

**City of Moorhead
Oakport Joint Powers Board
Meeting Minutes
October 28, 2009 at 7:30 AM
1st Floor South Boardroom, 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 South Boardroom, Moorhead City Hall, on October 28, 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 | Absent |
| Board Member: | Greg Anderson | Present |
| Board Member: | Kevin Campbell | Present |
| Board Member: | Grant Weyland | Present |

Others present:

Tim Magnusson, Clay County
Cliff McLain, Moorhead Public Service
Kristie Leshovsky, Acting City Planner

1. Call meeting to Order/Roll Call

Minutes: Meeting called to order at 7:49 a.m.

2. Approval of Minutes of August 26, 2009

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

Motion to Approve Minutes of August 26, 2009

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

3. Citizens To Be Heard

A Steven and Karen Adamek, represented by Kip Kaler, Attorney at Law

Minutes: Kip Kaler, Attorney for Steven and Karen Adamek (property owners adjacent to water tower) stated that the Adamek's bought the property located at 6120 2 St N in June of 2002 from Oakport Township with the understanding that the township would eventually construct a water tower on the adjacent property. When the property was sold, Oakport retained an easement for access to that site, the future site of a water tower. At the time, it was the Adamek's understanding that the site would only be used for the purpose of constructing and maintaining a water tower.

Alltel has placed a tower on top of the water tower which required a service-maintenance building to be constructed at the site. The building houses equipment that must be kept cool in the summer, requiring a noisy air conditioning unit. The Adameks took no action at that time. Now another commercial entity, Verizon Wireless, has inquired about installing a tower at that location. Kaler asked board members to deny the modification to the current zoning because a commercial use is not consistent with rural residential zoning and should not allow installation of commercial antennas.

Leshovsky responded that the 18th Amendment to the Oakport Joint Powers Agreement, allowing commercial antennas by Conditional Use Permit in the Rural Residential district of Tract 2, had been approved by the Oakport Joint Powers Board at the August meeting, and approval by the Moorhead City Council and the

Township Board occurred in September. She stated that Verizon has not submitted an application for a condition use permit.

Campbell stated that he would support such application because residents have asked for better cell phone coverage in the area. He said some residents no longer have a land line and rely solely on cellular communication. He stated that coverage is not good in that area and they would like to provide that service for the residents of the township.

Leshovsky asked board members if there were another township-owned property in the township where Verizon could locate their tower. Board members stated there was not a location of this size available.

Board members discussed ideas for mitigating the sound by locating air conditioners on certain sides of buildings and using other sound barriers such as fences or landscaping.

Anderson stated that he has asked Brian Neugebauer, City Attorney, to review the contract language for the easement. Campbell requested that the Township Board provide the Oakport Joint Powers Board with a recommendation regarding Verizon's application for a conditional use permit when and if they apply for one.

Anderson also stated that Alltel will be raising the maintenance building five feet above the current foundation for flood purposes and will be reseeding the entire area.

Adamek requested that they be kept apprized of the Verizon and easement issues. Anderson reiterated that their attorney stated that easement requirements had been met and there wasn't an issue. Kaler stated there is a difference of opinion.

4. Agenda Amendments

Minutes: None.

5. Public Hearing

- A [Request of Timothy and Dulcie Hoff for a Conditional Use Permit to exceed the accessory building limit on square footage established in Section 10-18-3B-2 of the Moorhead City Code](#)

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

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

Minutes: Leshovsky gave the board a brief description of the application. She stated that the residence would like to build an attached garage onto the existing garage which would exceed the square footage of the dwelling unit, requiring a condition use permit.

She recommended that if approved, the following conditions would apply:

1. Maximum addition size shall be 840 square feet
2. The building shall be located as shown in the attached site plan
3. The structure shall not be rented to non-residents of the dwelling, and the structure shall not be used for living purposes
4. Building shall be no taller than the house
5. Parking and storage of commercial vehicles and equipment and recreational vehicles and equipment shall be limited by Section 9-8-3 of the Moorhead City Code
6. All required state and federal permits be obtained

Board members acknowledged that the applicant was not present. Leshovsky stated that no public comments had been received by city staff.

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

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

Motion to Approve Request of Timothy and Dulcie Hoff for a Conditional Use Permit to exceed the accessory building limit on square footage established in Section 10-18-3B-2 of the Moorhead City Code, made by Greg Anderson and seconded by Grant Weyland, with the following conditions (note change to condition 4):

1. Maximum addition size shall be 840 square feet
2. The building shall be located as shown in the attached site plan
3. The structure shall not be rented to non-residents of the dwelling, and the structure shall not be used for living purposes
4. The sidewall height of the accessory building shall be no taller than the walls of the adjoining house
5. Parking and storage of commercial vehicles and equipment and recreational vehicles and equipment shall be limited by Section 9-8-3 of the Moorhead City Code
6. All required state and federal permits be obtained

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

6. Old Business

Minutes: None.

7. New Business

A [Approve Hook Up Number Reassignments](#)

Minutes: Anderson referred the board to the two hookup reassignment spreadsheets included in the packet. He stated the first represents numbers to be reclaimed from Oakport flood buyout lots to date and numbers assigned to the Middleton property which was not developed in a timely fashion. The second spreadsheet represents those numbers reassigned to the Fischer property at the intersection of Wall Street and Broadway.

Anderson requests two motions, one to transfer the numbers to available status and one to reassign numbers to Fischer.

Motion to Transfer Hookup Numbers from flood buyouts and Middleton property as shown on the first Hookup Number Reassignment spreadsheet to available status made by Greg Anderson and seconded by Nancy Otto.

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

Motion to Approve the Reassignment of Thirty (30) Hookup Numbers to the Fischer Family Landowners at no charge to the family contingent upon securing a purchase agreement within thirty days and closing on the property by December 31, 2009. If either of those events do not occur, the hookup numbers would revert back to available status made by Greg Anderson and seconded by Grant Weyland.

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

Minutes: A spokesperson from the Fischer family, Leonard Nelson, was present and asked for clarification. He asked if the numbers were to revert back to available status, would they be available to others and would the number be free to others as well. Anderson stated that the numbers would be available on a first come, first serve basis but that they would no longer be free. Anderson stated that the last time numbers were assigned, approximately four years ago; they paid \$1,500 per hookup number based on the cost of installation.

Nelson asked, if after annexation occurs, would new sewer lines be run from Oakport into the city. Anderson stated that at this time, there was no intention to add capacity to Oakport. Board members stated there is a cap on the capacity serviceable in the protected area and that the cost to add additional capacity would be prohibitive.

B Updates

Minutes: Otto stated that in light of the upcoming elections, the City Council had decided to hold off to appoint members to the new Oakport subcommittee until January.

Anderson updated board members on the progress of dike project. He stated that the dike is constructed from Wall Street to Country Heritage, adjacent to the water tower property. He stated that the project would not be complete and that in the event of a spring flood, the Corp would need to tie into and extend each side of the dike for protection.

8. Adjournment

Minutes: Meeting adjourned at 8:25 a.m.

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

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