

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MONDAY, OCTOBER 17, 2011 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

President Glenn Boyeff called the meeting to order at 5:30PM. Roll call was taken. A quorum was present.

MEMBERS PRESENT: Chris Brostuen, Deeann Long, Jon Maristuen, Nick Haugen, Cynthia Aafedt, Jerry Fleck, Glenn Boyeff.

MEMBERS ABSENT: None.

OTHERS PRESENT: Kent Jarcik, City Planner, Jessica Kaiser, Planner I, Elaine Sinness, Assistant Planner, Monte Meiers, Engineer, Doug Lalim, Building Official, Pete Furuseth, Attorney.

DISPOSITION OF MINUTES:

MOTION BY LONG, SECOND BY MARISTUEN to approve the September 19, 2011 minutes as presented.
MOTION CARRIED ON VOICE VOTE

PUBLIC HEARING:

1. Proposed Zone Change from R1A: Rural Residential to R-3: Lowrise, Multi-Family, Townhouse Residential for Lot 2R, Rearrangement of Lot 1, MR Subdivision - Scully

Boyeff indicated there are eight (8) public hearings this evening. The first is for a proposed zone change from R1A to R-3 for Lot 2R, MR subdivision requested by Jon Scully. He asked Kaiser to present.

Kaiser pointed out the location of the property containing 1 acre south of 34th Street East and West of University Avenue. She said the purpose is to provide for a twin home and that an adhoc met and recommended approval of the request. Kaiser indicated the property to the south is zoned R-3 district and to the north is R1A.

Jon Scully asked that the board approve this request to allow for the R-3 zoning. Sylvia Reiger, adjoining property owner, spoke in opposition to the request. She indicated that she and her husband developed the MR Subdivision into five acre plots which has been developed into three single family residences and wants to see it remain that way for the subdivision. Boyeff asked if there was a covenant placed on the property. Mrs. Reiger said not but that Lot 2R did have a single family residences but it burned down. Sheila Bethke, adjoining owner, was also opposed to the change. Boyeff asked Mr. Scully if the intent is to build a twin home on Lot 2R which will need to be re-platted. Mr. Scully said yes.

Boyeff asked three times for additional comments, hearing none, closed the hearing. Aafedt asked what is the surrounding zoning. Boyeff explained the property to the west and south was recently rezoned to R-3 and C-3 for the University Commons Subdivision and property to the north and east of University Avenue are zoned Rural Residential. Aafedt asked if an apartment could be placed on the property. Jarcik said that could be possible with the R-3 zoning. Boyeff asked if a restriction can be placed on the zone change to prohibit an apartment facility. Furuseth said in this case that could be possible. Aafedt said she has a problem with people building single homes and then having the possibility of an apartment next to them through a rezone. Boyeff said this will be a recommendation to the City Commission.

MOTION BY BROSTUEN, SECOND MARISTUEN to recommend to the City Commission approval of the zone change from R1A to R-3 for Lot 2R, Rearrangement of Lot 1, MR Subdivision, with the restriction that only one twin home be allowed and/or two residences.

Jarcik indicated that the developer's intent is to have the lot split to provide for separate ownership to meet the townhouse definition. Scully said he wants to build two twin homes. Lalim explained that a twin home has separate owners with a property line down the middle of the structure, that a duplex has one owner who rents the other unit. Boyeff said this parcel is large enough to handle two twin homes which could mean four (4) dwellings. Brostuen asked what is the number of single family homes that could be placed on a one-acre lot. Lalim said one per ½ acre provided there is water and sewer. Meiers indicated sewer is available at this time. Discussion took place regarding that the adjoining homes are located on one-acre lots and that those owners want to see the area remain single-family.

