

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

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

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

MEMBERS ABSENT: None

OTHERS PRESENT: Kent Jarcik, City Planner, Jessica Kaiser, Planner I, Elaine Sinness, Assistant City Planner, Monte Meiers, City Engineer, Peter Furusest, City Attorney, Tom Rolfstad, Economic Development, Ward Koeser, City Commissioner.

DISPOSITION OF MINUTES:

MOTION BY FLECK , SECOND BY HAUGEN, to approve the June 20, 2011 minutes as presented. MOTION CARRIED ON VOICE VOTE.

Boyeff indicated that agenda item G.1 under Unfinished Business for Zavanna, LLC, will not be handled his evening. The applicant is planning to submit a new application for the August meeting.

PUBLIC HEARING:

1. Preliminary Plat for Ironwood Industrial Park Subdivision, Rearrangement of Lot 3R and Sublot 4, containing 70+acres – Ironwood Development/Owan

Boyeff indicated there will be two public hearings this evening, the first one is for a Preliminary Plat for Ironwood Industrial Park Subdivision requested by Ironwood Development and Mark and Sonya Owan. He opened the public hearing and asked Jarcik to present.

Jarcik pointed out the location of the plat being North of 49th Street and the Borsheim Subdivision, next to the Saddle Ridge Subdivision to the West. He indicated the rezone from agricultural to industrial for the property was approved by the City Commission. The plat will be creating thirteen (13) industrial lots ranging from 3.35 to 10 acres. Jarcik indicated the applicant is proposing individual water wells and septic systems. He indicated an ad hoc did meet and discussed the access which will be provided by sharing 22nd Avenue with the Saddle Ridge Subdivision to the west.

Jarcik indicated the recommendation is to approve the preliminary plat contingent on a development agreement, a non-protest future annexation, non-protest future street improvement/assessment for 49th, final plat requirements, and a title opinion. He said the applicant is in attendance and may wish to address the board.

Julian Morice, representing Ironwood Development, said he would be willing to answer any question the board may have. Boyeff asked Mr. Morice if the access will be from 22nd Avenue. He explained that the main access will be off 44th Street through Borsheim Subdivision and then up to 22nd Avenue which will extend north across 49th. He said the other access will be off 18th Street. He said improvements are being completed in cooperation with Chuck Owan, owner of Saddle Ridge Development. Boyeff asked if there will be a development plan. Mr. Morice said they are working on putting one together. He said the future land use shows the lots being industrial. Haugen asked who will be responsible for the roads. Mr. Morice said the plan is to provide for a landowner's association that would participate in monthly fees to maintain the roads based on usage, which will be the extension of township roads. Boyeff asked Meiers if he had any concerns. He said not at this time but will want to see a development plan. Boyeff called for public comments three times, hearing none, closed the public hearing and asked for the wishes of the board.

MOTION BY BROSTUEN, SECOND BY FLECK to recommend to the City Commission approval of Preliminary Plat for Ironwood Park Subdivision, contingent on submittal of a development agreement, non-protest future annexation, non-protest future street improvements/assessment for 49th Street, meeting final plat requirements and submittal of a title opinion. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYES: None. MOTION CARRIED.

2. Proposed Zone Change from M-1: Light Industrial to C-2 General Commercial for Lots 2&3, KAV Subdivision, containing 2+ acres. - KAV Development/Vachal.

Boyeff indicated the second public hearing is for a zone change from M-1 to C-2 for Lots 2&3 KAV Subdivision requested by KAV Development. Boyeff opened the public hearing and asked Jarcik to present. Jarcik showed the location of the proposed zone change being north of Walmart on 4th Street West and the Archer Subdivision along 42nd Street which is zoned general commercial. He indicated the change would allow for a 2nd story apartment for the Grizzly Wire Rope and Chain business (Lot 2) and future additional commercial development to the south. (Lot 3). Jarcik said an ad hoc met and felt the use for Grizzly's business qualified as general commercial and was in favor of the project and recommended approval.

