

THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MONDAY, APRIL 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, Deeann Long, Tim Kleven, Cynthia Aafedt, Jon Maristuen, Jerry Fleck, Glenn Boyeff.

MEMBERS ABSENT: None

OTHERS PRESENT: Kent Jarcik, City Planner, Peter Furuseh, City Attorney, Elaine Sinness, Assistant City Planner, Monte Meiers, City Engineer, Doug Lalim, Building Official, Tom Rolfstad, Economic Development, Ward Koeser, City Commissioner.

DISPOSITION OF MINUTES: MOTION BY MARISTUEN, SECOND BY KLEVEN, to approve March 21, 2011 minutes, as submitted. MOTION CARRIED ON VOICE VOTE.

PUBLIC HEARING:

I. Review proposed application for a Planned Unit Development Overlay District (PUD) for Lots 7-12, Block 8, Bruegger Amended Addition- Lutheran Social Services/ Westereng.

Boyeff indicated the board has four public hearing this evening, the first one will be to review a Planned Unit Development (PUD) requested by Lutheran Social Services and Earl Westereng. He said this board will review the request and then forward action onto the City Commission. He opened the public hearing and asked Jarcik to present.

Jarcik indicated the property is located at 612 1st Avenue West, previously known as the Williston Junior High Building. He said the proposal is to redevelop the building into residential multifamily housing for senior citizens. The project will be built consistent with the standards for historic preservation, creating forty-three (43) one and two bedroom apartments. Jarcik explained the proposal comes before this board as a Planned Unit Development PUD) which has a clause allowing for these types of redevelopment projects that can be accomplished through acceptable variances. He went on to explain the request for variances for this one acre lot zoned R-3 to be: (1) Changing density standards from 19 units to 43; (2) accommodate on-site public parking as shown on the site plan for turnaround; and (3) Allow 43 parking spaces based on senior parking demand rather than 86. He indicated an adoc meeting was held where discussion took place regarding the proposed construction, access, parking, maintaining the historic nature and minimizing the impact of public street right of way.

Jarcik then review the staff comments: Building: Need permit. Fire Department: Type I sprinkler required. He then read a letter from Gary Pozgay, adjoining neighbor (613 Main Street), who lives east of the building and shares the alleyway, saying he applauds the plan and believes the project is good for the community. His concerns were: (1) Demolition vehicles filling the alley causing residents to park elsewhere; (2) parking spots next to the alley, amount of traffic and access to the east, number of vehicles and traffic snarls in the alley; and, (3) insufficient space for snow because of the number of cars parked along the east side of the building. His letter thanked the board and asked how his concerns will be addressed.

Earl Westereng, building, addressed the board and said he and his partner acquired the property in 2005 with interest in preserving this historic building. He indicated that many dollars have been spent since that time, such as, taxes, insurance, maintenance, architect and others fees to determine the best use of the facility. He commented that the building was built in 1931 and was a source of great community pride and with the proposed plan he feels it will help preserve the building for years to come and is very proud of the project which is named Legacy of Central Place. He then introduced Jessica Thomasson from Lutheran Social Services Housing, Fargo, ND. She showed the board a site plan and gave an overview of the future building. She said the architect working on the design is Michael Burns, who is here to answer any questions. Ms. Thomasson indicated that a traffic study was completed to help determine the parking needs for the project. She asked Michael Burns to address the board. He said they have reworked the parking needs for the project which will help answer Mr. Pozgay's concerns. He said with senior housing there is not a great deal of vehicular movement necessary so he felt that will not be a major issue once the adjusted site plans are completed. Mr. Burns indicated that he met with City staff to review necessary adjustments to complete the 43 parking spaces or 1-per unit. He further commented that the building will be presented to the State Historical Society to be nominated as a Historic building, if accepted; historic tax credits will be pursued. He said structurally the building is in excellent conditions which will make the conversion into housing along with its location very workable. Boyeff asked about the parking issues.

