



Community Development Department

DATE: June 15, 2021

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Reappointment of Board of Adjustment Members and Identification of Alternate Member

REQUEST:

Mayor Steve Bakken recommends that Jennifer Clark and Ken Hoff be reappointed to serve on the Bismarck Board of Adjustment.

Mayor Steve Bakken further recommends that Ken Hoff (if reappointed) serve as the alternate member

Please place this item on the June 22, 2021 City Commission meeting agenda.

BACKGROUND INFORMATION:

If confirmed by the Board of City Commissioners, the terms for the proposed appointed members of Jennifer Clark and Ken Hoff would expire in June 2024.

North Dakota Century Code allows a board of adjustment to request of the governing body the ability to appoint an alternate member of said board of adjustment, who shall sit as an active member when and if a member of said board is unable to serve at any hearing. At the conclusion of their May 6, 2021 meeting, the Bismarck Board of Adjustment voted unanimously to request the City Commission appoint an alternate member. It was determined that a random selection was as equitable as any means to identify the alternate. Staff used an online randomization tool to select whom out of the six board members would serve as the alternate. Through this process it was identified that Ken Hoff would serve as the alternate member.

Based on staff's research, the Bismarck Board of Adjutment has consisted of six members since at least 1980. It was recently discovered that North Dakota Century Code allows a maximum of five members with a sixth as an alternate. The Bismarck Board of Adjustment Bylaws do not currently address how to identify an alternate member.

RECOMMENDED CITY COMMISSION ACTION:

Reappoint Jennifer Clark and Ken Hoff for terms on the Bismarck Board of Adjustment to expire in June 2024.

Additionally, it is recommended to appoint Ken Hoff as the alternate member to serve on the Bismarck Board of Adjustment.

It is further recommended that staff modify the Bismarck Board of Adjustment Bylaws to account for an alternate member.

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