NAYES: Aafedt, Maristuen, Long, Fleck, Haugen AYES: Brostuen, Boyeff. MOTION DENIED

2. Proposed Zone Change from A: Agricultural to M-I: Light Industrial for an unplatted tract in Section 19, T154N,R100W, City of Williston - Waitman

Boyeff said the 2nd public hearing is for a zone change from Agricultural to Light Industrial for an unplatted tract in Section 10, T154N, R100W, City of Williston requested by Randy Waitman. Boyeff opened the public hearing and asked Jarcik to present.

Jarcik indicated that property is located east of East Dakota Parkway and contains two acres zoned agricultural. He indicated the property is a pre-existing parcel and that a TIF district has been approved for the development of a road with city water and sewer being extending to allow for the industrial development of the area. Jarcik said in adhoc it was discussed about the concern to allow the zone change, which will create a non-conforming residential use. He said Jerry's Weed Service is located on the property along with one residential home (non-conforming) located to the east of the shop. Randy Waitman, property owner, explained that at the time of his purchasing the property a few years ago he was surrounded by agricultural uses. His intent was to provide for a residence within a rural setting; however, those uses have now changed to industrial. Mr. Waitman explained that the property along the bypass was never built with the intention to allow it to be residential. He said it was meant to be for an office and storage. He then explained that the property values have now changed from agricultural to industrial, which was annexed at an earlier time so city water and sewer could be installed. Mr. Waitman went on to explain that in order to get the city services he was required to pay the full cost of the installation.

He understands that the property is non-conforming as a business in the agricultural and does not contain 10 acres. Boyeff said with the present zoning the property is not in compliance and through a zone change the residence portion of the property would still be out of compliance. Boyeff called three times for public comment, hearing none closed the public hearing. Boyeff asked Mr. Waitman if the property were ever to be sold would the residence be moved. Mr. Waitman said once the property is no longer a residence the house would need to be an industrial use.

MOTION BY BROSTUEN SECOND BY AAFEDT to recommend to the City Commission approval of the zone change from Agricultural to M-1 for 606 East Dakota Parkway, an unplatted parcel in Section 19, T154N, R100W, City of Williston. AYES: Brostuen, Long, Maristuen, Fleck, Haugen, Aafedt, Boyeff NAYES: none
MOTION CARRIED

3. Proposed Amendment to the Future Land Use and Zone Change from A: Agricultural to M-1: Light Industrial for property located in E1/2SW1/4, Section 20, T154N,R101W & Preliminary Plat for Lot 1R, Rearrangement of Sublot 1 - City of Williston - Schlumberger

Boyeff said the 3rd public hearing is for an Amendment to the Future Land Use and Zone Change from Agricultural to M-1: Light Industrial and Preliminary Plat (Rearrangement of Lot 1R) for the property in the E1/2 SE1/4. Section 20, City of Williston. Boyeff opened the public hearing and asked Kaiser to present. Kaiser pointed out the location of the annexed property west of 139th and north of HWY 2&85 owned by Schlumberger. She indicated the applicant has asked that the preliminary plat be withdrawn at this time; therefore, only the land use amendment and zone change is being requested for the acres south of the road easement (47 acres). Kaiser went on to say an adhoc reviewed both the plat and zone change. She said the main discussion was that the property line is shown to be 40' less than the 1/16 line which means access is off-set and that the future buyer would need to provide the full 80' easement. Kaiser indicated that an updated plat (rearrangement of 1R) will show the vacating of the access easement (E-W), the realignment of the north property line and utility/road easement (40'). She said the commissioners at the adhoc were not opposed to the Zone Change and Future Land Use Amendment.

Jarcik indicated that an additional seven (7) acre expansion to the west is being worked on to be included in the updated plat and also to be annexed. He then explained that the property prior to the annexation was zoned commercial (county) that does allow the industrial type uses; however, when the property is annexed then the zoning reverts back to agricultural. He said that the area is predominately industrial and explained how the truck route and other factors have caused to be more industrial then commercial type uses. Jarcik went on to point out how changes are affecting the future land use map which needs to be altered to reflect the ongoing growth patterns. Boyeff explained that the existing county zoning (Commercial) is similar to the City's light industrial.