Ms. Thomasson explained that the study determined the number of vehicle trips for senior housing is less compared to single family households and that the peak parking demands will be greatly reduced. Boyeff said that will help justify the reduction in parking spaces. Kleven asked if the number of visitors were studied. Ms. Thomasson explained the study looked at employees, visitors, staff and residents. She said with independent living, fewer employees are needed compared to a full care facility. She said the highest demand was mother's day. Westereng commented about Pozgay's concerns regarding traffic & parking. He said while the school was utilized there must have been congestion in the alley at that time as well as problems with snow removal. He felt there will be less impact with this type of facility. Boyeff asked about what safeguards are being considered during the demolition phase of the stage as well as snow removal.

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Ms. Thomasson said they will be working with the City staff regarding the demolition question as well as snow removal concerns. Mr. Burns said the time frame would be 2-3 weeks dependent on weather conditions. Bill Owan, St. Joes Board member, said this is a good idea but asked that when the demolition starts he would like to have someone working with the project to come to the school and explain what will be happening during the construction phase of the project and timeframes. He said they have 185 students coming and going and wants to assure their safety during construction. Mr. Burns said they would be more than willing to contact the school and thanked him for coming to this meeting.

Kleven asked if there would be a sidewalk along the back side of the building and as to whether adjoining owners will be assessed for any alley hard surfacing. Mr. Burns said the plan is to provide a hard surface walkway and curb stop and that they will be working with the City regarding any possible assessment requirements. Rolfstad asked if the building has mold problems. Ms. Thomaason indicated that a full environmental assessment will be completed prior to any renovation and proper abatement will be required, if needed.

Boyeff called for public comments three times, hearing none, closed the public hearing and asked for the wishes of the board.

Brostuen asked Meiers if the alley will be wide enough to accommodate two-way traffic. Meiers said no and that is why a variance process will be necessary. He said for a number of years the teachers utilized that narrow alley and that there is no additional property available to even consider widening. He felt this is probably the best use of the building to help reduce traffic problems. He further commented that the snow will need to be hauled away and that the alley not be used during those times. He said the parking demand is of concern but felt it can be worked out and that finding alternate locations have been considered but no real solution has been determined. Brostuen asked Jarcik if a PUD follows the property once approved. Jarcik said the PUD is specific to the project and should it not occur, the plan will not stay with the land.

MOTION BY BROSTUEN, SECOND BY AAFEDT, to recommend to the City Commission approval of the proposed Planned Unit Development (PUD) for Lots 1-12, Block 8, Bruegger Amended Addition allowing variances as requested for 43 units, on-site public parking right of way for vehicles and allow 43 parking spaces. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Kleven, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

2. Proposed Preliminary Plat for Lots 1R&2R, Marburger Subdivision- Sigvaldson

Boyeff said the 2nd public hearing is for a preliminary plat for Lots 1R&2R, Marburger Subdivision requested by Kenneth Sigvaldson. He opened the public hearing and asked Jarcik to present.

Jarcik explained that the property is located along the north side of 42nd Street and 3rd Avenue East within the City's one-mile. He said the proposal is to rearrange 1.3 acres for a future street right of way to the north. The plat will create two lots (1R and 2R) each containing over one-half acre lots and is zoned rural residential. He said an adhoc met to review the plat and discussed the access as bring important for the future development to the north and recommends approval of the plat.

Boyeff said the purpose of the 66' right of way (Third Avenue East) is to provide access to the north property. Meiers said it will also be for the vacated Sande Subdivision. Boyeff called for public comments three times, hearing none, closed the public hearing and asked for the wishes of the board.

Brostuen asked Meiers how this access point will tie into the future development to the north. Meiers said he felt it would be workable and that the city is considering running the future sewer line through this right of way. He said the streets are not inline but felt it will work.