Stewart Vachal, representing KAV Development, indicated the apartment would only be temporary until housing opens up in the community. He said the company is planning to triple the business and needs a place for employees to live.

Mr. Vachal said that Lot 3 will be next to the future motel for future commercial development. Boyeff called for public comments three times, hearing none, closed the public hearing and asked for the wishes of the board.

MOTION BY FLECK , SECOND BY LONG , to recommend to the City Commission approval of the zone change from M-1: Light Industrial to C-2 General Commercial for Lots 2&3, KAV Subdivision, City of Williston, containing approximately 2+ acres. AYES: Maristuen, Long, Brostuen, Fleck, Haugen, Aafedt, Boyeff. NAYES: None. MOTION CARRIED ON ROLL CALL VOTE.

UNFINISHED BUSINESS:

1. Proposed Zone Change from A:Agricultural to M-1: Light Industrial for unplatted property in SW1/4SE1/4, Section 2, T154N, R101W, City of Williston- Zavanna, LLC/Erickson. - REMOVED

NEW BUSINESS:

1. Final Plat - University Commons Subdivision - Baird.

Boyeff indicted the first four items will be presented by Sinness. He said the first is a final plat for University Commons.

Sinness indicated the plat's location is South of 34th Street and 1st Avenue West, City of Williston, requested by Williston Ventures and Bill Baird. She said Lonnie Fleck with Interstate Engineering is here to represent the applicant. Sinness indicated the City Commission approved the zone change from R1A to C-3 for Lot 6, Block 7(2.3acres) and to R-3 for the remainder Blocks 1-6 and Lots 1-5 in Block 7, (57 acres), contingent on a grading plan, traffic study, development agreement, buffering, water/sewer plan, closing on City owned property, title opinion and meeting final plat requirements. Sinness indicated since that time, necessary documents and a final plat has been submitted for review. The title opinion has been review and approved by Attorney Furuseth.

Sinness indicated recommendation is to forward approval to the City Commission subject to a development plan, closing on City owned property, hold harmless agreement (airport), and park dedication being paid at time of building permits and any necessary final plat corrections. A short discussion took place regarding the runway protection zone and the City owned property (11+acres).

MOTION BY FLECK, SECOND BY BROSTUEN, to recommend approval to the City Commission of the Final Plat for University Commons Subdivision subject to their approval of a development plan, documents necessary for City owned property, hold harmless agreement against aircraft incidents & noise, park dedication be paid at time of building permit and any necessary final plat corrections. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Maristuen, Boyeff. NAYES: None. MOTION CARRIED.

2. Final Plat - Saddle Ridge Subdivision – Owan

Boyeff indicated the next final plat review is for Saddle Ridge Subdivision requested by Chuck Owan. Sinness said this plat, located north of the airport and now Ironwood Subdivision to the East, has been waiting for further information since early this year. She said that on January 11, 2011 the City Commission approved the zone change from agricultural to light industrial for Saddle Ridge Subdivision containing 90+ acres, subject to a development agreement, title opinion and a final plat.

Sinness said since that date a plan, opinion and final plat has been submitted. The opinion has been reviewed and approved by Attorney Furuseth, Sinness indicated the applicant will be using individual water wells and septic systems, the roads are to be built to meet County/City specification and is working with the adjoining property (Ironwood Development). She said a non-protest annexation agreement will be needed and that no park dedication is necessary due to the property being industrial and that the park district has not requested land. Recommendation is to forward approval.

MOTION BY BROSTUEN, SECOND BY MARISTUEN, to recommend to the City Commission approval of Final Plat for Saddle Ridge Subdivision, contingent on their approval of a development agreement, non-protest future annexation agreement and any necessary plat corrections. AYES: Brostuen, Fleck, Haugen, Aafedt, Maristuen, Long, Boyeff. NAYES: None. MOTION CARRIED.

