

August 18, 2010

The Lincoln County Board of Commissioners met for a regular session on August 18, 2010, in the Eureka Annex of the Lincoln County Courthouse. Present are Commissioner John Konzen, Commissioner Marianne Roose and Commissioner Tony Berget.

10:30 AM: **Tracy McIntyre, TVID:** Tracy gave an update of the Industrial District project.

11:00 AM: The Commissioners toured the project at the **Eureka Airport** to resurface the runways. The Commissioners also looked at the improvements to **the fairgrounds**.

11:30 AM: **Tim Orthmeyer, Morrison and Maierle:** Tim brought paperwork for Commissioner Konzen to sign for the Eureka Airport.

11:45 AM: The Commissioners reviewed the Secured Rural Schools funding for the 2010-2011 year. It was decided that \$163,000 be allocated for Title III and \$700,000 for Title II.

1:30 PM: **Subdivision Review:** Lisa Oedewaldt, Kristin Smith

Homes on the Range II; Amended Lot 2 – Public Hearing 2 Residential lots, 4.55 acres, S ½, NW ¼, SW ¼, Section 24, Township 37 North, Range 27: Commissioner Konzen opened the public hearing and asked planning staff to present their report. Lisa delivered a PowerPoint presentation of slides. There are 10 standards conditions of approval. The first was access and certification that the portion of Prairie Road that access lots 2a & 2b be upgraded to current standards. Commissioner Roose asked if this was just a lot that was being split inside an existing subdivision. Lisa answered yes and explained the division. She mentioned another condition required will be a new approach permit or an updated one based on MDT standards; and condition #3 requires verification that the road sign was in place or one needs to be installed. The rest of the conditions are typical. Commissioner Konzen asked if it was in the Airport Influence Zone and Lisa stated yes. Commissioner Roose asked that before this split was proposed what the original number of lots was; Lisa stated 7. Mr. Davis, the surveyor of record, asked why the whole road that touches both lots must be upgraded and not just the portion from the road to the driveway of Lot 2a, which was indicated by Mr. Davis to be close to the common boundary line of both Lots. Kristin stated the requirement would be for upgrades to be made to the point of access. The driveway locations had not been shown on the preliminary plat. The condition refers to maintaining and upgrading up to that access. Commissioner Konzen asked for public comments, hearing none he closed the public hearing for a decision next week.

Phelps Homestead – Preliminary Plat Decision 2 Residential Lots & 1 Agricultural Lot, 108 acres: Lisa summarized the presentation heard last week. Commissioner Konzen then asked why Lot 3, needed to be in a floodplain. Lisa stated it didn't, that the condition only referred to the two Lots that border Lake Creek. Konzen questioned why a floodplain study needed to be done on an agricultural lot. Lisa explained it was just for future development. Lisa reviewed the 2nd condition that pertains to the easement for Lot 3 and its access through the lot to the south. Any expansion of the driveway needs to occur in the northern part of the easement to avoid loss of property to the adjacent landowner. Mr. Davis interjected stating that he had a copy of the [floodplain] study if it was needed. Lisa told him that the reference number would be made part of the covenants and that it wasn't needed right now. Commissioner Berget made the motion to approve the subdivision as preliminary plat and Commissioner Roose 2nd the motion, based on planning staff recommendations; Motion carried unanimously.

Granite View – Final Plat 2 Residential lots, 12.07 acres: Lisa summarized the project information and that all conditions had been met. Commissioner Roose made the motion to approve the final plat for Granite View, Commissioner Berget 2nd the motion and it carried.

Fallen Antler Estates – Final Plat 4 Residential Lots + a remainder, 11.45 acres: Lisa reviewed the subdivision located in the Trego/Dickey Lake area. Lisa stated that the subdivision was given preliminary approval in May 2008 when remainders were still allowed. Lisa reviewed the conditions of approval and stated that all had been met. Commissioner Roose made the motion to approve the final plat for Fallen Antler Estates, Commissioner Berget 2nd the motion and it carried.

