

SPECIAL ASSESSMENT COMMISSION MEETING
Minutes

Thursday, March 27th, 2025 – 3:00 p.m. - Griggs Boardroom and Teams

Commission Members Present: Allen Page, Brian Poykko, Emily Fossen

Finance Departments: Samantha Bergan, Stefanie Coleman, Maureen Storstad

Engineering Staff: Rachel Bremer, Christian Danielson, Ed Liberman

Others Present: DeWayne Johnston (Senske Attorney)

1. Approve Minutes

No minutes were presented.

2. Assign Benefit to the following projects:

a. Project #8884.1, District #793.1 - Mill & Overlay for Near Northside Neighborhood

Project location are consists of Near Northside Neighborhood – 4th Ave N (N Washington St to mid-block between N 3rd St and N 4th St), 5th Ave N (Railroad to mid-block between N 3rd St and N 4th St), 6th Ave N (Railroad to N 3rd St), 7th Ave N (Railroad to N 3rd St), 8th Ave N (Railroad to N 3rd St), 9th Ave N (N 6th St to N 3rd St), 10th Ave N (N 6th St to N 3rd St), 11th Ave N (175' SW of N 5th St to Gateway Dr), N 6th St (University Ave to 10th Ave N), N 7th St (University Ave to 8th Ave N), N 8th St (University Ave to 6th Ave aN), N 11th St (University Ave to 5th Ave N).

To serve the following platted lands to the City of Grand Forks: Lot 2 & NW 21' of Lot 4, SE 4' of Lot 4 & Lot 6, Lots 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, Block 36; Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, Block 44; Lots 19-32 inclusive block 45, Lots 17 & 18, Block 45; Lots 1-6 less front 3' for hwy R/W, Block 48; Lots A-C, Lots 6 & 8, Lots 10 & 12, Lots 14 & 16, Lots 17-32, Block 49; Lot A, Block F; NW 151' of block E, SRLY 101.4' of block E including the NRLY ½ of vac 13th Ave N, Block E; Lot A block E & Lot 1 & block 50 vac st, Lot 2 & 3 fractional block, Lots 4-13, SE 21 ½' of Lot 14 and NE 6' of NE 90' of Lot 15 except triang tract out of the NE corner 11' on 5th St & 21' deep, Rear 50' of Lots 15 & 16, Front 90' of SE 19' of Lots 15 & front 90' of Lot 16 and also triang tract of NW corner of Lot 15 & NE corner of Lot 14 and 11' on 5th St X 21' deep, Lot 17 & all of vac street SE adj thereto, Block 50; Lots 1 & 2, Lots A-C, Lots 9-16, Lots 17-20, Front part of Lots 26-28 & all of 29 plus NW ½ of vac alley adj to said lots which is w/in 125' E & parallel w/the BNRR main track center line, Lot 25 & rear part of Lots 26-28 & NW ½ of alley vac & lying contiguous to Lots 25-28 except portion to GN, Lots 21-23 & Lot 24 plus the SW ½ of vac alley adj to said Lot 24 which is w/in 125' E & parallel w/the BNRR amin track ctr line, Rear part of Lots 21-23 & Lot 24 & SE ½ of the alley vac & lying contiguous to Lot 24 except portion to Great Northern RR, Block 51; All of block D less that part that is located 25' E of the most E spur track C/L, Adj all that pt of Block D located 25' E of most E spur track C/L, Block D; Lots 1-22, Lots 23 & N 10' of Lot 25, S 15' of Lot 25 & all of Lot 27, Lots 24, 26, 28-32, Block 52; Lots 1-28, Front 80' of Lots 29 & 31, Rear 60' of Lots 29 & 31, Front 70' of Lots 30 & 32, Rear 70' of Lots 30 & 32, Rear 65' of SE 5' & rear 11' of NW 2' of SE 7' of Lot 28 & rear 65' of Lots 30 & 32, Block 53; Lots 1-32, Block 54; Lots 1-12,

