CALL TO ORDER

The regular meeting of the Lincoln County Planning Commission was called to order by Chairperson Hogan on April 17, 2023 at 6:30 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse.

ROLL CALL

Planning Commission members present were Mark Johnson, Jerry Jongeling, Collin Enstad, Scott Green, Erik Scott, Tiffani Landeen, and Wendi Hogan. County staff present were Toby Brown, Noah Watson, Bill Golden, and Joe Meader.

APPROVAL OF THE MEETING MINUTES

1) Commissioner Hogan asked if there were any changes to the meeting minutes from March 20, 2023. No one proposed any changes. A motion was made by Commissioner Jongeling and seconded by Commissioner Scott to approve the meeting minutes from March 20, 2023. A roll call vote was taken. Yeas: Johnson, Jongeling, Enstad, Green, Scott, Landeen, and Hogan. Nays: None. Motion carried.

APPROVAL OF THE MEETING AGENDA

Commissioner Hogan asked if there were any changes to the meeting agenda. No one proposed any changes. A motion was made by Commissioner Johnson and seconded by Commissioner Enstad to approve the meeting agenda. A roll call vote was taken. Yeas: Johnson, Jongeling, Enstad, Green, Scott, Landeen, and Hogan. Nays: None. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

Commissioner Hogan opened the floor for public input on non-agenda items. Hearing none, she closed the floor to public input on non-agenda items.

OLD BUSINESS

No old business was discussed.

PUBLIC HEARINGS

1) Toby Brown introduced the application and presented a brief summary of the staff report. Trevor Pierce was present to speak and answer questions. Commissioner Hogan opened the floor to public comment. Nate Vander Plaats, 107 S Main; Chris Klemme, 27701 467th; and Mike Fodness, 46689 277th, spoke in opposition. Hearing no additional comments, Commissioner Hogan closed the floor to public comment. A motion was made by Commissioner Green and seconded by Commissioner Enstad to recommend denial of the application to the Board of County Commissioners. A roll call vote was taken. Yeas: Johnson, Jongeling, Enstad, Green, Scott, Landeen, Hogan. Nays: None. Motion carried.

2) Toby Brown introduced the application and presented a brief summary of the staff report. Mike Mechtenberg and Bryan Pearson were present to speak and answer questions. Commissioner Hogan opened the floor to public comment. Hearing none, Commissioner Hogan closed the floor to public comment. A motion was made by Commissioner Johnson and seconded by Commissioner Scott to approve the application with the following conditions:

    1. This approval is for the project described per Conditional Use Permit (USE-0003-2023) to allow warehousing to exceed 10,000 square feet.
    2. The property shall be substantially developed as depicted in the plans dated December 2, 2022, except as modified by the conditions below.

3. Appropriate building permits shall be obtained. No additional warehousing structures, exceeding, 54,000 square feet, shall be allowed on the property, without the issuance of a new CUP.
4. Access and parking areas shall be hard surfaced in accordance with Section 15.04(A) of the 2009 Revised Zoning Ordinance within two (2) years of permit approval; specifically, the access apron.
5. The Planning and Zoning Department or designated official(s) reserves the right to enter and inspect the property at any time, after proper notice to the owner, to ensure the property is in full compliance with the conditional use permit conditions, all applicable regulations of the Zoning Regulations for Lincoln County and any other County, City, State, and Federal Codes, ordinances, regulations, and laws that may apply.

A roll call vote was taken. Yeas: Johnson, Jongeling, Enstad, Green, Scott, Landeen, and Hogan. Nays: None. Motion Carried.