McGinnis Creek Flats IV; Phase 1 – Final Plat 4 Residential Lots: Preliminary approval was granted 10/14/09. Lisa reviewed the request from last week's discussion of regarding the slash piles. The applicant has presented an Improvements Agreement and Bond to cover the removal at a more convenient time. The check is in the amount of \$2156.25 (which is 125% of the \$1700.00 estimate). Lisa stated that it was ready for approval. *(No formal motion was made, but the plat was signed.)*

Court Ordered Division – Estates of Catherine Ann Baney

Lisa explained the location of the property is in Eureka off Othorp Lake Road and that the will of the late Catherine Baney had divided her property for her 5 children. Lisa showed the survey and who the parcels were being given to. Commissioner Roose said she knew the family and did not see any evasion of subdivision review. Commissioner Roose made the motion to approve the Catherine Ann Baney Court Ordered Split, Commissioner Berget 2nd the motion and it carried.

Density Change – An additional resident to a Lot; Marie Ekholt: Lisa first indicated the location, Mud Creek Estates, and gave a brief description of what was shown on the PowerPoint reflecting the 3 existing mobile homes and 1 existing house. She stated there were no permits for the mobiles with DEQ. Lisa read the recommendation for approval from the Lincoln County Environmental Health Department which was based on the removal of 2 mobile homes from the property, verification by LCEHD that the remaining system meets requirements, and replace or expand the septic system if necessary, all of which is spelled out in option #3 in a joint letter by LCEHD & the Planning Department dated March 29, 2010. Kristin described the images of the parcel and informed the Commissioners that the owner of the parcel was in the

audience. Kristin noted that the Planning Department had held a pre-application meeting with the owner and her surveyor, Jay Squire, to discuss the process and options in order to keep the mobiles on the property. Whether to sell or rent, continued use of the 2 additional mobiles would necessitate subdivision review. The owner could keep the one mobile home on the property as a rental which would not be a concern with DEQ and the other 2 would have to be removed. The owner was uncertain about having to remove the mobiles. Kristin explained the choices again of keeping the lot the way it is, with 3 mobiles and a house, and go through subdivision review; or remove 2 of the mobile and keep one and the house. The Planning Department was willing to grant Ms. Ekholt 180 days within which to submit a subdivision application or remove the 2 mobiles. The developer was still unclear; she stated she had been doing this for years because she is on a fixed income and wanted to make income. Commissioner Roose and Commissioner Berget went over the process and why it had to happen in order to be compliant with the state DEQ. Commissioner Roose asked if the developer had talked to a surveyor and if they went over this with her. Ms. Ekholt stated she did and he was working on the subdivision. Kristin added that the developer has asked for the density change in order to rent out the mobile on her lot, become legal, and then continue down the subdivision process to bring back the other mobile homes. Commissioner Roose wanted to know why the 180 days if the 2 mobiles were not going to be occupied and just sit there. Kristin stated that it was the recommendation of the Health Department for the other 2 trailers to be removed. Commissioner Roose questioned what difference would it make if they just sit there if they are not occupied. Kristin said if you apply a time frame then we have something to go back check rather than open-ended leaving potential for occupancy. Commissioner Konzen asked if the 2 mobiles that are to be removed had septic systems in them, and if that was the issue. Kristin said yes that they had septic systems but that they did not receive permits. Commissioner Konzen asked why 4 septic permits would be granted for 1 parcel. Both Kristin and the developer stated they were not granted. Lisa stated that was the point, that there were 4 septic systems on the land but only one 1 was permitted. There was some addition discussion about costs, affidavits, time, subdivision, and public health issues. Commissioner Berget made the motion to approve the density change based on Planning Department and Environmental Health Department's recommendations, Commissioner Roose 2nd the motion. Commissioner Roose made one more point during the discussion after the motion that the developer would still be working with the Planning Department for the subdivision and that the 180 days would start from today's date, no more discussion was heard, and the motion carried.

3:00 PM: The Commissioners read the contract with **Eureka for Dog Control** for the 2010-2011 year. Commissioner Roose moved to accept the agreement and it carried.

3:30 PM: The **meeting was adjourned**.

LINCOLN COUNTY BOARD OF COMMISSIONERS

John Konzen, Chairman

ATTEST: _____
Tammy D. Lauer, Clerk of the Board