

Gene Jackson asked about the vacated street right-of-way on the NW corner. He said State law conveys vacated street right-of-way to the property owners. City Attorney Matt Kolling agreed that was true, but that the City hasn't looked at it specifically. The plat is sufficient to vacate the street and the City will not take an interest in how the vacated street is divided.

City Engineer Soehren stated his recommendation would be to bring the plat back for a final next month since there are some changes recommended and there is no one present to speak on behalf of the plat.

2. PRELIMINARY PLAT – Koch's Meadow Hills First Addition – Tract of land in NW ¼ Section 28, Twp 140N, Rge 96W.

Harvey Schneider of Toman Engineering in Mandan and owner Mike Koch were present representing the plat. An additional handout was provided showing Phase I of the development. The plat contains 14.36 acres with the south boundary being Country Oaks 2nd Replat and the east boundary being 10th Avenue West. The plat is represented by the shaded yellow area in the handout and the red line indicates the property requested to be in the annexation which includes Phase II also. The plat contains five blocks with 32 lots. Blocks 1, 3, 4, & 5 have 23 lots and will be zoned R1 (Residential Low Density) for single family housing and Block 2 has nine lots, with zoning of R2 (Residential Medium Density) allowing for twin homes. Proposed access to the development will be at 10th Avenue West, 29th Street West and 12th Avenue West. They plan to connect to infrastructure at the intersection of 12th Avenue and 29th Street and the intersection of 10th Avenue and 29th Street. The utility connection services will run from 12th Avenue to 34th Avenue. Schneider stated they mailed the proposed plat to all the utility companies. They also met with James Kramer of the Dickinson Park District to discuss a park area for the development. He said they will need to meet with the Park Board to discuss if they want land for a park or if they want cash in lieu of land.

Chairman Abrahamson asked if they will be able to access the development on 10th Avenue West from the south. City Engineer Soehren stated they have been in contact with the three property owners looking for right-of-way to negotiate an access point. Schneider stated they contacted the property owners approximately three months ago but didn't really ask if they wanted to be part of the plat but they also didn't show any interest.

Abrahamson noted there were no cul de sacs in this phase but that there are in future phases and asked if we need to discuss them at this point. Soehren said he feels we should move on and discuss them as we progress. He added that while cul de sacs can create issues, the lay of the land may determine a cul de sac is the best use.

Gene Jackson stated this is a quarter section and he knows there will be changes along the way, but said it is a nice presentation; very complete. He said he hopes the developers approach the property owners off of 10th Avenue West to join the plat.

Jerry Krieg mentioned the pipeline within the development which was discussed last month. Schneider stated the plat provides a 30' easement, leaving all lots buildable. He said they have contacted the pipeline company and mailed all the information including a copy of the proposed plat. He added they may need to reconfigure to the west making some deeper lots allowing access to service the pipeline.

Fred Klein, owner and Bruce Selinger, attorney representing Klein Production, owners of the pipeline stated the development will run directly through 11 lots, stating the owners have great concern with a pipeline running through a residential development. He noted the plat is showing a 30' easement but they will need a minimum of 50'. Klein Production has 33 working owners and 480 mineral owners. The pipeline serves three wells paying over \$200,000 per year to North Dakota taxes. Their main concern is that the pipeline could leak or the equipment will fail at some point and any structures, fences, landscaping, etc. will need to be moved or removed in order to make repairs to the pipeline. They want everything to be up front and that the owners/purchasers are made aware that the pipeline exists. The pipeline is a two inch steel line with sealed couplings approximately eight feet deep carrying oil and water. The line is about 50 years old and has never had a leak. Klein noted there is something in State law requiring replacement of pipelines once there have been a certain number of leaks within a certain distance. He said this line has never had a leak, but added that if it should begin to leak that would be another issue as they would likely come in and replace the line. The wells served by this pipeline were drilled in the 50's and although have had declining production over the years are still producing. Klein stated their main concerns are for safety and adequate access for repairs.

Schneider stated they met with local representatives (pumpers) of Klein Production and they indicated a 30' easement would be sufficient. He said ND Guaranty and Title did a search of the property and didn't find an actual easement; just that they have the right to be there. City Attorney Matt Kolling stated it has to be a blanket easement allowing the company to run their pipeline through the property. Kolling stated he would recommend a defined easement with a specific corridor at a specific width for the pipeline. Schneider stated that Mr. Koch will put the pipeline in the covenants for the development. He said OSHA requirements for a pipeline such as this is a 30' easement. The other utilities are requesting a ten foot easement. He added they will have the utility companies ratify the plat at the final stage. North Dakota Guaranty and Title recommended the pipeline give up the blanket easement and have a strip easement recorded with each utility company ratifying the plat. Schneider asked

if they could leave the blanket easement and ask for a strip easement as well. Soehren stated he wasn't aware if that's ever been done before. Kolling wasn't aware of it being done before either but felt the blanket easement may cause title problems.