MOTION BY MARISTUEN, SECOND BY BROSTUEN, to recommend to the City Commission for their April 16th meeting, approval of the Preliminary Plat for the Rearrangement of Lots 1, 2, & 3, Block 1, Marburger Subdivision (1R&2R), requested by Kenneth Sigvaldson. AYES: Maristuen, Long, Brostuen, Fleck, Kleven, Aafedt, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

3. Proposed Zone Change from A: Agricultural to M-1: Light Industrial for unplatted Lots 1&2, Section 19, T154N,R101W, City of Williston- Valentina Enterprises/Lynch

Boyeff indicated the 3rd public hearing is for a proposed zone change from agricultural to light industrial from Valentina Enterprises which came before this board in March to consider being zoned mobile home court but was withdrawn and now the applicant would like to have the M-1 zoning considered. He opened the public hearing and asked Jarcik to present.

Jarcik indicated the property is located along the East Dakota Parkway at the end of 8th Street East, just north of the Tofte Storage Rentals. He said the interest now is to have the property (15.52 acres) zoned industrial to accommodate future industrial type uses. He said an adhoc met and discussed that the area was primarily zoned industrial and developing that way. He said engineering is currently working with an engineering firm to get a project design for the area that could serve it with water, sewer and access. Jarcik said an adjoining owner (Mrs. Helberg) had asked about the proposed zoning and was not opposed to the M-1.

Boyeff called for public comments three times, hearing none, closed the public hearing and asked for the wishes of the board.

MOTION BY KLEVEN, SECOND BY LONG to recommend to the City Commission approval of the zone change from Agricultural to M-1: Light Industrial for the unplatted Lots 1&2 in Section 19, T154N, R101W, City of Williston for Valentina Enterprises. AYES: Maristuen, Long, Brostuen, Fleck, Kleven, Aafedt, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

4. Proposed Zone Change from R-1: Single Family Residential to R-3: Restricted Commercial for Lots 1R, Mercy Rearrangement- Granite Peak Development

Boyeff indicated the 4th hearing is for a proposed zone change from R-1 to C-3 for Lots 1R, Mercy Rearrangement requested by Granite Peak Development. He opened the public hearing and asked Jarcik to review the request.

Jarcik stated the property (8+acres) is located north of the Mercy Hospital (Lot 1R). He said the hospital is zoned single family and allowed by special use in that district. He said the undeveloped property to the north along 9th Avenue is general commercial and to the south is restricted commercial (Women's Health Clinic). Jarcik went on to say the request is to allow for a commercial development to include a restaurant and hotel along the west side, next to the bypass. He said an adhoc was held to discuss the project and then read from the fact sheet regarding the proposal. He indicated a right in/out off US 2/85 would need to be reviewed by DOT (Letter dated 4/12/11). Jarcik went on to say the applicant will go into more detail but that the adhoc was in favor of the concept to allow the property to be rezoned to C-3 provided the concept design would be appropriate and compatible with the surrounding area.

Rick Leuthold, with Sanderson/Stewart Engineering, representing Granite Peak and Mercy Hospital. He said Terry Metzler with Granite Peak and Matt Grimshaw from Mercy are here, should the board have any questions. He said the concept of the project is to enhance the medical experience for patients, doctors and families utilizing Mercy by providing commercial services that are complementary to the hospital's master plan and will remain in control of the property (long-term lease agreements). He said Mercy has approximately eight acres platted property to the north of their complex and is looking to provide services for patient families needing to stay close to the hospital during time of need. He said this would include a hotel/motel, an upscale restaurant and a future live/work type facility allowing for service providers (hospital related) on the main floor and possible residential uses on the 2nd floor. The property would be leased and utilized by the hospital to enhance their services. He referred to the site plan and reviewed the ingress and egress concept design for the area subject to Department of Transportation's review of a possible in/out right of way off the highway. He discussed the water and sewer, drainage, parking lot designs for the expansion that will be workable with the adjoining residential properties. Mr. Leuthold asked the board to consider a favorable recommendation to allow for the zone change as requested.

Kleven asked if buffering would be provided alongside the proposed parking lot. Mr. Leuthold said that fencing is being considered but felt when parking is next to residential tree buffering is preferred to prevent head lights shining into homes.

