

MINUTES

Mountrail County Planning & Zoning Commission

June 24, 2019

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

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

In Attendance

Board members present: Charlie Sorenson, Gary (Fritz) Wiesenberger, Arlo Borud, Bill Klug, Roger Hovda, Trudy Ruland, 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 Planner.

Public attending: Michael Cymbaluk, Dan & Lenore Pausig, Jane Paulson & Phil MacLellan, Wade Trulson of QualityWater Systems LLC., Yvonne Storlie, Mike Childs, Ryan Thibodo of Central Specialties, Inc., and Rory Wolter.

Absent: Board member, Tom Bieri.

Approval of Agenda

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

8:30 a.m. Public Hearing – *Variance* – Jane Paulson Living Trust,
Jane Paulson, Trustee Landowner

Applicant: Jane Paulson Living Trust, Jane Paulson Trustee, landowner.

Location: Gov't Lot 1 (NE¹/₄NE¹/₄) of Section 19 or Gov't Lot 3 (SE¹/₄NW¹/₄) of Section 20, Township 158 North, Range 92 West (**Powers Township**)

Number of certified mailing receipts provided: 1

Purpose: Pump water from Powers Lake for fracking under ND State Temporary Water Permit ND2019-19426

Present: Jane Paulson, Phil MacLellan and Michael Cymbaluk.

Discussion: Stephanie Pappa, Planning & Zoning Administrator stated the current ND State Temporary Water Permit on this site is valid August 5, 2019 to August 4, 2020. The applicant indicated they would like to have the variance for Section 20 as the State will only allow one site.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Ruland to approve the zoning request filed by Jane Paulson Living Trust, Jane Paulson, Trustee, Landowner, for a variance to pump water from Powers Lake for fracking on a 37.70 acre, more or less, tract of land described as Government Lot 3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 20, Township 158 North, Range 92 West (**Powers Township**) contingent on adhering to the ND State Temporary Water Permit ND2019-19426 valid August 5, 2019 to August 4, 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 Jane Paulson Living Trust has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Jane Paulson Living Trust complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:33 a.m. Public Hearing – *Outlot Plat* – Lenore Pausig / Carl F Wilke and Patricia A Marx, Landowners

Applicant: Lenore Pausig, landowner with concurrence from Carl F Wilke and Patricia A Marx, landowners.

Location: 102 acre, more or less, plat described as Outlot 1 of Gov't Lot 6 & 7 and the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6, Township 154 North, Range 91 West (**Sikes Township**).

Number of certified mailing receipts provided: 3

Purpose: Splitting up land between family members.

Present: Dan & Lenore Pausig

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve the outlot plat request filed by Lenore Pausig, landowner with concurrence from Carl F Wilke and Patricia A Marx, landowners, for a 102 acre, more or less, plat described as Outlot 1 of Gov't Lot 6 & 7 and the E½SW¼ Section 6, Township 154 North, Range 91 West (**Sikes Township**) as Lenore Pausig with concurrence from Carl F Wilke and Patricia A Marx, has met all criteria as set forth in the *Mountrail County Subdivision Resolution* and is further contingent upon Lenore Pausig with concurrence from Carl F Wilke and Patricia A Marx complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:36 a.m. Public Hearing – *Outlot Plat – Carl F Wilke / Lenore Pausig and Patricia A Marx, Landowners*

Applicant: Carl F Wilke, landowner with concurrence from Lenore A Pausig and Patricia A Marx, landowners.

Location: 102 acre, more or less, plat described as Outlot 3 in the SE¼ Section 6, Township 154 North, Range 91 West (**Sikes Township**).

