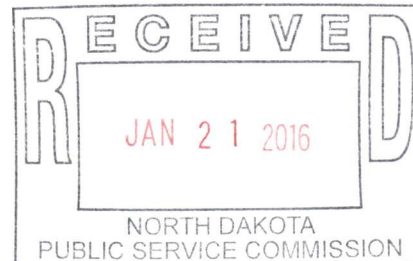


January 21, 2016

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480



RE: Dakota Access LLC
Dakota Access Pipeline Project
Case No. PU-14-842
Our File No. 31-536-001

Dear Mr. Nitschke:

Enclosed for filing, please find:

1. Ramberg Terminal Air Permit to Construct 08-12-2015
2. Johnson's Corner Terminal Air Permit to Construct 08-12-2015
3. Watford City Terminal Air Permit to Construct 08-12-2015
4. Trenton Air Permit to Construct 08-12-2015
5. Epping Terminal Air Permit to Construct 08-12-2015
6. Stanley Terminal Air Permit to Construct 08-13-2015
7. Williams County Board of Commissioners Approval of Epping Site 06-02-2015
8. Williams County Board of Commissioners Approval Ramberg Terminal Site Zoning and CUP 04-24-2015
9. McKenzie County CUP approval letter 01-28-2015
10. City of Stanley Council Minutes, Rezone and CUP Approval 07-14-2015
11. Mountrail County PZ minutes Rezone and CUP Approval 07-13-2015
12. City of Stanley CUP Approval Stanley 07-14-2015
13. McKenzie County Amended CUP Approval Johnsons Corner 01-14-2016
14. McKenzie County Amended CUP Approval Watford City 01-14-2016
15. McKenzie County CUP Approval Johnson Corner 1-28-2015
16. McKenzie County CUP Approval Watford City 07-22-2015
17. Williams County CUP Approval Epping 06-02-2015
18. Williams County CUP Approval Ramberg 04-24-2015
19. Williams County CUP Approval Trenton 07-17-2015
20. Williams County CUP Approval Epping 06-02-2015

Please contact me should you have any questions.

Sincerely,

CROWLEY FLECK PLLP



Blaine T. Johnson

Enc.



**AIR POLLUTION CONTROL
PERMIT TO CONSTRUCT**

Pursuant to Chapter 23-25 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Health and to any conditions specified below:

I. General Information:

A. **Permit to Construct Number:** PTC15040

B. **Source:**

1. Name: Dakota Access, LLC
2. Location: Ramberg Terminal
Sec. 32, T156N, R95W
Williams County, North Dakota
3. Source Type: Crude Oil Pipeline Terminal
4. Equipment to be located at the Facility:

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
100,000 barrel crude oil storage tank (Kb)	1	1	Submerged fill pipe; internal floating roof
150,000 barrel crude oil storage tank (Kb)	2	2	Submerged fill pipe; internal floating roof
200,000 barrel crude oil storage tank (Kb)	3	3	Submerged fill pipe; internal floating roof
Pig Launchers	4	4	None
Pig Receivers	5	5	None
Two 4,000 gallon sump tanks	6 & 7	6 & 7	Submerged fill pipe
1,000 gallon sump tank	8	8	Submerged fill pipe
Emergency generator set equipped with an engine rated at less than 500 hp	9	9	None
Fugitive Emissions	FUG	FUG	None

C. **Owner/Operator (Permit Applicant):**

1. Name: Dakota Access, LLC
2. Address: 800 E Sonterra Blvd, Suite 400
San Antonio, TX 78258
3. Application Date: April 27, 2015

II. **Conditions:** This Permit to Construct allows the construction and initial operation of the above-mentioned new or modified equipment at the source. The source may be operated under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Health and to the conditions specified below.

A. **Emission Limits:** Emission limits from the operation of the source unit(s) identified in Item I.B of this Permit to Construct (hereafter referred to as "permit") are as follows. Source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules.

Emission Unit Description	EU	EP	Pollutant / Parameter	Emission Limit
Emergency generator engine	9	9	Opacity	20%*

* 40% opacity is allowed for one six-minute period per hour.

B. **New Source Performance Standards (NSPS) for Storage Tank(s):** The owner/operator shall operate the storage tank(s) in accordance with the following applicable requirement:

- 40 CFR Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction or Modification Commenced after July 23, 1984, as incorporated by reference into NDAC Chapter 33-15-12.