Keith Halvorson, resident at 1315 13th Avenue West, said he is not opposed to what is being considered but that there is a serious water problem in the area. He said the water comes right down 13th and that this year it has been a real problem. A lengthy discussion took place with the adjoining owners regarding traffic concerns, need for buffering next to neighborhood, need to provide standard landscaping along the east side of the future parking lot, concerns about current traffic along the bypass and 11th street, future generation of more traffic into the residential streets as a result of a motel/restaurant development and the need to notify and involve neighbors. Mr. Leuthold explained they and Mercy are well aware of the water problem and will be working on solving it by connecting piping and provide an inlet to resolve the drainage situation and is more than willing to work with the adjoining owners. He said it could be a while before anything happens to the east of the property but will be most assuredly sensitive to the neighbors' concerns and work with them at the time of construction which could be 2-3 years into the future. He said the focus of the project will be along the bypass.

A lengthy discussion continued regarding how the future buildings will be designed and how the access situation will be resolved. Brostuen asked Jarcik to explain the process so the neighbors will understand how they will be kept informed. Jarcik indicated there will be a 2nd public hearing before the City Commission on May 10th to review the zone change as recommended by this board. He said there is no new plat involved and that the property can be developed as is. Aafedt was concerned about the neighbors being informed about the project and if the adhoc was informed regarding no plat requirement. Boyeff said it was understood that the future uses will involve leasing of the property but under Mercy's control.

Mr. Leuthold said he understands the concerns expressed but reminded the board that this is to permit commercial as a land use for the eight acres, regardless if the property is leased or hospital owned. He said because the acreage is not being broke up for the purpose of selling lots to someone other than the hospital no plat process is required. He said a site plan will be submitted with regards to the extension of utilities and the access roads for engineering to review and approve, as well as a building permit for review by the Building Official. He believes the hospital will want to be a responsible neighbor and recognizes the need to include public participation. Aafedt reiterated that the need to include the neighbors will be imperative. Mr. Leuthold agreed.

Boyeff said it's his understanding that Mercy Hospital is allowed in the R1 zoning as a special permitted use and are able to expand their existing facility provided it is for uses relating to the hospital/medical field.

Discussion took place regarding what is allowed in R1 versus C3, access regarding 11th Street and Gate Avenue and possible access off US 2/85. Mr. Leuthold said the technical design issues are being studied relating to traffic flow and will be resolved along with the overall design for the project area. Matt Grimshaw said because the hospital is zoned residential any redevelopment pursued will be an extension of their use permit. He said Mercy will always own the land but will enter into lease agreements with the potential owners and be considered an asset. Mercy wants well designed facilities whether they are commercial in nature or not. Rolfstad felt the need for a restaurant & motel makes good sense to help families cope with an ill family member, as well as a place for visiting doctors to stay which allows them to be closer to the hospital. Further discussion took place regarding location and what other motel accommodations are in town and have been available over the years and how to assure that the motel rooms will be available for family member. Boyeff called for public comments three times, hearing none, closed the public hearing.

MOTION BY BROSTUEN, SECOND BY MARISTUEN to recommend approval of the zone change from R-1 to C-3 for Lot 1R, Mercy Rearrangement as requested by Granite Peak Development and strongly encourages the development partners to interact with the neighborhood to assure development happens in a way that is harmonious with their concerns.

Fleck stated his concerns are about the traffic that would be on Gate Avenue should the ingress/egress off Hwy 2/85 not be granted. He said that will increase traffic on Gate Avenue which is the emergency route for the hospital. He is in favor of the development but feels action should be delayed until the DOT determines what action will be taken regarding a possible access.

Discussion took place regarding the frontage road connecting to the future development to the north along 9th Avenue, the intersection off 11th and the possibility of a new access off the bypass. Maristuen said the future expansion of the property to the north will be a key issue regarding future traffic flow for the entire area.

