

**CITY OF JAMESTOWN
102 3rd Ave SE
Jamestown, ND 58401
701-252-5900**

**MINUTES - Revised
Planning Commission
December 13, 2010 - 8:00 a.m.**

Present: Trefz, Johnson, Bergquist, Ritter, Bensch, Trautman, Tressler
Others Present: Reuther, Weight, Fuchs, Schwartzkopf, Harty

1. Chairman Trefz called the meeting to order and asked for a motion to approve Minutes from the November 8, 2010 meeting. A motion was made by Trautman to approve the minutes of the November, 8, 2010 meeting. Seconded by Bergquist. Unanimous voice vote. Motion Carried.
2. Public hearing for a zone change:
 - Lots 12-22, Block 6, Strutz Addition from R-2-A (One to Twelve Family Residential District) to M-1 (Limited Industrial and Manufacturing District).

Chairman Trefz opened the Public Hearing.

Donald Schroeder of 1419 11th St SE is concerned about the zone change and stated that the Tahrans' Manufacturing building has been out of business for over 20 years and is an eyesore and asked if the city has any regulations to decide how to handle these industries.

Mitch Goehner of 1101 14th Ave SE spoke of concerns of the proposed zone change. He delivered a petition with 10 signatures from property owners to Chairman Trefz. He stated that if something industrial or storage garages would be built on the property, he and the other petitioners would be against the zone change.

Stephanie Ahner of 1406 11th St NE, spoke relating that it is quiet neighborhood, but Gerdeau Ameristeel has increased the traffic and she is concerned as to what will go in these lots, stating that industrial buildings are becoming an eyesore.

Chairman Trefz closed the public hearing.

Planning Commission member Ritter asked how many names are on the list given by Mr. Goehner. Chairman Trefz said it appears to be about 10 names and it seems to be that most of the properties are contiguous to the zone change area. The petition will need to be verified.

Planning Commission member Johnson stated it appears that the person requesting the zone change has not been heard from other than the application. Secretary Weight confirmed and explained that Mrs. Strutz owns Lots 21 & 22, and has had opportunity to sell but knows that whoever buys the lots are limited to building a home on it, however, on 12th St SE there is no water, sewer or platted road on the west side. The M-1 zoning is adjacent to M-1 on south side of the properties, and if it were changed to something else it would be considered spot zoning. Secretary Weight also stated that Wedgcor does not want the property in question and currently exists on Block 7.

Planning Commission member Bensch asked if the alley is open. Weight stated yes, that the streets are platted but there is no physical street. Weight suggested she change the zoning on all the lots not just the two she owns.

(over)

Chairman Trefz has concerns with the legality of the zone change request. It appears that adjacent owners are not in favor of the zone change. Planning Commission member Bensch made a motion to deny request based on the fact that we don't have signatures of all owners' of all the lots to be re-zoned and that it seems the majority of the property owners oppose the change. Motion seconded by Ritter.

Planning Commissioner Bergquist suggested Secretary Weight contact Mrs. Strutz to see if she would contact all the land owners. Planning Commission member Tressler suggested the City contact the affected owners instead of Mrs. Strutz. Discussion was held concerning how the property owners would be notified. Bergquist asked that Secretary Weight contact Mrs. Strutz.

Secretary Weight called the roll. Unanimous aye voice vote. Motion carried.

3. In other business, Secretary Weight received a request to vacate an alley adjacent to Lot 6, Block 2 of Curtain's Second addition. Secretary Weight related that Mr. Herzog has contacted owners of Lots 7 & 8 and if the alley is vacated, they would sell their portion to him. A lengthy discussion was held concerning the location of the alley.
4. Weight clarified map, the alley in question runs on the east side of rental store. Discussion was held concerning public access to the alley. City Administrator Fuchs explained that the situation needs to be looked at as there has been no vehicle parked adjacent to the owner's garage in the alley other than the owner of Lot 6 for over 30 years.

Motion was made by Bensch to grant. Seconded by Trautman. Secretary Weight called the roll: 6 ayes, 1 nay. Motion carried.

Chairman Trefz mentioned concern about notifying the public and is pleased that owners appeared at the public hearing. Trefz related that what is sent to the property owner's is not being understood by the general public. Weight explained that if we sent out zoning code, it will not be understood as most zoning codes hinge upon other zone codes, etc. Chairman Trefz related that we need to find a way to educate the public regarding the public hearing and zone change process.

Commission member Trautman stated each party involved should be responsible for contacting the City for more information and that it is not our job to choose zoning for the owner's involved. Ritter stated that our responsibility is not only for the property owners now, but also for the future property owner's, and that we need to see if a buffer zoned area is needed. Council Member Kourajian explained that each application for a zone change costs \$200.

Chairman Trefz spoke of an e-mail that was received concerning the open meeting laws. He shared that when we appoint a committee of one or two members to research items, the work they do does not constitute a formal meeting of the Planning Commission. When a sub-committee is charged with making a recommendation to the full Planning Commission, the meetings are considered public, and all of the advertisement of the meeting, etc. needs to be done. Any time a majority of the Planning Commission gathers to discuss business anywhere, it is a public meeting. Commission member Tressler asked if there are a minimum number of people on a research committee. Chairman Trefz replied there is no minimum number of people needed to be on a sub-committee.

5. Motion made by Bergquist to adjourn. Meeting adjourned.