C. **40 CFR 60, Subpart IIII:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

D. **40 CFR 60, Subpart JJJJ:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

E. **40 CFR 63, Subpart ZZZZ:** The engine is subject to 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. For this subpart, EPA Region 8, not the North Dakota Department of Health, is the implementing and enforcement authority. All documentation required by this subpart must be submitted to EPA at the following address:

U.S. EPA Region 8
 1595 Wynkoop Street
 Mail Code 8ENF – AT
 Denver, CO 80202-1129

- F. **Storage Tanks:** All tanks shall be equipped with a submerged fill pipe in accordance with NDAC 33-15-07-01.3.
- G. **Construction:** Construction of the above described facility shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

- H. **Startup Notice:** A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.
- I. **Odor Restrictions:** The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33-15-16.

The owner/operator may not discharge into the ambient air hydrogen sulfide (H₂S) in concentrations that would be objectionable on land owned or leased by the complainant or in areas normally accessed by the general public. For the purpose of complaint resolution, two samples with concentrations greater than 0.05 parts per million (50 parts per billion) sampled at least 15 minutes apart within a two-hour period and measured in accordance with Section 33-15-16-04 constitute a violation.

- J. **Organic Compounds Emissions:** The facility shall comply with the applicable requirements of NDAC 33-15-07, Control of Organic Compounds Emissions.
- K. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.
- L. **Permit Invalidation:** This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.
- M. **Sampling and Testing:** The Department may require the owner/operator to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for

and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department's Emission Testing Guideline.

- N. **Annual Emission Inventory/Annual Production Reports:** The owner/operator shall submit an annual emission inventory report or an annual production report, upon request, on forms supplied or approved by the Department.
- O. **Source Operations:** Operations at the installation shall be in accordance with statements, representations, procedures, and supporting data contained in the initial application, and any supplemental information or renewal application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.
- P. **Alterations, Modifications or Changes:** Any alteration, repairing, expansion or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.
- Q. **Recordkeeping:** The owner/operator shall maintain any compliance monitoring records required by the permit or applicable requirements. The owner/operator shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by this permit.
- R. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33-15-08-01 – Internal Combustion Engine Emissions Restricted.
- S. **Malfunction Notification:** The owner/operator shall notify the Department as soon as possible during normal working hours of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger.
- T. **Operation of Air Pollution Control Equipment:** The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
- U. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.

- V. **Transfer of Permit to Construct:** The holder of a Permit to Construct may not transfer such permit without prior approval from the Department.
- W. **Change of Ownership:** This permit may not be transferred without prior approval from the Department.
- X. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Health may enter and inspect any property, premise or place at which the source listed in Item I.B of this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.
- Y. **Other Regulations:** The owner/operator of the source unit(s) described in Item I.B of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.
- Z. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23-25. Each and every condition of this permit is a material part thereof, and is not severable.

FOR THE NORTH DAKOTA
DEPARTMENT OF HEALTH

Date 8/12/15

By Terry L. O'Clair
Terry L. O'Clair, P.E.
Director
Division of Air Quality



**AIR POLLUTION CONTROL
PERMIT TO CONSTRUCT**

Pursuant to Chapter 23-25 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Health and to any conditions specified below:

I. General Information:

A. **Permit to Construct Number:** PTC15041

B. **Source:**

1. **Name:** Dakota Access, LLC
2. **Location:** Johnson's Corner Terminal
Sec. 23, T150N, R96W
McKenzie County, North Dakota
3. **Source Type:** Crude Oil Pipeline Terminal
4. **Equipment to be located at the Facility:**

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
200,000 barrel crude oil storage tank (Kb)	1	1	Submerged fill pipe; internal floating roof
200,000 barrel crude oil storage tank (Kb)	2	2	Submerged fill pipe; internal floating roof
Pig Launchers	3	3	None
Pig Receivers	4	4	None
2,500 barrel surge tank	5	5	Submerged fill pipe; internal floating roof
Two 4,000 gallon sump tanks	6 & 7	6 & 7	Submerged fill pipe
1,000 gallon sump tank	8	8	Submerged fill pipe
Emergency generator set equipped with an engine rated at less than 500 hp	9	9	None
Fire pump engine rated at less than 500 hp	10	10	None
Fugitive Emissions	FUG	FUG	None

- C. **Owner/Operator (Permit Applicant):**
1. Name: Dakota Access, LLC
 2. Address: 800 E Sonterra Blvd, Suite 400
San Antonio, TX 78258
 3. Application Date: May 11, 2015

II. **Conditions:** This Permit to Construct allows the construction and initial operation of the above-mentioned new or modified equipment at the source. The source may be operated under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Health and to the conditions specified below.

- A. **Emission Limits:** Emission limits from the operation of the source unit(s) identified in Item I.B of this Permit to Construct (hereafter referred to as "permit") are as follows. Source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules.

