

SPECIAL ASSESSMENT COMMISSION MEETING
August 19, 2020

08/19/2020

MEMBERS PRESENT Joe Ibach, Chairman; Members: Keith Ulmer and Rick Lee

CITY STAFF PRESENT Gabe Schell, City Engineer; Linda Oster, Design and Construction Engineer; Eric Lund, Acting Comptroller; Tawny Wagner, Financial Analyst; Dmitriy Chernyak, Director of Finance; ReNee Kline, Office Assistant

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Ulmer motioned to approve the September 12th 2019 minutes. Commissioner Lee seconded. All members voted Aye. The motion carried.

PURPOSE OF MEETING

To hold public hearing on objections, if any, to special assessment improvement districts. Prior to this hearing, subject assessment lists have been published once each week for two consecutive weeks.

CONFIRMATION OF ASSESSMENT LISTS

A. STREET IMPROVEMENT DISTRICT NO. 525

Nature of Improvements: Reconstruct with 70% Subsidy Applied and Resurface with 25% Subsidy Applied

***Unit #1: Eagle Crest Loop – Ash Coulee Drive to 390' west of Golden Eagle Lane
Golden Eagle Lane – Ash Coulee Drive to Eagle Crest Loop

***Unit #2: La Corte Loop – Seneca Drive to Pointe Loop (E)
La Corte Place – Pointe Loop to cul-de-sac
Pointe Loop – 43rd Avenue to La Corte Loop (E)
Pointe Place – Pointe Loop to cul-de-sac
Seneca Circle – Seneca Drive to cul-de-sac
Seneca Drive – 155' north La Corte Loop to 26th Street

***Unit #3: Daytona Drive – Impala Lane to 130' north of Thunderbird Lane
Thunderbird Lane – Daytona Drive (N) to Daytona Drive (S)

***Unit #4: 15th Street – Century Avenue to Mapleton Avenue
Arizona Drive – Century Avenue to 790' north
Iowa Lane – Century Avenue to 325' north
Mapleton Avenue – 14th Street to 19th Street
Ohio Street – Century Avenue to Mapleton Avenue
Utah Drive – 125' east of Iowa Lane to cul-de-sac

***Unit #5: North Colorado Drive – Illinois Drive to 680' west
East Colorado Drive – Illinois Drive to Nebraska Drive
Illinois Drive – Century Avenue to 597' north of East Colorado Drive
Montana Drive – East Colorado Drive to Florida Drive
Nebraska Drive – Century Avenue to 400' north of East Colorado Drive
Wisconsin Drive – East Colorado Drive to 575' north

***Unit #6: Fairfax Loop – Kost Drive (N) to Kost Drive (S)
Fairfax Place – Fairfax Loop to cul-de-sac
Kost Drive – Roosevelt Drive to Century Avenue
Kost Place – Kost Drive to cul-de-sac

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Northrop Drive – Fairfax Loop to 170' north

***Unit #7: 5th Street – Sweet Avenue to 360' south of Bowen Avenue
Bowen Avenue – 3rd Street to 7th Street

***Unit #8: 6th Street – Interstate Avenue to Commons Avenue
7th Street – Interstate Avenue to Commons Avenue
Commons Avenue – 6th Street to 7th Street

***Unit #9: 33rd Street – Divide Avenue to Baltus Drive
Baltus Drive – Sleepy Hollow Loop to 33rd Street
Crane Drive – Divide Avenue to Sleepy Hollow Loop
Sleepy Hollow Loop – Baltus Drive to 33rd Street
Tarry Town Place – 33rd Street to cul-de-sac

***Unit #10: Industrial Drive – Divide Avenue to cul-de-sac

***Unit #11: Atlanta Drive – East Omaha Drive to 3rd Street
Billings Drive – Reno Avenue to Wachter Avenue
Billings Drive – Washington Street to San Diego Drive
Oakland Drive – Portland Drive (N) to Wachter Avenue
Oakland Drive – San Diego Drive to Billings Drive
Houston Drive – East Omaha Drive to Wachter Avenue
East Omaha Drive – Omaha Drive to Houston Drive (S)
Omaha Drive – 3rd Street to Houston Drive
Pocatello Drive – Reno Avenue to Oakland Drive
Portland Drive – Reno Avenue to Oakland Drive (S)
Tucson Avenue – Oakland Drive to Omaha Drive
Wichita Drive – 3rd Street to Pocatello Drive

Assessment: Per square foot Commercial: \$.3094
Per lot Residential: \$2,795.16

Term: 7 years

Total Assessed
and Financed: \$3,917,414.67

B. STREET IMPROVEMENT DISTRICT NO. 526

Nature of Improvements: Concrete Pavement Repair Project with 25% Subsidy Applied

***Unit #1: East Century Avenue – 4th Street to State Street

Assessment: Per square foot Commercial: \$0.2856
Per lot Residential: \$28,902.10

Term: 10 years

Total Assessed
and Financed: \$537,989.24

C. STREET IMPROVEMENT DISTRICT NO. 527

Nature of Improvements: Scrub Seal Project with 25% Subsidy Applied

***Unit #1: Apollo Avenue – Washington Street to Mercury Drive
Astronaut Drive – Telstar Drive to Interstate Avenue
Atlas Drive – Apollo Avenue to Astronaut Drive
Independence Avenue – Washington Street cul-de-sac
Interstate Avenue – Washington Street to 8th Street

