

PROCEEDINGS OF THE MOUNTRAIL COUNTY PLANNING AND ZONING COMMISSION  
Monday, April 28, 2014

The Mountrail County Planning and Zoning Commission met on Monday, April 28, 2014 at the Mountrail County South Complex with the following voting members present: Rosemarie Bieri, Arlo Borud, Roger Hovda, David J. Hynek, Michael Hynek, and Gary Weisenberger. Members absent were Chase Lindberg, Trudy Ruland and Darrell Salter. Also present were Lori Hanson, Mountrail County Tax Equalization Director, Wade Enget, Mountrail County State's Attorney, Teresa Capitan, Mountrail County Auditor's Office and Kathy Craft, Administrative Assistant, Planning & Zoning Office.

Chairman M. Hynek called the meeting to order at 8:30 a.m.

Chairman M. Hynek called the 8:30 a.m. public hearing to order regarding the subdivision review request filed by Palkin Subdivision, with concurrence from Thomas D. & Donna K. Haustveit, landowners for a 39.511 acre, more or less, plat to be known as Palkin Subdivision Lots 1 through 9 in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 29, Township 157 North, Range 94 West of the 5<sup>th</sup> PM (White Earth Township). Present for this discussion was Nate Tobkin and Judd Palubick, representing Palkin Subdivision, Donna Haustveit, and Tom Haustveit. Mr. Tobkin explained the development is for families with two to three bedroom family houses no apartments. There was discussion of the dates on the application and the plat.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the 39.511 acre, more or less, plat to be known as Palkin Subdivision Lots 1 through 9 in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 29, Township 157 North, Range 94 West of the 5<sup>th</sup> PM (White Earth Township) as Palkin Subdivision has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 8:35 a.m. public hearing to order regarding the zoning request filed by Palkin Development, with concurrence from Thomas D. & Donna K. Haustveit, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 39.511 acre, more or less, tract of land described as Palkin Subdivision Lots 1 through 9 in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 29, Township 157 North, Range 94 West of the 5<sup>th</sup> PM (White Earth Township) from agricultural to residential for residential development. Present for this discussion was Nate Tobkin and Judd Palubick representing Palkin Development, Tom Haustveit and Donna Haustveit. Discussion included type of sewer system in the development, the water will be individual wells, type of road inside the development, any agreement with White Earth Township regarding 101<sup>st</sup> Avenue NW, any written agreement with the Township regarding the maintenance of roads inside the development, two lots sold to the owner, takes 7 months to build a house, sale of property is contingent upon zoning change, and no covenants currently in effect.

Moved by Commissioner D. Hynek, seconded by Commissioner Borud to present findings of fact from the April 28, 2014 public hearing and a recommendation to the Mountrail County Commission to deny the zoning amendment filed by Palkin Development, with concurrence from Thomas D. & Donna K. Haustveit, landowners, to rezone a 39.511 acre, more or less, track of land known as Palkin Subdivision Lots 1 through 9 in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 29, Township 157 North, Range 94 West of the 5<sup>th</sup> PM (White Earth Township) because of location to access to first responders, conditions of the road in the area, and the general unknowns of the covenants which have been talked about but do not exist.

Discussion included cleanliness of this project versus other projects in Mountrail County, KLJ designed the roads and development, provide better quality living, truck parking, size of the lots,

layout of the land, importance of covenants, property tax amount, previous meetings where the applicant did not attend, and miscommunication between Planning & Zoning staff and applicant. Upon roll call vote Commissioners D. Hynek, Hovda, Weisenberger and M. Hynek voted aye, Commissioners Bieri and Borud voting nay, motion carried 4 to 2.

Chairman M. Hynek called the 8:40 public hearing to order regarding the zoning request filed by the Mountrail County Road & Bridge Department, with concurrence from Paul R. & Tricia D. Wheeling, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as the S $\frac{1}{2}$ NW $\frac{1}{4}$  Section 3, Township 153 North, Range 88 West (Spring Coulee Township). No one was present representing the Mountrail County Road & Bridge Department. Leo Edwards, adjacent landowner, raised a concern about the high water table in the area.

