

Minutes of a Planning and Zoning meeting held on October 25, 1983, in City Hall at 7:30 P. M.

Present were Commission members Steve Porter, Kim Barlow, Lynnette Neff, Art Adcock and John Mayer. Also present were Randall Albers and Ted Kenison.

Meeting was called to order at 7:35 P. M. and prayer was given by Mr. Mayer. Minutes of a meeting held September 27, 1983, were read and a motion to approve them was made by Mr. Porter and seconded by Mr. Adcock. Vote to accept the minutes was unanimous. It was decided to go over the minutes of the meeting held August 23, 1983, later in the meeting.

Mr. Albers came before the commission to request the annexation of two lots located on 500 South Street, one lot being the one with his home on it and the other the lot just east of it.

Mr. Albers asked if it was stated in the Ordinance for Annexation that the City Council could waive the water shares required if the person requesting annexation did not have any. Mr. Porter replied that the council did not have this authority but had to abide by the ordinance.

Mr. Albers said he would like to be a part of the city. He said Bart Olson, who originally owned his house, wants to buy the house back. Bart doesn't have enough money to do this but he does have land and will give Albers the other lot as part payment for the home and so he wants to annex the two lots into the city. He wants to build a new home on the one lot and sell the other back to Bart. Two shares of water were given to the city for the county water hookup and so they are already there.

Mr. Porter said he liked to go through the ordinance step by step and make sure everything is in order. He proceeded to go through the Annexation Ordinance and check off those things which have been met. It was found that a written request for the annexation had not been submitted. Since Mr. Albers had gone to the City Council first and had been sent to the Planning Commission by them, it was thought perhaps no letter was needed. Mr. Albers said that when he bought the home, he was told it was already in the city but later found out Olson's did not finish the annexation so it was still in the county.

Mr. Porter continued through the ordinance and then asked if the lots on the plat map were correct as to size and Mr. Albers replied that they were. The rest of the ordinance was read.

Mr. Porter said that if the two shares of water given to the city for the county hookup and which by agreement may be used for the annexation of two acres, are used for the annexation of these two lots, they cannot be used for any other annexation and it needs to be in writing that this is the case. Mr. Albers asked if the water shares go with the property and Mr. Porter said in a sense they do, as they were used for a county culinary water hookup for the home on the one lot and

there is an agreement signed by the city council and Bart Olson stating these same two shares may be used for annexation should Mr. Olson desire to annex up to one acre.

Mr. Porter asked Mr. Albers if he owned the second lot, shown as lot #3 on the plat map. Mr. Albers said he has a contract but it has not yet been recorded. He thought he had a copy of the warrenty deed but after looking through his papers said it was still at the bank. Mr. Porter said it appeared that one person was requesting annexation of property belonging to two people. Mr. Albers replied he would have the warrenty deed recorded and then he would own both lots. Mr. Porter said that if he had the written agreement from Bart Olson about the water shares, it should be okay. He went on to say that Mr. Albers bought his home under the assumption it was already in the city and we can't have Bart coming back saying he still can use the two water shares being used by Mr. Albers for this annexation for another annexation request.

Mr. Albers said he would like to get started on his new home as soon as possible and asked if the Commission could give him approval with some contingencies if he can get what is needed by the next City Council meeting. He feels he needs to know if he is going to be annexed so that if not, he can make some other arrangements.

Mr. Porter said if Mr. Albers has a release from Bart stating that the two shares of water he is allowing Mr. Albers to use for his annexation will not be used for any other annexation request perhaps it can be done. He said although he does not like contingency things and wants to do this right, he realizes Mr. Albers is in a bind for time. Mr. Porter went on to say the cost of the waterline and the covering of the flood control ditch has to be paid and asked who was to pay the share for the 195 feet of frontage on these two lots, Mr. Albers or Mr. Olson. Mr. Albers said he would take the responsibility for these. He said he did not like this but someone wanted his house back and so would probably go along with whatever was necessary.

Mr. Porter said since there were certain pressures from Bart Olson, he thinks there should be a written agreement about this from them and have it ready for Council meeting. Mr. Albers said okay.

Mr. Porter asked the other members of the commission if they had any questions or if they could see any reason why this property should not be annexed. Mr. Albers asked if Bart has ever come to the Planning and Zoning Commission and was told yes, he had.

Mr. Barlow said he felt they should be sure to have the written release on the payment for the waterline and the ditch and Mr. Adcock said he felt this also and that it was for Mr. Alber's own protection. Mr. Porter said it was the City Council Mr. Albers had to deal with and not Bart and so this was needed.

Mr. Barlow made a motion that the Commission recommend this requested annexation be granted contingent on written consent from Bart Olson, releasing interest in the ^{Water} shares for any future annexation and that these two shares be used by Mr. Albers for the purpose of annexation of

lots #3 and #4.

Mr. Albers asked if the city was proposing a new ordinance that would give the Council the right to waive the requirement for water shares for annexation. He was told that this was not so. The proposed ordinance would still require water shares but not for that portion of any annexation that would be deeded to the city for roads or streets.

There followed a discussion of the problems the city has with water and why they feel the irrigation shares are necessary in the event of annexation of more land into the city. Mr. Albers said this might be a problem but would it be possible for him to bring in his 2/3 of an acre and Bart bring enough of his property to add up to an acre and both use the same two shares of water. There was a short discussion of this and it was explained that Mr. Olson could not request annexation of Albers property and Mr. Albers could not request annexation of Olsons property. Mr. Albers said he didn't know if he would want to try this but was wondering if it were possible.

Mr. Barlow rephrased his motion and made it to say that the Planning Commission recommend this request for annexation be granted contingent on written release by Bart Olson of his interest in the two shares of water that were given to the city for a county water hookup for the home on lot #4. That these two shares of water are to be used by Mr. Albers for annexation of lots #3 and #4.

Mrs. Neff seconded the motion. The vote was in the affirmative by Mr. Barlow, Mrs. Neff, Mr. Mayer and Mr. Adcock with Mr. Porter abstaining. Motion passed.

Mr. Albers, Mrs. Neff and Mr. Mayer left the meeting at 8:30 P. M.

Minutes of the meeting held on August 23, 1983, were read and a motion to approve them with a correction on page 2, 4th paragraph where 500 West was changed to read 400 West, was made by Mr. Adcock. Mr. Porter seconded the motion and it passed unanimously.

There was a discussion of the definition of Home Occupations in the zoning ordinance and how they differ from Home Industries. It was thought a building for a Home Industry should be limited to 900 square feet so as to prohibit large industrial type business within a residential zone. It was pointed out that since there had been a change in the wording of the definition of an Accessory Building and a main building in Section 18 of the ordinance, it would be necessary to go through the ordinance and also change each place this was mentioned in each zone.

Mr. Porter said he had been requested by Councilman Dan Olson to have the Planning Commission recommend to the City Council that they do something about the business license ordinance prior to the end of this year when all present licenses expire.

Since there is a private swimming pool being built in town, it was

brought out that there is nothing in the zoning ordinance spelling out how to prevent a pool from becoming an attractive nuisance. It was thought this was likely covered in the State Uniform Building Code and Mrs. Rosenlund said she would check with the building inspector on this.

Mr. Porter made a motion that this meeting be adjourned and the next one be set for November 22, 1983, at 7:30 P. M. and that they continue to work on the Zoning Ordinance update. Mr. Barlow seconded the motion and it passed unanimously.

Meeting adjourned at 9:05 P. M.

Nov 22, 1983

Approved

Steven D. Porter

Chairman

Ramona Rosenlund

Attest