



# Planning & Zoning Commission Meeting Minutes

December 4, 2019, 5:30pm  
Grand Forks Council Chambers

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## 1. Roll Call:

**Members Present** - Andrew Budke, Pete Kuhn, Jamie Lunski, Frank Matejcek, Alex Reichert, Meggen Sande, Steve Wasvick. Members absent – Cole Johnson, Paula Lee.

## 2. Reading and Approval of Minutes for November 6, 2019

**Motion to approve as submitted by Reichert; second by Budke. Motion carried unanimously.**

## 3. Public Hearings, Final Approvals, Petitions, and Minor Changes

- 3-1 **(Public Hearing – Final)** An ordinance amending sections 18-0204 (2) Rules & Definitions; 18-0219(9) I-2 Heavy Industrial District side yard requirements; 18-0302 (12) Off-Street Parking & Loading; 18-0309 (4) Landscaping sections of the Grand Forks City Code for the purpose of establishing allowances for gravel, and requirements for curb and gutter, landscaping in I-2 districts.

Ms. Edwardson introduced the item addressing gravel, curb and gutter for the industrial properties. City Council did pull this item last month from their consent agenda to review the background information previously presented to the Commission. As a result there were no further questions and no changes were made since preliminary. This item is now back for final approval.

Ms. Sande questioned if this type of landscaping is typical in other cities that require landscaping in industrial areas. Mrs. Edwardson, noted it is typical and that this type of minimum landscaping is standard and common and is part of our existing code. Staff is aware that some of the landscaping densities are a bit high and in the future, will look at updating this code. Mr. Gengler stated there are several localities that are twice as strict with their requirements.

PUBLIC HEARING OPENED. NO COMMENTS. PUBLIC HEARING CLOSED

**Motion by Kuhn, second by Reichert. Motion carried unanimously.**

- 3-2 **An ordinance to annex all of Auditor's Subdivision No. 51, located at North 42nd Street and 27th Ave North.**

Ms. Halford introduced the item and provided the Commission with an updated report consisting of an annexation map. There were no other changes made to the report. The plat of Auditor's Subdivision No. 51 was approved by the City in August of this year. Following approval, the City purchased the land in order to construct a storm pond to

primarily serve the area referred to as Oscarville. The pond will provide a critical asset to the commercial and industrial business located in this area. Staff is recommending approval of the annexation ordinance.

Discussion ensued regarding the water that would dump into the pond, where the overflow from this pond would go and how surface water is held in the pond and piped out.

Mr. Gengler referred to the map in the staff report as the general area that was pointed out to be the capacity for the service area for this pond, and the local streets that would be included in this, and in terms of overflow, the capacity of the pond is sufficient. Mr. Gengler explained the theory behind the pond is to take the surface water into the gravity fed piping system, go to the pond, sits for a period of time and then goes from there to the outfall areas, which is basically an underground collection system.

**Motion by Reichert for approval for an ordinance to annex all of Auditor's Subdivision No. 51, located at North 42nd Street and 27th Ave North; second by Sande. Motion carried unanimously.**

3-3 **Vacation of a 10-foot walkway easement lying within Lots A, B, C and 10, Block A, LeClerc's Addition, and a 15-foot walkway and driveway easement located on Lots A and B, Block A, LeClerc's Addition.**

Mr. Gengler introduced the item and gave a detailed description of the location information, which is south of 55<sup>th</sup> Avenue. Mr. Gengler provided the history of the four properties and gave an overview of the 10-foot easement first established in 2003 on the Replat of Blocks 1 and 2, LeClerc's Addition. The subsequent Replat in 2005 increased the 10-foot walkway easement to a 15-foot walkway and driveway easement and changed Lot A, creating this area where there is now approximately a 25-foot gap on the south side of this lot that does not reflect the true intent of the easement when it was first platted.

Staff has taken a look at some of the surrounding areas in terms of the need for the easement and supports vacating the easement due to the negative impact on Lot A and the necessity of it.

