehicle operated by a person in the course of that person’s usual employment transporting passengers at the employer’s direction. This subsection does not authorize possession or consumption of an alcoholic beverage by the operator of any motor vehicle described in this subsection while upon a public highway or in an area used principally for public parking.
3. The driver of a multipassenger bicycle, as defined in N.D.C.C. § 39-01-01(51), may not:
  - a. Drink or consume alcoholic beverages, as defined in section 5-01-01, while operating the multipassenger bicycle on any public street, road, path, or highway or while in an area used principally for parking; or
  - b. Have in the driver’s possession on the driver’s person while operating the multipassenger bicycle on a public street, road, path, or highway or while in an area used principally for parking, any bottle or receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed.

By: /s/Tim Helbling

Tim Helbling, President, Board of City Commissioners

Attest:

/s/James Neubauer

James Neubauer, City Administrator

First Consideration: November 21, 2023

Second Consideration and Final Passage: December 5, 2023

Publication: December 29, 2023

d. *Ord. 1437 Updates Mandan Municipal Code Section 24-16-2(2) relating to speed in a construction zone.*

**ORDINANCE NO. 1437**

An Ordinance to Amend and Re-enact Sections 24-14-24(2) and 24-16-2(2) of the Mandan Code of Ordinances, Relating to Move Over Law and Speed in Construction Zone

Be it Ordained by the Board of City Commissioners as follows:

**Sec. 24-14-24. – Vehicle to stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-10-26.

*39-10-26. Vehicle to stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system - Penalty.*

8. If an authorized emergency vehicle is parked or stopped on a roadway, or on private property with right to public vehicular access, and is displaying a flashing, revolving, or rotating red, blue, white, and/or amber light, the driver of an approaching vehicle shall yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions. If unable to move to an adjacent lane, except when otherwise directed by emergency personnel, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for road conditions.

**Sec. 24-16-2. – Speed limitation.**

Citations issued into municipal court under this section are for a violation of N.D.C.C. § 39-09-02.



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39-09-02. *Speed limitations.*

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2. *Speed in Construction Zone.* The city engineer may designate and post special areas of streets and highways where lower speed limits apply. If there is a violation of a construction zone speed limit, where within that zone individuals engaged in construction were present at the time of the violation, then the fees required for a noncriminal disposition are eighty dollars for one through ten miles per hour over the posted speed limit, and eighty dollars, plus two dollars for each additional mile per hour over ten miles per hour over the posted speed limit. The construction zone speed limit posted sign must state “Minimum Fee \$80 When Workers Present.”

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By: /s/Tim Helbling

Tim Helbling, President, Board of City Commissioners

Attest:

/s/James Neubauer

James Neubauer, City Administrator

First Consideration: November 21, 2023

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Commissioner Rohr moved and Commissioner Braun seconded to approve Ordinances Nos. 1434 through 1437 as presented. Roll Call vote: Aye 4, No 0, Absent 1 (Camisa). The motion passed.

L. OTHER BUSINESS

1. *State of Mandan Presentation.* City Administrator Jim Neubauer presented on 2023 progress and plans for 2024. No action was required. The presentation will be available online at [cityofmandan.com](http://cityofmandan.com). Fire Chief Steve Nardello was recognized for his 25 years of service as he retires later this month.

N. ADJOURNMENT

There being no other business to come before the Board, Commissioner Rohr motioned and Commissioner Olson seconded to adjourn the meeting at 6:37 p.m. The motion received unanimous approval of the members present.

/s/James Neubauer

James Neubauer  
City Administrator

/s/Timothy Helbling

Timothy Helbling  
Board of City Commissioners