Boyeff asked three times for additional comments, hearing none, closed the hearing. He indicated that both the zone change and future land use amendment will be needed. Boyeff indicated the preliminary plat will not be reviewed at this time. MOTION BY AAFEDT SECOND BY FLECK to recommend to the City Commission approval for the Future Land Use Amendment from agricultural to industrial and the Zone Change from Agricultural to M-1: Light Industrial for the property south of the access easement (existing Lot 1R) for 47+ acres located in the E1/2 SW1/4, Section 20, T154N, R101W, (City of Williston). AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff, NAYES: None. MOTION CARRIED.

4. Application for Temporary Workforce Housing on Lot 3, Block 4, Williston Rail Subdivision – United Pulse/Johnson

Boyeff indicated the fourth hearing is to review a Special Permitted Use for Temporary Housing submitted by United Pulse Trading. Boyeff opened the public hearing and asked Kaiser to present. Kaiser pointed out the location of the proposed temporary housing with the Williston Rail Industrial Park along 24th Avenue NE in the M-2 District. She said United Pulse Trading would like to place 5 to 10 matching

Kaiser said United Pulse Trading would like to place 5 to 10 matching workforce housing units with ten to sixteen beds. She said the trailers would be for the companies workers for a period of one to five years or until housing becomes available which would be reviewed by the planning board thereafter. Kaiser went on to say an adhoc did meet and discussed the need for more details regarding the approach, site layout, parking, and a plan for water and sewer. She said the commissioners in attendance were not opposed to the request. Eric Bartsch, representing United Pulse, asked the board to consider approving their request for temporary houses. He said they would like to utilize the area for the expansion of United Pulse but is needing housing for their workforce at this time.

Boyeff asked Mr. Bartsch if they are aware of the application requirements and if they realize that after five years any infrastructure needs would be at their expensive. Mr. Bartsch said they are well aware of those requirements.

Aafedt asked what would be the total number of workers living in the units. Mr. Bartsch said the units are two bedroom for only two people. The plan is for 5-units, totaling 10 persons, which would not be for families. Boyeff said that a fee could be applied by the City Commission. Jarcik explained that the units could be taxable. Boyeff asked three times for public comments, hearing none, closed the hearing and asked the board if they have any concerns or questions. He said action will need to be forwarded to the City Commission.

Brostuen asked if additional information has been provided as requested in adhoc. Mr. Bartsch said those issues are being reviewed and will be submitted. Boyeff indicated that a building permit will be necessary which compliance would then be necessary.

MOTION BY HAUGEN, MARISTUEN, to recommend to the City Commission approval of the application for a Special Use Permit for United Pulse Trading on Lot 3, Block 4, Williston Rail Industrial Park, subject to meeting the needed site layout.

Boyeff reviewed the Special Permitted Use nine (9) Criteria. No detrimental effect was noted. Distance from existing oil well pumping unit would be acceptable.

AYES: Brostuen, Fleck, Haugen, Aafedt, Maristuen, Long, Boyeff, NAYES: None. MOTION CARRIED.

5. – Preliminary Plat for Saddle Ridge Subdivision in the N1/2, Section 3, T154N, R101W, Williston Township - Owan

Boyeff said the fifth hearing is for a Preliminary Plat for Saddle Ridge Subdivision in the N1/2, Section 2, T154N, R101W, Williston Township for Charles Owan. He opened the public hearing and asked Kaiser to present.

Kaiser pointed out the location of the plat being within the City's one-mile jurisdiction north of 49th Street, zoned industrial. She said the applicant would like to plat the 91+ acres into 14 lots for industrial purposes.

