

**City of Moorhead
Oakport Joint Powers Board
Meeting Minutes
August 26, 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 August 26, 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:

Darrin Wixo, Verizon Wireless
Tim Magnusson, Clay County
Cliff McLain, Moorhead Public Service
Michael Redlinger, City Manager
Scott Hutchins, Community Services Director
Kristie Leshovsky, Acting City Planner

1. [Call meeting to Order/Roll Call](#)
2. [Approval of Minutes of July 22, 2009](#)

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

Motion to Approve Minutes of July 22, 2009

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

3. [Citizens To Be Heard](#)

Minutes: City Manager, Michael Redlinger, introduced Kristie Leshovsky to the Oakport Joint Powers Board as the Acting City Planner for the City of Moorhead.

4. [Agenda Amendments](#)

Addition: New Business – Response from City Manager regarding the Annexation Committee discussed from the prior meeting.

Addition: New Business - Discuss question of ring dikes – Do they require a CUP?

Motion to Approve Agenda Amendments made by Greg Anderson and seconded by Nancy Otto

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

5. [Public Hearing](#)

- A [Request of Verizon Wireless for an amendment to Section 10 of the Oakport Joint Powers Agreement to Allow Commercial Wireless Telecommunications Towers in Tract 2 of the Oakport Orderly Annexation Area](#)

Motion to Open public hearing made by Greg Anderson and seconded by Nancy Otto

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

Minutes: Leshovsky stated that the request was from Verizon Wireless for an amendment to the Oakport Joint Powers Agreement and the proposed amendment would allow commercial wireless telecommunication tower within Tract 2 of the orderly annexation area as a conditional use. She stated the Oakport Town Board had authorized Verizon Wireless to submit the proposal to the Joint Powers Board. She explained that governmental and personal towers are currently allowed as a conditional use in the rural residential district but commercial towers are not. She stated towers were allowed as a commercial use in Tract 3, as ratified by the 17th Amendment. Leshovsky stated that, should the board approve this amendment, staff recommends requiring a condition use permit for commercial towers to locate within Tract 2 and, to the extent possible, the conditions placed on any future tower be based upon Chapter 17 of the Moorhead Zoning Ordinance. She stated that if the use is allowed by Conditional Use Permit, it would require notification of the application be sent to all properties within 750 feet. She stated that the proposed 18th Amendment was included within the packet.

McClain asked the Verizon Wireless representative if the proposed tower would be taller than the water tower currently located on the parcel. Wixo stated that it would be approximately the same height. McClain stated that he had a concern with interference. Wixo stated that the tower should be positioned and constructed so that there would not be interference.

Anderson reminded board members and others that this was a request to amend the ordinance only and the details related to this specific Verizon tower could be discussed at the time a conditional use is applied for. He stated that he has received many complaints that Verizon service is limited in the Oakport area. He stated that he has personally had dropped calls in the field in that location and that during the flood when it was important to have communication, the service was poor. He recommends that the amendment be passed so better service could be brought to the area.

Otto asked if there were state and federal regulations that controlled the installation of a tower. Wixo stated there were many regulations and Verizon would be in compliance with all FCC and FAA rules and regulations. Otto stated that she remembered an instance that once a tower had been allowed in an area, you must allow other towers to locate there as well. Magnusson concurred with this statement.

Anderson acknowledged Steve Adamek, a home owner with property adjoining the proposed site, and asked if he had any questions. Steve stated he was there to do some fact finding and did not have any questions at this time.

Board members asked if there would be a light placed on top of the tower and Wixo stated that he didn't think it would be required by federal regulations. Anderson stated that he might ask for a light be placed on top as condition of the use so that pilots spraying for mosquitoes do not run into the tower. He stated this could be a condition added to the conditional use permit at the time such was applied for.

Otto asked Leshovsky for further explanation of the requirement in the city's ordinance. Leshovsky stated that the language in the City Code related to commercial communication towers included design requirements, engineering requirements, building requirements, set back requirements, height, lighting, sign, advertising, and screening requirements that could be used for evaluation of the project.

Motion to Close Public Hearing made by Nancy Otto and seconded by Greg Anderson.

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

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

Motion to Approve Amendment 18 to Sections 10n and 10r of the Oakport Joint Powers Agreement to Allow Commercial Wireless Telecommunications Towers in Tract 2 of the Oakport Orderly Annexation Area by Conditional Use Permit.

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

6. Old Business

A Discussion of Annexation Committee

Minutes: Anderson stated that at the last meeting they had discussed establishing a working group to plan for the upcoming annexation of Oakport. He stated that the Township Board has appointed himself and Jeff Schaumann to serve on that board and Carolyn Kastella will serve as an alternate. Magnusson reported that the request to establish a committee had been presented to the county board but they were not clear if one or two members should be appointed. He stated that the county sees this as an "Oakport – Moorhead" transition. He stated that he had been appointed to serve as the county member and Grant Weyland would be the alternate. Otto stated that this issue was presented at a City Council meeting but that no one had been appointed. She stated that she would volunteer but that the appointment process had not occurred.

Board members reiterated that the original idea was to include police and fire, finance, and others as well.

City Manager, Michael Redlinger, provided a summary of the activities that are currently underway. Redlinger stated in the first phase, baseline data was being gathered by the various consultants to include an analysis of Local Government Aid (LGA), MSA analysis and basic service territory issues with MPS. He stated there was already work occurring at the staff level. He stated that John Shockley, Assistant City Attorney, was researching the uniformity of tax rates across like classified properties.

Redlinger reiterated that work was underway and baseline collection of data was occurring. He stated that his intention was to report the progress back to this group.

7. **New Business**

A **Dike Update and Hookup Number Reassignments**

Minutes: Anderson updated the board on the progress of the Oakport Dike Project. He handed out a map of the project and pointed out properties participating in the buyout program, and the areas that would be protected before next spring. He stated that the entire project would not be complete before the anticipated spring flood so clay dikes would need to be constructed on Wall Street to protect the greatest number of people.

Anderson passed out a memorandum which outlined the Hookup Number Updates and reassignments. He proposed that the hook up numbers of properties that have participated in the flood buyout program be transferred back and used as available numbers. Anderson included proposed language for a motion to authorize Oakport to move all hookup numbers for additional acquired and demolished properties to "available" status.

Otto stated that she wanted to be sure the demolished homes were capped so sewers do not rust and inundate the system.

Campbell stated that every hookup number needed to be specifically noted in his communication and made part of the public record through this board. He stated that the item would need to be brought before the board at the next meeting with an exhibit of each proposed hookup number available or transferred.

Motion to Transfer Middleton First Subdivision hookup numbers to available status made by Greg Anderson and seconded by Carolyn Kastella.

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

Motion to Transfer hookup numbers of properties acquired through flood buyouts to available status made by Greg Anderson and seconded by Carolyn Kastella.

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

Motion to Authorize Middleton First Subdivision hookup numbers be reassigned to the Ficher development project made by Greg Anderson and seconded by Carolyn Kastella.

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

B Requirements for Ring Dikes - Does this require a Conditional Use Permit?

Minutes: Campbell asked staff if a conditional use permit would be required for building a ring dike around private property in Oakport. Leshovsky stated that she was reviewing that issue. Campbell explained that he had been asked this for a specific issue and that time is of the essence because the property is in within the phase of construction and an easement has not been obtained. He stated that there may need to be a special meeting held to act on this issue, if necessary. He stated that he needed an answer soon.

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*