3) Bill Golden opened the item by requesting that the Planning Commission enter an Executive Session. After returning from the Executive Session, Bill Golden stated that there are errors in the remanded ordinance. Bill Golden informed the Planning Commission that there are currently two lawsuits going on in Iowa and that if a Carbon Pipeline ordinance is based on safety, it will be preempted by the Federal Government. Bill Golden recommended that the Planning Commission form a committee to correct the errors in the remanded ordinance. Commissioner Hogan opened the floor to public comment. First, Commissioner Hogan opened the floor to those in favor of the proposed ordinance. Anthony Ventura, 47763 292nd; Emilie Smithback, 47512 277th St; Carol Hoines, 3112 W Auburn Hills Ct; Dennis Jones, 4904 S Heatherwood Circle; Dan Paulson, 47633 277th; Mike Hoffman, 27673 Hwy 11; Michelle Jensen, 27673 Hwy 11; John Sjaarda, 115 Lynx St Valley Springs; Karla Lems, Canton SD; Ernest Stratmeyer, 28503 474th Ave; Timmothy Wassom, 27628 468th Ave; Joyce Swanson, 27450 481st Ave; Drew DeNeui, 27597 470th Ave; Paul Blackburn (via phone), 4028 McCulloch St Duluth; Joy Hohn, 46178 263rd Street Hartford; Clayton R, 23258 480th Ave Flandreau; Dennis Jarabek, 2321 Mockingbird Cir; and Donald Klassen ,47174 275th St, spoke in favor of the proposed ordinance. Hearing no more comments in favor of the proposed ordinance, Commissioner Hogan opened the floor to those in opposition of the ordinance. Walter Wendland (via phone), 802 Redwood Ave, Onida SD; Brandi Naughton, 13333 California St Suite 202, Omaha NE; John Godfrey (via phone), 5777 France Rd, Dublin OH; and Aaron Eldridge, Ames IA, spoke in opposition to the proposed ordinance. Hearing no additional comments, Commissioner Hogan closed the floor to public comment.

A motion was made by Commissioner Johnson and seconded by Commissioner Scott to refer the proposed ordinance to a committee appointed by the Chairperson of the Planning and Zoning Commission. The Planning Commission deliberated, and Commissioner Johnson made a motion to amend his motion to instead create a committee that would be appointed by the Chairperson of the Planning and Zoning Commission and the Board of Commissioners that would consist of two Planning Commission members and two Board of Commission members. A roll call vote was taken: Yeas: Johnson, Jongeling, Enstad, Scott, and Hogan. Nays: Green and Landeen. Motion carried.

More discussion took place on the amended motion. Commissioner Landeen made a point that the Planning Commission cannot direct the Board of Commissioners. Bill Golden came forward and presented two possible options to the Planning Commission. These options are for the Planning Commission to create a committee and appoint members themselves or recommend the creation of a committee to the Board of Commissioners. A motion was then made by Commissioner Johnson and seconded by Commissioner Green to rescind the previous motion. A roll call vote was taken. Yeas: Johnson, Jongeling, Green, Enstad, Scott, Landeen, and Hogan. Nays: None. Motion carried.

A motion was made by Commissioner Jongeling and seconded by Commissioner Green to recommend the Board of Commissioners form a committee. A roll call vote was taken. Yeas: Jongeling, Green, Enstad, Scott, and Landeen. Nays: Johnson and Hogan. Motion carried.

NEW BUSINESS

1) Toby Brown updated the Planning Commission on the status of USE-0010-2023. Toby Brown informed them that the item had been appealed to the Board of Commissioners and would be heard on the April 25, 2023 agenda. The Planning Commission was also updated on the status of the Comprehensive Plan. Toby Brown informed the Commission that stakeholder meetings would be taking place for the Comprehensive Plan update. Toby Brown directed those interested in being a stakeholder to email the Planning and Zoning Department. Finally, Toby Brown informed the Planning Commission of a survey the public may take on the Lincoln County website regarding the Comprehensive Plan.

EXECUTIVE SESSION

1) At 6:50 P.M., Bill Golden requested that the Planning Commission enter an Executive Session prior to the hearing on the Code of Ordinances Text Amendment. A motion was made by Commissioner Green and seconded by Tifani Landeen. A roll call vote was taken. Yays: Johnson, Jongeling, Enstad, Green, Scott, Landeen, and Hogan. Nays: None. Motion carried.

   Commissioner Hogan requested a motion to return from the Executive Session. Commissioner Green made a motion to return from the Executive Session at 7:38 P.M. and was seconded by Commissioner Jongeling. A roll call vote was taken. Yays: Johnson, Jongeling, Enstad, Green, Scott, Landeen, and Hogan. Nays: None. Motion carried.

ADJOURNMENT

A motion was made by Commissioner Landeen and seconded by Commissioner Green to adjourn the meeting at 9:53 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.