AYES: Maristuen, Long, Brostuen, Boyeff. NAYES: Fleck, Kleven, Aafedt.
MOTION CARRIED ON ROLL CALL VOTE.

NEW BUSINESS:

1. Review Petition for the Vacation of a portion of 22nd Avenue NE within Williston Rail Industrial Park Subdivision – McBain Properties/Sanjel

Boyeff said the next item is to review a petition for the vacating of a portion of 22nd Avenue NE within Williston Rail Industrial Subdivision requested by MacBain Properties/Sanjel. He said action by this board will be forwarded to the City Commission. He asked Jarcik to present.

Jarcik said this is to allow for a street vacation for a portion of 22nd Avenue NE between Lots 1&4, Block 3 and Lot 5, Block 2 within Williston Rail Industrial Park Subdivision. He said this is on behalf of Sanjel to make their future develop more operational. He said the City Commission will be holding a public hearing on April 26, 2011. He went on to say there have been adhoc meetings concerning this vacation. The discussion included concerns about truck and trailers blocking traffic on both ends if the proposed gate is not open; stacking space for at least one truck/trailer be provided, a right turn pocket be provided along County Road 9 for access and the need for a cul de sac turn around off 22nd Avenue NE. Jarcik said MDU has both gas and electric along 22nd and that he notified Sanjel regarding those concerns and that the Fire Chief commented about the gate access but felt that could be worked out with Sanjel on how the gates could be handled in case of emergency vehicles needing to enter the property. Jarcik said recommendation from adhoc was to approve the vacation subject to: (1) a right turn pocket be provided on County Road 9 along west side of the property; (2) Stacking space for one truck and trailer be provided in front of each gate; and, (3) public access easement on the portion of Lot 1, Block 3 within the proposed cul de sac.

Paul Schulz, representative for MacBain Properties/Sanjel, presented the board an update site plan. He said he appreciates the adhoc's recommendation to support their petition. He explained they are asking to close a portion of 22nd which abuts their property on both sides to provide for the future development of the property. He said their primary access will be off 1804 to 22nd Avenue and that the entrance to Sanjel property would be gated at the entrance with a 24-hour guard. He said the gate would rarely be closed except for those times when the business is closed (7AM-5PM). The access would be available to emergency vehicles. The stacking question has been accommodated on the update site plan. He said the 10' easement that runs along 22nd and the 20' along County Road for their future development would be staying clear of those easements. The turnout request off County 9 will not be necessary because Sanjel will not be utilizing that roadway as shown on the new site plan. Mr. Schulz indicated the long range plans for the property is to accommodate 300+ vehicular traffic and 150+ heavy equipment as well as utilization of the spur line. He is hopeful the board will support the petition primarily so Sanjel can safely manage vehicular traffic within their property. Boyeff said the cul de sac encroaches Sanjel's property and wanted to know if they would provide additional easement. Mr. Schulz said that would not be a problem to provide necessary easement. Boyeff said it's his understanding the access will now be off 1804, into a gated area which would mean a one-way in and a one-way out traffic and exiting unto County Road 9. Mr. Schulz said yes but the exit would only be for emergency purposes which will also be gated; therefore, the primary entrance will be off 1804. Boyeff said the three conditions from adhoc appear to be satisfied.

Rolfstad said he was not sure how everything would work on Sanjel's campus but understands the need to allow for safe crossover of traffic within their property. He wondered how much public use takes place on 22nd Avenue.

Bob Skurdal, Halliburton's representative, commented that 22nd is used a great deal. He said the problem resulted when a portion of 22nd Avenue East was vacated where the rail line crosses which forced using 24th for exiting and that 22nd Avenue NW is necessary and is utilized a lot. Meiers said there has been streets closed off because of the rail spur for both Halliburton and Superior Grains but he did not realize 22nd was needed for public use. He went on to say there probably needs to be a traffic study conducted which he realizes takes time.