Moved by Commissioner D. Hynek, seconded by Commissioner Borud to table action on this request due to lack of representation from the Mountrail County Road & Bridge Department, upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 8:45 a.m. public hearing to order regarding the zoning request filed by Border States Paving Inc., with concurrence from Barbara J. Jones, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on a 40 acre, more or less, tract of land described as SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 19, Township 155 North, Range 89 West (McAlmond Township). Present for this discussion was Jason Wettels representing Border States Paving Inc. and Barbara Jones. Mr. Wettels presented five certified mail return receipt requests from adjacent landowners and stated they have one open pit they are still using in Mountrail County, they have a road haul agreement with McAlmond Township and they are south of Shell Lake.

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to approve the conditional use permit request filed by Border States Paving Inc., with concurrence from Barbara J. Jones, landowner, to use land zoned agricultural to mine gravel on a 40 acre, more or less, tract of land described as the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 19, Township 155 North, Range 89 West (McAlmond Township) from March 24, 2014 up to and including March 15, 2016 and one additional year to remove processed or stockpiled materials, requiring road haul agreement with McAlmond Township regarding maintenance, dust control and a reclamation bond in the amount of \$50,000 as Border States Paving Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon the provision Border States Paving Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 8:50 a.m. public hearing to order regarding the zoning request filed by Border States Paving Inc., with concurrence from Gary L. Swensrud, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 3, Township 155 North, Range 89 West (McAlmond Township). Present for this discussion was Jason Wettels representing Border States Paving Inc. and Gary Swensrud. Mr. Wettels presented five certified mail return receipts and one certified mail receipt. It was pointed out the lease is for forty acres but the land description shows 80 acres.

Moved by Commissioner Borud, seconded by Commissioner Bieri, to approve the conditional use permit request filed by Border States Paving Inc., with concurrence from Gary L. Swensrud, landowner, to use land zoned agricultural to mine gravel on a 40 acre, more or less, tract of land described as SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, Township 155 North, Range 89 West (McAlmond Township) for

a period from March 18, 2014 up to and including March 15, 2016 and one additional year to remove processed or stockpiled materials, requiring a road haul agreement with McAlmond Township regarding maintenance, dust control and a reclamation bond in the amount of \$50,000 as Border States Paving Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon Border States Paving Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 8:55 a.m. public hearing to order regarding the zoning request filed by Border States Paving Inc., with concurrence from Kyle & Peggy Bauer, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 3, Township 155 North, Range 89 West (McAlmond Township). Present for this discussion was Jason Wettels representing Border States Paving Inc. and Kyle Bauer. Mr. Wettels presented six certified mail return receipt cards. It was pointed out the lease is for forty acres but the land description shows 80 acres.

Moved by Commissioner Weisenberger, seconded by Commissioner Hovda to approve the conditional use permit request filed by Border States Paving Inc., with concurrence from Kyle & Peggy Bauer, landowners, to use land zoned agricultural to mine gravel on a 40 acre, more or less, tract of land described as SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3, Township 155 North, Range 89 West (McAlmond Township) for a period from March 18, 2014 up to and including March 15, 2016 and one additional year to remove processed or stockpiled materials, requiring a road haul agreement with McAlmond Township regarding maintenance, dust control and a reclamation bond in the amount of \$50,000 as Border States Paving Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon Border States Paving Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:00 a.m. public hearing to order regarding the zoning request filed by the City of Parshall, with concurrence from John Schroeder, landowner, for an amendment to the Mountrail County Zoning Map to rezone a 160 acre, more or less, tract of land described as the SW $\frac{1}{4}$  Section 12, Township 151 North, Range 90 West (Fertile Township) from agricultural to industrial to allow for additional wastewater lagoon storage. Present for this discussion was Richard Bolkan, Mayor of Parshall, and Jasper Klein & Loren Hoffman AE2S consultants to the City of Parshall, and Jim Ehlert. Staff reported a letter of objection to this project from Janice Anderson had been included in the Commissioner's packets. Mr. Hoffman presented six certified mail return receipt cards from adjacent landowners. Mayor Bolkan explained the need for this addition and how the airport affects the location of lagoons. Discussion included location of lagoons, leakage or seepage of lagoons, type of construction of lagoon, synthetic liner versus clay, need for clay, 2 aeration lagoons, 2 storage lagoons, springs in the area, dam in the area, high water table in the area, drainage of water from the area, and there is a grant in place to assist with the cost of lagoon.

