

PLANNING COMMISSION MINUTES

Regular Meeting

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Regular Meeting

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Regular Meeting: Planning Commission

Location: City Hall, Council Chambers, 515 2nd Avenue SW., City of Minot, N.D.

Meeting Called to Order: Tuesday, April 07, 2020

Presiding Official: Chairman, Charles DeMakis

Members in Attendance: Kelly Barnett, Tim Baumann, Charles DeMakis, Justin Hochhalter, Dustin Offerdahl, Boyd Sivertson, Todd Wegenast

Members Absent: Jody Bullinger, Todd Koop

City Staff Present: Assistant City Engineer Emily Huettl, Disaster Resilience Grant Program Manager John Zakian, Community and Economic Development Director Brian Billingsley, Principal Planner Lance Lang, Assistant City Attorney Stefanie Stalheim.

Others Present: Blake Nybakken, Mary Frost, Leyda Tadros, Isaac Tadros, Bonnie Freed

Meeting Called to Order by Chairman Charles DeMakis.

Approval of the February 04, 2020 and March 03, 2020 Regular Meeting Minutes

Motion by Commissioner Wegenast to approve February 04, 2020 Planning Commission Meeting minutes, second by Offerdahl, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Hochhalter, Offerdahl, Sivertson, Wegenast nays: none

Motion carries

Motion by Commissioner Offerdahl to approve March 03, 2020 Planning Commission Meeting minutes, second by Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Hochhalter, Offerdahl, Sivertson, Wegenast nays: none

Motion carries

The following are the recommendations of the Planning Commission:

Item #1

Variance – Northern Plains Energy Park, Lots 7, 8 & 9, Block 3

Planning Commission recommends City Council approve an application by Melgaard Ventures, LLC, Owner, for a variance to have the hidden fasteners requirement waived for three (3) additional buildings being built by Melgaard Ventures, LLC.

This property is located at 500 40th Avenue, NE.

Finding of Facts:

The Minot Planning Commission should accept the following findings of facts:

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- 1) The applicant has submitted a complete application.
- 2) The applicant's request is consistent with Minot's Comprehensive Plan.
- 3) This request meets all of the bulk requirements of Minot's Zoning Ordinance.
- 4) The proposed development was approved by Conditional Use Permit in 2019.
- 5) The project has been constructed to meet all requirements of the Minot ordinances to date.
- 6) The development is in character with the surrounding zoning and use of land.
- 7) The applicant feels his property is unique because of the screening elements in place from phase one.
- 8) No person will be able to see the internal buildings from the public right-of-way or the apartments to the west.
- 9) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

Staff Recommendations:

Staff recommends the Planning Commission adopt the staff findings of fact and approve this variance application, subject to the following conditions:

- 1) Due to the unique conditions of this specific piece of property, the requirement for concealed fasteners does not meet its intended result because the buildings are not visible from outside the property, and to require such fasteners will be to no avail and will increase the construction cost substantially. Reasoning for this variance request also takes into consideration lengthy ongoing discussions by City Staff, the Development Community, and the City of Minot Zoning Ordinance Steering Committee as to the validity of this requirement with the most recent direction being to ultimately remove the requirement from the ordinance in the near future at such time that the City Council approves the ordinance amendments.

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of a variance to waive the requirements for concealed or semi-concealed fasteners on metal siding for three (3) additional storage buildings that are proposed at 404, 500, and 504 40th Ave NE.

There are three (3) storage buildings around the perimeter of the site that were constructed over the past year; one large one on the north side that is about 243 feet in length and two on the east side that are 95 and 100 feet in length respectively. These buildings were constructed according to a site plan that was approved as part of a conditional use permit in April/May of 2019. Three (3) additional internal buildings are also depicted on the approved site plan. The applicant met all code requirements for construction materials and design elements on phase one including the use of hidden fasteners. The zoning ordinance requirement for hidden fasteners for metal construction, also known as concealed or semi-concealed fasteners, has been controversial. It was included in the 2013 update of the zoning ordinance along with the enhanced architectural design and construction materials requirements to enhance the visual aesthetics of metal buildings. Once the new rules were approved by the City Council, the Planning Department began to hear concerns regarding the cost difference between traditional exposed fasteners and the newly required hidden fasteners. After considerable discussion regarding building aesthetics, the Zoning Ordinance Steering Committee has proposed removal of the hidden fasteners provision in both commercial and industrial zoning districts. This change, along with a myriad of others, will be presented for consideration to the Planning Commission sometime later this year and ultimately on to the City Council for adoption. It is unknown whether the Council will support this change, but the construction

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community is strongly in favor of it. Unfortunately, this timetable is of no benefit to the applicant who intends to construct these buildings this spring.