3. Final Plat - Harvest Hills Subdivision – Granite Peak Development

Boyeff said the third final plat review is for the Harvest Hills Subdivision requested by Granite Peak Development. Sinness indicated that both Rick Leuthold and Terry Metzler are present, should the board have any questions. She said the location is in the northwest corner of 35th Avenue and 26th Street, She reminded the board that this is a PUD along with the plat for Harvest Hills Subdivision (Phase I).

Sinness said on May 24, 2011 the City Commission approved the Overlay District as a final plan establishing a mixed use development for residential and commercial (Exhibit C), the preliminary plat for Phase I contingent on a final plat, title opinion, annexation, and subdivision improvement agreement, to include maintenance of open spaces and responsible party to be defined, if privately owned.

Sinness said since that date, the resolution to annex was approved; the development plan was reviewed by the City Commission and approved pending attorney review. She indicated the title opinion has been reviewed and approved by the attorney.

Sinness said recommendation is to forward approval of the Final plat (Phase I) to the City Commission, contingent on their approval of the final development plan, a final boulevard tree document, final parking standards for town center and any necessary plat corrections be completed. She said Rick Leuthold may have comments. Mr. Leuthold thanked the board concerning this fairly long process to arrive at a final plat. He referred to the parking analysis and boulevard tree documents which will be attached to the final development plan. He believes the documents are ready for final review. He mentioned that the issue relating to the final park requirements are still in process and asked that a recommendation to approve be forwarded. Haugen asked about the need for adequate space for parking oversized trucks. Mr. Leuthold said that after discussions with engineering about street parking he said the city standards are being met. He said the way the town center blocks will be laid out in the final package will be subject to developer input for standard car lengths and to provide for trailer/truck parking within their design standards. Mr. Leuthold said that a one-year validation process is being considered to assure the parking standards are adequate. Haugen asked how those corrections will be made should there be future inadequacy. Mr. Leuthold said language will be made part of the agreement between the City and developer to assure the parking requirements are being met along with the other needed documents and corrections to the plat are finalized.

MOTION BY BROSTUEN, SECOND BY AAFEDT, to recommend to the City Commission approval of the Final Plat for Phase I of the Harvest Hills Subdivision, contingent on their approval of a final development agreement, the boulevard tree document, the parking standards for the town center and any necessary plat correction.

Fleck believes there needs to be language in the development plan to include parking stalls for longer vehicles, giving the City the ability to adjust the length if need be. Discussion took place regarding possible ordinance change, regular parking standard's versus exceptions or modifications, possible signage, snow removal, the need for a parking plan to accommodate oversized vehicles, and/or set aside parking areas. Mr. Leuthold said he is willing to include language in the design standards.

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

4. Final Plat - NOV Tuboscope – National Oil/Sorenson

Boyeff said the final review is for NOV Tuboscope Subdivision. Sinness indicated this property is located south of Spec Tech's yard and Connor Sales along 58th Street in Williston Township. She indicated that on July 12, 2011 the City Commission approved the zone change from agricultural to industrial for 2.87 acres for the existing Tuboscope property and the Preliminary Plat for NOV Tuboscope Subdivision totaling 31 acres, contingent on a 40' public access and easement along the west and south property lines, title opinion and a final plat.

Sinness said the final plat has been submitted and necessary updates have been completed except for minor adjustments required by the surveyor and that the title opinion has been ordered from the MacMaster Law Firm and will be submitting that document prior to the July 26th City Commission's meeting. She indicated the recommendation is to forward approval of the final plat subject to a signed non-protest future annexation document, final title opinion as approved by the City attorney and any necessary plat corrections. No park dedication is necessary due to the property being zoned industrial.

MOTION BY HAUGEN, SECOND BY MARISTUEN, to recommend to the City Commission approval of the Final Plat for NOV Tuboscope Subdivision containing approximately 31 acres in the SW1/4NE1/4, Section 2, T154N. R101W, Williston Township, contingent on a non-protest annexation agreement, final review of the title opinion and any plat corrections. AYES: Haugen, Aafedt, Maristuen, Long, Brostuen, Fleck, Boyeff. NAYES: None. MOTION CARRIED.

