MINUTES

**Mountrail County Planning & Zoning Commission**

**June 23, 2025**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 a.m. by Chairman Charlie Sorenson with Commissioners Kirk Johnson, Trudy Ruland, Arlo Borud, Joan Hollekim, Cameron Tomjack, Jesse Weyrauch and Megan Fritel present. Commissioner Doug Bratvold joined the meeting at 8:36 a.m. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County State’s Attorney Wade Enget, Mountrail County Engineer Jana Hennessy, Mountrail County Tax Equalization Director Kim Savage and Mountrail County Auditor Stephanie Pappa.

**APPROVAL OF AGENDA**

Moved by Commissioner Borud, seconded by Commissioner Hollekim, to approve the agenda. All present voted yes. Motion carried.

**APPROVAL OF MINUTES**

Moved by Commissioner Weyrauch, seconded by Commissioner Tomjack, to approve the Planning & Zoning Commission minutes of the May 27, 2025 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. Fritel Construction Company Inc.-Applicant; Earl R. & Janet A. Jensen Family Trust-Landowner; (PZ-2025-0065) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 17.00 acres more or less, described as the SE1/4 less Outlot 1 of the SW1/4SE1/4 of Section 35, Township 157 North, Range 90 West (Clearwater Township) (Parcel# 10-0016800)

The applicant (represented by Megan Fritel with Fritel Construction Company Inc.) is seeking a Conditional Use Permit to use land zoned Agricultural for the purpose of mining gravel. Chairman Sorenson expressed concern over the existence of leafy spurge in this pit and the possibility of spreading it by approving the use of this gravel pit. Applicant has met all requirements of the Planning & Zoning Board. Commissioner Fritel excused herself from voting on this matter.

Moved by Commissioner Hollekim, seconded by Commissioner Tomjack, to approve the zoning request filed by Fritel Construction Company Inc. with concurrence from Earl R. & Janet A. Jensen Family Trust-landowner, for a Conditional Use Permit to use land zoned Agricultural for the purpose of mining gravel on a tract of land 17.00 acres more or less, described as the SE1/4 less Outlot 1 of the SW1/4SE1/4 of Section 35, Township 157 North, Range 90 West (Clearwater Township) for a period of 5 years, expiring on 6-23-2030, as Fritel Construction Company Inc. with concurrence from Earl R. & Janet A. Jensen Family Trust-landowner, has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Fritel Construction Company Inc. with concurrence from Earl R. & Janet A. Jensen Family Trust-landowner, complying with all other terms and conditions of the Mountrail County Land Development Code. Seven voted yes; one voted no. Motion carried.

1. **8:38 a.m. Steel Reef Burke LLC-Applicant; Bison Midstream LLC-Landowner; (PZ-2025-** **0140) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 4.89 acres more or less, located in Outlot 1 of the SW1/4SE1/4 of Section 35, Township 157 North, Range 90 West (Clearwater Township) (Parcel# 10-0016801)

The applicant (represented by Jennifer Dietrich, John Dietrich and Chris Anderson) is seeking to change the ownership of the prior Conditional Use Permit and to update the compressor station site. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Borud, to approve the zoning request filed by Steel Reef Burke LLC with concurrence from Bison Midstream LLC-landowner, to change the ownership of the prior Conditional Use Permit and to update the compressor station site on a tract of land 4.89 acres more or less, located in Outlot 1 of the SW1/4SE1/4 of Section 35, Township 157 North, Range 90 West (Clearwater Township) as Steel Reef Burke LLC with concurrence from Bison Midstream LLC-landowner, has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Steel Reef Burke LLC with concurrence from Bison Midstream LLC-landowner, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:41 a.m. Dale Estvold-June 3, 2025 letter**

Administrator Vachal began by providing some context regarding this letter. In September 2024, a building permit had been submitted by Mr. Estvold to place a house on his property but in performing site inspections, Administration found that there was an unpermitted gravel pit on the property. This resulted in Administration denying the building permit and providing the applicant 30 days to respond with the appropriate Conditional Use Permit application for the gravel pit and advising the applicant that once that was taken care of, the building permit could be revisited and approved. This decision was based on a conversation between Administrator Vachal and State’s Attorney Enget. The letter written on June 3, 2025 was sent out because while on site inspections that week, Administration discovered that an unpermitted house had been constructed on the property where the building permit had previously been denied. Mr. Estvold spoke to the board to explain that the pit in question had been in operation since 2003 which was before he owned the land and the gravel on it now was actually mined in a different section and dumped into that pit and that both pits have been reclaimed. Administrator Vachal advised Mr. Estvold he will need to submit a letter stating the pits have been reclaimed and then the building permit can be applied for and looked at being approved.

