



Bismarck-Burleigh Commissions Committee

12/5/2023 - Minutes

Call to Order

Chair Bakken called the meeting to order at 4:00 PM. Committee members present were Mayor Mike Schmitz, Burleigh County Commission Chair Steve Bakken, Burleigh County Auditor Mark Splonskowski, and City Administrator Keith Hunke.

1. Consider approval of August 4, 2023, meeting.

Administrator Hunke motioned to approve the August 4, 2023, meeting minutes, and Auditor Splonskowski seconded. Upon a roll call vote, all voted aye.

2. Discuss Extraterritorial Area (ETA)

Community Development Director, Ben Ehreth, provided an overview of the ETA and agreements with other jurisdictions including Burleigh County, City of Lincoln, Naughton Township, Apple Creek Township, and Missouri Township. The agreements relate to those entities retaining zoning authority beyond the City's ETA jurisdiction. Director Ehreth continued by noting that Community Development staff met with township officials in October 2023 and agreed to meet every two years to discuss the ETA boundary line and any modifications to consider. Director Ehreth noted that the Together 2045 comprehensive plan indicates that there should be no need to modify the ETA boundary in the immediate future because there is sufficient room for the community to grow for the next 20 years.

Director Ehreth noted that in discussion with Apple Creek Township officials it was discovered that the City has jurisdiction for flood plain administration for all of Apple Creek Township; however, this had not been the practice. City staff is working with County Building Official Mitch Flanagan to develop a course moving forward.

Director Ehreth reported that through discussions with Naughton Township officials, the zoning map that they are using is outdated and it references the former two- and four-mile zoning jurisdiction boundaries.

It was also noted that there is not a signed agreement between Missouri Township and the City of Bismarck on file. Staff is working to obtain a signed agreement.

The committee discussed various options pertaining to jurisdiction and building permits. Director Ehreth was tasked with researching North Dakota Century Code to determine if it is feasible for a city to relinquish its permitting authority within the ETA boundary. Director

Ehreth will report back at the February 2024 meeting.

3. Discuss Future Meeting Schedule

The group approved the proposed schedule.

4. Discuss Future Meeting Topics

The group discussed future meeting topics to include public health, prisoner care, IT services agreement, and the status of the Provident Building renovations. The group will discuss ETA at the February meeting, and budget related items at the March meeting.

5. Other Business

Mayor Bakken opened the meeting for public comment.

Gary Olson and Bob Stampka residents of Grand Prairie Estates Subdivision expressed concerns with a neighbor who is conducting his business from his residence in the neighborhood. The gentlemen expressed concern for the volume of equipment and employees coming and going from the property. Both gentlemen indicated that they have had discussions with both City and County employees and officials without a resolution to their issues. They also discussed covenants associated with the subdivision and questioned why the City would not enforce those rules.

Mayor Schmitz addressed the gentlemen and informed them that covenants are a private matter that must be enforced through a private homeowner's association and the city does not have the authority to enforce private agreements.

Both City and County members agreed to research the issues and work with the homeowners and staff to enforce the zoning regulations for the rural residential properties.

Adjourn

There being no further business to discuss, the meeting adjourned at 4:49 PM.