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Lunar Lane – Telstar Drive to 4th Street
Mercury Lane – Independence Avenue to Astronaut Drive
Nova Drive – Saturn Drive to 4th Street
Ontario Lane – Century Avenue to Independence Avenue
Redstone Drive – Atlas Drive to Interstate Avenue
Saturn Drive – Astronaut Drive to 4th Street
Telstar Drive – Mercury Lane to 4th Street

***Unit #2: Burnside Drive – Turnbow Lane to Roosevelt Drive
Meade Circle – Turnbow Lane to cul-de-sac
Roosevelt Drive – Century Avenue to 270' north of Burnside Drive
Sheridan Circle – Turnbow Lane to cul-de-sac
Stonewall Drive – Century Avenue to 175' north of Turnbow Lane
Turnbow Lane – Stonewall Drive to Roosevelt Drive

Assessment: Per square foot Commercial: \$0.1868
Per lot Residential: \$981.55

Term: 3 years

Total Assessed
and Financed: \$453,126.41

D. STREET IMPROVEMENT DISTRICT NO. 528

Nature of Improvements: Pavement Resurfacing with 25% Subsidy Applied

***Unit #1: Main Avenue – 26th Street to Expressway Avenue

Assessment: Per square foot Commercial: \$0.1297

Term: 7 years

Total Assessed
and Financed: \$492,852.15

E. CONTINUOUS DISTRICTS

Nature of Improvements: Rural Roads and Storm Sewer Fees assessed to property that was outside of the city limits at the time of construction. The districts are for the parcel's share of the cost in established special assessment districts that the parcel would have been assessed had the parcel been annexed at the time the district was created.

*Storm Sewer Improvement District No. 100 (113 parcels)	\$47,243.05
*Street Improvement District No. 100 (1 parcel)	\$15,824.33

Assessment Basis

*Based on square feet: Residential @ 1.0 factor
Commercial @ 2.0 factor

***Based on Per Lot: Residential @ 1.0 factor
Commercial @ 2.0 factor

QUESTIONS AND COMMENTS

Richard Peck: 3212 Nebraska Dr

Richard Peck bought his property in 2007 and was told by the City Engineer at the time he would not have to pay for maintenance on Nebraska Drive because it is an access road. Also, referenced that the Special Assessment Policy states if a street is larger than 37 feet, the City would pay for it. Questioned why he should have to be assessed since his property

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was north of where the work was being done and why the condos across the street from him on the east side of Nebraska Drive are not being assessed. Mr. Peck was also wondering if they would be assessed in the future for the remaining work on Nebraska Drive.

Gabe Schell clarified that the property owner is assessed on the costs of a 37-foot street. If the street is larger than 37 feet, the City pays for the extra width and depth so the residential property owners are only being assessed on the cost of the 37-foot road. Gabe explained that the district boundary for street projects are drawn based on lots and blocks not parcels. If portions of a parcel does not benefit, a reduction in the assessment is made. In this case, not all the properties have a direct benefit but Arrow Head Condo Association is a common interest and therefore, all properties share in the cost of the work being done. They were given a multi-street reduction with the intention that when the remaining work on Nebraska Drive needs to be done they will also be in that district but in a similar reduced rate. The reason the properties across the street were not assessed is because they are not in the same common interest. When the work on Nebraska is done, the condos that were not assessed on the east side will be assessed as a full residential lot and Arrow Head Condo Association on the west side will get another multi-street reduction.

Gerold Thurn: 3030 E Colorado Dr A

Gerold Thurn stated the association was no longer a common interest and that they each own their own lots. Richard Peck said they had filed paperwork some years ago to remove the common interest ownership.

Gerold Thurn indicated that the special assessment policy is misleading regarding streets over 37 feet. He interpreted that the city pays the entire cost and not just the cost above 37 feet. Gabe Schell thanked him for that comment and stated we would look into addressing that confusion in any updates to the policy.

Paul H. Myerchin: Attorney on behalf of Arrow Head Condo Association

Paul Myerchin addressed the commissioners that the assessment should be equitable for all the property owners.

Chairman Ibach stated it didn't appear that the City did anything that wasn't according to the policy and that the assessment is reasonable. If the common interest no longer exists, then documentation needs to be provided to the City Engineer no later than September 15th, 2020.

APPROVAL OF ASSESSMENT LIST

Commissioner Ulmer motioned to approve Street Improvement No. 525 pending the common interest ownership documentation for Arrow Head Ranch Association, and if any changes need to be made it will go to the Bismarck City Commission for final approval. Commissioner Lee seconded. All members voted Aye. The motion carried.

Commissioner Lee motioned to approve the balance of the special assessment districts on the agenda as present. Commissioner Ulmer seconded. All members voted Aye. The motion carried.

ADJOURNMENT

Commissioner Ulmer motioned to adjourn the meeting. The motion was seconded by Commissioner Lee. The meeting was adjourned by Chairman Ibach at 3:58 p.m.