**Temporary Water Permits – New – For Board Information Only**

PZ-2025-0136 – Headwaters Inc – Applicant. Earnest Bakke et al – Landowner. State Water Permit #ND2025-22991. Period of Authorized usage: 5/30/2025 through 3/31/2026. Pump placement on a tract of land 6.66 acres more or less located in the SE1/4SW1/4 (Gov’t Lot 2) of Section 9, Township 157 North, Range 92 West (Cottonwood Township) (5) CERTIFIED RECEIPTS RECEIVED.

\*This permit came up for discussion at the Mountrail County Commissioners meeting and the board requested that a Non-Fresh Water Permit be drafted for situations like this because the water in Cottonwood Lake has been found to be highly alkaline. Moved by Commissioner Ruland, seconded by Commissioner Borud to table PZ-2025-0136 to the call of the chair. All present voted yes. Motion carried.

PZ-2025-0137 – H2O Connections – Applicant. James Enge – Landowner. State Water Permit #ND2025-23002. Period of Authorized usage: 6/06/2025 through 5/08/2026. Pump placement on a tract of land 158.01 acres more or less located in the NE1/4 less Outlots 1 & 2 of Section 36, Township 155 North, Range 91 West (Purcell Township) (10) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator

PZ-2025-0147 – H2O Connections – Applicant. Penny Hovda et al – Landowner. State Water Permit #ND2025-22692. Period of Authorized usage: 6/18/2025 through 12/31/2025. Pump placement on a tract of land 11.74 acres more or less located in the Outlot 3 of Gov’t Lots 2 (SW1/4SW1/4) & 3 (SE/14SW1/4) of Section 9, Township 156 North, Range 90 West (Palermo Township) (9) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator

PZ-2025-0148 – West Dakota Water LLC – Applicant. Roger & Darlene Vesey – Landowner. State Water Permit #ND2025-23046. Period of Authorized usage: 6/18/2025 through 5/07/2026. Pump placement on a tract of land 32.70 acres more or less located in Gov’t Lot 9 (SE1/4SW1/4) of Section 18, Township 155 North, Range 89 West (McAlmond Township) (5) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator

**Lay Flat Hose Permits – New – For Board Information Only**

West Dakota Water LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #7015 / PZ-2025-0138. Pumping of industrial water by lay flat hose: West Dakota Water LLC – Applicant. Bartelson Investment LLLP – Landowner. SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township) ending in the NW1/4 of Section 34, Township 153 North, Range 89 West (Shell Township). Period of Authorized usage: 5/27/2025 through 7/20/2025.

Streamline Water Services LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2025-22794 / PZ-2025-0142. Pumping of industrial water by lay flat hose: Streamline Water Services LLC – Applicant. Robert J Grinolds Family Testamentary Trust – Landowner. SW1/4SE1/4 of Section 12, Township 156 North, Range 90 West (Palermo Township) ending in the N1/2NE1/4 of Section 10, Township 156 North, Range 90 West (Palermo Township). Period of Authorized usage: 5/20/2025 through 8/30/2025. Approved by P&Z Administrator

Streamline Water Services LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #6285 / PZ-2025-0143. Pumping of industrial water by lay flat hose: Streamline Water Services LLC – Applicant. Earl R & Janet A Jensen Family Trust – Landowner. SE1/4 less Outlot 1 of SW1/4SE1/4 of Section 35, Township 157 North, Range 90 West (Clearwater Township) ending in the N1/2NE1/4 of Section 10, Township 156 North, Range 90 West (Palermo Township). Period of Authorized usage: 5/20/2025 through 8/30/2025. Approved by P&Z Administrator

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #7046 / PZ-2025-0155. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Point of Diversion is in Williams County. E1/2SW1/4 of Section 31, Township 156 North, Range 94 West (Myrtle Township) ending in Gov’t Lot 3 (NE1/4NW1/4) of Section 5, Township 155 North, Range 94 West (Unorganized Township). Period of Authorized usage: 6/13/2025 through 8/05/2025. Approved by P&Z Administrator

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #7046 / PZ-2025-0156. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Point of Diversion is in Williams County. Gov’t Lot 4 (NW1/4NW1/4) of Section 6, Township 155 North, Range 94 West (Unorganized Township) ending in the E1/2SW1/4 of Section 31, Township 156 North, Range 94 West (Myrtle Township). Period of Authorized usage: 6/13/2025 through 8/05/2025. Approved by P&Z Administrator

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #7046 / PZ-2025-0157. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Point of Diversion is in Williams County. Gov’t Lot 4 (NW1/4NW1/4) of Section 6, Township 155 North, Range 94 West (Unorganized Township) ending in the E1/2SW1/4 of Section 31, Township 156 North, Range 94 West (Myrtle Township). Period of Authorized usage: 6/13/2025 through 8/05/2025. Approved by P&Z Administrator

