MiNUTES

**Mountrail County Planning & Zoning Commission**

**July 22, 2019**

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| **Mountrail County South Complex, 8103 61st St NW, Stanley, ND 58784** |

*Chairman Sorenson called the meeting to order at 8:30 a.m.*

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| **In Attendance** |

**Board members present**: Charlie Sorenson, Gary (Fritz) Weisenberger, Arlo Borud, Roger Hovda, Trudy Ruland, Tom Bieri, Linda Wienbar and Joan Hollekim.

**Also present:** Jana Hennessy, Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Stephanie Pappa, Mountrail County Auditor/Planning and Zoning Administrator, Teresa Captain, Mountrail County Deputy Tax Director, Wade Enget, Mountrail County States Attorney and Heidi Kory, Planning & Zoning Assistant Administrator.

**Public attending:** Kari Brandt, Jeff Meyer, Monica Meyer, Keith Johnson, Jake Pennington, Alan Rehak, Shelby Bruins, Tom Giltner, John Lagna, Julie DiMeo, David Minton and Bradley McAfee

**Absent:** Board member, Bill Klug

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| **Approval of Agenda** |

Moved by Commissioner Borud, seconded by Commissioner Hovda, to accept the agenda as is. Upon roll call, all present voted yes. Motion carried.

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| 8:35 a.m. Public Hearing –  *Amendment* | Manitou Village LLC (Alan Rehak), Landowner |

**Applicant**: Alan Rehak, landowner.

**Location**: Lots 1 through 4 and 6 through 21, Block 2, Manitou Village, Township 156 North, Range 93 West **(Manitou Township).**

**Number of certified mailing receipts provided**: 4

**Purpose**: Removing and cleaning up site on 2.48 acres

**Present**: Alan Rehak

**Discussion**: Alan Rehak is cleaning up the RV Park. No timeline provided for the cleanup. No trailers to be utilized.

**Outcome**: Approved with contingencies.

**Motion**: Moved by Commissioner Hollekim, seconded by Commissioner Hovda to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Manitou Village LLC (Alan Rehak), landowner, for an amendment to change land zoned commercial to agricultural for the purpose of removing and cleaning up site on a 2.48 acre, more or less, tract of land described as Lots 1 through 4 and 6 through 21, Block 2, Manitou Village, Township 156 North, Range 93 West (**Manitou Township)** as Alan Rehak has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent upon Alan Rehak complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 8:40 a.m. Public Hearing –  *Variance* | Nuverra Environmental Solutions /  Joey Evensvold, Landowner |

**Applicant**: Nuverra Environmental Solutions in concurrence with Joey Evensvold, landowner.

**Location**: 1 acre, more or less, tract of land in the SSW of Section 23, Township 157 North, Range 91 West (**James Hill Township**).

**Purpose**: Pump water from unnamed slough for fracking.

**Present**: David Minton with Nuverra Environmental Solutions.

**Outcome**: Approved with contingencies.

**Motion**: Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning request filed by Nuverra Environmental Solutions, in concurrence with Joey Evensvold, landowner, for a variance to pump water from an unnamed slough for fracking on a 1 acre, more or less, tract of land in the SSW of Section 23, Township 157 North, Range 91 West **(James Hill Township**) contingent on adhering to the *ND State Temporary Water Permit ND2019-19548* valid July 19, 2019 to April 30, 2020 using only lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Nuverra Environmental Solutions with concurrence from Joey Evensvold has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Nuverra Environmental Solutions in concurrence with Joey Evensvold complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 8:45 a.m. Public Hearing –  *Amendment* | Oneok Rockies Midstream LLC /  Mark Lee, Landowner |

**Applicant**: Oneok Rockies Midstream LLC in concurrence with Mark Lee, landowner.

**Location**: 12 acre, more or less, plat described as Outlot 3 in the NE¼SE¼ of Section 4, Township 150 North, Range 93 West (**Unorganized Township**).

**Number of certified mailing receipts provided**: 8

**Purpose**: Building a gas compressor station

**Present**: Shelby Bruins & Jake Pennington

**Outcome**: Approved with contingencies.

**Motion**: Moved by Commissioner Borud, seconded by Commission Bieri to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Oneok Rockies Midstream LLC, with concurrence from Mark Lee, for an amendment to change land zoned agricultural to industrial for the purpose of building a gas compressor station on a 12 acre, more or less, tract of land described as Outlot 3 in the NE¼SE¼ of Section 4, Township 150 North, Range 93 West (**Unorganized Township)** as Oneok Rockies Midstream LLC with concurrence from Mark Lee, landowner, has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent upon Oneok Rockies Midstream LLC with concurrence from Mark Lee, landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 8:50 a.m. Public Hearing –  *Conditional Use* | Oneok Rockies Midstream LLC /  Mark Lee, Landowner |

**Applicant**: Oneok Rockies Midstream LLC in concurrence with Mark Lee, landowner.

**Location**: 12 acre, more or less, plat described as an Outlot 3 in the NE¼SE¼ of Section 4, Township 150 North, Range 93 West (**Unorganized Township**).