Lot 13 & 15, Lot 14 & NW ½ of Lot 16, Lot 17, SE ½ of Lot 16 & all of Lots 18 & 20, Lots 21-24, Lots 25 & 27, All of Lot 26 & that portion of Lot 28 except SE 5' and less rear 11' of NW 2' of SE 7', Front 75' of SE 5' of Lot 28 & Front 75' of Lots 30 & 32, Front 90' of Lots 29 & 31, Rear 50' of Lots 29 & 31, Block 55; Lots 7-16 inclusive except rear part to GNRR, Adj Lots 1-6 inclusive & rear pt of Lots 1-16 inclusive that is 125' E of C/L of main track less that pt 25' E of most E spur track C/L, Block 56; Lots 1-2, Lots 3 & N 15' of Lot 4, S 10' of Lot 4 & all of Lots 5 & 6, Lots 7-10, Lot 11 & N ½ of Lot 12, S ½ of Lot 12 & all of Lot 13, Front 80' of Lots 14-16, Rear 50' of Lots 14-16, Lots 17 & 18, Lots 19-22 front pt less right-of-way, (Adj) Rear pt of Lots 19-22 located 125' E & parallel to main track C/L less that pt 25' E of the most E spur track C/L, Lots 24 & 25 rear part less right-of-way, Lot 26 rear part less right-of-way, Lots 23-26 located 125' E & parallel to main track C/L less pt 25' E of most E spur track C/L, All that pt of Lot 22 located 25' E of the most E spur track C/L, All that pt of Lots 23 & 24 located 25' E of the most E spur track C/L, Block 57; Lots 1-4 less that pt located 25' E of the most E spur track C/L, Lots 5-16 located 125' E of & parallel to C/L of main track C/L less pt 25' E of most E spur track C/L, Front pt of Lots 5-8, Adj front part of lot 9, Front part of Lots 10-16, Lots 1-16 Located 25' E of the most E spur track C/L, Block 58, Alexander & Ives' Addition; SW 88' of Lots 2 & 4 & SW 88' of NW 1' of Lot 6, Lots 2 & 4 except SW 88' & NW 1' of Lot 6 except SW 88' of Lot 2, SE 24' of Lot 6, Lot 8 & N ½ of Lot 10, S ½ of Lot 10 & all of Lot 12, Lots 14, 16, & 18, Lots 15, 17, 19, Front 80' of Lots 21 & 23, Rear 60' of Lots 21 & 23, Front 61' of Lots 20, 22, & 24, Front 42 1/2' of rear 79' of Lots 20, 22, & 24, Rear 36 ½' of Lots 20, 22, & 24, Block 23; Lot 18, Lot 20, Front or SW 70' of Lots 22 & 24, Lots 22 & 24 less the front or SW 70', Block 27, Budge & Eshelman's 2nd Addition; Lots 1 & 3, Lot 2 & N ½ of Lot 4, S ½ of Lot 4 & all of Lot 6, Lot 5 & N 12 182' of Lot 7, S 12 ½' of Lot 7 & all of Lot 9, Lot 8, Lots 10-14, Block 24; Lots 2, 4, & 6, Block 4; Lots 1-12, Lots 13 & N ½ of Lot 15, Lots 14 & 16, S ½ of Lot 15 & all of Lot 17, Lots 18-29, NE 70' of Lot 30 & all of Lot 32, Lot 30 less the NE 70', Lot 31, Block 27; Front 92.5' of Lots 1 & 3, Rear 47.5' of Lots 1 & 3, Lot 2, Lots 4-32, Block 28; Lots 1-3, Lots 4 & 6, Lot 5 & 7 & NW 2' of Lot 9, Lots 8 & 10, SE 23' of Lot 9 & all of Lot 11, Lots 12-17, Lot 18 & NW 2' of Lot 20, SW 23' of Lot 20, Lot 19 & N 10' of Lot 21, S 15' of Lot 21 & all of Lot 23, Lots 22 & 24, Lots 25 & N 9' of Lot 27, Lot 26 & W ½ of Lot 28, S 16' of Lot 27 & N 17' of Lot 29, E ½ of Lot 28 & all of Lots 30 & 32, SE 8' of Lot 29 & all of Lot 31, Block 29; Front 100' of Lots 1 & 3, Rear 40' of Lots 1 & 3, Lots 2 & 4, Lots 5-17, Lots 18-22, & 24, Lot 23 & N ½ of Lot 25, S ½ of Lot 25 & all of Lot 27, Lot 26, Lots 28-31, SW 95' of Lot 32, NE 45' of Lot 32, Block 30; Front 46' of Lots 1, 3, 5, & 7, Rear 39' of front 85' of Lots 1, 3, 5, & 7, SE 15' of rear 55' of Lot 5 & rear 55' of Lot 7, Rear 55' of Lots 1 & 3 & rear 55' of NW 10' of Lot 5, Lots 2, 4, 6, 8-12, Lot 13 7 N ½ of Lot 15, Lots 14 & 16, S ½ of Lot 15 & all of Lot 17 & N ½ of Lot 19, Lot 18, S ½ of Lot 19 & all of Lots 21 & 23, Lots 20, 22, 24-28, Front 76' of Lots 29 & 31, Rear 64' of Lots 29 & 31, Front 90' of Lots 30 & 32, Rear 50' of Lots 30 & 32, Block 31; Lots 1-8, Lots 9 & 11, Lot 10, 12, and N ½ Lot 14, Lots 13 & 15, S ½ of Lot 14 & N ½ of Lot 16, S ½ of Lot 16 & all of Lots 18 & 20, Lot 17 & N 10' of Lot 19, S 15' of Lot 19 & all of Lot 21, Lot 22 & N 15' of Lot 24, S 10' of Lot 24 & all of Lot 26 & N 15' of Lot 28, Lots 23 & 25 & NW 20' of Lot 27, SE 5' of Lots 27 & all of Lots 29 & 31, S 10' of Lot 28 & all of Lots 30 & 32, Block 35; Lots A & B, S 5' of Lot 5 & all of Lot 7, Lots 9, 11, 13, 15, 17, 19, 21, & 23, Front 90' of Lot 25 & N 5' of front 90' of Lot 27, S 20' of front 90' of Lot 27 & N 15' of front 90' of Lot 29, S 10' of front 90' of Lot 29 & front 90' of Lot 31, Rear 50' of Lots 25, 27, 29, & 31, Block 36; Front 70' of Lot 1 & 3, Rear 70' of Lots 1 & 3, Front 89 ½' of Lots 2 & 4, Rear 50 ½' of Lots 2 & 4, Lots 5-15, Lot 16 & N ½ of Lot 18, S ½ of Lot 18 & all of Lot 20, Lots 17 & 19, Lots 21-32, Block 37; Lots 1-4, Lot 5 & N 8 1/3' of Lot 7, Lots 6 & 8, S 16 2/3' of Lot 7 & N 16 2/3' of Lot 9, S 8 1/3' of Lot 9 & all of Lot 11, Lots 10 & 12, Lots 13-32, Block 38; Lots 1-3, Lot 2, Lot 4 & N 10' of Lot 6, S 15' of Lot 6 & all of Lot 8, Lots 5 &