The applicant approached the Planning Department with a request to have the hidden fasteners waived for the next three buildings because:

- 1) The three proposed buildings are internal to the site and will be completely screened from street view. There is security fencing covered with vinyl on the south and east sides along with existing buildings that screen the view from the streets. There is also an existing vegetative buffer yard on the west side. All of these prior improvements were recently constructed and are not shown on the current aerial map that is available on the city website from 2015.
- 2) The cost increase is significant and to no avail if no one will see the difference.
- 3) As previously mentioned, there is support from the construction community and the Zoning Ordinance Steering Committee to do away with the hidden fastener requirement altogether, although it is uncertain at this time if that will be the end result.

Assistant City Attorney Stefanie Stalheim reminded the Planning Commission that they are the deciding body for variances.

Chairman DeMakis opened up comments from the commissioners. There were none

Chairman DeMakis opened up comments from the public. There were none.

Motion by Commissioner Baumann to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Hochhalter, and was carried by the following roll call vote: ayes: Barnett, Baumann, Demakis, Hochhalter, Offerdahl, Sivertson, Wegenast nays: none

Motion carries

Item #2

Annexation, Future Land Use Map Amendment, and Subdivision – Hawks View 3rd Addition, Lots 1 & 2

Planning Commission recommends City Council pass an ordinance on first reading to annex Lot 4 of Hawks View Addition into the corporate boundary of the City of Minot and pass a resolution to amend the Future Land Use Map of the Comprehensive Development Plan from “Low Density Residential” and “Very Low Density Residential” to “Very Low Density Residential” only.

It is further recommended that the City Council approve a subdivision plat to be known as Hawks View 3rd Addition, Lots 1 & 2.

This property is located at 1320 37th Avenue, SE.

Finding of Facts:

The Minot Planning Commission should accept the following findings of facts:

- 1) The applicant has submitted a complete application.
- 2) The applicant’s request is consistent with Minot’s Comprehensive Plan.
- 3) This request meets all of the bulk requirements of Minot’s Zoning Ordinance.
- 4) The rezoning request is in character with the surrounding zoning and use of land.
- 5) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota

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Century Code and Minot City ordinances.

Staff Recommendations:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat, annexation, and comprehensive plan amendment application, subject to the following conditions, to the City Council:

- 1) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditors outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.
- 2) The City shall follow North Dakota Century Code 40-51.2-07 to 40-51.2-11, "Annexation by Resolution of the City."

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of the annexation of Lot 4 of Hawks View Addition, as well as the subdivision of Lots 3 and 4 of Hawks View Addition into two new lots to be known as Lots 1 & 2 of Hawks View 3rd Addition. The Future Land Use Map of the Comprehensive Development Plan needs to be amended from "Low Density Residential" and "Very Low Density Residential" to "Very Low Density Residential" only. These properties are located at 1320 37th Ave SE.

Lot 3 of Hawks View Addition is currently owned by a relative of the applicant while Lot 4 is currently owned by the applicant. On Lot 3 of Hawks View Addition, there is currently a residential home on top of a hill overlooking a portion of the First Larson Coulee. Lot 4 on the other hand currently occupies a secondary lower hill beneath and behind the home on Lot 3. After Lot 4 is annexed into city limits, it will be combined with a 1.45 Acre portion of Lot 3 to form Lot 2 Hawks View 3rd Addition; the remainder of Lot 3 will comprise Lot 1 of Hawks View 3rd Addition.

Lot 1 of Hawks View 3rd Addition will consist of approximately 115,017 sq. ft. of lot area or approximately 2.640 acres. Lot 2 will consist of 112,956 sq. ft. of lot area or 2.593 acres, more or less. Both of the proposed lots meet the minimum lot area requirement of 9,500/7,500 square feet for corner/interior lots in R1 Zoning. The location of the new lot lines meet all setback requirements in R1 zoning regulations.

