

Planning and Zoning Commission Minutes

January 9, 2023

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00 pm.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Members Present: Butch Fleck, Cody Knetzger, John Irwin, Kathy Skarda, Lance Renville, Tim Transtrom

Members Absent: Craig Hystad, Eva Hepper, Matt Beard

Staff Present: Planning and Zoning Director Sandee Kimpel, Planner Candy Lundgren, Code Enforcement Officer Andrew Steck, Administrative Assistant Cindy Jensen

For others, see sign in sheet at end of minutes.

Meeting did not record due to technical issues.

Butch Fleck stated we were supposed to have elections tonight for the Chairman. **Director Kimpel** stated we will put it on the February 13, 2023 Agenda. **Kathy Skarda** stated it'd be best to have a full Board of Directors [when electing the Chairman].

APPROVE AGENDA

Motion to approve agenda as presented; Motion by Kathy Skarda; Second by Tim Transtrom; Voice Votes: All Ayes.

Motion to approve agenda as presented passes.

APPROVE NOVEMBER MEETING MINUTES

Motion to approve November 7, 2022, meeting minutes as presented. Motion by Kathy Skarda; Second by Lance Renville; Voice Votes: All Ayes.

Motion to approve November 7, 2022, meeting minutes as presented passes.

APPROVE PREVIOUS MEETING MINUTES

Motion to approve December 12, 2022, meeting minutes as presented. Motion by Kathy Skarda; Second by Cody Knetzger; Voice Votes: All Ayes.

Motion to approve December 12, 2022, as presented passes.

CODE ENFORCEMENT

Andrew Steck stated we have nothing to update for Code Enforcement.

UNFINISHED BUSINESS

Director Kimpel stated there is no unfinished business.

PUBLIC HEARINGS

Director Kimpel stated there are no public hearings.

DISCUSSION ITEMS

Planning & Zoning Meeting Postponement Policy

A discussion was held regarding the tentative Planning & Zoning Meeting Postponement Policy.

Butch Fleck stated we have Planning & Zoning Postponement policy in case we have to postpone a meeting.

Director Kimpel stated we discussed this last month about if we are not able to have a meeting due to some inclement weather or lack of a quorum, and having the meeting in the next couple of following days.

Director Kimpel read the Planning & Zoning Meeting Postponement Policy.

Meeting Postponement Policy

Planning and Zoning Board Meetings are held the second Monday of each month, starting at 5:00 p.m. Central Time. The Planning and Zoning Board may change the date or time of a meeting by motion made and passed in advance of the meeting to resolve calendar conflicts. In the event a scheduled meeting cannot be held due to inclement weather or other reasons, the meeting will be held at 5:00 p.m. on the Wednesday immediately following the scheduled meeting, and the Planning Director will cause notice of the postponement to be posted at the courthouse entrance and on the Planning and Zoning website.

Butch Fleck asked if we don't have a quorum, would that carry over to then too?

Attorney Ari Johnson stated 'For other reason' is a polite way of saying 'if you don't show up.'

Director Kimpel stated I had advice from counsel.

Kathy Skarda stated I was going to ask if Attorney Johnson reviewed it and approved it.

Attorney Ari Johnson stated I did review and had some suggested changes, including adding that we can do a motion to reschedule it for the calendar conflicts when we know [for example] six months in advance that the 4th of July is not going to work. We do a motion to set the schedule, but if it can't happen for last minute, whether it's weather or just a lack of a quorum, people are having medical emergencies or anything, we post notice on the door of when it's going to be. We set it on a specific date and time, that way people can read the rule, know the rule and I would assume that we'll follow the rule.

Tim Transtrom asked will this affect public hearings?

Attorney Ari Johnson stated the idea is that it shouldn't. When we postpone a public hearing for unforeseen circumstances, and we post notice at the time and place where there was supposed to be a public hearing, then people should be able to figure out, 'I'll come back on Wednesday for the public hearing.' That's the best we can really do. If someone though calls the Zoning Office and says 'I can't be there on Wednesday, I was there on Monday and I have a problem with this I want to be part of the public hearing', we just consider that in the usual course of business. We had a similar item this month where the lawyer had a reason that he couldn't be here, so we pushed it back by a month. The general rule would follow there, but this is the best that we can do for those short notice postponements.

Kathy Skarda asked will the telephone work as well if they wanted to join via telephone.

Attorney Ari Johnson stated we could still hold the meeting with members attending by telephone as scheduled. This is a backstop in case we can't do that.

Kathy Skarda stated I was just saying if the public was not able to attend and that I just wanted to make sure so, if they wanted to phone in on Wednesday, that would be offered to us.

Attorney Ari Johnson stated we always try to accommodate everyone, but sometimes we just can't get the meeting to happen and usually it's because of weather.

Butch Fleck asked do we need a motion to do that policy? **Attorney Ari Johnson** stated yes. **Fleck** stated then I'll need a motion to put this policy in place.

Kathy Skarda asked do we want to make sure it's memoed and dated?

Attorney Ari Johnson stated yes, it will have a date to prove and it will be on next month's Minutes Review and it will go on the website.

Motion to approve and put in place Planning & Zoning Meeting Postponement Policy as presented.
Motion by Lance Renville; Second by Kathy Skarda; Voice Votes: All Ayes.

Motion to approve and put in place Planning & Zoning Meeting Postponement Policy as presented
passes.

Administrative Permits

A Discussion was held regarding Administrative Permits.

Kathy Skarda asked regarding the Township and how we handle that internally? It was stated we call them or they call in or we make sure that the applicant knows that if it goes 3 inches over the top of the line, that they have to contact the Township. **Director Kimpel** stated we have quite a bit of contact with these people regarding these things.

Butch Fleck asked do they go to the Township first or do they come to you first? **Director Kimpel** stated it is on our checklist that one of the things we have to receive from them is acknowledgement that the Township is aware that this is occurring there. Since we do zoning for some of the townships, the permit comes through us, the Township doesn't do that, we do. In the Townships that do their own zoning, they are told they have to call [the Township] directly get a permit through them. They are told strongly, that if they have a line that goes in an

organized township that does its own zoning, if they come out even five feet, the county needs to know. I need to be permitting the part that comes out of the Township that does not do their zoning, because we will handle the rest.

Butch Fleck asked that's why I want to know if they come to you or how would we know if they're just going a few feet?

Director Kimpel stated because there's quite a bit of communication between us and them. Also, one of the items on our checklist is they are required to get a Section Line Crossing Permit from the Road Department and we see all of those. The departments work very closely on who's permitting what. We talk quite a bit, actually. We get copies of permits that actually don't even pertain to us. But we open the permit and we look to make sure that it if it has something to do with the Zoning, we jump on it if we haven't heard from them. We contact the person if we haven't already heard from them.

ADJOURNMENT

The Meeting Adjourned at 5:15pm. Motion to adjourn by John Irwin; Second by Lance Renville; Voice Votes: All Ayes

Motion to Adjourn Passes

The next meeting of the McKenzie County Planning and Zoning Board will be held on February 13, 2023 at the McKenzie County Courthouse, 201 5th Street NW, County Commission Boardroom at 5:00 PM