Kaiser went on to say that Mr. Owan originally planned to plat the land into eight (8) lots of nearly equal size but since that time a new plat has been submitted providing for fourteen lots of various sizes. She said an adhoc met where discussion took place regarding a future water main needing to come along the south side of the property to service the area. Kaiser indicated the adhoc recommends approval of the preliminary plat. Rod Westrum, surveyor, commented that the plat was before this board earlier but due to the market analysis, the developer decided not to go forward with that one and opted to cut down the lot sizes from 10 to 3-5 acres. He indicated that one large lot along the west side containing 38 acres which is developable with proper landscaping dependent on the future use. He indicated the main access to the property will be coming through the Borsheim addition off 22nd Avenue and tying into the plat. Boyeff indicated there are large power lines in the area.

Boyeff asked three times for additional comments, hearing none, closed the hearing and asked the board if they had any concerns or questions. Brostuen asked about the waterline easement. Meiers said the easement would need to be along the section line from the south boundary. Discussion took place regarding possible development to the north of Saddle Ridge, how to provide water/sewer. Possible utilization of water wells, concerns crossing a large coulee, undevelopable properties, annexation requirements, and easements along the north side. Fleck asked if future development would take place north how would city services be provided. Meiers said future property owners would need to request installation of City water/sewer and determination would need to be made regarding what would be in the best interest.

MOTION BY HAUGEN, SECOND BY FLECK, to recommend to the City Commission approval of the Preliminary Plat for Saddle Ridge Subdivision. AYES: Fleck, Haugen, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAYES: None. MOTION CARRIED.

6. – Preliminary Plat for Replat of Lot 1, Plaza 26 Subdivision, City of Williston and allow Variance for access from public street. West-Dak Properties/Schmaltz

Boyeff said the next hearing is for a Preliminary Plat for the Replat of Lot 1, Block 1, Plaza 26 Subdivision and variance regarding public street access requested by WestDak Properties. He opened the Public Hearing and asked Jarcik to present. Jarcik pointed out the location south of 26th Street and north of Tractor Supply building. He said the proposal is to replat Lot 1 to create two (2) additional lots, Lot 5 (interior lot), and Lot 6 (TSC Building). He stated Lot 5 does not access a public right of way, which would require a variance. Jarcik said a couple adhoc's have been held for this replat.

Jarcik said discussion regarding adequate parking for the retail uses, need for water and sewer to service the lots, requiring a variance, location of Lot 5 within the existing parking area, storage being used within the existing building, creating lot 6 to the south, lots need to be serviceable, and need for sewer access elevation. Jarcik indicated the last ad hoc recommends this item to be tabled until info regarding a parking evaluation for Lot 5 be completed and sewer elevations to serve Lot 6. Boyeff called for public comment.

Robert Schafer, representative for West-Dak Properties, asked that the plat be tabled until further information is made available. Boyeff closed the public hearing and asked for board action.

MOTION BY LONG, SECOND BY AAFEDT to table the preliminary plat for the Replat of Lot 1, Block 1, Plaza 26 Subdivision. AYES: Haugen, Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYES: None. MOTION CARRIED

7. – Preliminary Plat for Sundby Subdivision, SW1/4, Section 20 & NW1/4 Section 29, T154N,R101W, Stony Creek Township – Sundby/Weatherford.

Boyeff said the seventh hearing this evening is for the Preliminary Plat for Sundby Subdivision requested by Wade Sundby and Weatherford. He opened the public hearing and asked Jarcik to present.

Jarcik pointed out the location of the proposed plat south of HWY 1804, along 133rd Drive NW. He indicated the property (245 acres) containing two lots which was rezoned to M-2. He then referred to a preliminary site plan for the Weatherford property (Lot 2) which shows acres (40) which will be handled through separate action for possible sewer expansion for the City. Jarcik went on to say an adhoc met and discussed the site plan which engineering provided comments and concerns relating to potential water and sewer service for the area, along with a number of other issues as attached in the packet. He further commented about the access road off 1804 and the use of a new access from Lot 1, as well as the comments from the township saying they are not responsible for any roads within the property lines (building and/or maintenance) and was concerned how Weatherford would be entering to property. Jarcik said the DOT comments were that no new access will be granted for this expansion. Traffic issues should be addressed on the road leading up to ND 1804. He went on to say approval of plat needs to be contingent on: (1) a development agreement; (2) addressing engineering/planning concerns; (3) new access to 1804 from Lot 1 and road access easement to 50th Road NW be determined and indicated on the plat with construction of the access and road connection specified in the development agreement at the time of a use change for Lot 1; (4) final plat requirements; (5) title opinion; and (6) annexation, along with a separate option relating to the 30-40 acres (sewer expansion).