The properties contained in this subdivision are currently zoned R1, Single Family Residential District with no proposed change. The Future Land Use Map of the Comprehensive Development Plan currently designates the area that is proposed as Lot 1 of 3rd addition as "Low Density Residential" and proposed Lot 2 as both "Low Density Residential" and "Very Low Density Residential." The applicant has requested both of the proposed lots be designated as "Very Low Density Residential." The difference in elevation is approximately ninety-three (93) feet across these lots. This kind of steep topography limits the amount of density that can be developed in this area. Cutting roads into the hills and providing municipal water and

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sanitary sewer are also very challenging. For these reasons the designation of "Very Low Density" is appropriate.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Bauman asked if there would be any additional cost or responsibilities to the City with the annexation, such as for the provision of utilities and maintenance.

Principal Planner Lang responded the code says that if the City annexes it must serve the property with utilities within 12 months, however in this case it is already served with septic and water, we do not see the area getting any denser, and that this is ultimately just a family adjusting lot lines so there is no need to address the utilities issue.

Chairman DeMakis opened up comments from the public. There were none

Motion by Commissioner Wegenast to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Offerdahl, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Hochhalter, Offerdahl, Sivertson, Wegenast nays: none

Motion carries

Item #3

Subdivision, Future Land Use Map Amendment, and Zone Change – Essential Townhomes Addition

Planning Commission recommends City Council approve a subdivision to replat the lot at 234 14th Avenue SE into 33 lots to be known as Essential Townhomes Addition and to adopt a resolution to amend the Comprehensive Land Use Map from "Neighborhood Commercial" to "Medium Density Residential".

It is further recommended the City Council pass an ordinance on first reading to change the zone on proposed Lot 1 from District R4 (Planned Residential District) to District RM (Medium Density Residential District) and to rezone proposed Lots 2 through 33 from District R4 (Planned Residential District) to District R3C (Townhouse Residential District).

This property is located at 234 14th Avenue SE.

Finding of Facts:

The Minot Planning Commission should accept the following findings of facts:

- 1) The applicant has submitted a complete application.
- 2) The applicant's request is consistent with Minot's Comprehensive Plan.
- 3) This request meets all of the bulk requirements of Minot's Zoning Ordinance.
- 4) The rezoning request is in character with the surrounding zoning and use of land.
- 5) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

Staff Recommendations:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application, subject to the following conditions, to the City Council:

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- 1) A storm water management plan is required for development
- 2) A site plan is required for development
- 3) Erosion Control practices will need to meet State of North Dakota requirements and approved by the City Engineer
- 4) Connection fees are required when connections are made to City utilities
- 5) A Developer's Agreement is required to be recorded along with the plat
- 6) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of a 32-lot residential subdivision containing an existing multi-family building known as South Park Terrace and an additional proposed 22-townhome lots to the west and south sides and nine lots reserved for future phase townhomes to the east. Also included is an amendment to the Future Land Use Map and rezoning. The large lot containing the apartment building is to be rezoned from R4, Planned Residence District to RM, Medium Density Residential District and the 31-townhouse lots are to be rezoned from R4 to R3C, Townhouse Residence District. Additionally, the Comprehensive Plan's Future Land Use Map is going to be amended to reflect the change from "Neighborhood Commercial" to "Medium Density Residential". This property is located at 234 14th Ave. SE.

The property is currently owned by the applicant and has a multi-story apartment building on it. The subdivision of the lot is the second phase of the development at South Park Terrace, which started in 2013. The first phase was to rehab the existing apartment building for low and moderate-income residents as part of the HUD NDR grant funding, which was completed recently in 2018. The next phase consists of twenty-two (22) town house units on lots to the west and south of the apartment building. An additional phase is planned in the future to complete the final nine (9) proposed townhomes to bring the total to thirty-one (31). NDR Funds for HUD are also being used to finance part of this affordable housing project.

Currently, the property is a single lot containing 328,878 sq. ft. or 7.55 acres. Approximately 51% or 167,601 s.f. (3.85 acres) that exist around the apartment building is proposed as Lot 1 of the Essential Townhomes Addition. This lot will contain the apartment building and the frontage on 14th Ave SE. The remaining 3.7 acres or 161,172 sq. ft. has been divided into thirty-one (31) additional lots. The proposed townhouse lots vary in size from 3,772 sq. ft. to 16,983 sq. ft. As previously mentioned, these lots are arranged around the perimeter on the east, west and south sides with a u-shaped drive providing access through the site.

