

**THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MONDAY, JANUARY 18, 2011 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.**

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

**MEMBERS PRESENT:** Chris Brostuen, Jerry Fleck, Jon Maristuen, Tim Kleven, Glenn Boyeff.

**MEMBERS ABSENT:** Cynthia Aafedt, Deeann Long.

**OTHERS PRESENT:** Kent Jarcik, City Planner, Peter Furuseh, City Attorney, Elaine Sinness, Assistant City Planner, Ward Koeser and Howard Klug, City Commissioners.

**DISPOSITION OF MINUTES:** MOTION BY BROSTUEN, SECOND BY FLECK, to approve December 20, 2010 minutes, as submitted. MOTION CARRIED ON VOICE VOTE.

**PUBLIC HEARING:**

**I. Preliminary Plat for Sublot (s) 8&9, NESE, Section 12, T154N, R101W, Williston Township. – Olson**

Boyeff indicated the first item this evening is a public hearing for preliminary plat for Sublot(s) 8&9 in the NESE, Section 12, Williston Township. He said the owners are Robert and Eleanor Olson. He opened the public hearing and asked Jarcik to introduce the request.

Jarcik indicated that the property is located along the west side of 13<sup>th</sup> Avenue East, ¼ mile north of 26<sup>th</sup> Street within the 1-mile jurisdiction of the City. He said the proposal is to create two sublots for the purpose of building a home on Lot 8 (2.0 acres) and to identify a 1.08acre lot (Lot 9) presently used for horse corrals. Jarcik said the property adjacent to the north was platted with a 30' right of way for future road access. The 30' easement on the plat would need to be shown as public. He further commented the property owner is only creating two simple sublots.

Jarcik then reviewed the staff comments. Engineer: Need a 10' utility easement shown. Planning: City water policy, (within the 1-mile requires annexation to connect to City water). Need public access along the north side of the sublots. Final plat requirements need to be met along with a title opinion.

Building: City building permit required. UMDHU: Lots meet requirements for individual septic systems. Permit will be required. MWEC: Electrical easements exist covering overhead and underground lines. DES: Questioned proper access for emergency vehicles and will need rural addressing.

Boyeff said there was an adhoc meeting and wished Meiers was here to comment on the 30' road easement but thought that would not be required to be developed at this time. Jarcik said that was also his understanding. Boyeff asked Eleanor Olson if she had any comments. She explained the purpose of Sublot 9 is for existing corrals and that Sublot 8 would be for a new home. She introduced Tammy and Chris Nelson who are planning to build on Lot 8 and at a later date may purchase the second subplot. Mrs. Olson said there would only be one hookup request from Williams Rural Water.

Boyeff asked about the City's policy regarding annexation. Koeser explained the policy reads that for any new subdivisions the property needs to be annexed in order to receive City water; however, for simple sublots the owners would be able to apply for rural water but will need City approval for any hookups along with a signed non-protest agreement (future annexation). Furuseth agreed and said there is a clear understanding that action by the City Commission will be required.

A short discussion took place regarding the water policy and that the property has three existing water wells but that the Olson's would be willing to sign the agreement (non-protest) and understands the need to request approval for rural water from the City Commission. Boyeff called three times for public comment, hearing none closed the public hearing.

Fleck asked what are the requirements for horses. Mrs. Olson thought it was ½ acre per horse.

MOTION BY KLEVEN, SECOND BY BROSTUEN to recommend to the City Commission approval of the preliminary plat for Sublot(s) 8&9. AYES: Maristuen, Brostuen, Fleck, Kleven, Boyeff. NAYES: None ABSENT NOT VOTING: Aafedt, Long. MOTION CARRIED.

## **COMMITTEE REPORTS:**

### **1. Election of Officers**

Boyeff said this evening is the annual organization meeting and election of officers. He said Fleck and Long were asked to serve on the committee and asked for a report.

Fleck said he spoke with Glenn Boyeff and that he has agreed to serve as chairman again. He said Tim Kleven would not take the 2<sup>nd</sup> Vice Chair but that Chris Brostuen is willing to take the position and that Cynthia Aafedt has agreed to be the 1<sup>st</sup> Vice Chairman,

MOTION BY FLECK, SECOND BY KLEVEN to nominate Boyeff as Chairman, Aafedt as 1<sup>st</sup> Vice Chairman and Brostuen as 2<sup>nd</sup> Vice Chairman, AYES: Brostuen, Fleck, Kleven, Maristuen, Boyeff NAYES: None ABSENT NOT VOTING: Aafedt, Long. MOTION CARRIED.