5&6. – Review Petition for Vacation of Street right of way containing approximately 5400 sq.ft. West of Lot 22, Block 1, Ruetten Addition and Special Permitted Use for a professional building – Lee

Boyeff said the next item is for a petition to vacate a street right of way West of Lot 22, Block 1, Ruetten Addition requested by Rick Lee. He asked Jarcik to present. Jarcik showed the board a site plan which shows both the vacation (5400 sq.ft.) and proposed professional building along with parking. He said an SPU is required being the property is zoned light industrial.

Jarcik said an adhoc did meet and discussed the ownership, if area is a deeded lot or part of the right of way, need for additional right of way (10-12'), need for survey, possible purchase, actual right way and need for attorney review.

Jarcik then reviewed staff comments: Utilities: Need to retain easement for power poles. Building: Approval of SPU does not constitute approval of building permit. Planning: OK as proposed and permitted with building permit. Engineer: Need to retain easement. Assessor: Typically ½ of right of way would be assigned to lots on each side, need specifics. DOT: Assumes the right of way was purchased at time of ND 1804 ran through intersection. Current route does not enter this intersection. Does not know if the property was originally purchased with Federal Dollars. If not needed excess right of way, it can be sold back to adjacent landowner for market value. If not wanted, it can be sold at auction. There may be a good reason for the City to retain a sight triangle to help for visibility at intersection.

Jarcik said the recommendation from adhoc was to approve the SPU for a professional building for Lot(s) 22,23,&24, Block 1, Ruetten Addition (approval does not approve the site plan will need building permit) and to recommend approval to the City Commission for the request to vacate the right of way along University Avenue adjacent to Lot 22, Block 1, Ruetten Addition, contingent upon retaining 10-12' of additional right of way, determination of City ownership, proper method of transferring ownership to be determined by the City Commission with City attorney's review. Jarcik said the applicant is here and may wish to address the board.

Marn Heggen with Heggen Architecture, representing the applicant, said the professional building would fit the area and that the original plat did not include the curb to the west and are hoping to be utilized for future parking. She did not think it would be an issue to retain the 10-12' setback requested by Engineering. Discussion took place regarding the need to identify the ownership, need for a survey, proof of ownership, selling the right of way, retaining easement, extra footage for future parking lot, need to vacate versus selling, need for title review by attorney, allow for the SPU subject to vacation, retaining perpetual easement, and setback requirements.

Review of the criteria for the SPU determined no detrimental affect. Boyeff felt it would be an acceptable location for the professional building being proposed and the SPU could possibly be contingent on the City Commission's final determination regarding the vacation of the property.

MOTION BY FLECK , SECOND BY AAFEDT, to recommend to the City Commission approval of the Petition for Vacation of Street right of way containing approximately 5400 sq.ft.. West of Lot 22, Block 1, Ruetten Addition, contingent upon retaining 10-12' of additional right of way, determination of ownership and proper method of transferring ownership as determined by City Commission and to recommend approval of the Special Permitted Use for a professional building for Lots 22, 23 &24, Block 1, Ruetten Addition subject to final approval of vacation request. AYES: Aafedt, Maristuen, Long, Brostuen, Fleck, Haugen, Boyeff. NAYES: None. MOTION CARRIED.

7. Review Petition for Vacataion of a portion of 22nd Avenue NE within Williston Rail Industrial Park Subdivision - McBain/Sanjel