Proposed Lot 1 is going to be zoned RM, Medium Density Residential District. The range of allowable density in RM zoning is six (6) to sixteen (16) dwelling units per acre. The apartment building contains forty (40) existing low to moderate-income units on 3.85 acres with a gross density of approximately 10.4

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d.u. per acre, well within the allowable density range. The remaining thirty-one (31) lots will be rezoned to R3C, Townhouse Residential District and all meet the minimum lot area requirement of 2,500 sq. ft., the minimum width requirement of 16 feet, and the minimum lot depth requirement of 100 feet.

The land use designation on the Future Land Use Map of the Comprehensive Development Plan currently has this property designated as "Neighborhood Commercial", which is not in conformance with its current or proposed use. The map will be amended to "Medium Density Residential" to be consistent with the existing apartment use and the proposed townhomes.

Principal Planner Lang then read into record a letter of opposition from to the project from Jessica Smestad, where she opposed the development of this project based on the following grounds:

- It will reduce their property value
- Result in a loss privacy for the abutting neighbors
- Increase noise, congestion, traffic, and crime in their neighborhood
- Eliminate precious greenspace, thereby impacting wildlife (birds, bees, deer, and the like) as well as recreational space, and
- Reduce safe access to the nearby park facilities, causing her to have to walk along a busy street with her two young children in order to get to the park.

Additionally, she had written that there is not a housing shortage in the City of Minot, calling into question the need for such a development project and there is actually a surplus of houses, with 217 homes being actively listed as of 3/20/2020. Ms. Smestad noted that a realtor supplied her with this information.

Disaster Resiliency Grant Manager John Zakian then provided the Planning Commission with some background on the case:

- The project was already reviewed and approved by the City Council in the context that there is a sub-recipient agreement, that is a developers agreement, in different format under federal rules with a non-profit organization and that Essential Living is a non-profit.
- The CDBG National Recovery Grant funds were already allocated and approved for the project.
- There is a current development agreement already in place which is part of the sub-recipient agreement, the one that planning staff brought forward was a specifically required development agreement related to the public utility requirements that Minot would be imposing on the project if it were approved.
- It is policy that all federally funded programs, especially projects like this, must comply with all city code requirements and as thus, the developments like this must be reviewed and approved of by all necessary bodies, they do not circumvent any of these processes. The City requested the subdivision, rezoning, and change to the land use map.
- In 2015 the City of Minot had submitted an action plan, a contract between the City and the United Stated Department of Housing and Urban Development (HUD), in which Minot had to specify how it was going to spend the HUD funding that it receives, and that it guarantees that it will be spent accordingly. That contract includes this project, and that Minot needs to move forward with the project or the city will be out of compliance with the agreement it made with HUD.

Mr. Zakian also addressed the disconnect on Low to Moderate Income (LMI) housing.

- There is a critical need for LMI housing in Minot that it is not currently provided.
- The LMI housing in Park South One have been at 100% occupancy for multiple months
- The other three are showing vacancy rates of 5% or less.
- There is currently a waiting list for Section 8 housing in Minot that is 245 people long. That number has grown from 200 at the beginning of the year.

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- The Minot Housing Authority normally gives out only eight (8) to ten (10) housing vouchers a year due to the low availability of Section 8 Housing, and the city does not have the supply of Section 8 housing to meet the minimum need of 245. The few that are would be approved for this project would go a long way.
- There are no city funds being used for Park South 2 (this phase), just a mix of state and federal funds.

Chairman DeMakis opened up comments from the commissioners on Mr. Zakian's remarks, there was none.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Bauman asked if the Developer will have to come back with an official site plan for the development after it is potentially approved by City Council, or will they be good to go right away after approval?

Principal Planner Lang responded that one of the conditions of approval requires a site plan and there will be further plan review by the various departments, however that will be administrative and that nothing further would be going to Planning Commission or City Council on the second phase of development.

Mr. Zakian also responded by saying that only the first 22 homes have funding allocated for the project and that they have not begun the process for the remainder yet.

Chairman DeMakis opened up comments from the public.

Blake Nybakken of Essential Living provided the following comments:

- Section 8.2 of the Zoning Ordinance for the R3C zoning designation (the designation of the new lots) mentions that the R3C district will be limited to medium density parcels that are immediately abutting single family residential, so he feels like they are putting an appropriate buffer in between the existing apartment and the homes.
- The sub-recipient agreement is done, the NDR funding has been awarded, and the project has been thoroughly reviewed and vetted.
- They have providing \$725,000 worth of regional stormwater improvements that benefit the area.
- They are open to any suggestions from the neighbors such as fencing around the property.