Moved by Commissioner D. Hynek, seconded by Commissioner Weisenberger to present findings of fact from the April 28, 2014 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by the City of Parshall, with concurrence from John Schroeder, landowner, to rezone a 160 acre, more or less, tract of land described as the SW $\frac{1}{4}$  Section 12, Township 151 North, Range 90 West (Fertile Township) from agricultural to industrial to allow for additional wastewater lagoon storage. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:05 a.m. public hearing to order regarding the zoning request filed by the City of Parshall, with concurrence from John Schroeder, landowner, for a conditional use permit to use land zoned industrial for additional wastewater lagoon storage on a 160 acre, more or less, tract of land described as SW $\frac{1}{4}$  Section 12, Township 151 North, Range 90 West (Fertile Township). Present for this discussion was Richard Bolkan, Mayor of Parshall, and Jasper Klein & Loren Hoffman AE2S consultants to the City of Parshall, and Jim Ehlert. Mr. Hoffman had presented six certified mail return receipt requests from adjacent landowners.

Moved by Commissioner D. Hynek, seconded by Commissioner Hovda to approve the conditional use permit request filed by the City of Parshall, with concurrence from John Schroeder, landowner, to use land zoned industrial to allow for the storage of additional wastewater lagoon storage on a 160 acre, more or less, tract of land described as SW $\frac{1}{4}$  Section 12, Township 151 North, Range 90 West (Fertile Township) contingent upon the approval of the zoning amendment by the Mountrail County Commission as the City of Parshall has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 and is further contingent upon the City of Parshall complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Commissioner M. Hynek called the 9:10 a.m. hearing to order regarding the zoning request filed by Bountiful Tanks LLC, with concurrence from Lillian Meiers, landowner, for a variance to draw slough water from the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 18, Township 154 North, Range 90 West (Austin Township). Present for this discussion was Ron Solmonson representing Bountiful Tanks LLC, a division of Halo Holdings Group and Alvin Zitting, Halo Holdings Group LLC. Mr. Solmonson presented three certified mail return receipt cards from adjacent landowners. Mr. Enget explained the section easement is for public travel and statutes are grants of power to do something. Discussion included the landowner owns the land to the center of the road, the difficulty of pipelines being placed down unimproved section lines and what is allowed in the section line easement. Mr. Solmonson stated they had not contacted the landowners on their first project but they now obtain easements from landowners before they run water lines. The pipeline companies prefer to go in a straight line and follow road ditches. He stated pipelines for the water remove a large number of trucks hauling the road which saves the township roads. Board members suggested copies of the easements become part of the application process. Mr. Solmonson stated they obtain all permits and easements prior to laying their temporary water lines.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the variance request filed by Bountiful Tanks LLC, with concurrence from Lillian Meiers, landowner, to allow for the drawing of slough water in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 18, Township 154 North, Range 90 West (Austin Township) as per the terms and conditions of State of North Dakota Temporary Water Permit SWC Project No. 1400A Permit Number ND2013-15238 as Bountiful Tanks LLC has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Bountiful Tanks LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:15 a.m. public hearing to order regarding the zoning request filed by Bountiful Tanks LLC, with concurrence from Duane & Connie Kinnoin JT Revocable Trust, Connie M. Kinnoin Trustee, landowner, for a variance to draw slough water from the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, Township 154 North, Range 91 West (Sikes Township). Present for this discussion was Ron Solmonson representing Bountiful Tanks LLC a division of Halo Holdings Group and Alvin Zetting, Halo Holdings Group. Mr. Solmonson presented five certified mail return receipt cards from the adjacent landowners. Mr. Solmonson stated this would be the same as the other but dealing with a

county road. He said they are required to turn in monthly written reports at this time but will be going to telemetry reporting to meet the new requirements of the State Water Commission.

