

## **Planning and Zoning Commission Minutes**

**August 8, 2022**

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, Eva Hepper, John Irwin, Kathy Skarda, Lance Renville, Tim Transtrom

**Members Absent:** Cody Knetzger, Craig Hystad, Matt Beard

**Staff Present:** Planning Attorney Ari Johnson, Planner Dana Roff, Planner Candy Lundgren, Code Enforcement Officer Andrew Steck, Administrative Assistant Cindy Jensen

**Others see sign in sheet at end of minutes.**

### **APPROVE AGENDA**

#### **Amendments to Agenda**

**Kathy Skarda** stated #07-22CUP Steve Sharp Crane is to be **POSTPONED** until the September 12, 2022 Planning & Zoning Board Meeting. **Butch Fleck** stated Titan Liner be added to Discussion Items.

**Motion to Approved Agenda as Amended; Motion by Tim Transtrom; Second by Lance Renville; Voice Votes All Ayes**

**Motion to Approved Agenda as Amended Passes**

### **APPROVE PREVIOUS MEETING MINUTES**

**Motion to Approve July 11, 2022 Meeting Minutes as Presented; Motion by Kathy Skarda; Second by Eva Hepper; Voice Votes: All Ayes.**

**Motion to Approve July 11, 2022 Meeting Minutes as Presented Passes.**

### **CODE ENFORCEMENT**

**Andrew Steck, Code Enforcement Officer** stated I'm the new Code Enforcement Office. I took over for Logan Innes. About one week ago, I moved over from the GIS Department.

## UNFINISHED BUSINESS

**Kathy Skarda** stated on the July 11, 2022 Minutes, Item #2 under Public Discussions, #04-22CUP Wochos was postponed for one month. I assumed that it would be on this month's Agenda. Does anyone know why it is not on Unfinished Business?

**Dana Roff** stated the Township was going to meet on that and I believe they have not met yet. There were Township concerns.

**#04-22CUP John Wochos – Motion to POSTPONE – Motion by Kathy Skarda; Second by Tim Transtrom; Voice Votes All Ayes**

**Motion to POSTPONE Passes**

## PUBLIC HEARING

**#06-22AMENDCUP Farmers Union Oil - #06-22 Conditional Use Amendment –T150N, R99W, S34; Parcel #110014100;**

**Dana Roff** stated this is #06-22 Amended Conditional Use Permit for Farmers Union Oil. The owner of David Johnson Properties is Farmers Union Oil. The reason for the request is the original quantities for the site for Conditional Use Permit #06-22, which was approved by the Board of County Commission on July 19th, 2022 were not all inclusive of what is planned to be on the site. The request is an update to correct the quantities needed. Additional quantities requested are an additional 120,600 gallons of fuel and an additional 27,000 gallons of LP. This will bring the totals for the site to 179,600 gallons of fuel, which will be stored in seven (7) tanks and 81,000 gallons of LP, which will be held in one (1) 45,000 gallons and two (2) 18,000-gallon tanks. All Conditions of #06-22 Conditional Use Permit to remain.

### Board Comment

**Butch Fleck** asked Farmers Union is taking their bulk tanks from in town and moving them out to the other side of the Highway in the Commercial area on an old oil site, right? **Dana Roff** stated it was and it's almost just a little East and South of the new Fairgrounds site on the other side of Highway. **Fleck** stated it is zoned Commercial and gets this away from people. Nobody can build against it.

**John Irwin** stated I read about it. I was wondering why it was back here. **Dana Roff** stated it was to correct the gallons. **Irwin** asked it still meets all the requirement? **Roff** stated yes. We went through all that again and got all the Approvals.

**Kathy Skarda** asked will it have to meet all the DEQ and State Fire Marshall and other requirements like it did previously, with the new tanks? **Butch Fleck** stated all the conditions are the same. **Skarda** stated everything will be the same, so I would move to Approve it.

**Motion to Approve #06-22AMENDCUP Farmers Union Oil - #06-22 Conditional Use Amendment –T150N, R99W, S34; Parcel #110014100; Motion by Kathy Skarda; Second by Tim Transtrom; Voice Votes All Ayes**

**Motion to Approve #06-22AMENDCUP Farmers Union Oil Passes**

**#07-22CUP Steve Sharp Crane is to be **POSTPONED** until the September 12, 2022 Planning & Zoning Board Meeting**

**DISCUSSION ITEMS**

**Agenda Amendment - TITAN LINER**

**Butch Fleck** stated Nathan Navarro of Titan Liners is here. We called them here because Craig Hystad drove by the other day and saw some oil spills on the end of the liners in the ditch at the site. I go by it all the time and I have never seen it before. I went up and talked to his hired men about it. As soon as he found out, he immediately cleaned it up and it's good now. He is present to answer any questions. He took care of the spill. The reason I asked him here is because we can't talk about anything unless we have the owner here and so we can get everything straightened out.

**Nathan Navarro** stated I work for Titan Liner out of Grassy Butte. So, what happened was we have some liners that we laid out. We hired a hydrovac crew to come out, help clean them and get us caught up on some work. After they came back from dumping their first load, they didn't drop their boom when they were washing the second load, and some of that oil got back splashed onto the ground. As soon as Butch Fleck showed up, we moved those liners out, got everything straightway disposed of. Going forward, we'll wash anything oil related inside our shop and use the Hydro Vac as last resort. **Butch Fleck** stated other people have had questions about this. Sandee and I went visited with them several years ago, when this first come up, and you can explain that they wash them on site so they don't bring the oil to us normally. This is kind of an odd one because I've never seen it before.

**Nathan Navarro** stated so we would get them washed on site. We'll have a hydro vac out there, but this was an emergency pick up. So, a workover rig can move in, and we brought them back to our yard, and they were supposed to drop the boom down and after they dropped it, they got complacent and didn't drop the boom. Those guys won't be coming back and we will end up getting different crews. Worst case, if we need to, we can build a secondary containment, make a wash bay kind of backsplash to prevent anything like that. **Kathy Skarda** stated it literally has like a wall around it there so that nothing can go outside the boundary and therefore, then you don't have as much liability, if it gets into the creek or anything like that. **Butch Fleck** stated it was over the bank a little. **Navarro** stated we have a couple of ideas. I'm going to run it by the ones in upper management and see what we can come up with. I don't think we'll be washing so

many right there at one time. We will just build a little wash bay and wash a handful right there at one time.

**Butch Fleck** stated like I said, we've never had trouble before. I drive by it all the time, but I haven't been by it in a few days so I didn't catch that.

**Kathy Skarda** asked do you have any requirements or is there any minimum standards for when you have to report stuff like that to the DEQ? **Nathan Navarro** stated I've never had to cross that bridge. We can definitely figure that out. **Butch Fleck** stated it wasn't a big spill.

**Kathy Skarda** stated they do have minimum spills that they have to record and I would suggest at least find out what the minimum standards are in case anything else does happen. You know that you have to report it if it's there. That is just to safeguard you and the company. If it were my company, I would make sure to follow that so I would know what I was supposed to do. Thank you very much for getting it all cleaned up.

### **Administrative Permits**

A discussion was held regarding permits that were Administratively Approved.

### **Adjournment**

**Motion to Adjourn by Kathy Skarda; Second by Tim Transtrom; Voice Votes: All Ayes**  
**Motion to Adjourn Passes.**

**The Meeting Adjourned at 5:15 PM.**

The next meeting of the McKenzie County Planning and Zoning Board will be held on Monday, September 12, 2022, at the McKenzie County Courthouse, 201 5th Street NW, County Commission Boardroom at 5:00 PM.

