

**OAKPORT JOINT POWERS BOARD
REGULAR MEETING MINUTES
WEDNESDAY JULY 23, 2003— 7:30 A.M.
BASEMENT EAST CONFERENCE ROOM, MOORHEAD CITY HALL**

I. CALL TO ORDER/ROLL CALL

Chair Campbell called the meeting to order.

Members Present: (5) Kevin Campbell, Greg Anderson, Bruce Fleury, Morrie Keslven and Ben Brunsvold.

Members Absent: (1) Larry Nicholson.

Others Present:

Tim Magnusson

George Goeser

Mic Schwindt

John Holland

Dawn Koranda

Mike Staber

Bruce Langness

Kim DePree

Jackie Engel

Clay County Planner

6609 2nd St. N., Moorhead

1 70th Ave. N., Moorhead

420 26th St. N., Moorhead

420 26th St. N., Moorhead

6408 1st St. N., Moorhead

Ulteig Engineers

Associate Planner

Office Specialist

II. APPROVAL OF MINUTES

The board was presented with minutes from the June 15th meeting.

Action taken: Kelsven moved, seconded by Anderson to approve the minutes. Motion carried.

III. CITIZENS TO BE HEARD

No citizens asked to be heard.

IV. AGENDA AMENDMENT

Item added under "Old Business"

V. PUBLIC HEARING

1. Request of Daniel Olson for a conditional use permit to construct a detached accessory structure at 805 62nd Avenue North

DePree stated this request was withdrawn because this particular property is located within the floodway.

2. Request of George and Rose Goeser for a conditional use permit to construct a detached accessory structure at 6609 2nd Street North

DePree stated that the Goesers have requested a CUP for a 32-foot x 36-foot detached accessory structure. DePree explained that the Goesers also own the lot that abuts the rear of the property. This lot can be accessed by 1st Street North and includes a pole barn. DePree stated that Mr. Goeser plans to remove the current detached garage and build the proposed structure. DePree explained that a conditional use permit is required because the proposed accessory structure space on the property would exceed the maximum accessory space allowed by 132 square feet.

DePree stated that staff recommends the CUP with the following conditions:

- 1) The existing detached accessory structure must be removed prior to issuance of a building permit.
- 2) The proposed detached accessory structure may not exceed 1,152 square feet in area.
- 3) The proposed detached accessory structure must be setback a minimum of 3 feet from all property lines within the rear yard.
- 4) No accessory structure on the property may be utilized for commercial purposes.
- 5) A building permit must be issued prior to construction.

Anderson asked where Goeser would be putting the proposed building. DePree stated that Mr. Goeser wants to build the detached structure partly on the lot that fronts 1st Street North. Anderson asked if the structure could go on the back lot with the pole shed. DePree stated that the structure must be on a residential parcel and unless the lots were combined, he would not be allowed to do so.

Mr. Goeser stated that he would think about combining the lots but was not willing to do it today without being able to look at what would happen to the taxes, assessments, etc.

Action taken: Anderson moved, seconded by Kelsven to close the public hearing. Motion carried.

Action taken: Anderson moved, seconded by Kelsven to approve the CUP with the following change to condition 3): The proposed detached accessory structure must meet all required setbacks.

Motion carried.

VI. OLD BUSINESS

4. Discussion of John Holland Property

Anderson stated that at the Oakport Town Board meeting, there was discussion of what Mr. Holland wants to do with the piece of land on the Middleton Property. Campbel explained that Mike Staber, a neighbor to the property, showed concern about the area being developed because it was Stabers understanding based on information given to him by the Joint Powers Board and/or former Planning and Zoning Official, Matt Glaesman, that before anything was platted out of that field, an access road from 1st Street would be built. Staber stated that he was told that cul-de-sacs over 600 feet long were not allowed. Anderson stated that he was going to go through the minutes starting in 1996 to see if they reflect anything on this issue. DePree did affirm that there is a provision on the subdivision regarding cul-de-sacs--they cannot exceed 600 feet in length.

Mr. Staber stated that he did not have a problem with a house being built there, but in the winter when the end of the road drifts shut, there is no access out.

DePree reiterated what was talked about at the last meeting. She stated that what was discussed was having one lot split out of that property. She stated that if and when a plat concept is brought forward, the access issue will have to be looked at. DePree stated that she would look further into this issue.

Campbell stated that Schwindt's original plan was to develop the whole area. At some point there was a concern by Schwindt about the appearance of Mr. Staber's property, which abuts the Middleton Property. Schwindt stated that when he purchased the property, he put up \$75,000 worth of trees to block the view of that property.

Staber stated that he was concerned that more lots will be cut out of the original plat before the access issue is resolved. DePree clarified that only 3 parcels can be built on before a plat is required.

Magnusson stated that the proposal was to use the existing lots as it has been platted, otherwise it will require a replat. Langness stated that he would like to see the whole area vacated and start over. Brunsvold stated that if the plat was vacated, it would make the process cleaner. Brunsvold asked if a meets and bounds could be done to make it one lot.

Langness stated that there is a process in place to get a second access. The residents could petition the Town Board for access. If the petition is adequate, the Town Board refers it to the Town Board engineer to review and determine benefit and feasibility. Langness also suggested that they could replat the whole property into two lots. One for the Hollands, and the second lot would be the remainder. This way no other houses could be built until a replat comes forward, Langness said.

DePree stated that City staff would continue to work with Mr. Schwindt and the Hollands regarding the existing plat and proposal to subdivide out one lot.

NEW BUSINESS

5. Update on accessory structure regulations-ordinance amendment

DePree stated that the Planning Commission and the City Council will go forward with the Wendt request to increase the maximum allowed accessory structure space by 200 feet.

VII. INFORMATION

There was no "Information".

VIII. ADJORNMENT

There being no further business, meeting was adjourned.

Respectfully submitted,

Greg Anderson, Secretary Oakport Joint Powers Board