



Special Assessment Task Force Subcommittee

The Special Assessment Task Force is scheduled to meet Monday, April 4, 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
2. Approval Of Minutes

Documents:

[Special Assessment Task Force Subcommittee Meeting_3.28.2022.pdf](#)

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

Documents:

[Draft Home Rule Charter Language_Dustin Gawrylow.pdf](#)

- 4. Review The Proposed Fee Schedule And Tier Structure.**

Documents:

[Proposed Work Items.pdf](#)

5. Discuss The Impacts To Other Political Subdivisions Such As Bismarck Public Schools And Bismarck Parks And Recreation District.

Documents:

[Current and Proposed NDCC.pdf](#)

6. Next Meeting Of The Subcommittee Is April 11, 2022.

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Special Assessment Task Force

3/28/2022 - Minutes

1. Welcome And Introductions

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

2. Look At And Address The Current Consensus Of The Task Force And Adopt Or Adjust The Current Layout Of That Plan.

Dustin Gawrylow provided draft Home Rule Charter ballot language for the committee's consideration. The intent is to levy and collect an infrastructure fee for street maintenance purposes. The group discussed the six components of the draft language. The group discussed the concept of ensuring street utility fees would be used for street maintenance projects that are currently bonded through special assessments and not used for regular Public Works Service Operations associated with small-scale street maintenance projects. Consideration was given to an online calculator where the public could review the estimated monthly street utility fee on a parcel by parcel basis. The subcommittee members agreed to review the draft ballot language provided by Gawrylow prior to the next meeting.

https://bismarcknd.gov/DocumentCenter/View/40176/Special-Assessment-Task-Force-Subcommittee-Meeting_Dustin-Gawrylow-PDF

3. Address The Residential Rates And Tiers As Currently Laid Out.

The group agreed at the next meeting to discuss the impacts to other political subdivisions such as Bismarck Public Schools and Bismarck Parks and Recreation District. The current North Dakota Century Code language may need to be addressed at a future legislative assembly in 2023.

4. Address The Commercial Rates And Tiers As Currently Laid Out.

The general consensus of the subcommittee is to review the proposed fee schedule and tier structure provided by City Engineer Scheel at the next meeting. The subcommittee members received information from David Witham (See Attached), Vaughn Jund, and Harley Swenson.

https://bismarcknd.gov/DocumentCenter/View/40175/Special-Assessment-Task-Force-Subcommittee-Meeting_David-Witham-PDF

5. Schedule Next Meeting Of The Special Assessment Task Force Subcommittee.

The group agreed to meet at 3:30 PM on Mondays April 4th, April 11th, April 18th, with public comment and input on May 2nd. They will provide a progress report to the Bismarck City Commission on Tuesday, May 10th.

D.G. Draft Home Rule Charter Language

17. To levy and collect an infrastructure fee for street maintenance purposes.

a. For the purposes of this fee, "street maintenance" shall be defined as any maintenance activity not financed by the city's general fund prior to enactment of this amendment or prior to January 1st, 2022. The city commission shall enact ordinance defining and itemizing this scope, and may expand this scope only with unanimous roll call vote, renewed annually, during the budget process.

b. During the budget process, the city commission shall task staff to develop and submit draft maintenance schedules for maintenance expectations for the next three (3) years. Any changes made to said plan should be explained. Any changes made to current year project priorities must be justified by a process defined by the city commission.

c. The city commission shall develop and enact into ordinance a process to allow for residents to request an evaluation of their street if they believe the street should be included in the three-year maintenance schedule (similar to the process previously used for residents to request their own special assessment district).

d. No less than ninety (90) day prior to the transition away from special assessments and to new infrastructure fee, the city commission shall develop a comprehensive policy detailing how the new infrastructure fee will work. The city shall hold no fewer than four (4) public input meetings subsequent to drafting and prior to final approval of by the full commission.

e. The city commission shall develop a user-friendly internet based interface for residents to determine their financial impact of this fee. The city commission shall establish a protocol prior to approval outlining its action if this fee exceeds 15% of the estimate in the first year.

f. The city commission shall include in its draft and final policy provisions outlining taxpayer protections related to inflation, surplus ending fund balance, and revenue shortfalls.

11-05-XX. Use of the Street Utility Infrastructure Fund. The Street Utility Infrastructure Fund shall be responsible for maintaining the upkeep and repair of the public streets and alleys, including but not limited to graveling, patching, crack sealing, joint sealing, seal coating, milling, overlaying, full depth reclaiming, soil stabilizing, reconstructing, spall repair, slab stabilization, partial-depth repair, full-depth repair, dowel bar retrofit, diamond grinding and grooving of the roadway **as part of a capital project**. The fund shall also be used for curb replacement, pedestrian accessible ramp replacement, inlet and manhole repairs, underdrain systems, tree pruning, signing and pavement marking and other treatments to improve the safety and operations of the existing roadway network **as part of a capital project**. The fund shall be responsible for payment of street maintenance special assessments existing at the time of initial adoption of this ordinance. All property owner street maintenance special assessments shall be forgiven as of the implementation date of the fee. The City Commission is authorized to issue regulations not inconsistent with this chapter to further define such terms as may be necessary or desirable for the administration of this chapter, and to establish additional procedures as may be necessary or desirable for the administration of this chapter.

Current NDCC

57-15-41. Political subdivision tax levies for payment of special assessments exempt from levy limitations.

No tax levy limitations provided by any statute of this state apply to tax levies by any county, city, school district, park district, or township for the purpose of paying any special assessments or paying debt service on bonds issued to prepay special assessments made in accordance with the provisions of title 40, against property owned by such county, city, school district, park district, or township. Any surplus in the special assessment fund after all of the special assessments for which the fund was created have been paid shall be placed in the general fund of the political subdivision.

Proposed changes to NDCC

57-15-41. Political subdivision tax levies for payment of special assessments and infrastructure fee exempt from levy limitations.

No tax levy limitations provided by any statute of this state apply to tax levies by any county, city, school district, park district, or township for the purpose of paying any special assessments and paying the infrastructure fee as set by 11-09.1-05, 11-11-55.1, 40-05.1-06, and 40-23-21 of the North Dakota Century Code or paying debt service on bonds issued to prepay special assessments made in accordance with the provisions of title 40, against property owned by such county, city, school district, park district, or township. Any surplus in the special assessment fund after all of the special assessments for which the fund was created have been paid shall be placed in the general fund of the political subdivision.