Chairman M. Hynek called the 9:20 a.m. public hearing to order regarding the zoning request filed by Bountiful Tanks LLC, with concurrence from Robert & Lavonne Patten, landowners, for a variance to draw slough water from the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 36, Township 154 North, Range 91 West (Sikes Township). Present for this discussion was Ron Solmonson representing Bountiful Tanks LLC a division of Halo Holdings Group, Alvin Zitting, Halo Holdings Group, and Robert Patten. Mr. Solmonson presented one certified mail return receipt card and one certified mail receipt from adjacent landowners and stated all permits being applied for are for pipelines directly to sites.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the variance request filed by Bountiful Tanks LLC, with concurrence from Robert & Lavonne Patten, landowners, to allow for the drawing of slough water from the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 36, Township 154 North, Range 91 West (Sikes Township) as per the terms and conditions of State of North Dakota Temporary Water Permit SWC Project No. 1400A Permit Number ND2014-15320 as Bountiful Tanks LLC has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Bountiful Tanks LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:25 a.m. public hearing to order regarding the zoning request filed by Bountiful Tanks LLC, with concurrence from Wayne L. Johnson, landowner, for a variance to draw slough water from Government Lot 3 Section 3, Township 154 North, Range 90 West (Austin Township). Present for this discussion was Ron Solmonson representing Bountiful Tanks LLC a division of Halo Holdings Group LLC and Alvin Zitting, Halo Holdings Group.

Moved by Commissioner Borud, seconded by Commissioner D. Hynek to approve the variance request filed by Bountiful Tanks LLC, with concurrence from Wayne L. Johnson, landowner, to allow for the drawing of slough water from Government Lot 3, Section 3, Township 154 North, Range 90 West (Austin Township) as per terms and conditions of State of North Dakota Temporary Water Permit SWC Project No. 1400A Permit Number ND2014-15408 as Bountiful Tanks LLC has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Bountiful Tanks LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:30 a.m. public hearing to order regarding the zoning request filed by Crushed Rock Sales LLC, with concurrence from John & Kathleen Warberg, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 12, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Mike Sackett who stated the certified mail receipts had been submitted prior to the meeting. Discussion included exact location of gravel pit and the amount of the bond which should be \$50,000.

Moved by Commissioner D. Hynek, seconded by Commission Borud to approve the conditional use permit request filed by Crushed Rock Sales LLC, with concurrence from John & Kathleen Warberg, landowners, to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 12, Township 153 North, Range 91 West (Crane Creek Township) for a term of five (5) years, with a road haul agreement with Crane Creek Township and a

reclamation agreement and contingent up on the receipt of a \$50,000 bond as Crushed Rock Sales LLC has met all criteria set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon Crushed Rock Sales LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:35 a.m. public hearing to order regarding the zoning request filed by EOG Resources Inc., with concurrence from Jerry R. Wurtz, landowner, for a variance to utilize the existing surface water for oil and gas operations in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 18, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Beau Hill and Dan Lucas representing EOG Resources Inc. Mr. Beau presented five certified mail return receipt cards. Discussion included location of the pipeline in the road ditches and not across the middle of the fields.

Moved by Commissioner Weisenberger, seconded by Commissioner Hovda to approve the variance request filed by EOG Resources Inc., with concurrence from Jerry R. Wurtz, landowner, to utilize the existing surface water for oil and gas operations from the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 18, Township 152 North, range 90 West (Parshall Township) as per terms and conditions of State of North Dakota Temporary Water Permit SWC Project 1400A Permit Number ND2014-15557 as EOG Resources Inc. has met criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon EOG Resources Inc. complying with all other regulations of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:40 a.m. public hearing to order regarding the zoning request filed by Marilyn Bloom for a variance to waive the minimum lot size, setbacks and number of cabins per lot in a pre-existing rural recreational area in Government Lot 4 Section 6, Township 158 North, Range 92 West (Powers Township). Staff reported five certified mail return receipt cards had been received, this area was in existence prior to the enactment of the Mountrail County Zoning Ordinance and this is an attempt to clear up the record title in this area. These cabins have been in existence for a number of years. Some of these cabins have existing 99 year leases.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the variance request filed by Marilyn Bloom for a variance to waive minimum lot sizes, setbacks and number of cabins per lot as Marilyn Bloom has met the requirements as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Marilyn Bloom complying with all other regulations of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:45 a.m. public hearing to order regarding the zoning request filed by Ames Construction Inc., with concurrence from Roger E. & Adeline Evans, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as that part of the NW $\frac{1}{4}$  lying North of the railroad, NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 24, Township 156 North, Range 93 West (Manitou Township). Present for this discussion was Curt Rudolph representing Ames Construction Inc. and Greg Zetlmaier representing CTAP. Mr. Rudolph presented eight certified mail return receipt cards from adjacent landowners and stated they would be scalping clay from the knobs in the area to be used for grading of the railroad. Following the scalping the black dirt will be returned and the land will be able to farm. Discussion included impact of this construction on the water levels in the slough that is next to Old Highway 2, additional sites such as this will be needed, approximately 100,000 cubic yards of clay will be taken from this site, dust control, material will be taken by scraper and not driven on county or township roads.