Chairman DeMakis asked if there were any questions from the commissioners for Mr. Nybakken, there were none.

Chairman DeMakis then asked if there were any other individuals that wished to speak in support of the project, there were none.

Chairman DeMakis then asked if there were any who wished to speak in opposition of the project:

Mary Frost said that she opposed the project for the same reasons that were stated in the letter read by Principal Planner Lang, and had several questions:

- She asked about what kind of fence they were going to put up, to which Mr. Nybakken responded that they were open to it, but that it was not initially incorporated into the plans.
- Ms. Frost then asked how far away they were going to build from her property, to which Principal Planner Lang responded that the rear setback in R3C zoning is twenty-five (25) feet.
- She asked if there was going to be an alley created for the project to which Principal Planner Lang responded that he had been asked about that earlier in the day as well and that to his knowledge there was not going to be one.

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- Ms. Frost also mentioned that the area floods heavily, to which Mr. Lang responded that Essential Living spent \$725,000 on a stormwater management plan to alleviate this condition. Ms. Frost then asked if the project and its stormwater management plan would cause it to run off into her yard. Planner Lang replied that the stormwater plan for this phase has to yet to be submitted, but that it must comply with the city's rules and regulations.

Leyda Tadros commented that she truly opposes the development and that she believes that it can be built somewhere else and that the townhomes will bring the values of their homes down. She then asked several questions

- If she will be able to see the townhomes from her yard and asked how far away they will be. Mr. Nybakken responded that he didn't have addresses on the plan that he was looking at, but that they will meet all zoning requirements for the property. He also mentioned that they won't be developed on park land, but rather on undeveloped, private property and that he was open to providing any screening that may be necessary.
- Ms. Tadros then asked when they would start building to which Mr. Lang responded that they would like to get started this construction season.

Bonnie Freed said that she owned her home for 23 years and voiced several concerns:

- They own a deck that is several feet off the ground and that it wouldn't be appealing to look into the yards of these "low income" families.
- She felt that a privacy fence would be appropriate but wasn't sure if six (6) feet would be enough.
- There are many people that use their access through Park South Apartments to get to their backyard and that people can't park on their busy street when they visit their homes.
- The abutting neighbors are opposed to the project and she hopes that the City would take opinions of the property owners into consideration.
- She believes that there is enough land around Minot that they don't have to build where there are single-family homes.
- She concluded by stating that she's pretty sure that if the Corona Virus was not an issue that there would be many of us (abutting neighbors) at the meeting and that the Commissioners should take some of these things into consideration.

Mr. Nybakken responded to those in opposition by addressing the negative stereotypes with LMI housing:

- The type of people that will be in the proposed townhomes are the type of people that already live within the existing apartment, such as single-parents, individuals on fixed income, essential services employees, and people whose wages are not sufficient for other housing options.
- He then brought up that it is a large site, but it is private property and that he hopes that we do not use this required zoning change to pick who their neighbors are or who the winners and losers are.
- Ms. Freed responded to Mr. Nybakken by saying that they do not consider that the people who would be living in these homes to be below them, but that the prices of their homes are going to be drastically lowered to by the homes that are going to be built behind them. Additionally, she stated that she believes that this kind of housing is needed in every city, and that she thought that some of her comments were misunderstood.

Isaac Tadros, the husband of the aforementioned Leyda Tadros, stated that he opposed the townhouses and that this low income project that is going to turn into a ghetto like all of the big cities and that the City cannot stop it from happening. He then claimed that his house, and all of the homes around the project that will be affected, would go down the tubes and that they are paying taxes just for that purpose. He then stated that the City of Minot just wanted to make some extra money and has decided to build some extra low-income houses here and there and stuff them anywhere and that the city was wrong to do it. He then described how kids use the park year-round and that if the City takes any part of it now, they will then take a little more each year in the future until the park is gone and that the playground won't be there

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for the kids anymore. He further stated he believes that millions of tax dollars are going to go toward rebuilding and installing synthetic grass, which he described as wrong. He then started to go into the situations in Williston and Dickinson. At this time, Chairman DeMakis reminded him that this was about the City of Minot, not the cities of Williston and Dickinson. Mr. Tadros responded that in any case, history is going to repeat itself.

Chairman DeMakis then closed the Public Hearing.

