

**OAK GROVE COUNCIL
Regular Meeting Minutes
Monday, April 11, 2022**

The Regular Meeting of the Oak Grove City Council was called to order by Mayor Denno at 7:00 p.m. on Monday, April 11, 2022. Pledge of Allegiance was said, and roll call taken.

Present: Dan Denno, Mayor
Weston Rolf, Council Member
Mike Wylie, Council Member
Paul Tradewell, Council Member
John West, Council Member

Also Present: Loren Wickham, City Administrator
Jessica Rieland, City Clerk

Via Zoom: Bob Vose, City Attorney
Chuck Schwartz, City Engineer

1. PUBLIC FORUM

2. ANNOUNCEMENTS

Administrator Wickham mentioned that Spring road restrictions are currently on and there is a map on the city's website with more information. He added that effective today the DNR put restrictions on open burning.

3. SETTING OF REGULAR AGENDA

MOTION MADE BY COUNCIL MEMBER WEST, SECOND BY COUNCIL MEMBER WYLIE TO APPROVE THE REGULAR AGENDA. All in favor.

4. APPROVAL OF COUNCIL MINUTES FOR MARCH 28, 2022

MOTION MADE BY COUNCIL MEMBER TRADEWELL, SECOND BY COUNCIL MEMBER ROLF TO APPROVE THE REGULAR MEETING MINUTES. All in favor.

5. ACKNOWLEDGE RECEIPT OF COMMISSION AND COMMITTEE MINUTES

- A. Planning Commission minutes for March 17, 2022

The council acknowledged receipt of commission minutes.

6. SHERIFF'S REPORT FOR MARCH 2022

Commander Knotz reported that in March there were 270 calls for service, including 3 thefts, 2 damage to property, 1 misdemeanor arrests, 2 DUI arrests, 1 warrant arrests, and 25 traffic arrests.

Commander Knotz mentioned that the sheriff's office is always looking for volunteers for their reserve unit and he encouraged residents to apply.

7. PETITIONS, INDIVIDUALS, PRESENTATIONS, AND INQUIRIES

- A. Oak Grove Lions donation to Parks Department

The Oak Grove Lions presented two checks to the city. The first was for \$8,000 for the city to purchase 10 park benches. The second was for \$12,000 for a future Veterans Memorial Park at City Hall.

Administrator Wickham noted that a special project fund will be created so that the Lions can see where the funds are being spent.

8. CONSENT AGENDA

The Consent Agenda contains several items, which are acted upon by the Council in one motion. Upon request by any one Councilmember, City staff, or the public a consent agenda item may be removed and put on the regular agenda for discussion and consideration.

City Council date

- A. Claims and Accounts
- B. Ordinance 22-04 Rezone for Hanson
- C. Resolution 22-058 approving Preliminary Plat of Hanson's Oak Hollow
- D. Resolution 22-059 approving Site Plan for Anatoliy Revutskiy
- E. Resolution 22-060 Responsible Authority Data Practices
- F. Resolution 22-061 hiring temporary employees for 2022 Recycle Days

MOTION MADE BY COUNCIL MEMBER WYLIE, SECOND BY COUNCIL MEMBER ROLF TO APPROVE THE CONSENT AGENDA. All in favor.

9. CONSULTING ENGINEER

- A. 2022 Street Improvement Project Update

Engineer Schwartz presented the bids received for the 2022 Street Improvement Projects which included 7 alternates. He mentioned that the alternate that included the assessment project came in at \$125,000.

Greg Hanson 4771 Verde Valley Road NW inquired if his project was approved. Administrator Wickham replied that the rezone and preliminary plat of Hanson's Oak Hollow was approved, and the easement requirement was removed from the engineer's memo. Administrator Wickham noted that he would reach out to Mr. Hanson to discuss the cul de sac.

10. FIRE DEPARTMENT

Chief Engler reported that year-to-date there have been 167 calls for service including 28 fire calls and 101 EMS calls. Compared to last year there had been 149 calls for service including 15 fire calls and 78 EMS calls. He stated that calls have been increasing and the department is looking to hire more firefighters.

Council Member West asked how many firefighters the department is looking to hire. Chief Engler replied as many as possible.

Council member Rolf asked for more details about the EMS calls. Chief Engler replied that the department responds to all EMS calls and there are usually 3 firefighters that respond to each.