A lengthy discussion took place regarding the utilization of 22nd Avenue NE not only for Halliburton but other properties in the subdivision, concerns about land locking property, options for Halliburton for ways of egress/ingress; Sanjel's design to allow for sole use similar to Halliburton's campus, options of getting unto 1804 versus County Road 9, use of the existing rail spur, taking away public access versus safety of vehicular use within Sanjel's yard and the need for a turn lane off County 9, regardless of the vacating being approved or not, what traffic patterns are utilized by all property owners and the lack of alternative/additional roads within the subdivision.

MOTION BY KLEVEN, SECOND BY LONG to recommend denial to the City Commission for the request to vacate a portion of 22nd Avenue NE within Williston Rail Industrial Park Subdivision as requested by MacBain Properties/Sanjel. AYES: Kleven, Maristuen, Long, Brostuen, Fleck. NAYES: Aafedt, Boyeff. MOTION CARRIED ON ROLL CALL VOTE.

2. Final Plat for Brigham Subdivision – Brigham Investments

Boyeff said the next order of business will be to approve a number of final plats. He said the first one is for Brigham Subdivision and asked Sinness to present.

Sinness said on April 12, 2011 the City Commission approved the plat subject to meeting all the final plat requirements. She said the title opinion and plat corrections have been ordered and recommend approval subject to receipt of the opinion. The park dedication fees will be required at time of the building permit and a development plan will need to be approved by the City Commission.

MOTION BY FLECK, SECOND BROSTUEN, to recommend approval to the City Commission of the final plat for Brigham Subdivision, subject to receipt of the title opinion, plat corrections, park dedication fee at time of the building permit and a development plan. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Kleven, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

3. Final Plat for Dakota Supply Subdivision – Dakota Supply

Sinness said the 2nd plat is for Dakota Supply Subdivision located along 42nd Street. She indicated that on March 8, 2011 the City Commission approved the plat subject to the applicant meeting the engineer's requirements which includes a water/sewer & drainage plans. She said final plat corrections have been completed. Park Dedication will be required at the time of the building permit and that the title opinion has been submitted. She indicated Meiers is not here, so not sure about the final water/sewer plans or drainage.

A short discussion took place regarding the applicant not meeting the necessary improvement plans and without engineer approval there could be plat changes still needed. Sinness said she also knew of covenants that need to be submitted Boyeff felt this may need to be tabled.

MOTION BY MARSTUEN, SECOND BY AAFEDT to table the final plat for Dakota Subdivision until further information is submitted for staff review. AYES: Maristuen, Long, Brostuen, Fleck, Kleven, Aafedt, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

4. Final Plat for Sublot No. 11 – Miller/Oasis Petroleum

Sinness said the 4th one is for the Final Plat for Sublot No.11 located in the one-mile jurisdiction in Missouri Ridge Township. She said the preliminary plat was approved on April 12, 2011 contingent on a non-protest agreement relating to future annexation, plat corrections and a title opinion.

Sinness said there was an issue regarding the need to be an 80' access easement as required by engineering, which has been shown and the township was contacted. She indicated the park dedication is not required because property is zoned industrial. A non-protest agreement is necessary and a title opinion. She said the applicant proposes individual wells and septic. Recommendation is to approve.

MOTION BY KLEVEN, SECOND BY FLECK to recommend approval to the City Commission of the final plat for Sublot No. 11, subject to receipt of the title opinion and a signed non-protest agreement regarding annexation. AYES: Long, Brostuen, Fleck, Kleven, Aafedt, Maristuen, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

5. Final Plat for Herron Subdivision – Envision Land & Development/Smestad

Sinness indicated the 5th final plat is for the Herron Subdivision located north of 26th Street. She said a zone change was approved in February from R1A to R1 and the preliminary plat was approved by the City Commission on March 22, 2011 and a development plan was also approved.

Sinness said the title opinion has been ordered and the park dedication will be required at time of the building permit. Recommendation is to approve subject to an opinion and any survey corrections.