Carolyn Whaley, representing Weatherford, said they are willing to meet all the requirements as outlined by engineering. Jeff Ames, Epic Engineering, said they have been working with engineering regarding the location of the needed lift station for Weatherford's property and possible expansion beyond their property, he said in addition to the utilities there is concern about a turn lane (left) for traffic entering 1804 off 133rd which is to be addressed in the development agreement. Boyeff asked Meiers about the list of conditions from engineering.

Meiers said a lot of the items are being solved and that the development agreement will help finalize prior to a final plat. Discussion took place regarding the access off 1804, need to provide easement to 1804 from Lot 1, working together with Weatherford, property owners, Department of Transportation and City. Boyeff asked three times for additional comments, hearing none, closed the hearing and asked the board if they had any concerns or questions.

Discussion took place regarding the access off 1804, the need to provide easement to 1804 from Lot 1, use of 50th Road NW, granting an easement, additional land needed, extending 50th and the need for the City to work together with Weatherford, property owners and Department of Transportation .

MOTION BY BROSTEUN, SECOND BY FLECK to recommend approval of the Preliminary Plat for Sundby Subdivision, contingent upon the six conditions outlined by Planner Jarcik. (A development agreement, address all staff comments, new access to 1804 from Lot 1 & road access easement to 50th Road NW specified in the development agreement being at time of existing use change or building permit, meet final plat requirements, title opinion and annexation along with a separate option to reserve acres (30-40)for future water treatment plant.) AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Aafedt, Boyeff. NAYES: None. MOTION CARRIED.

8. Proposed Amendment to the Future Land Use and Zone Change from A: Agricultural to C-2: General Commercial for Sublot 10, SE1/4, Section 20, T154N,R101W, Stony Creek Twp - Vestal

Boyeff indicated the last public hearing is for a zone change from Agricultural to General Commercial and an Amendment to the future land use for Sublot 10 in the SE1/4, Section 20, Stony Creek Township requested by Rich Vestal. He opened the public hearing and asked Jarcik to introduce. Jarcik pointed out the location of the property in the southeast corner of HWY 1804 and 133rd Drive NW (22.63 acres), north of Stony Creek School. Jarcik indicated the applicant is proposing to build a 55,000 square foot office complex, requiring 280 parking spaces with access off of 133rd. He said the comprehensive plan, annexation study, and growth areas were based on projects to the west and northwest more so than to the east. He said now with Weatherford's development (annexation), this property is now on the urban edge that could provide city services.

Jarcik said an adhoc did meet but made no recommendation. He said the planning department's recommendation would be to recommend approval to rezone the property to C-2 with annexation into the City to connect to water/sewer services as approved by engineering. Fleck asked if the current Future Land Use addresses this area. Jarcik said no because the direction of growth was not to the east and that the previous plan shows the area to be agricultural. Boyeff asked for public comments. Rich Vestal said many companies have approached him to provide for an office complex and plans to build a nice facility for multi businesses and said the building would be set into the hillside and that access would be off of 133rd and asked the board to consider approving his application. Meiers asked Mr. Vestal if he would be willing to provide additional right of way along 133rd off 1804. He agreed to provide the needed easement.

Mr. Greg McNary, Superintendent -School District #8, spoke to the issue regarding the safety of the children being uppermost in all our minds and that the board factors that fact into their decision on this zone change. Aafedt asked Mr. McNary that now with Weatherford's facility along with this proposed complex would that not generate more tax revenue for the district. He said more money would be generated but those dollars are still based on the number of students so no additional money comes to the district unless grant dollars are made available which can be frustrating to acquire. He said it would be better if the money stayed in the county rather than spread across the state.