Number of certified mailing receipts provided: 3

Purpose: Splitting up land between family members

Present: Dan & Lenore Pausig

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commission Weisenberger to approve the outlot plat request filed by Carl F Wilke, landowner with concurrence from Lenore A Pausig and Patricia A Marx, landowners, for a 102 acre, more or less, plat described as Outlot 3 in the SE¼ Section 6, Township 154 North, Range 91 West (**Sikes Township**), as Carl F Wilke with concurrence from Lenore Pausig and Patricia A Marx has met all criteria as set forth in the *Mountrail County Subdivision Resolution* and is further contingent upon Carl F Wilke with concurrence from Lenore Pausig and Patricia A Marx complying with all other

terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:39 a.m. Public Hearing – *Outlot Plat* – Patricia A Marx / Lenore Pausig
and Carl Wilke, Landowners

Applicant: Patricia A Marx, landowner with concurrence from Lenore A Pausig and Carl F Wilke, landowners.

Location: 102 acre, more or less, plat described as an Outlot 2 of the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ Section 6, Township 154 North, Range 91 West (**Sikes Township**).

Number of certified mailing receipts provided: 3

Purpose: Splitting up land between family members.

Present: Dan & Lenore Pausig

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve the outlot plat request filed by Patricia A Marx, landowner with concurrence from Lenore A Pausig and Carl F Wilke, landowners, for a 102 acre, more or less, plat described as Outlot 2 of the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ Section 6, Township 154 North, Range 91 West (**Sikes Township**), as Patricia Marx with concurrence from Lenore Pausig and Carl F Wilke has met all criteria as set forth in the *Mountrail County Subdivision Resolution* and is further contingent upon Patricia Marx with concurrence from Lenore Pausig and Carl F Wilke complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:42 a.m. Public Hearing – *Variance* – Quality Water Systems LLC /
Angela Mahnke-Conovi, Rebecca Evans and
Christopher Mahnke, Landowners

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

Location: 134.07 acre, more or less, tract of land described as the NW $\frac{1}{4}$ less Outlot 1 of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ 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.

Present: Wade Trulson

Discussion: No water permit with the State of North Dakota was received.

Outcome: Tabled due to no ND State Temporary Water Permit. Will be scheduled for July 22, 2019 P&Z meeting.

Motion: Moved by Commissioner Ruland, seconded by Commissioner Wienbar to 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 NW $\frac{1}{4}$ less Outlot 1 of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 156 North, Range 92 West (**Ross Township**) due to having no ND State Temporary Water Permit. Zoning request will be moved to the July 22, 2019 Planning & Zoning meeting. Upon roll call, all present voted yes. Motion carried.

8:45 a.m. Public Hearing – *Variance – Central Specialties, Inc. / Charles, Roberta & Gerard Ramberg, Landowners*

Applicant: Central Specialties, Inc., with concurrence from Charles, Roberta, & Gerard Ramberg, landowners.

Location: 40 acre, more or less, tract of land described as the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 155 North, Range 94 West (**Unorganized Township**).

Number of certified mailing receipts provided: 4

Purpose: Pump water from unnamed slough for road construction under *ND State Temporary Water Permit ND2019-19464*.

Present: Mike Childs, Dakota Energy; Ryan Thibodo, Central Specialties and Rory Wolter

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the zoning request filed by Central Specialties, Inc., with concurrence from Charles, Roberta, & Gerard Ramberg, landowners, for a variance to pump water from an unnamed slough for road construction on a 40 acre, more or less, tract of land described as the NE¼SE¼ of Section 6, Township 155 North, Range 94 West (**Unorganized Township**) contingent on adhering to the *ND State Temporary Water Permit ND2019-19464* valid May 1, 2019 to April 14, 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 Central Specialties with concurrence from Charles, Roberta & Gerard Ramberg has met all criteria as set forth in Article IV, Section V of the Mountrail County and is further contingent upon Central Specialties with concurrence from Charles, Roberta & Gerard Ramberg complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:48 Public Hearing – *Variance* – Central Specialties, Inc. /
Curt & Summer Meyer, Landowners

Applicant: Central Specialties, Inc., with concurrence from Curt & Summer Meyer, landowners.