Commissioner Wegenast then asked how we would best describe the privacy fence that was discussed earlier and if we would be adding it as a condition. Commissioner Lang responded that it would be best described as the installation of a six (6) foot privacy fence along the western side of the property that can be made of any material as long as it is a solid privacy fence.

Motion by Commissioner Wegenast to approve based on finding of facts, staff recommendations and conditions, and to add the condition to add a six (6) foot privacy fence on the west side of the project, second by Commissioner Sivertson, and was carried by the following roll call vote: ayes: Barnett, Bauman, DeMakis, Hochhalter, Offerdahl, Sivertson, Wegenast nays: none

Motion carries

Item #4

Discussion to reduce the size of the Planning Commission.

Mr. Billingsley stated that there are thirteen (13) membership seats on the Planning Commission currently, and that there are currently nine (9) commissioners serving on the commission. Of the thirteen members on Planning Commission, three (3) must be appointed by the Ward County Commissioners and must live in the city's 2-mile jurisdiction. Of the four seats that are currently vacant, one (1) needs to be appointed by Ward County and the other three (3) are from the city. There is currently one person willing to join the commission, but otherwise recruitment is not going well. Mr. Billingsley proposed that the size of the commission be reduced from thirteen (13) to (11). Which would bring the quorum size down to six (6) rather than seven (7).

When asked, Assistant City Attorney Stalheim stated that the maximum that the city can appoint is 10 members and that the county appoints three in any case.

Chairman DeMakis then stated the proposed 11 is nice and that there wouldn't be any tie votes, but in his experience it's odd that the Chair votes even if there aren't any ties. He then asked if the Chair voting on everything was in the City's code or if it was North Dakota State Law? Chairman DeMakis then advocated for making the chair a non-voting member and reducing the membership down to ten (10) members, nine (9) voting members and the Chair to vote to break a tie if necessary. He clarified that he is asking if the chair has to vote or if it is just what happens here?

Ms. Stalheim said that she doesn't see anything that states that but she can look into it and report back.

Chairman DeMakis brought up that the commission is having problems getting people to meetings. He then mentioned the idea of reducing the commission to nine (9) or eight (8) members, with five (5) or six (6) city members and three (3) county appointed members, therefore there wouldn't be issues of a tie and that sometimes "less is more". DeMakis then stated that while he would be fine with going from thirteen (13) to eight (8) members, if there were a person that would like to serve on the commission that we should pursue that.

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Commissioner Wegenast then asked how we are recruiting members? Community and Economic Development Director Brian Billingsley responded that we've announced it at City Council Meetings and to various customers at the Public Works building with no success.

Mr. Billingsley then stated that this commission was the largest that he had ever worked with in his career and asked Principal Planner Lang if that was the case for him, which it was. Lang responded nine members has been his experience in other communities.

Commissioner Wegenast then suggested that we approach City Council, gather their thoughts, and come back to the issue later. Mr. Billingsley responded that it is a good idea, but that he was instructed to bring the thoughts of the Planning Commission to the Council.

Commissioner Wegenast said that quorum issues have been an ongoing issue and that he liked eight members to which Mr. Billingsley responded that if we went down to eight that one member would have to step down.

Commissioner Offerdahl asked planning staff to look into what the surrounding cities, such as Bismarck and Fargo, are doing.

Chairman DeMakis showed further support for a smaller Planning Commission, and that it would be more efficient.

Commissioner Offerdahl then asked Chairman Demakis if his eight (8) members were comprised of five (5) city representatives and three (3) county representatives. DeMakis responded that nine (9) would probably be better option and that way it would be six (6) and three (3), and the chair would vote in case of a tie. Mr. Billingsley reminded them that if we went to 9 members total, one would still have to step down from the current roster of Commissioners, and once again recommended that we go to 11 members.

Commissioner Wegenast suggested that planning staff should expand on their recruiting to which Commissioner Sivertson added that the Association of Builders has board members that are interested in serving as Planning Commissioners.

Commissioner Baumann asked if we (the Commissioners) know people who are interested, how they should be put in contact with planning staff to which Mr. Billingsley responded that they could contact any staff member and let them know that they are interested. Staff would then have to verify that they live in city limits. If they live in the 2-mile, they would have to get in contact with the County Commissioners and request appointment to the Planning Commission.

Mr. Billingsley then stated that he will go back to City Council with the suggestions of the Planning Commission and bring their suggestions back to the Commission in the near future.

With no other business before the committee, Chairman DeMakis adjourned the meeting at 6:48 PM.