A number of individuals spoke in protest to the zone change along with a lengthy discussion took place regarding the future development of properties that surround the school, a strategic plan for the district, the need for legislative action, number of students being bused versus being dropped off, location of industrial/commercial uses, placing innocent children in jeopardy next to industrial, the need to upgrade the schools facility, inability to sell the school property, should the school happen to relocate (land reverts back to the landowner/Brakken) and traffic issues on 133rd (width).

Boyeff asked three times for additional comments, hearing none, closed the hearing and asked the board if they had any concerns or questions. He indicated there will be another public hearing before the City Commission to be held on November 8th and that two motions would be needed, one for the amendment to the Future Land Use Plan and the rezone from Agricultural to C-2.

MOTION BY AAFEDT, SECOND BY BROSTUEN to forward action to the City Commission without recommendation to approve or deny the request. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYES: None. MOTION CARRIED.

Board members asked for a short recess.

NEW BUSINESS:

1. – Special Permitted Use for Daycare Center at 2517 9th Avenue West – Good Shepherd Church

Boyeff said the next item is for a Special Permitted Use for a Daycare Center at Good Shepherd Church. He asked Sinness to present. Sinness indicated he location of the proposed daycare at 2517 9th Avenue West. She indicated the property is zoned R-I and the applicant/operator will be Good Shepherd Lutheran which will have seven employees, the off-street parking is adequate and outside play area is to be fenced. She said licensing has been completed by Social Services and the comments indicated the building is appropriate for 36 children, subject to City code requirements, no sleeping in the basement per the fire department and property may be taxable per assessor. Sinness said neighbors have been notified. She indicated Pastor Lippert is here should the board have any questions.

Pastor Lippert indicated there are two incorrect comments on the fact sheet. One is that the licensing has not been completed and the other is a director has not been hired yet. She said they have a good idea who that person may be but have not completed the hiring process. Pastor Lipper asked about the possibility of having more than 36 children because the license could allow for more. Boyeff said it could be whatever social services determines. Aafedt indicated maybe the number could be allowed based on whatever number social services allows. Pastor Lippert further commented that the daycare will be operating as a 501C3, non-profit organization and will be owned and operated by Good Shepherd Church.

Boyeff said daycare is desperately needed and appears things are in order. Sinness apologized for any errors reflected on the fact sheet submitted by Kathy Molland with Social Services. Boyeff referred to the SPU criteria and asked for board comments. Sinness indicated fencing will be required.

MOTION BY BROSTUEN, SECOND BY FLECK, to approve the Special Permitted Use for a daycare at 2517 9th Avenue West (Lot 7, Block 3, Lewison Amended Addition) for Good Shepherd Church for the maximum number of children approved by North Dakota County Social Services, provided fire codes are met, fencing is completed and no sleeping in the basement. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Marstuen, Boyeff. NAYES: None. MOTION CARRIED.

Discussion regarding the non-use of the basement for sleeping being there is an egress window. Furuseth said licensing would address that requirement. Boyeff said fire codes would also need to be met & meets licensing requirements.

AMENDED MOTION BY BROSTUEN, SECOND BY FLECK to allow sleeping in the lower level per ND Social Services regulations. AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Aafedt, Boyeff. NAYES: None. MOTION CARRIED.

Boyeff asked Pastor Lippert if there are plans to have children sleeping in the basement. She indicated that really has not been decided at this time. Boyeff said as long as the proper codes are being met.