Location: 40 acre, more or less, tract of land described as the NE¼NE¼ of Section 21, Township 155 North, Range 94 West (**Unorganized Township**).

Number of certified mailing receipts provided: 1

Purpose: Pump water from the White Earth River for road construction under *ND State Temporary Water Permit ND2019-19532*.

Present: Ryan Thibodo, Central Specialties

Discussion: Discussion on receiving a haul route agreement subject to approving.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hollekim, seconded by Commissioner Ruland to approve the zoning request filed by Central Specialties, Inc., with concurrence from Curt & Summer Meyer, landowners, for a variance to pump water from the White Earth River for road construction on a 40 acre, more or less, tract of land described as the NE¼NE¼ of Section 21, Township 155 North, Range 94 West (**Unorganized Township**) contingent on adhering to

the ND State Temporary Water Permit ND2019-19532 valid May 13, 2019 to December 1, 2019, using only flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW use requirements when necessary and subject to a haul route agreement with Mountrail County as Central Specialties, Inc with concurrence from Curt & Summer Meyer has met all criteria as set forth in Article IV, Section V of the Mountrail County and is further contingent upon Central Specialties, Inc. with concurrence from Curt & Summer Meyer complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:51 a.m. Public Hearing – *Variance* – Highline Water LLC / CLKM LLLP,
Wayne Halvorson, General Partner

Applicant: Highline Water LLC with concurrence from, CLKM LLLP, landowner

Location: 40 acre, more or less, tract of land described as the SE¼SE¼ of Section 25, Township 157 North, Range 94 West (**White Earth Township**).

Number of certified mailing receipts provided: 6

Purpose: Pump water from White Earth River for fracking *under ND State Temporary Water Permit ND2019-19536*.

Present: Yvonne Storlie, Highline Water LLC

Discussion: Discussion on requiring paperwork for the new owners with the LLLP

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Borud, seconded by Commissioner Hollekim to approve the zoning request filed by Highline Water LLC with concurrence from CLKM LLLP, landowner, for a variance to pump water from the White Earth River for fracking on a 40 acre, more or less, tract of land described as the SE¼SE¼ of Section 25, Township 157 North, Range 94 West (**White Earth Township**) contingent on Planning & Zoning receiving a copy and applicant adhering to the ND State Temporary Water Permit ND2019-19536 valid May 24, 2019 through November 30, 2019, P&Z receiving documentation for authorized signature for CLKM LLLP, using only flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use

requirements when necessary as Highline Water LLC with concurrence of CLKM LLLP have met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC with concurrence of CLKM LLLP complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:54 a.m. Public Hearing – *Variance* – Highline Water LLC / Colleen Weflen Family LLP,
Marleen Weflen, Sharon Kruse, Norris Weflen &
Catherine A. Weflen, Trustees, Landowners

Applicant: Highline Water LLC, with concurrence from Colleen Weflen Family LLP, Marleen Weflen, Sharon Kruse, Norris Weflen & Catherine A Weflen, Trustees, landowners.

Location: 40 acre, more or less, tract of land described as the SW¼SE¼ of Section 15, Township 153 North, Range 91 West (**Crane Creek Township**).

Number of certified mailing receipts provided: 1

Purpose: Pump water from unnamed slough for fracking under *ND State Temporary Water Permit ND2019-19481*.

Present: Yvonne Storlie, Highline Water LLC

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Borud, seconded by Commissioner Klug to approve the zoning request filed by Highline Water LLC in concurrence with Marleen Weflen, Sharon Kruse, Norris Weflen & Catherine A Weflen, Trustees, landowners, for a variance to pump water from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as the SW¼SE¼ of Section 15, Township 153 North, Range 91 West (**Crane Creek Township**) contingent on adhering to the *ND State Temporary Water Permit ND2019-19481* valid April 19, 2019 through December 31, 2019, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Highland Water LLC in concurrence with Marleen Weflen, Sharon Kruse, Norris Weflen & Catherine A Weflen, Trustees, landowners, has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Highland Water LLC in concurrence with Marleen Weflen, Sharon Kruse, Norris Weflen & Catherine A Weflen, Trustees, landowners,

complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:57 a.m. Public Hearing – *Variance – Evans TTT Ranch Family Trust,
Fred Evans Trustee, Landowners*