MOTION BY BROSTUEN, SECOND BY LONG to recommend approval to the City Commission of the final plat for Herron Subdivision, subject to receipt of the title opinion and park dedication fees be paid at the time of the building permit. AYES: Fleck, Kleven, Aafedt, Maristuen, Long, Brostuen, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

6. Final Plat for Williston Gardens Subdivision – Lumber One Development/Schmid

Sinness said the 6th final plat is for Williston Gardens Subdivision located south of 42nd Street. She said the City Commission approved the plat subject to survey corrections, final plat requirements, and development plans completed (water/sewer/drainage). Sinness indicated corrections have been completed; however, the 7' right of way does not appear to be showing. Short discussion took place regarding applicant assuring final plat corrections have been completed and that the developments requirements will be part of the building permit. Sinness said the title opinion has been ordered. She said the recommendation is to approve the plat subject to survey corrections showing the 7' right of way, payment of park dedication fees at the time of the building permit.

MOTION BY KLEVEN, SECOND BY FLECK to recommend approval to the City Commission of the final plat for Williston Gardens Subdivision, subject to receipt of the title opinion, park dedication fees be paid at the time of the building permit, engineers' final approval of development plans and clarification of the 7' right of way along 42nd Street. AYES: Kleven, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYES: Aafedt. MOTION CARRIED ON ROLL CALL VOTE.

Sinness indicated there are three plats needing approval for the rearrangement of lots and blocks in Borsheim Subdivision and vacating of street right of ways, all three plats have been submitted to staff for review and that the title opinion will be for all three plats by Attorney MacMaster. No park dedication will be required being the property is zoned industrial. Conditions of each plat will be a non-protest for future street improvements for streets adjacent to the properties, non-protest for future annexation, final survey corrections and title opinion(s).

Craig McIvor, Dakota Realty, indicated the only concern that has arisen was whether the property owner of Lot 3, Block 5 (Peterson's) would need to sign the plat. He said the owners have been contacted and agree to sell the lot so they will not be required to sign the plat.

7. Final Plat for Lot 1R, Block 3,5,&6, Borsheim Subdivision & vacating right of ways – Borsheim Trust /USA Trucking

MOTION BY AAFEDT, SECOND BY KLEVEN, to recommend approval to the City Commission of the final plat for Lot 1R, Block (s) 3, 5, & 6 , Borsheim Addition and vacating of right of ways, subject to clarification of the ownership of Lot 3, Block 5, non-protest future annexation and street improvements, final plat corrections and a title opinion. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Kleven, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

8. Final Plat for Lot 1R&2R, Block 7 & Lots 1R-3R, Block 8, Borsheim Subdivision & vacating right of ways – Borsheim Trust/Lynn

MOTION BY KLEVEN, SECOND BY FLECK to recommend approval to the City Commission of the final plat for Lot 1R & 2R, Block 7, Lots 1R, 2R, 3R, Block 8, Borsheim Subdivision and vacating of right of ways, subject to clarification of ownership of Lot 3, Block 5, non-protest future annexation and street improvements, final plat corrections and a title opinion. AYES: Maristuen, Long, Brostuen, Fleck, Kleven, Aafedt, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

9. Final Plat for Lot 2R, Block 4, Borsheim Subdivision & vacating right of ways – Noble Casing, Inc.

MOTION BY FLECK, SECOND BY BROSTUEN to recommend approval to the City Commission of the final plat for Lot 2R, Block 4, Borsheim Subdivision and vacating of right of ways, subject to clarification of ownership of Lot 3, Block 5, non-protest future annexation and street improvements, final plat corrections and a title opinion. AYES: Long, Brostuen, Fleck, Kleven, Aafedt, Maristuen, Fleck, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

Boyeff said there is one more item of business. He said being this is Tim Kleven's last meeting; he would like to present him a plaque for his faithful and dedicated service on the Planning Board. He thanked him for his years of dedication which started in 2002 and said he will be missed by all.

Meeting adjourned. Next meeting is set for May 16, 2011.

Kent Jarcik, City Planner