**Number of certified mailing receipts provided**: 8

**Purpose**: Building a gas compressor station.

**Present**: Shelby Bruins

**Outcome**: Approved with contingencies.

**Motion**: Moved by Commissioner Hollekim, seconded by Commission Weisenberger to approve the zoning request filed by Oneok Rockies Midstream LLC, with concurrence from Mark Lee, landowner, for a conditional use permit to use land zoned industrial, pending approval from the Board of Mountrail County Commissioners, for the purpose of building a gas compressor station on a 12 acre, more or less, tract of land described as Outlot 3 in the NE¼SE¼ of Section 4, Township 150 North, Range 93 West (**Unorganized Township)** as Oneok Rockies Midstream LLC with concurrence from Mark Lee, landowner, has met all criteria as set forth in Article IV, Section IV, of the Mountrail County Zoning Ordinance and is further contingent upon Oneok Rockies Midstream LLC with concurrence from Mark Lee, landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance and the Board of Mountrail County Commissioners approving amendment to change land use to industrial. Upon roll call, all present voted yes. Motion carried.

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| 8:55 a.m. Public Hearing –  *Variance* | Quality Water Systems LLC /  Angela Mahnke-Conovi, Rebecca Evans and Christopher Mahnke, Landowners |

# This application was tabled at the June 24, 2019 meeting.

**Motion**: Moved by Commissioner Ruland, seconded by Commissioner Hovda to un-table the zoning request filed by Quality Water Systems LLC, with concurrence with Angela Mahnke-Conovi, Rebecca Evans, and Christopher Mahnke, landowners, for a variance to pump water from an unnamed slough for fracking on a 134.07 acre, more or less, tract of land described as the NW¼ less Outlot 1 of the NW¼NW¼ of Section 26, Township 156 North, Range 92 West (**Ross Township**) to discuss the application. Upon roll call, all present voted yes. Motion carried.

**Applicant**: Quality Water Systems LLC, with concurrence from Angela Mahnke-Conovi, Rebecca Evans, and Christopher Mahnke, landowners.

**Location**: 134.07 acre, more or less, tract of land described as the NW¼ less Outlot 1 of the NW¼NW¼ of Section 26, Township 156 North, Range 92 West (**Ross Township**).

**Number of certified mailing receipts provided**: 3

**Purpose**: Pump water from unnamed slough for fracking using a flat hose.

**Discussion**: Received ND State Temporary Water Permit ND2019-19552 valid June 25, 2019 through May 31, 2020

**Outcome**: Approved with contingencies.

**Motion**: Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the zoning request filed by Quality Water Systems LLC, with concurrence with Angela Mahnke-Conovi, Rebecca Evans, and Christopher Mahnke, landowners, for a variance to pump water from an unnamed slough for fracking on a 134.07 acre, more or less, tract of land described as the NW¼ less Outlot 1 of the NW¼NW¼ of Section 26, Township 156 North, Range 92 West (**Ross Township**) contingent on adhering to the *ND State Temporary Water Permit ND2019-19552* valid June 25, 2019 through May 31, 2020, using only flat hose, all landowners being contacted regarding any hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when applicable as Quality Water Systems, LLC with concurrence from Angela Mahnke-Conovi, Rebecca Evans, and Christopher Mahnke, landowners has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent on Quality Water Systems, LLC with concurrence from Angela Mahnke-Conovi, Rebecca Evans, and Christopher Mahnke, landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| **Approval of Building Permits** |

**Discussion:** Administrator Pappa suggested that a designee signature line for approval on building permits other than Brendle Bay permits be granted to Heidi Kory and herself.

**Motion:** Moved by Commissioner, Hovda, seconded by Commissioner Ruland, to approve the designee signature for building permits for Stephanie A Pappa, Administrator and Heidi Kory, Assistant Administrator. Upon roll call, all present voted yes. Motion carried.

**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Hollekim to approve the Building Permits 2057 to 2060 and 2062. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Hovda, seconded by Commissioner Borud, to approve the Building permit 2061. Upon roll call, all present voted yes. Motion carried.

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| **Permit No.** | **Name/Address of applicant** | **Legal Description** | **Sec and Lot** | **Township** | **Range** | **Township Name** | **Building Type** |
| **2057** | **Hess North Dakota Pipelines** | **West½** | **6** | **154** | **94** | **Unorganized** | **Oil Booster Station** |
| **2058** | **Jason Hinton** | **NW¼SW¼** | **29** | **157** | **94** | **White Earth** | **Tool Shed** |
| **2059** | **John & Robin Rodgers** | **SE¼SE¼** | **28** | **152** | **89** | **Model** | **Garage** |
| **2060** | **Kevin Fretheim** | **NW¼SE¼** | **34** | **155** | **93** | **Debing** | **Pole Bldg** |
| **2061** | **Bruce Marten** | **Brendles Sub.** | **10** | **151** | **91** | **Liberty** | **House** |
| **2062** | **Tony Kucera** | **Outlot 5** | **2** | **154** | **91** | **Sikes** | **Garage** |

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| **Approval of Minutes** |

**Motion**: Moved by Commissioner Wienbar, seconded by Commissioner Hovda to approve the June 24, 2019 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

Jeff Meyer met with Board concerning campers being utilized at Brendle’s Bay. Commissioner Hovda stated the HOA should take effect once the building has been established. Wade Enget, State’s Attorney stated warning letters have been sent to the violators. Chairman Sorenson stated all concerns have been addressed and we are moving forward with the compliance. Also present were Kari Brandt and Keith Johnson.

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| **Staff Concerns** |

Administrator Pappa updated the board on the publishing of minutes in the paper and the amended Temporary Freshwater Industrial Use Point of Diversion Ordinance.

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday August 26, 2019*** at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting adjourned at 10:10 a.m.

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| **Approval** |

Accepted and approved this 26th day of August 2019.

Charlie Sorenson, Chairman Stephanie A Pappa, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning