

**City of Moorhead
Oakport Joint Powers Board
Meeting Minutes
April 25, 2012 at 7:30 AM
1st Floor 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 1st Floor Conference Room, Moorhead City Hall, on April 25, 2012, at 7:30 AM.

Roll call of the members was made as follows:

Board Member:	Jeff Schaumann	Absent
Board Member:	Kevin Campbell	Present
Board Member:	Carolyn Kastella	Present
1st Ward Council Member:	Nancy Otto	Present
1st Ward Council Member:	Luther Stueland	Absent
Board Member:	Grant Weyland	Present

Others Present:

Kristie Leshovsky, City Planner
Mary Schmitt, Office Specialist
Tim Magnusson, Clay County Planner

1. [Call meeting to Order/Roll Call](#)

2. [Approval of Minutes](#)

A [March 28, 2012](#)

Motion to Approve made by Grant Weyland and seconded by Nancy Otto

Motion Passed: For: 4; Against: 0; Abstain: 0; Absent: 2

3. **Citizens To Be Heard**

4. [Agenda Amendments](#)

Applicant for item 5B has withdrawn their request for a Conditional Use Permit. The special meeting scheduled for April 30 is cancelled.

5. [Public Hearing](#)

A [Request of Daniel Olson to allow for the construction of a 30x50 foot accessory building at 805 62nd Avenue North](#)

- i. Request for a variance to Section 10-g-iii-C2 of the Oakport Joint Powers Agreement to allow construction of an accessory structure in the required front yard
- ii. Request for a conditional use permit to exceed the limit on accessory structure square footage established in Section 10-18-3-B2 of the Moorhead City Code

Motion to Open Public Hearing made by Carolyn Kastella and seconded by Nancy Otto

Motion Passed: For: 4; Against: 0; Abstain: 0; Absent: 2

Staff provided an overview of the two requests and noted the following:

- The public hearing for the CUP was opened and tabled on March 28, 2012. During review of the CUP application, it was found that a variance to the front yard setback would be required.

- Applicant is requesting variance for the front yard setback from 50 feet to 20 feet based on the presence of the watershed district easement for the levee and FEMA Floodway.
- Applicant noted that shingles and siding would be similar to what is currently on the house.
- Property is in floodplain and floodplain regulations apply.

The Board discussed the following:

- Campbell outlined the agreement between the property owner and Oakport Township, determining how much land Oakport would need to place a levee, and applicant's ability to build an accessory structure on the property.
- Magnusson noted that if fill is needed it should not encroach on watershed easement.

Motion to Close Public Hearing made by Grant Weyland and seconded by Carolyn Kastella

Motion Passed: For: 4; Against: 0; Abstain: 0; Absent: 2

Motion to Approve [request for a Variance to Section 10-g-iii-C2 of the Oakport Joint Powers Agreement to allow construction of an accessory structure in the required front yard](#) made by Grant Weyland and seconded by Nancy Otto

Motion Passed: For: 4; Against: 0; Abstain: 0; Absent: 2

Motion to Approve [request for a Conditional Use Permit to exceed the limit on accessory structure square footage established in Section 10-18-3-B2 of the Moorhead City Code \(item tabled at the March 28 meeting\)](#) made by Carolyn Kastella and seconded by Nancy Otto

The Board requested that the fill required for compliance with floodplain regulations be reviewed and forwarded to the Watershed District.

Motion to Approve request for a Conditional Use Permit to exceed the limit on accessory structure square footage established in Section 10-18-3-B2 of the Moorhead City Code contingent on the following:

1. Maximum accessory structure size shall be 1,500 square feet.
2. Garage shall be setback a minimum of 20 feet from the north property line.
3. Lots 5 and 6, Block 4, Brentwood Acres 2nd Addition shall be combined prior to obtaining permits.
4. The accessory structure shall be located out of the FEMA designated floodway.
5. Foundation of structure is constructed at or above the regulatory flood protection elevation.
6. No business shall be conducted in the accessory structure, the structure shall not be rented to non-residents of the dwelling, and the structure shall not be used for living purposes.
7. Accessory structure shall be no taller than the house.
8. The exterior of the accessory structure shall be of materials similar to those on the house and attached garage.
9. Parking and storage of commercial vehicles and equipment and recreational vehicles and equipment shall be limited by Section 9-8-3 – Motor Vehicles and Recreational Vehicles – of the Moorhead City Code.
10. Final fill elevations shall be reviewed by the Buffalo-Red River Watershed District.
11. All required permits must be obtained.

Motion Passed: For: 4; Against: 0; Abstain: 0; Absent: 2

- B [Request of Terrance and Amber Nefzger for a Conditional Use Permit to exceed the limit on accessory structure square footage established in Section 10-8-3-B2 of the Moorhead City Code to allow for the construction of a 24x48 foot accessory building at 5901 Elm Street North](#)

Applicant withdrew request.

6. [Other Business](#)

- A [City Code Discussion](#)

Minutes: Officer Monroe was not available so the ATV ordinance discussion will be discussed at the next meeting.

Staff provided an overview of the accessory buildings options drafted to date. The Board recommended continued discussion at the next meeting.

7. [Adjournment](#)

Minutes: Meeting adjourned at 7:55.

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

***Respectfully submitted by:
Mary L. Schmitt, Community Services***