Moved by Commissioner D. Hynek, seconded by Roger Hovda to approve the conditional use permit request filed by Ames Construction Inc., with concurrence from Roger E. & Adeline Evans, landowners, to use land zoned agricultural to mine/remove clay on an 80 acre, more or less, tract of land described as the NW $\frac{1}{4}$  lying North of the railroad and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 24, Township 156 North, Range 93 West (Manitou Township) for a period of five (5) years requiring a reclamation bond as Ames Construction Inc. has met all the criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon Ames Construction Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:50 a.m. public hearing to order regarding the subdivision review request filed by Marilyn Bloom for a 1.44 acre, more or less, plat to be known as Powers Lake Cabin Site, Lots 1 thru 4 in Government Lot 4 Section 6, Township 158 North, Range 92 West Mountrail County, North Dakota (Powers Township). Staff reported this is the plat which refers back to item 16 on the agenda.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the 1.44 acre, more or less, tract of land described as Powers Lake Cabin Site, Lots 1 through 4 in Government Lot 4, Section 6, Township 158 North, Range 92 West of the 5<sup>th</sup> P.M. Mountrail County, North Dakota (Powers Township) as Marilyn Bloom has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:55 a.m. public hearing to order regarding the subdivision review request filed by Bison Midstream LLC, with concurrence from Gene & Lynnette Skalicky, landowners, for a 6.6 acre, more or less, plat to be known as Outlot 1 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, Township 158 North, Range 92 West (Powers Township). Present for this discussion was Tracey Jensen representing Bison Midstream LLC. Staff reported the receipt of four certified mail return receipt cards from adjacent landowners and this plat has been reviewed by the Plat Review Committee and is recommended for approval.

Moved by Commissioner D. Hynek, seconded by Commissioner Borud to approve the 6.6 acre, more or less, plat of land to be known as Outlot 1 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, Township 158 North, Range 92 West (Powers Township) as Bison Midstream LLC, with concurrence from Gene & Lynnette Skalicky, landowners, have met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 10:00 a.m. public hearing to order regarding the zoning request filed by Bison Midstream LLC, with concurrence from Gene & Lynnette Skalicky, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 6.6 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, Township 158 North, Range 92 West (Powers Township) from agricultural to industrial to allow for the installation of a gas compressor station. Present for this discussion was Tracey Jensen representing Bison Midstream LLC. Staff reported four certified mail return receipt cards from adjacent landowners had been received and Arvin Grove had called regarding possible noise created by the gas compressor station and he was referred on to Tracey Jensen. Ms. Jensen stated this would be similar to other gas compressors in the County.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to present findings of fact from the April 28, 2014 public hearing and make a recommendation to the Mountrail County Commission for approval of the zoning amendment filed by Bison Midstream LLC, with concurrence from Gene & Lynnette Skalicky, landowners, to rezone a 6.6 acre, more or less, tract of land known

as Outlot 1 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, Township 158 North, Range 92 West (Powers Township) from agricultural to industrial to allow for the installation of a gas compressor station as Bison Midstream LLC has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Bison Midstream LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 10:05 a.m. public hearing to order regarding the zoning request filed by Bison Midstream LLC, with concurrence from Gene & Lynnette Skalicky, landowners, for a conditional use permit to use land zoned industrial to install a gas compressor station on a 6.6 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, Township 158 North, Range 92 West (Powers Township). Present for this discussion was Tracey Jensen representing Bison Midstream LLC. Staff reported four certified mail return receipt cards from adjacent landowners had been received, Arvin Grove had called regarding possible noise and he was referred on to Tracey Jensen.