Boyeff said the final item this evening is the Petition for Vacation of a portion of 22nd Avenue NE, Williston Rail Industrial Park requested by MacBain/Sanjel. He asked Jarcik to present. Jarcik showed the location of the proposed 66' vacation of right of way between Lots 1&4, Block 3 and Lot 5, Block 2 in the Williston Rail Industrial Park Subdivision. He indicated that this request came before this board previously and Halliburton raised concerns about the traffic flow and so Sanjel withdrew until the traffic study was complete. Jarcik indicated MacBain Properties who is the applicant wants to vacate 22nd Ave NE because Sanjel has operations being developed on both sides of the avenue. The proposal is to access from County Road 9 but only an emergency exit and is to be gated. The ingress and egress for the property would be 22nd Avenue East to 1804 and that all industrial park traffic would use 22nd Avenue East to 1804 to minimize turn out onto County Road 9. Jarcik then reviewed the engineers comments: To install an appropriate right turn onto 1804 from 22nd, install a paved cul-de-sac at 22nd Avenue East and 22nd Avenue NE, condition if access off 22nd Avenue is used in future, provide a right turn lane that meets current design standards. Boyeff asked that in the fact sheets it mentions an ownership question. Jarcik said Sanjel owns both sides so there are no other owners involved.

Jarcik said an ad hoc did meet and recommended to approve the vacation with a permanent easement for utility and public access, a right turn lane on 22nd Avenue East to 1804 (to help with traffic congestion), and a breakaway gate or controlled access for 22nd Avenue NE, if Sanjel uses the 22nd Avenue East access to County Road 9 , and a right turn pocket being built to current design standards. He said the applicant may want to address the board.

Paul Schultz speaking on behalf of MacBain Properties said on April 18, 2011 he appeared before this board but there were some misunderstanding as to what they were purposing as well as concerns raised by Halliburton which resulting in withdrawal of the request.

Mr. Schultz said since that time they have conducted a traffic analysis of the area and would like for Chuck Strom from Interstate Engineering, Inc to inform the board about the traffic study and its findings. Boyeff said the board does have the conclusions of the report.

Chuck Strom spoke of the traffic analysis that was conducted and the objective of the study. The objective included the following: to look at the impact of traffic operations if 22nd Ave NE was vacated and there was no longer an intersection off County Rd. 9, to look at the impact the vacation will have on adjacent property owners (namely Halliburton), and to look at the need for any mitigation of any impacts that are discovered.

Interstate Engineering, Inc. took traffic counts at the intersection of 22nd Ave NE and County Rd. and also 22nd Ave E, County Rd. 9 & ND 1804 and 22nd Ave E and ND 1804. The counts were taken over four different days using trained people at three intersections with one intersection being videotaped and analyzed in an office setting. Historical traffic data was also used regarding 1804 through the NDOT website to help project future traffic levels. The analysis of the data included: how did the intersections function regarding level of service, look at the need for traffic signal control, and to look at the need for separate right turn lanes.

Mr. Strom reviewed the conclusions of this study which were: 1) 22nd Ave NE carries low traffic volume at less than 300 vehicles per day; 2) very little Halliburton traffic actually utilizes this section of property; 3) Re-Routing traffic due to closing 22nd Ave NE at County Road 9 has a "barely detectable impact" to the nearby intersections of County Rd. 9 & 1804 and 22nd Ave NE & 1804; 4) 22nd Ave E can function very well as the sole access to the Sanjel campus and provide access to the Halliburton property with experiencing capacity limitations now or having a negative impact to 1804; 5) Separate right turn lanes are not required, but would provide some benefit to the southbound approaches, specifically at 22nd Ave; 6) Traffic signals are not currently warranted due to traffic volumes at either intersection and were not likely to be warranted in the future. Mr. Strom said this concludes the traffic analysis and asked if the board had any questions. Fleck asked how it can be determined in the future that a traffic light is not warranted on 1804. Mr. Strom said by using as much input that could be found and historic info and the projected future growth into 20 years, peak volumes to determine the need. He said if this study was done 6 or 8 years ago it would be a different. He said an 8-hour traffic is looked per day, etc. The other is interruption of continued traffic. He said they actually doubled the traffic on the road to determine volume of traffic. Fleck said that in adhoc it was determined that a right hand turn lane is needed because there are a large amount of trucks making left hand turns unto 1804. He said there is a need to move traffic off of 22nd Avenue East. Mr. Strom said the study determined it is not needed.