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #7046 / PZ-2025-0158. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Point of Diversion is in Williams County. Gov’t Lot 4 (SW1/4SW1/4) of Section 30, Township 156 North, Range 94 West (Myrtle Township) ending in Gov’t Lot 4 (NW1/4NW1/4) of Section 6, Township 155 North, Range 94 West (Unorganized Township). Period of Authorized usage: 6/13/2025 through 8/05/2025. Approved by P&Z Administrator

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #7046 / PZ-2025-0159. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Point of Diversion is in Williams County. Gov’t Lot 4 (SW1/4SW1/4) of Section 30, Township 156 North, Range 94 West (Myrtle Township) ending in Gov’t Lot 1 (NW1/4NW1/4) of Section 30, Township 156 North, Range 94 West (Myrtle Township). Period of Authorized usage: 6/13/2025 through 8/05/2025. Approved by P&Z Administrator

**Building Permits 2420-2424**

2420 – PZ-2025-0145 – Christopher Nordloef – Applicant/Landowner. Parcel #11-007103. Sublot A of Outlot 3 SE1/4 of Section 15, Township 157 North, Range 91 West. (James Hill Township) 4496 sq ft home.

2421 – PZ-2025-0141 – Steel Reef Burke LLC – Applicant. Bison Midstream LLC – Landowner. Parcel #10-0016801. Outlot 1 of the SW1/4SE1/4 of Section 35, Township 157 North, Range 90 West (Clearwater Township) upgrade compressor station & fence. Pending approval of Conditional Use Permit.

2422 – PZ-2024-0144 – Matthew Davis – Applicant/Landowner. Parcel #21-0002101. Outlot 1 of Gov’t Lot 4 (NW1/4NW1/4) of Section 4, Township 156 North, Range 94 West. (Myrtle Township) 40’x60’ garage/shop.

2423 – PZ-2025-0146 – Jacee & Casey Papenfuss – Applicant/Landowner. Parcel #18-0004237. Lot 1 of Schmidt’s Country Estates First Addition located in the E1/2NE1/4 of Section 9, Township 156 North, Range 91 West. (Idaho Township) fence.

2424 – PZ-2025-0150 – Jorey Bartsch – Applicant/Landowner. Parcel #45-0014010. Lot 7 of Varloe’s Subdivision located in the NE1/4 of Section 30, Township 152 North, Range 91 West. (Van Hook Township) 2000 sq ft home.

Moved by Commissioner Borud, seconded by Commissioner Hollekim, to approve building permits 2420-2424. All present voted yes. Motion carried.

**ONGOING BUSINESS**

Gravel Pits- Remains ongoing Administration working on Report

Green Acres Subdivision – No new activity still no Letter of Credit-no activity happening

Hyrum Zetting Plan of action for Green Acres Subdivision

Subdivision Letter of Credit

Data Centers

Battery Storage Facilities

**STAFF UPDATES**

* Staff have been doing site inspections throughout the county and have sent out non-compliance letters. Some violations have been given 30-day letters as they have previously been sent notices. If there are no responses to these letters, Administration will work with the Mountrail County State’s Attorney to move forward with assessing penalties and fees.
* Update on Brendle’s Bay Resort: Administrator Vachal and Mountrail County State’s Attorney Wade Enget met with Josh Feil of Moore Engineering to go over this outlot and to make sure that subdividing this outlot is done correctly to meet the subdivision requirements.
* Cottonwood Lake: According to P&Z records, this area has been given water permits since 2014. We have a current point of diversion on this lake along with several lay flat hose permits that have been issued. Currently there’s some concern from Road & Bridge about this and Planning & Zoning Administration would like some direction from the board regarding permitting on this lake. After some discussion with Mountrail County Engineer Jana Hennessey, it was decided that a Non-Fresh Water Permit needs to be drafted for anything going through County right of ways. Engineer Hennessey and Administrator Vachal will work together on this with assistance from State’s Attorney Enget.
* Vision West ND - Planning & Zoning Committee is putting on a workshop at the South Complex on July 16, 2025. Commissioner Hollekim and Administrator Vachal both sit on this committee and are looking forward to it taking place in Mountrail County. If anyone would like to attend, please let Administrator Vachal know so she can help process registrations.

**PUBLIC COMMENTS**

None.

**BOARD CONCERNS**

None.

The Board adjourned at 9:26 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, July 28th, 2025,** at 8:30 a.m. via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 28th day of July, 2025.

Charlie Sorenson, Chairman Melissa Vachal, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning

**\*Electronic recordings of full meetings are kept in the office per NDCC 44-04\***