Applicant: Evans TTT Family Trust, Fred Evans, Trustee, landowners

Location: 40 acre, more or less, tract of land described as the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, Township 153 North, Range 91 West (**Crane Creek Township**)

Number of certified mailing receipts provided: 0

Purpose: Pump water from an unnamed slough for fracking under ND State Temporary Water Permit ND2019-19458.

Present: Michael Cymbaluk

Discussion: Michael Cymbaluk stated was unaware of the needed paperwork and the process in Mountrail County to pump water for fracking.

Outcome: Denied, no mail receipts.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Wienbar to deny the zoning request filed by Evans TTT Ranch Family, Trust, Fred Evans, Trustee, landowners for a variance permit to pump water from an unnamed slough for fracking on an 40 acre, more or less, tract of land described as the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, Township 153 North, Range 91 West (**Crane Creek Township**) and have applicant resubmit new application. Upon roll call, all present voted yes. Motion carried.

9:00 a.m. Public Hearing – *Variance – Bakken Water Transfer Services Inc. /
Scott & Tori Anderson, Landowners*

Applicant: Bakken Water Transfer Services Inc. in concurrence with Scott & Tori Anderson, landowners

Location: 160 acre, more or less, tract of land described as the NE¼ of Section 36, Township 157 North, Range 91 West (**James Hill Township**)

Number of certified mailing receipts provided: 4

Purpose: Pump water from an unnamed slough for fracking *under ND State Temporary Water Permit ND2019-19565*

Present: Mike Childs with Dakota Energy

Outcome: Approved with contingencies

Motion: Moved by Commissioner Hollekim, seconded by Commissioner Borud to approve the zoning request filed by Bakken Water Transfer Services Inc. in concurrence with Scott & Tori Anderson, landowners, for a variance permit to pump water from an unnamed slough for fracking on a 160 acre, more or less, tract of land described as the NE¼ of Section 36, Township 157 North, Range 91 West (**James Hill Township**) contingent on Planning & Zoning receiving a copy and applicant adhering to the *ND State Temporary Water Permit ND2019-19565* valid July 5, 2019 through June 23, 2020, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Bakken Water Transfer Services in concurrence with Scott & Tori Anderson, landowners, has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Bakken Water Transfer Services in concurrence with Scott & Tori Anderson, landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

9:03 a.m. Public Hearing – *Variance – Bakken Water Transfer Services Inc. / Kenneth Lystad Estate, Jeffrey Lystad PR, Landowners*

Applicant: Bakken Water Transfer Services Inc. in concurrence with Kenneth Lystad Estate, Jeffrey Lystad, P.R., landowners

Location: 192.37 acre, more or less, tract of land in the S½NW¼, Gov't Lots 1 & 2 and the NE¼ of Section 16, Township 156 North, Range 90 West (**Palermo Township**)

Number of certified mailing receipts provided: 3

Purpose: Pump water from an unnamed slough for fracking *under ND State Temporary Water Permit ND2019-19566*.