Mr. Budke expressed a skepticism toward cul-de-sacs and indicated this is another example of ways in which they are problematic and was glad that back in 2003 and 2005 that someone had an impulse to add a pedestrian easement so that you maintain a connection to the rest of the neighborhood and not just the circle in front of the home. Mr. Budke's instinct is to not vacate the easement. In principle, Mr. Gengler agrees that any time easements can be done in a rationale matter it makes sense but in this case, so much has already occurred in terms of how this area has developed that vacating at this point is the best thing to do.

Mr. Kuhn asked if there was any dirt, grass, paving done to the walkway, including utility lines. Mr. Gengler indicated that nothing has ever been constructed. However, the photo that was provided to the Commission was over a year old and there is a home constructed on Lot 10 and Lot C. Lot A has been cleared and nothing has been put in terms of concrete or asphalt.

**Motion by Reichert for approval to vacate the 10-foot walkway easement lying within Lots A, B, C and 10, Block A, LeClerc's Addition, and a 15-foot walkway and driveway easement located on Lots A and B, Block A, LeClerc's Addition; second by Kuhn. Motion carried with Budke opposing.**

**4. Communications and Preliminary Approvals - None**

**5. Reports from the Planning Department**

**6. Other Business**

**6-1 City Attorney briefing on open meeting laws and related topics.**

Howard Swanson, City Attorney, gave a presentation regarding North Dakota law on open meetings. The topics he addressed were:

1. Who does the law apply to?
2. What is a meeting?
3. Can you have a meeting without personal appearances?
4. Who can attend open meetings?
5. May the public participate in the public meeting?
6. What is public business?
7. Can you meet in executive session?
8. Is notice of executive session and other meetings required?
9. Are minutes needed of meetings?
10. Can the public have access to private emails, texts, correspondence, social media, etc.?

**6-2 2020 Update of the Commission by-laws.**

Mr. Gengler indicated the Planning and Zoning Commission by-laws have not been updated in quite a while. There are a few areas that have to be amended, such as the reduction in the Commission membership. Other sections contain duties and procedures that are no longer applicable to the Commission.

Copies of the by-laws were provided to the Commission, highlighting the obvious or questionable changes that will need to be addressed. Also included is a copy of the City Council's Code of Ethics that was adopted a number of years ago. The Planning & Zoning Commission does have their own Code of Ethics in the By-Laws but will need to review and mesh to see if they are consistent.

Mr. Wasvick and Mr. Gengler met before the meeting and would like the Executive Committee to first meet at a determined time to go through the by-laws and code of ethics to frame and identify areas we need to discuss. Then will bring it back to the full Commission for the initial discussion.

**6-3 2020 Planning and Zoning Commission meeting schedule.**

Mr. Gengler noted the upcoming 2020 Planning and Zoning Commission meeting schedule is also in the agenda. Because the New Year's Day holiday is the first Wednesday of the month, our by-laws require that the meeting be held the following

Wednesday, which is January 8, 2020. If there are any other discrepancies in the meeting schedule, please let us know.

6-4 **2019 Meeting Attendance**

Mr. Gengler brought up the 2019 meeting attendance from January through November is also in the agenda. If there are any discrepancies in Commission attendance, please let us know.

6-5 **Planning & Zoning Commission Opening**

Mr. Gengler stated in January they will be interviewing for the Planning & Zoning Commission opening. I occur mid-January. That person hopefully then could be on board ideally for the February meeting.

6-4 **Land Use Plan Update**

Mr. Gengler gave an update on the land use plan. There have been further discussions as to get the RFP out that has to go through a process. The funding that we get from the MPO will be half funded in the 2020 work program and then half funded in 2021. In preparation for the RFP we will keep the Commission informed in the formation of the sub-committee.

6-5 **Gathering for Ms. Lee**

Discussion ensued between the Commission, having a coffee and cake gathering for Ms. Lee and plan a day in December and having the Staff organize it.

7. **Adjournment**

**Motion to adjourn by Lunski; second by Kuhn. Motion carried unanimously.**

The next regular meeting is January 8, 2020 at 5:30 pm in the City Hall Council Chambers. Any individual requiring special accommodations to allow access or participation at city meetings is asked to notify the ADA Coordinator (746-2655) of their needs one week prior to the meeting.