MOTION BY FLECK, SECOND BY BROSTUEN that nominations cease. AYES: Fleck, Kleven, Maristuen, Brostuen, Boyeff. NAYES: None. ABSENT NOT VOTING: Aafedt, Long. MOTION CARRIED.

## **2. Review of Bylaws**

Boyeff explained that each year the bylaws need to be reviewed. He asked if anyone had changes to bring forward. No amendments were recommended.

MOTION BY FLECK, SECOND BY BROSTUEN to accept the bylaws as presented. AYES: Kleven, Maristuen, Brostuen, Fleck, Boyeff NAYES: None. ABSENT NOT VOTING: Aafedt, Long. MOTION CARRIED.

## **NEW BUSINESS:**

### **1. Final Plat for the Archer Subdivision – Archer Investments/Shaw.**

Boyeff said the next item is the final plat for Archer Subdivision. He asked Sinness to present.

Sinness indicated the location of the property is north of WalMart along 42<sup>nd</sup> Street and was rezoned from M-1 to C-2 earlier. She said the plat was approved by the City Commission in December contingent on a title opinion, survey corrections and a non-protest of future street improvement for 4<sup>th</sup> and 6<sup>th</sup> Avenue West.

Sinness said the opinion has been submitted and reviewed by Attorney Furuseth. The non-protest has been submitted and forwarded to City staff for review. She further commented that Jim Shaw was in hopes of making the meeting but weather has not allowed for his arrival. Sinness said the opinion requires utility easement corrections and that the City Commission will need to approve the non-protest agreement. The park dedication requirement will need to be met at the time of the building permit.

A short discussion took place regarding the need to have the waiver of non-protest agreement regarding future street improvement took place. Sinness indicated the agreement will need to be recorded along with the plat. Furuseth agreed and said it will provide information to future owners of the property,

MOTION BY FLECK, SECOND BY BROSTUEN to recommend approval of the final Plat for Archer Subdivision, subject to necessary plat corrections, park dedication and non-protest agreement for future street improvements. AYES: Brostuen, Fleck, Kleven, Maristuen, Boyeff. NAYES: None. ABSENT NOT VOTING: Aafedt, Long. MOTION CARRIED.

## **2. Final Plat for Eastside Industrial Subdivision – Reiger/Falk**

Boyeff said this item is for the final plat of the EastSide Industrial Subdivision as requested by Martin and Sylvia Reiger. He said the owner is Neal Falk and asked Sinness to present.

Sinness indicated that the property is located in the 1-mile extraterritorial jurisdiction along County Road 9. She said the zone change from Agricultural to M-1 and preliminary plat was approved by the City Commission on January 11, 2011, contingent on plat corrections, a title opinion and non-protest agreement for future annexation.

Sinness further commented that the opinion has been ordered and plat corrections have been sent to the surveyor regarding a statement about possible mines in the area. The park dedication requirement is not necessary for Industrial Districts and the park district has not requested land to be dedicated. She said the applicant is proposing to use individual wells and septic systems and recommended forwarding the final to the City Commission subject to survey corrections regarding possible mines, a title opinion and a signed non-protest for future annexation.

A short discussion took place regarding possible mines in the area along with the need to show shared access between lots, as requested by engineering. Sylvia said this was discussed in adhoc. Sinness would check with surveyor and engineering.

MOTION BY BROSTUEN, SECOND BY KLEVEN to recommend approval of the final Plat for EastSide Industrial Subdivision contingent on a title opinion, survey corrections including disclaimer regarding mines and appropriate access points and a signed non-protest agreement for future annexation. AYES: Fleck, Kleven, Maristuen, Brostuen, Boyeff. NAYES: None. ABSENT NOT VOTING: Aafedt, Long. MOTION CARRIED.

**DATE OF NEXT MEETING:**

The schedule for 2011 meeting dates was discussed. The February date will need to be the 28<sup>th</sup> because the 21<sup>st</sup> is a holiday. Sinness explained that there is a conflict with having meetings the 3<sup>rd</sup> Tuesday because that is when the Park Board uses the commission room for their meetings.

MOTION BY BROSTUEN, SECOND BY FLECK, to approve the 2011 meeting dates as presented. MOTION CARRIED ON VOICE VOTE.

Mayor Koeser addressed the board on behalf of the City Commission and said he realizes they don't make much money being on the board and things can be controversial at times. He thanked those who are willing to serve as officers along with fellow board members. Koeser said the Commission appreciates all the time spent on issues and that their efforts do not go unnoticed. He again thanked each of the board members and extended a special thanks to Boyeff for his leadership on this board. Boyeff thanked Koeser for his comments.

Meeting adjourned.

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Kent Jarcik, City Planner