7, Lots 9-14, Lots 15, 17, 19, & 21, Lots 16 & 18 & NW ½ of Lot 20, SW ½ of Lot 20 and all of Lots 22 and 24, Lots 23 & 25, Lots 26, 28, 30 and 32, Lot 27 & N ½ of Lot 29, S ½ of Lot 29 & all of Lot 31, Block 43; Lot 1, Lot 3 & N ½ of Lot 5, S ½ of Lot 5 & all of Lot 7, Lots 9, 11, 13, 15, 17, 19, 21, 23, 25, 29, 31, Block 44, McCormack's 1st Addition; Lots 1-4, Lot 5 & N 12 ½' of Lot 6, S 12 ½' of Lot 6 & all of Lot 7, Lot 8 & N ½ of Lot 9, A ½ of Lot 9 & all of Lot 10, Lot 11, Block 45; All of said block-except the 5' X 10' strip of land bordering the SE row of 11th Ave S McCormack's 1st & 2nd Addn, Block 46, McCormack's 2nd Addition; Lots A, B, Front 60' of Lot 2, Rear 38' of front 98' of Lot 2, Rear of NE 42' of Lot 2, N ½ of Lot 4, S ½ of Lot 4 & strip of land off the NW side of Lot 6 having a width of 14" at alley & tapering to 0 width at inside sidewalk line on 4th St, Lot 5, Lot 6, Less a strip of land off the NW side having a width of 14" at alley & tapering to 0 width at the inside sidewalk line on 4th St, Block 2; Front 105' of Lot 1, Rear 35' of Lot 1, Lot 2, N ½ of Lot 3, S ½ of Lot 3, Lots 4 & 5, N ½ of Lot 6, S ½ of Lot 6, Block 3, Original Townsite Grand Forks; Lots 1, 3, 5, 7, 9, 11, 13, - part of B & E 2nd & McCormack's 1st Addn; Block 23; Lots 1, 3, 5, 8, 10 & 12 - part of O.T. & McCormack's 1st Addn, Lots 12-16 - part of block 45 McCormack's 1st & 2nd Addn, Block 45; All of said block - part of block 46 McCormack's 1st & 2nd Addn, Block 46, Partly Lots; A 30'X90' tract lying 140' SE, of the N sec line & parallel, Unplatted Parts-Grand Forks TWP.

