

**City of Moorhead
Oakport Joint Powers Board
Meeting Minutes
July 22, 2009 at 7:30 AM
Basement East Conference Room, Moorhead City Hall**

Pursuant to due call and notice thereof, a regular meeting of the Oakport Joint Powers Board was held in the Basement East Conference Room, Moorhead City Hall, on July 22, 2009, at 7:30 AM.

Roll call of the members was made as follows:

1st Ward Council Member:	Nancy Otto	Present
1st Ward Council Member:	Dan Bohmer	Absent
Board Member:	Carolyn Kastella	Present
Board Member:	Greg Anderson	Present
Board Member:	Kevin Campbell	Present
Board Member:	Grant Weyland	Present

Others present:

Tim Magnuson, Clay County Planner
Deb Martzahn, City Planner
Bob Zimmerman, City Engineer
Amy Thorpe, Community Services Program Assistant

1. [Call meeting to Order/Roll Call](#)
2. [Approval of Minutes from May 27, 2009](#)

Motion to Approve Minutes from May 27, 2009, made by Greg Anderson and seconded by Grant Weyland.

Motion Passed: For: 5; Against: 0; Abstain: 0; Absent: 1

3. [Citizens To Be Heard](#) – None.
4. [Agenda Amendments](#)

Additions: Oakport Annexation – requested by Mark Hintermeyer
Flood discussion – requested by Otto

5. [Public Hearing](#)

A [Request of Steven Schwindt for a conditional use permit pursuant to Section 10-17B-5-2 of the Moorhead City Code to construct a basement below the regulatory flood protection elevation on his property at 1412 51st Avenue North in the Town of Oakport, Minnesota.](#)

Motion to Open public hearing made by Carolyn Kastella and seconded by Greg Anderson

Motion Passed: For: 5; Against: 0; Abstain: 0; Absent: 1

Minutes: Minutes: Martzahn began by stating that the Schwindt's residence had been 70% damaged by the flood of 2009. She stated that county and city staff recommended the owners apply for a buy-out, but they declined. Martzahn stated that staff recommended that the home be moved outside the current floodplain but the owners chose to move the damaged house to a location about 80 feet east of its current location, still within the floodplain requiring a conditional use permit.

Campbell asked Bob Zimmerman, City Engineer, what [water] level the city was

planning to protect the area to? He asked if there would be room to construct a dike between the river and the Schwindt's property. Zimmerman stated that if the project were an Army Corp of Engineers project, there would probably not be room for a levy between the river and the house and that the house would not be on the dry side of the levy. Campbell stated that his concern was that the Schwindt property would be on the wrong side of the levy, if the CUP was allowed. Zimmerman stated that if there was a diversion project, there may not be an issue but if it were a levy, it may be a problem. Zimmerman stated that construction of a project of that magnitude would take some time and that they would seek to optimize the cost of the project versus the benefit. Anderson stated that he couldn't see how the dike would ever be built so that the Schwindt's were on the dry side because of the bank stability. Board members also stated that the map included in the packet showed the current flood plain and that when the new flood plain map was released, the entire Schwindt property would be within the flood plain. Campbell stated that the unknown at this time is where the Corp will go with the project. The Corp will look at the entire area to determine how to best protect the area.

Anderson stated to the applicant that no matter what decision the board made, he would need to make a decision based on what may or may not happen. He stated there are still many unknowns and it is unlikely that a dike would be constructed to protect the applicant's property. Anderson reiterated that the applicant needs to understand that he will likely be outside the protected area.

Otto was concerned that if the board approved the CUP, it would give the Corp the impression that the board was not supporting their efforts.

Board members again reiterated the options for flood mitigation and wanted to be sure the applicant understood that if he did move forward with the project, he was well informed. They suggested to the applicant that if he continued with the project, he should work with an engineering firm.

Motion to Close Public Hearing made by Grant Weyland and seconded by Nancy Otto

Motion Passed: For: 5; Against: 0; Abstain: 0; Absent: 1

Motion to Approve made by Grant Weyland and seconded by Greg Anderson

Motion to Approve Request of Steven Schwindt for a conditional use permit pursuant to Section 10-17B-5-2 of the Moorhead City Code to construct a basement below the regulatory flood protection elevation on his property at 1412 51st Avenue North in the Town of Oakport, Minnesota, with the following conditions:

1. Owner provides evidence of clear title to parcel #23.021.9999 and combines it with parcel #23.021.2305.
2. House is built in the location and to specifications shown in plans submitted with floodplain permit.
3. The basement shall be flood-proofed and used only for purposes allowed.
4. Applicant receives all required federal, state, and local permits.

Motion Passed: For: 5; Against: 0; Abstain: 0; Absent: 1

6. [Old Business](#) – None.

7. [New Business](#)

A [Oakport Annexation](#) Discussion

Minutes: Board members discussed their concern regarding the annexation of Oakport to the City of Moorhead in 2015. Hintermeyer stated that he would like to have strategic planning in place to deal with the transition. He stated that he is looking for a communication process and that Oakport may have a "rude awakening" when the annexation occurs. Campbell stated that he thought current Oakport residents will want to keep the rural residential feel in the area. Hintermeyer reiterated that he wants to be welcoming to Oakport, start off on a good foot, and transition seamlessly. Otto stated that she and others had gone to the city

manager with the cost benefit of moving forward with the annexation sooner than 2015, especially in regards to increased revenues from public services, etc. She also stated that the current zoning codes and city ordinances may need to be revised to allow for the rural residential area in Oakport.

Campbell asked board members how they felt the issue should move forward. Otto stated that there could be a sub-committee established to review ordinances and work with the city manager and finance director. Campbell suggested that rather than have a subcommittee of the Oakport Joint Powers Board, he felt that a new committee should be established to include MPS, the Township, Oakport, Clay County, and the City of Moorhead including representatives from police and fire.

Motion to Recommend made by Nancy Otto and seconded by Carolyn Kastella

Motion made by Nancy Otto and seconded by Carolyn Kastella to recommend to the Moorhead City Council and the Clay County Commission to establish a committee for the purpose of reviewing ordinances, summarizing cost benefits, reviewing police and fire protection, and costs of Moorhead Public Service with the goal of the seamless integration of Oakport Township into the City of Moorhead. The recommended representatives of the committee would include elected officials from Oakport (2), City Council (3), and Clay County (1-2 at the discretion of the County).

Motion Passed: For: 5; Against: 0; Abstain: 0; Absent: 1

8. [Adjournment](#)

The proceedings of this meeting are digitally recorded and are available for public review.

*Respectfully submitted by:
Amy Thorpe, Community Services Program Assistant*