Mr. Schultz alluded to the fact that they are willing to install an appropriate right turn even though Mr. Strom has identified that it would not be required in his opinion. Haugen said additional traffic will be generated by Halliburton as they make future improvements to their property which will increase traffic. Paul Schultz asked the board to support their vacating petition and they concur with the fact sheets and terms that are before them this evening. Boyeff asked the board if they all received the email from Bob Skurdal representing Halliburton. Haugen asked Skurdal if they are planning to increase their existing mancamp. Skurdal indicated they have the potential to double the numbers.

Bob Skurdal, Facilities Manager for Halliburton, spoke in protest to the vacation. He said that the number of Halliburton employees could easily be doubled so this would cause traffic congestion if 22nd Ave NE is to be vacated. He also said that Halliburton is building a wash facility along 1804 to service the 500+or- company trucks and these trucks would like to access the facility from 22nd Ave NE. A customer based building will also be built and Skurdal believes that this would also be accessed from 22nd Ave NE. He disagreed with the traffic study by saying that Halliburton does use 22nd Ave NE quite frequently and if it is vacated it will cause backups and traffic congestion. He asked if the load restrictions were on when the study was completed. Mr. Strom said they were not and actually delayed the study because of those restriction. Boyeff asked Mr. Skurdal if the public has access across the railroad tracks. He said the public has to be kept off the track and that is one of the reasons for the traffic concerns. He said there will be gates to deal with and that the width only allows for one semi-truck. A lengthy discussion took place regarding Halliburton's traffic patterns relating to the future wash facility and the need to reduce traffic exiting onto County Road 9. Concerns about closing off County Road 9. Fleck said that the board's idea was to push traffic onto 1804 because they do not want traffic on County Rd. 9 and that the adhoc believes that traffic should be eliminated on County Rd. 9 for safety reasons. Haugen disagrees. Boyeff said the purpose this evening is to gather information and provide a recommendation to the City Commission's public hearing set for July 26, 2011.

Brostuen said he greatly appreciates the efforts both parties have put into this issue. He believes the right turning lane is necessary to avoid traffic backups and would like to have that conveyed to the City Commission. Boyeff said a lot of information has been presented because of the traffic study, the adhoc discussions and Halliburton's input. He said it's now the board's decision to forward a recommendation or continue further discussion.

July 18, 2011

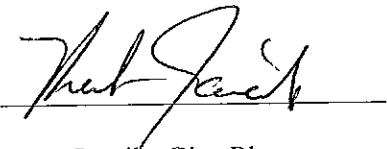
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Planning and Zoning

Haugen felt by closing this access it limits entry into the development and is not in favor of vacation. Long indicated there is still the breakaway gates available should access be needed. Fleck said in adhoc it was the feeling that it would be best to try eliminate traffic along County Road 9 because of the danger the trucks are creating by entering 22nd Avenue. Haugen believes this is an issue that the City Commission will have to address.

MOTION BY FLECK , SECOND BY LONG, to recommend to the City Commission approval of the Petition for Vacation of a portion of 22nd Avenue NE within Williston Rail Industrial Park Subdivision, contingent on a perpetual easement be retained as a utility access easement, public access easement on the portion of Lot 1, Block 3 within the proposed cul-de-sac with entire cul-de-sac being paved, A right turn pocket on 22nd Avenue East to 1804 being provided, a Breakaway gate or controlled access as approved by the City for 22nd Avenue NE, If Sanjel uses the 22nd Avenue East access to County Road 9 in the future a right turn pocket from County Road 9 onto 22nd Avenue NE would be required and built to current design standards. AYES: Aafedt, Long, Brostuen, Fleck, Boyeff. NAYES: Haugen, Maristuen. MOTION CARRIED.

Meeting adjourned. Next meeting is set for August 15, 2011.

A handwritten signature in black ink, appearing to read "Kent Jarcik", written over a horizontal line.

Kent Jarcik, City Planner