Present: Mike Childs with Dakota Energy

Outcome: Approved with contingencies

Motion: Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve the zoning request filed by Bakken Water Transfer Services in concurrence with Kenneth Lystad Estate, Jeffrey Lystad P.R., landowners, for a variance permit to pump water from an unnamed slough for fracking on a 192.37 acre, more or less, tract of land in the NE¼, S½NW¼ and Gov't Lots 1 & 2 of Section 16, Township 156 North, Range 90 West (**Palermo Township**) contingent on Planning & Zoning receiving a copy and applicant adhering to the *ND State Temporary Water Permit ND2019-19566*, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Bakken Water Transfer Services in concurrence with Kenneth Lystad Estate, Jeffrey Lystad P.R., landowners, has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Bakken Water Transfer Services in concurrence with Kenneth Lystad Estate, Jeffrey Lystad P.R., landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

9:06 a.m. Public Hearing – *Variance* – Oil Capital Ventures, LLC /
Marty Jorstad, Landowner

Applicant: Oil Capital Ventures, LLC, with concurrence from Marty Jorstad, landowner

Location: 160 acre, more or less, tract of land known as SW¼ of Section 10, Township 157 North, Range 94 West (**White Earth Township**)

Number of certified mailing receipts provided: 1

Purpose: Pump water from a dam on Paulsen Creek for fracking.

Present: Shane Hausveit.

Discussion: Rory Walter is against this project due to drought years. Mr. Hausveit indicated he will be putting in a dike. Commissioner Ruland suggested on going through the Army Corp of Engineers for approval to dam the Paulsen Creek.

Outcome: Denied

Motion: Moved by Commissioner Ruland, seconded by Commissioner Hovda to deny the zoning request filed by Oil Captures Ventures LLC, with concurrence from Marty Jorstad, landowner, for a variance to pump water from a dam on Paulsen Creek for fracking on a 160 acre, more or less, tract of land described as SW¼ of Section 10, Township 157 North, Range 94 West (**White Earth Township**). Upon roll call, all present voted yes. Motion carried.

Approval of Building Permit

2051	Jeff Lapica Revocable Living Trust 9027 56th St NW Ross, ND 58776 701-755-3247 jefflapica@yahoo.com	NE¼	25	155	93			Debing
2052	Hess North Dakota Pipelines, LLC 3015 16th St NW, Suite 20 Minot, ND 58701 713-596-5245 smarchesi@hess.com	W½	6	154	94		1	Unorganized
2053	Matt Stewart 1304 5th Ave NW Minot, ND 58703 701-721-6131 jackrussell06@yahoo.com	113 Moonlight Drive 3rd Brendle Subdivision	10	151	91		14	Liberty
2054	Tracy & Lori Lutz 1711 1st Ave E Williston, ND 58801 llutz@will.midco.net 710-570-6285	SE¼ Arrowhead Point Subdivision	11	152	93	Blk 2	16	- Unorganized

2055	Joe Klein 725 20th Ave SE Minot, ND 58701 701-721-6293 mufflershop@srt.com	S½NE¼ Brendles 2nd Subdivision	10	151	91		13	Liberty
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Motion: Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve the Building Permits 2051, 2052, and 2054. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the Building Permit 2053 and Building Permit 2055 subject to meeting setback requirements. Upon roll call, all present voted yes. Motion carried.

Approval of Minutes

Motion: Moved by Commissioner Wienbar, seconded by Commissioner Hovda to approve the May 28, 2019 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

Staff Concerns

Stephanie A Pappa, Planning and Zoning Administrator introduced Heidi Kory the new Planning and Zoning Assistant Planner and discussed the affidavit of probable cause filled out for the Manitou Village and Stanley RV Park.

Board Concerns

Commissioner Borud stated the usage of water for variances to pump water should be subject to approval and P&Z should respect concerns of groups and landowners especially during drought and dryness. Commissioner Ruland suggested a letter be sent to the Water Resource District for their involvement.

Moved by Commissioner Borud, seconded by Commissioner Wienbar, to approve a letter sent to the Water Resource District Board to review all creeks and lakes before a water permit is issued. Upon roll call, all present voted yes. Motion carried.

Next Meeting

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday June 24, 2019*** at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting adjourned at 10:00 a.m.

Approval

Accepted and approved this 24th day of June 2019.

Charlie Sorenson, Chairman
Mountrail County
Planning & Zoning Commission

Stephanie A Pappa, Administrator
Mountrail County
Planning & Zoning