11. PLANNING DEPARTMENT

- A. Ordinance 22-05 Accessory Dwelling Units (ADU)

Administrator Wickham provided an overview of the ADU draft ordinance. He noted that the planning commission held a public hearing for the ordinance amendments on February 17th and the discussion carried over to the March 17th meeting. They recommended approval to the council on a split vote. Administrator Wickham mentioned that there was a city-wide survey opened in 2021 to collect feedback from residents on ADUs and there were 395 responses. The results were published in the newsletter and posted on the city's website.

Scott Lawrence 2050 195th Lane NW voiced opposition to ADUs and was concerned that they would change the look and feel of a rural residential community.

Monica Fourre 19920 Swallow Street NW voiced opposition to ADUs and suggested having a 4-acre minimum lot size to build one.

Mark Korin 1600 Old Sims Road NW voiced support for ADUs because they create the opportunity to keep family close to home. He emphasized the importance of limiting the level of impact to the community and suggested having a minimum lot size of 4 acres.

Brad Johnson 3865 193rd Lane NW mentioned that he is a member of the planning commission, but he is not speaking on behalf of the commission, he is speaking for himself. He suggested adding a section to 109-48(b) allowing a variance for a detached dwelling for a multi-family household. He voiced concern about ADUs becoming rental properties.

Darrel Untereker 21730 Cedar Drive NW mentioned that he is a member of the planning commission, and he was also part of the ADU subcommittee. He provided insight into how the subcommittee reached their decisions regarding the draft ordinance amendment.

Monica Foure 19920 Swallow Street NW stated that she is not completely opposed to ADUs, but she is concerned that they will cause problems in the community.

Council Member Tradewell noted that he was on the subcommittee and mentioned that he believes creating an ordinance for ADUs is a good thing because it enables the people that want to do it the right way the ability to do so. He added that more work should be done before the ordinance is adopted.

Council Member Wylie noted that he was on the subcommittee, and he mentioned that he suggested ADUs to the council many years ago. He voiced support for ADUs if they are built to help care for an elderly family member or someone that needs assistance. However, he is concerned about the impact they may have on the community if they become rentals. He believes that more work needs to be done on the draft ordinance.

Council Member Rolf agreed with Council Member Tradewell and voiced support for ADUs. He noted that he supports the draft as presented. He voiced concern about the ADUs becoming rentals.

Council Member West voiced support for ADUs and stressed the importance of being mindful of the unintended consequences of the ordinance and suggested having a work session to discuss it further.

Monica Foure 19920 Swallow Street NW mentioned that the people she talked to that filled out the survey viewed ADUs as a way to have a rental property and have more than one home on a 2.5-acre lot.

Mark Korin 1600 Old Sims Road NW stated that he is proud to have been a part of leadership in the city over the past 20 years. He stressed the importance of being mindful of the the level of impact.

Greg Hanson 4771 Verde Valley Road NW mentioned that his household filled out the survey and it never crossed his mind that the ADU would be used as a rental. He voiced support for ADUs because they would create an opportunity for people to take care of their family.

Darrel Untereker 21730 Cedar Drive NW stated that he does not believe most residents view ADUs as a way to create rental properties and he encouraged the council not to make a decision based on fear of what could happen.

Administrator Wickham added that the survey results show that 34.8% viewed ADUs as a way to take care of family, 37.4% viewed them as a way to age in place or a place for their children and 4.9% showed interest in having a rental property.

Mayor Denno mentioned that he supports the draft as presented but he is not opposed to taking a closer look at it.

The council agreed to have a work session on ADUs before making a final decision.

MOTION MADE BY COUNCIL MEMBER WEST, SECOND BY COUNCIL MEMBER WYLIE TO TABLE THE ADU ORDINANCE AMENDMENT. All in favor.

B. Ordinance 22-06 Road Frontage

Administrator Wickham provided an overview of the road frontage amendment. He noted that Council Member Tradewell originally proposed reducing road frontage to 225' but after further discussion it was changed to 275'.

Council Member Tradewell stated that he proposed the ordinance amendment to level the playing field between developers and landowners. He noted that developers are allowed to go down to 100' of frontage around corners or cul de sacs, and landowners applying for a subdivision are not allowed to deviate from the 300' requirement without going through the variance process which can cost thousands of dollars.

Mark Korin 1600 Old Sims Road NW commented that developers are manipulating the code to maximize the number of houses they can fit into their developments. He suggested reviewing the code sections that are allowing developers to do this and change it.

Brad Johnson 3865 193rd Lane NW mentioned that he was in favor of amending the road frontage requirement, however, after further review of the ordinances, he would rather recommend a variance instead of changing the code.