Moved by Commissioner Borud, seconded by Commissioner D. Hynek to approve the conditional use permit filed by Bison Midstream LLC, with concurrence from Gene & Lynnette Skalicky, landowners, to use land zoned industrial to place and operate a gas compressor station on a 6.6 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 25, Township 158 North, Range 92 West (Powers Township) contingent upon the approval of the zoning amendment by the Mountrail County Commission as Bison Midstream LLC has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon the provision Bison Midstream LLC comply with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Discuss the zoning request filed by Earthwater Bakker LLC, with concurrence from Susan K. Leljestrand and Jane Van Havermaet, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 14.72 acre, more or less, tract of land described as Lot 2 Section 10, Township 152 North, Range 90 West (Parshall Township) from agricultural to industrial to allow for water sales. The Mountrail County Commission conducted a public hearing on April 15, 2014 regarding the Planning & Zoning recommendation to deny this request and the Mountrail County Commission referred the application back to the Planning & Zoning Board for reconsideration. There was discussion regarding the source of the water, the water permit process, the time line at this time, lack of information and information provided by the State Water Commission.

Moved by Commissioner Hovda, seconded by Commissioner Bieri to table action on the referral back from the Mountrail County Commission regarding the zoning request filed by Earthwater Bakken LLC, with concurrence from Susan K. Leljestrand and Jane Van Havermaet, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 14.72 acre, more or less, tract of land described as Lot 2 Section 10, Township 152 North, Range 90 West (Parshall Township) from agricultural to industrial to allow for water sales to the call of the Chairman. Upon roll call vote all present voted yes.

Moved by Commissioner D. Hynek, seconded by Commissioner Borud to remove the zoning request filed by Kurt Klev, with concurrence from Rodney Thurston, landowner for a conditional use permit to use land zoned agricultural to place mobile homes on a 3.87 acre, more or less, tract of land described as Outlot 7 of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 15, Township 156 North, Range 90 West (City of Palermo). Upon roll call vote all present voted yes, motion carried.



Present for this discussion was Kurt Klev and Walter Dunham, Mayor of Palermo. This was tabled at last month's meeting to allow for the City of Palermo to check on possible ordinances affecting sewer hookup requirements and discuss the density of trailers. Mayor Dunham said the City Council had agreed to allow a trailer on Lot 11 and Lot 27 on the drawing provided by Kurt Klev. Mr. Klev stated he would change his lot sizes to 75' x 100' and rezoning the land to residential. Mr. Klev and the City of Palermo will continue to work together to develop the residential area.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve a conditional use permit filed by Kurt Klev, with concurrence from Rodney Thurston, landowner, to allow for the placement of two additional trailer homes on Outlot 7 of the NW¼NE¼ Section 15, Township 156 North, Range 90 West (City of Palermo) as Kurt Klev has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon Kurt Klev complying with all other regulations of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek turned the chair over to Vice Chairman D. Hynek.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve building permits #1714 through #1734. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Hovda, seconded by Commissioner Bieri to approve the minutes of the March 24, 2014 meeting as corrected.

Vice Chairman D. Hynek turned the chair over to Chairman M. Hynek.

Commissioner D. Hynek raised the issue of the moratorium on special oil field waste oil sites. Present for this discussion was Shane Goettle, John McCain, and Steve Burns. Discussion included if the moratorium is lifted before the conditions are set how the applicants will be aware of the new conditions, the lifting of the moratorium needs to be the first item on the agenda for the May 27<sup>th</sup> meeting, role of onsite inspector, location near State or Federal highway, covering procedures and type of waste facility ie: industrial waste site versus special oil field waste sites. John McCain Section 18 asked if they could submit an application for a site and accept the risk if there are changes.

Moved by Commissioner Borud, seconded by Commissioner D. Hynek to begin to accept applications for special oil field waste sites. Upon roll call vote all present voted yes, motion carried.

Staff reported letters received from Sylvia Barstad, Jim Larson, US Air Force and interviews for the assistant planner/assistant disaster emergency coordinator will conclude today.

Moved by Commissioner Borud, seconded by Commissioner D. Hynek to adjourn upon roll call vote all present voted yes, motion carried.

The next regular meeting of the Mountrail County Planning & Zoning Board is to be held on Tuesday, May 27, 2014 at 8:30 a.m. at the Mountrail County South Complex, 8103 61<sup>st</sup> Street NW, Stanley, ND.

Accepted and approved this 27<sup>th</sup> day of May, 2014

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Michael Hynek, Chairman  
Mountrail County Planning & Zoning Commission

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Donald W. Longmuir Jr., AICP  
Zoning Administrator