The benefits received from the project are for access, both for property and fire protection, dust suppression, pedestrian accommodations and providing some drainage control. Based on these factors, we anticipate that the benefits will exceed the cost of the project.

The map of the project was presented by the Finance and Engineering Departments.

Motion by Fossen, second Page, to revise benefits assigned February 21st, 2025, pending a positive cost benefit analysis is presented by city staff at the time of bid, as follows:

- **Engineering changed the scope of the project to no longer include the portion of 11th Ave N from N 4th St to Gateway Dr. at the request of a property owner to reconstruct that portion of road at a later time.**
- **Lots 1-6 less front 3' for hwy R/W, Block 48, Alexander & Ives' Addition received zero benefit from N 6th St, 9th Ave N, 10th Ave N, or 11th Ave N.**
- **All of said block-except the 5' X 10' strip of land bordering the SE row of 11th Ave S McCormack's 1st & 2nd Addn, Block 46, McCormack's 2nd Addition; received sideage less 140' back from 10th Ave N up to the halfway point of the lot and frontage along 10th Ave N from N 6th St, 9th Ave N, 10th Ave N, or 11th Ave N.**

3. Determination of Benefit to the following projects:

a. Project #7539.00, District #737 - Paving & Street Lights – Oscarville

City Attorney, Dan Gaustad stated to the Commission that the determination of benefit for this project is being brought to them for approval because their previous decision was reversed during an appeal at the North Dakota Supreme Court, made by Senske Rental LLC. Gaustad explained that the ND Supreme Court remanded the decision of determination of benefit to the District Court, who then remanded it back to the Special Assessment Commission. Gaustad went on to say that the Commission must make another recommendation for the determination of benefit using quantitative data that shows

the project benefit in dollars as it compares to the project cost in dollars to conclude that the benefits exceed the cost.

Gaustad reviewed a benefit determination summary that was previously presented to the Commission which compiled of analysis from City departments that concluded a dollar amount for the general benefits received by various projects. He explained that the data in the summary and other cost analysis fulfills the requirement of presenting benefits and cost in dollars and that it is now the Commission's responsibility to make a recommendation for the determination of benefit with this data.

Senske attorney DeWayne Johnston requested that the Commission postpone the determination of benefit to allow him and his client, a property owner in the district, to review the data the City used in calculating the project benefits and to produce their own analysis of the project benefits to present to the Commission at later time.

The Commission agreed to allow Johnston time to produce data and present it to them at their May 1st, 2025 meeting.

**Motion by Page, second by Fossen to postpone the determination of benefits until May 1st, 2025.
Aye: All. Motion Carried.**

4. Other

a. Special Assessment Commission policy discussion

Poykko suggested that the Commission and the Engineering Department have each have a separate policy for the determination of benefit.

It was concluded with advice from Gaustad that the Engineering Department doesn't need a separate policy, but that they should reflect the general benefits foreseen in their staff reports to show that estimated costs are less than benefits in dollars. Gaustad did advise the Commission to amend their Special Assessment Policy to reflect how benefit is determined in dollars and stated that it would need to be brought to City Council for approval. It was further decided that City staff would compile data regarding benefit and cost and present it to the Commission for them to use when making their project recommendations.

Meeting adjourned at 4:16pm

Respectfully submitted,

Stefanie Coleman,
Accountant – Special Assessments