Council Member West suggested educating the planning commission on variance applications.

Council Member Tradewell mentioned that an applicant could spend thousands of dollars going through the variance process and still get turned down.

Administrator Wickham mentioned that he always guides applicants to begin by discussing their plan with the planning commission before spending any money.

Darrel Untereker 21730 Cedar Drive NW encouraged the council to focus on reducing the road frontage for individuals that have a slight shortage and not to get it confused with what the developers are allowed to do. He noted that reducing the road frontage will not affect what developers are doing and if that is what the real issue is then it should be addressed separately from this.

Greg Hanson 4771 Verde Valley Road NW mentioned that he just subdivided his property and believes that allowing a homeowner or developer to gain an extra lot is not necessarily a bad thing because the city benefits as well. He noted that if the character of the community is not being changed, development can be a good thing.

Council Member Rolf noted that he would like to keep the road frontage requirement at 300' and would also like to review the requirements that allow developers to reduce frontage around cul de sacs. He mentioned that he voted in favor of allowing a recent development to construct a larger cul de sac and after driving past it, he no longer supports that type of configuration.

Council Member Wylie mentioned that he voted against allowing the larger cul de sac because it allowed the developer to build more homes closer together and it changed the character of the community in that area. He is not in favor of reducing the road frontage requirement and thinks that the city should be more open to approving variances.

Council Member West voiced opposition to changing the road frontage requirement and suggested talking to the planning commission about variances because he believes that is a tool that is not being used.

MOTION MADE BY COUNCIL MEMBER TRADEWELL. NO SECOND WAS MADE.

9. ATTORNEY

Attorney Vose joined the meeting remotely to discuss a concept plan submitted by an Oak Grove resident that proposed to develop his land and connect 11 new units to the City of St. Francis sewer and water system.

Administrator Wickham noted that he received a response from St. Francis regarding the connections and they are asking for a \$100,000 trunk fee and double the amount for the Sewer Access Connection (SAC) and Water Access Connection (WAC) fees.

Mayor Denno inquired about the 40 additional connections that are part of the original agreement for The Ponds.

Administrator Wickham replied that the 40 additional units allowed to connect are limited to The Ponds neighborhood and the proposed concept plan is adjacent to that land.

Attorney Vose stated that there are two important things to note in the contract. The first is that there is an area mapped out in the agreement that specifies where the connections can be made, and the proposed

concept plan is outside of that area. He mentioned that the agreement clearly contemplates adding land to the map or an amendment to the map allowing addition land, connections, and different kinds of uses. The second is that the contract lists the rates that Oak Grove will have to pay for connections made to the St. Francis system. He added that Oak Grove is responsible for paying for the connections and then the contractor/landowner will cover those costs. In summary, Attorney Vose stated that the agreement addresses additional connections and does not call for any additional fees.

Mark Korin 1600 Old Sims Road NW asked how it could be considered a connection fee to St. Francis when they are connecting to pipe that Oak Grove owns. Attorney Vose agreed that there shouldn't be a connection fee and noted that the trunk fee is something St. Francis has added since the agreement was signed in 2019.

Council Member Rolf stated that he is not interested in having townhomes in the city or making any additional connections to the St. Francis system outside of The Ponds area.

Administrator Wickham replied that the Oak Grove resident that submitted the concept plan is not building townhomes, he is building single family homes on lot sizes like those that are in The Ponds.

10. CITY ADMINISTRATOR UPDATES & DISCUSSION ITEMS

A. Administrator Updates

Administrator Wickham noted that the audit presentation is scheduled for the April 25th meeting. He suggested scheduling a work session with Buetow 2 Architects to discuss the feasibility study for the fire station. Administrator Wickham addressed a question asked at the previous meeting about property tax increases and stated that there is no longer a cap for increases. There used to be a State program, but it was phased out in 2010.

11. MAYOR/COUNCIL REQUESTS/UPDATES

Council Member Rolf inquired about the animal control contract.

Administrator Wickham replied that the animal control person the city contracts with will be closing on June 1st due to health issues. He added that Staff is looking for alternatives at this time.

The next Regular Meeting is scheduled for Monday, April 25, 2022, at 7:00 p.m.

12. ADJOURNMENT

MOTION MADE BY COUNCIL MEMBER ROLF, SECOND BY COUNCIL MEMBER WYLIE TO ADJOURN. Motion carried 4-1. Council Member West opposed. The meeting was adjourned at 9:31 p.m.

Respectfully Submitted,

Jessica Rieland
City Clerk