2. Review Request to Release a 10' Utility Easement, Lot 1R&2R, Williston Basin Mineral Technology Subdivision – Packers Plus Energy Services/ Muscha

Boyeff said the next item is a Release of Utility Easement for Packers Plus Services/Muscha. He asked Kaiser to present. She pointed out the location of the property is north of the Old Highway 2&85 west of the Midway Bar and that the applicant is requesting release/vacating of a 10' utility easement in Lot 1R and 2R, Williston Basin Mineral Technology Subdivision. Kaiser said the property is being developed as a commercial site and that there are no utilities within the easement and in adhoc the consensus was to grant the release.

Boyeff asked if all the utilities were contacted. Kaiser said they were but only the phone and Mountrail Williams Electric responded. Discussion took place regarding why the request has been made, the need to get an answer from MDU, whether a building is to be located on the lot, the area being served by Mountrail Williams at one time but since changed to MDU, who controls the easement, at the time of the rearrangement utilities may have asked for the easement along property lines without need, the need to develop both lots together to serve the property, vacating of the street that took place a few years ago may have forced the easement. Attorney Furuseth felt the issue may need to be tabled.

MOTION BY LONG, SECOND BY MARISTUEN, to table the request from Packers Plus to release a 10' utilities easement until further information is provided. AYES: Fleck, Haugen, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAYES: None. MOTION CARRIED.

3. Final Plat for Bar Nothing Estates 3rd Subdivision – Lee

Boyeff said the Final plat for Bar Nothing Estates Third Subdivision for Raymond Lee is the next item. He asked Sinness to present. Sinness indicated a portion of the plat has been platted before and being rearranged. She indicated on September 27th the City Commission approved the zone change and preliminary plat subject to title opinion and non-protest future annexation.

Sinness indicated Dwight Eikom will be submitting an opinion next week. A short discussion took place regarding the need for park dedication and the non-protest for future annexation being a separate document recorded along with the final plat.

MOTION BY FLECK, SECOND BY MARSTUEN, to recommend to the City Commission approval of the final plat for Bar Nothing Third Estates Subdivision subject to review of the title opinion by the City Attorney, necessary survey corrections, a non-protest future annexation and no park dedication fee required. Haugen asked why this plat does not require an annexation to provide water for the development. Meiers indicated that there has always been a rural water line in the area to service the area. AYES: Haugen, Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYES: None. MOTION CARRIED.

4. Final Plat for Arctic Acres Subdivision – Branson

Boyeff said the Final plat for Arctic Acres for Dale Branson is the next item. Sinness said the City Commission approved the zone change to R-3 zoning and that the property has been annexed. She indicated the development agreement has been approved and signed, the title opinion was submitted and approved by the attorney and park dedication would be required at the time of the building permit.

Sinness indicated that final corrections have been made to the plat and that the only item left would be the need to show flood plain information, if needed. Rod Westrum, surveyor, said he would check whether that would be needed. She said this would be a recommendation to the City Commission.

MOTION BY MARISTUEN, SECOND BY AAFEDT to recommend to the City Commission to approve the final plat for the Arctic Acres Subdivision subject to any necessary plat corrections and payment of park dedication at the time of the building permit. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYES: None. MOTION CARRIED.

5. Final Plat for Zavanna Subdivision – Zavanna, LLC/Reed/Erickson

Boyeff said the last item this evening is for a final plat for Zavanna Subdivision. Sinness said on September 27th the City Commission approved the preliminary plat, subject to an easement for water and sewer and final plat requirements. She said the easement has been shown and plat corrections have been made. She said the property is zoned commercial and has been annexed.

Sinness indicated that Craig McIvor is handling the title opinion requirement and will be submitted soon. The park dedication would be required at the time of the building permit. The plat has been submitted to the staff for final review. She said final approval will need to be forwarded to the City Commission. No development agreement will be needed. MOTION BY FLECK, SECOND BY BROSTUEN to forward a recommendation to the City Commission to approve the final for Zavanna Subdivision subject to review of the title opinion by the City Attorney, necessary surveyor corrections and payment of park dedication fee at time of the building permit. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYES: None. MOTION CARRIED.

Next meeting is set for November 21, 2011. Meeting Adjourned.