Jackson agreed that a 30' easement is enough. He questioned the blanket easement stating it will show up in every lot on a title search with the potential to cloud each lot, stating he'd like more clarity before the final plat.

Soehren stated he would be okay with putting it off a month assuring the issues were resolved or he would be comfortable approving the Preliminary Plat moving to the Final Plat as long as all issues were resolved. He said he would be comfortable either way as he feels due diligence has been done.

MOTION BY: Gene Jackson **SECOND BY:** Jerry Krieg
to approve the Preliminary and Final Plat as long as the developer works with the pipeline to resolve all issues.

DISPOSITION: Motion carried.

3. **PRELIMINARY PLAT** – State 5th Subdivision – a replat of a portion of Blocks 31, 32 & 36 of State Addition and a portion of 5th Street West, 6th Street West and Dakota Drive of State Addition lying in Section 5, Twp 139N, Rge 96W.

Chairman Abrahamson opened the Public Hearing. Walt Smith of Kadrmas, Lee and Jackson stated this is just the next phase the north and east where they are extending the roads and easements per the Master Plan. Smith noted one change in the zoning not shown on the drawing. The entire plat will be zoned R2 (Residential Medium Density) except for the R3 (Residential High Density) zone in Lot 1, Block 1. Larry Nygaard, the developer stated all the lots have been sold to one builder who will build primarily single family structures along with some twin homes. The R2 zone will accommodate both single family and twin homes. City Engineer Shawn Soehren asked if they would be comfortable with a four plex in the development as the R2 zone does allow four unit structures. Nygaard stated he was okay with it since it is all one builder and also the covenants will place those restrictions. He said he is comfortable and feels they have a handle on it.

Soehren stated that Lots 5, 6, & 7 in Block 2 will have no street access unless Dakota Boulevard is extended to the end of Block 2. Smith stated that was an oversight and they will revise the drawing to extend the street to the end of Block 2.

MOTION BY: Scott Kovash **SECOND BY:** Gene Jackson
to approve the Preliminary Plat with the revision to extend Dakota Boulevard.

DISPOSITION: Motion carried.

4. **PRELIMINARY AND FINAL PLAT** – North Industries First Addition – a replat of North Industries Addition lying in the North Half (N ½) of Section 27, Twp 140N, Rge 96W

Chairman Abrahamson opened the Public Hearing. Walt Smith of Kadrmass, Lee and Jackson stated the original plat has been approved and recorded and they have now made some revisions north of 34th Street where they added Lots 1 & 2 in Block 1. They pushed Sims to the east in order to maintain the 40 acre parcel in Lot 3. They also broke Block 2 into four lots rather than six.

Gene Jackson noted that 40th and 29th Streets will both be busy streets and stated he felt the need for some non-access areas coming off of the highway. Smith stated the developer is currently working with the City Engineer on that as there have been questions from potential buyers. Smith stated the zoning would remain the same as the original plat with Lots 1 & 5 in Block 1 being GC (General Commercial), Lots 2 & 4 in Block 1 being LI (Limited Industrial) and Lot 3, Block 1 being GI (General Industrial). This will keep the same buffer as required in the original plat. Lots 1 & 2 will have the same owner with Lot 1 being a fueling facility.

MOTION BY: Gene Jackson **SECOND BY:** Jerry Krieg
to approve the Preliminary Plat as long as the non-access points are worked out with the City Engineer.

DISPOSITION: Motion carried.

5. **PRELIMINARY PLAT** – Allard Subdivision – a tract of land in SE ¼ SW ¼ Section 16, Twp 139N, Rge 96W

Chairman Abrahamson opened the Public Hearing. Doug Wellenstein stated the owners are just putting a legal description to the property through the platting process. The zoning will remain the same as RR (Rural Residential) and nothing will change in the access.

Jerry Krieg questioned the easement on the east side. Soehren explained that is the road and the easement will need to be addressed before the final. Soehren stated he believes it is intended.

MOTION BY: Jerry Krieg **SECOND BY:** Larry Dockter
to approve the Preliminary Plat with the addition of the easements for access to the plat

DISPOSITION: Motion carried.

6. CODE ENFORCEMENT REPORT – December, 2010

City Engineer Shawn Soehren stated this report is provided for informational purposes. Permits for new single family were 141 for 2010 compared to 78 in 2009, new commercial permits were 41 for 2010 compared to 25 in 2009 and new multi-family permits were 70 for 2010 compared to 14 in 2009. Soehren explained the 70 multi-family permits amounted to 175 housing units. 2010 was a busy year and Soehren stated he is anticipating 2011 to be just as busy.

7. ADJOURNMENT

There being no further business to discuss

MOTION BY: Scott Kovash **SECOND BY:** Jerry Krieg
to adjourn meeting. Meeting adjourned at 8:10 AM

DISPOSITION: Motion carried.

PREPARED BY:

Karen Amann

APPROVED BY:

Shawn Soehren