

**SPECIAL ASSESSMENT COMMISSION MEETING
August 11, 2016**

Members Present: Alan Butts, Chairman; Members: Joe Ibach, and Keith Ulmer

City Staff Present: Gabe Schell, City Engineer; Linda Oster, Design and Construction Engineer; Rebecca Collins, Comptroller; Cora Bauer, Financial Analyst; Jason Tomanek, Assistant City Administrator, Sheila Hillman, Director of Finance.

CALL TO ORDER

Chairman Butts called the meeting to order at 3:00 p.m.

APPROVAL OF MINUTES

Commissioner Ibach motioned to approve the December 7, 2015 minutes. Commissioner Ulmer seconded the motion with the change in the call to order to reference Chairman Butts. All members voted Aye. The motion carried.

PURPOSE OF MEETING

The purpose of the meeting is to hold a public hearing for comment, if any, on the special assessment improvement districts. Prior to this hearing, assessment lists have been published once each week for two consecutive weeks in the Bismarck Tribune.

CONFIRMATION OF ASSESSMENT LISTS

STORM SEWER IMPROVEMENT DISTRICT NO. 560

Nature of Improvements: Local Storm Water Improvements

SANITARY SEWER IMPROVEMENT DISTRICT NO. 564

Nature of Improvements: Sanitary Sewer Main Extensions

STREET IMPROVEMENT DISTRICT NO. 488

Nature of Improvements: New Pavement, Curb & Gutter

STREET IMPROVEMENT DISTRICT NO. 489

Nature of Improvements: Mill/Overlay, Chip Seal (Resurfacing) with 25% Subsidy Applied; New Pavement in Ground Water Impacted Area Reconstruction) With 75% Subsidy Applied

STREET IMPROVEMENT DISTRICT NO. 493

Nature of Improvements: Street Lighting

STREET IMPROVEMENT DISTRICT NO. 495

Nature of Improvements: Concrete pavement repair project with 25% Subsidy Applied

STREET IMPROVEMENT DISTRICT NO. 501

Nature of Improvements: New Pavement (Concrete), Curb & Gutter

STREET IMPROVEMENT DISTRICT NO. 502

Nature of Improvements: New Pavement (Concrete), Curb & Gutter

WATER IMPROVEMENT DISTRICT NO. 326

Nature of Improvements: Water Main Extensions

WATER IMPROVEMENT DISTRICT NO. 327

Nature of Improvements: Water Main Extensions

CONTINUOUS DISTRICTS

Nature of Improvements: Rural Roads, Sanitary Sewer, Storm Sewer, and Water Trunk Line Fees assessed to property that was outside the city limits at time of construction.

Storm Sewer Improvement District No. 100 (376 Parcels)

Street Improvement District No. 100 (9 Parcels)

Water Improvement District No. 148 (440 Parcels)

Sanitary Sewer Improvement District No. 158 (412 Parcels)

PUBLIC COMMENTS

Chairman Butts started by clarifying that the Special Assessment Commission does not change policies, but determines if the City Policy has been followed for special assessments.

Rick & Brandy Geloff; Homeowner; 425 Colt Ave;

Rick and Brandy were there to discuss their assessment concerns for SE564 Unit 2 and WA326 Unit 2. They were insistent that they would not be using the water or sewer and therefore they felt they should not have to pay for it. Becky Collins stated that as their property is today they have the opportunity to access the water and sewer improvements and sell the divided lots. They replatted their parcel through the Planning Department but were not under the impression that they would be assessed by each of the 6 lots. Rick stated that if he had not replatted that the need for a special assessment would not have come about. Linda Oster stated that the assessment would have occurred regardless because of Health and Safety risks as well as the requests from surrounding properties. Rick also had concerns on Colt Ave and his pending assessments. Becky stated that we are only deciding on this district at this time but would look at the issues on Colt Ave. Becky Collins stated that adjustments to the continuous districts assessments had been made due to the R5 zoning changes.

Nadine & Robert Schaff; Homeowners; 250 Buckskin Ave

Vivian & Dave Lang; Homeowners; 125 Buckskin Ave

Scott & Kathy Allen; Homeowners; 301 Buckskin Ave

The homeowners listed above were also present to discuss being assessed for SE564 Unit 1 and WA326 Unit 1. They were all questioning why they were being assessed when they did not request the services and how they were expected to pay for the assessments. Jason Tomanek explained that the land owners voluntarily annexed into the City as a result of long lengthy discussions starting in 2002. Vivian and Dave stated that they thought the City/County was going to pay for part of the cost as they had with the paving assessment. Linda stated that the City and County assisted in the cost of the pavement as part of the Annexation Agreement and reminded them of a 2011 letter that was sent to notify the owners of the upcoming assessments and when the construction would take place. Nadine said that they assumed the agreement was for all future assessments.

Engineers from Swenson, Hagen & Company P.C. asked "If a water and sewer petition is non-protestable, would a district be formed to serve one person?" Linda Oster stated "Yes, Policy and Century Code would allow it although the City would normally act on a request of 50% or more." Jason explained that the Planning Department was working on bringing a number of larger lots that are rural into the City as a result of a growing city and having the ability to give access to services.

After their continued discussion about their lots, Commissioner Ibach stated that even though they have an argument for a policy change as the policy is now, it was followed and motioned to have the assessments approved. The Commission was reassured by staff that the City Commission would also hold a public hearing for comments and any objections for the special assessments.

Prior to the approval of the assessments Becky Collins stated that there was an adjustment to the Continuous District assessments SE158 and WA148. They are as follows:

Water Improvement District No. 148 (406 Parcels) Total \$528,150.00

Sanitary Sewer Improvement District No. 158 (389 Parcels) Total \$513,050.00

APPROVAL OF ASSESSMENT LISTS

Commissioner Ibach moved to approve the special assessment lists as presented as the policy was followed. The motion was seconded by Commissioner Ulmer. All members voted Aye. The motion carried.

ADJOURNMENT

Meeting was adjourned by Chairman Butts at 4:15 p.m.