



## Special Assessment Task Force Subcommittee

The Special Assessment Task Force Subcommittee is scheduled to meet Monday, May 9, 2022, at 3:30 PM in the Mayor's Conference Room on the 4th Floor of the City/County Building, 221 N 5th St, Bismarck, ND 58501.

1. Welcome And Introductions

The subcommittee of the Special Assessment Task Force is composed of Dustin Gawrylow, Kate Herzog, Mike Schmitz, Mark Splonskowski, and Kevin Strege.

2. Approval Of Minutes

Documents:

[Special Assessment Task Force Subcommittee 5.2.2022.pdf](#)

3. Discussion With City Engineer Schell

- a. Address all fees and funding sources for street maintenance special assessments.

4. Discussion With City Attorney Combs

- a. Can street maintenance fees and special assessments be used simultaneously for street maintenance projects?

5. Review Revised Memorandum Of Recommended Direction To The Bismarck City Commission

6. Public Comment

7. Adjourn

The next meeting of the Special Assessment Task Force Subcommittee is May 16, 2022.

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## Special Assessment Task Force Subcommittee

5/2/2022 - Minutes

### 1. Welcome And Introductions

The subcommittee of the Special Assessment Task Force is composed of Dustin Gawrylow, Kate Herzog, Mike Schmitz, Mark Splonskowski, and Kevin Strege. Committee members present included Dustin Gawrylow, Kate Herzog, Mike Schmitz, and Kevin Strege.

Commissioner Mark Splonskowski was absent.

### 2. Approval Of Minutes

Mike Schmitz made a motion to approve the minutes as presented, and Dustin Gawrylow seconded. All members present voted aye.

### 3. Review The Final Draft Ballot Language Provided By Dustin Gawrylow.

The committee discussed the most recently revised home rule charter draft language. The general consensus was to alter 17 d. to read as follows: Before full implementation, the city commission shall approve an ordinance defining minimum ending fund balance and maximum ending fund balance.

Motion: Mike Schmitz made a motion to approve the draft Home Rule Charter language with agreed-upon corrections and be recommended to the City Commission, Kate Herzog seconded. All members present voted aye, M/C.

The committee discussed the Home Rule Charter Language "Footnotes of Intent" starting with letter a. The general consensus was to leave 17 a., c., d., as drafted. The committee modified 17 b. to read as follows: This line assumes the city commission wishes to assume the existing balance of street maintenance fees. This line can be redacted if the commission decides not to go down that road. The subcommittee would not oppose such action but would like to make it clear that it would require even more transitional planning. There are no easy or right solutions to this particular piece of the equation. The group modified 17 e. to read as follows: To address concerns by the park district and school district, we want to make it clear that the city will take the lead on amending state law that affects them on implementing this new fee, OR that the city will negotiate with the schools and parks to find a solution. Burleigh County was not included in this list as it is not subject to the types of mill levy limitations the schools and parks are.

Motion: Mike Schmitz made a motion to attach the Footnotes of Intent as amended to the Home Rule Charter Language to be presented to the City Commission as a recommendation, Kate Herzog seconded. All members present voted aye, M/C.

### 4. Review Memorandum Of Understanding And Intent.

The committee reviewed the "Memorandum of Recommended Direction to the Bismarck City Commission" draft. The consensus was to have Dustin Gawrylow redraft number two. The consensus was to remove the phrase "to act as a bank" from number three. Mr. Gawrylow will redraft number three to include the language "ending the policy of using the debt capacity to finance new greenfield development." The group agreed to remove the word still from the following sentence of number four: However, still, we have had

enough discussion to offer up a more detailed alternative for the Home Rule Charter Amendment as follows: The consensus of the group would be to redraft Alternative Subsection D as follows: Alternative Subsection D. Minimum and maximum ending fund balances should be addressed, set as a policy in the ordinance, are recommended to provide voter assurance that the rate adjustments will not be extreme due to shortfalls and the fund will not exceed a reasonable reserve. Our sample language recommendation is as follows: To ensure adequate funding and limit excess funding, the street utility fee shall be adjusted annually within the defined rate framework. A three-year projection of income and outflow will be prepared, and fees adjusted so the projected balance at the end of year three is no less than 25%, and no more than 100% of the three-year average projected outflow. The general consensus of the group was to leave number five as is and not make changes.

For the next meeting the group has asked for City Engineer Schell and City Attorney Combs to address how the new law would work or would not work based on a requirement by state law to choose either special assessments or a street utility fee because the two options cannot be used together.

5. Public Comment.

There was no comment from the public.

6. Next Meeting Of The Subcommittee Is May 10, 2022.

The next meeting of the Special Assessment Task Force will be Monday, May 9, 2022.

There being no further business to discuss the meeting was adjourned at 4:42 PM.

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