Emission Unit Description	EU	EP	Pollutant / Parameter	Emission Limit
Emergency generator engine	9	9	Opacity	20%*
Fire pump engine	10	10	Opacity	20%*

* 40% opacity is allowed for one six-minute period per hour.

- B. **New Source Performance Standards (NSPS) for Storage Tank(s):** The owner/operator shall operate the storage tank(s) in accordance with the following applicable requirement:
- 40 CFR Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction or Modification Commenced after July 23, 1984, as incorporated by reference into NDAC Chapter 33-15-12.
- C. **40 CFR 60, Subpart IIII:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
- D. **40 CFR 60, Subpart JJJJ:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- E. **40 CFR 63, Subpart ZZZZ:** The engines are subject to 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. For this subpart, EPA Region 8, not the North Dakota Department of Health, is the implementing and enforcement authority. All documentation required by this subpart must be submitted to EPA at the following address:

U.S. EPA Region 8
1595 Wynkoop Street
Mail Code 8ENF – AT
Denver, CO 80202-1129

- F. **Storage Tanks:** All tanks shall be equipped with a submerged fill pipe in accordance with NDAC 33-15-07-01.3.
- G. **Construction:** Construction of the above described facility shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

- H. **Startup Notice:** A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.
- I. **Odor Restrictions:** The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33-15-16.

The owner/operator may not discharge into the ambient air hydrogen sulfide (H₂S) in concentrations that would be objectionable on land owned or leased by the complainant or in areas normally accessed by the general public. For the purpose of complaint resolution, two samples with concentrations greater than 0.05 parts per million (50 parts per billion) sampled at least 15 minutes apart within a two-hour period and measured in accordance with Section 33-15-16-04 constitute a violation.

- J. **Organic Compounds Emissions:** The facility shall comply with the applicable requirements of NDAC 33-15-07, Control of Organic Compounds Emissions.
- K. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.
- L. **Permit Invalidation:** This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.

- M. **Sampling and Testing:** The Department may require the owner/operator to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department's Emission Testing Guideline.
- N. **Annual Emission Inventory/Annual Production Reports:** The owner/operator shall submit an annual emission inventory report or an annual production report, upon request, on forms supplied or approved by the Department.
- O. **Source Operations:** Operations at the installation shall be in accordance with statements, representations, procedures, and supporting data contained in the initial application, and any supplemental information or renewal application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.
- P. **Alterations, Modifications or Changes:** Any alteration, repairing, expansion or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.
- Q. **Recordkeeping:** The owner/operator shall maintain any compliance monitoring records required by the permit or applicable requirements. The owner/operator shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by this permit.
- R. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33-15-08-01 – Internal Combustion Engine Emissions Restricted.
- S. **Malfunction Notification:** The owner/operator shall notify the Department as soon as possible during normal working hours of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger.

- T. **Operation of Air Pollution Control Equipment:** The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
- U. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.
- V. **Transfer of Permit to Construct:** The holder of a Permit to Construct may not transfer such permit without prior approval from the Department.
- W. **Change of Ownership:** This permit may not be transferred without prior approval from the Department.
- X. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Health may enter and inspect any property, premise or place at which the source listed in Item I.B of this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.
- Y. **Other Regulations:** The owner/operator of the source unit(s) described in Item I.B of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.
- Z. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23-25. Each and every condition of this permit is a material part thereof, and is not severable.

FOR THE NORTH DAKOTA
DEPARTMENT OF HEALTH

Date 8/12/15

By Terry O'Clair
Terry L. O'Clair, P.E.
Director
Division of Air Quality



**AIR POLLUTION CONTROL
PERMIT TO CONSTRUCT**

Pursuant to Chapter 23-25 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Health and to any conditions specified below:

I. General Information:

A. **Permit to Construct Number:** PTC15042

B. Source:

1. **Name:** Dakota Access, LLC
2. **Location:** Watford City Terminal
Sec. 1, T149N, R99W
McKenzie County, North Dakota
3. **Source Type:** Crude Oil Pipeline Terminal
4. **Equipment to be located at the Facility:**

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
100,000 barrel crude oil storage tank (Kb)	1	1	Submerged fill pipe; internal floating roof
100,000 barrel crude oil storage tank (Kb)	2	2	Submerged fill pipe; internal floating roof
150,000 barrel crude oil storage tank (Kb)	3	3	Submerged fill pipe; internal floating roof
Pig Launchers	4	4	None
Pig Receivers	5	5	None
Two 4,000 gallon sump tanks	6 & 7	6 & 7	Submerged fill pipe
1,000 gallon sump tank	8	8	Submerged fill pipe
Emergency generator set equipped with an engine rated at less than 500 hp	9	9	None
Fire pump engine rated at less than 500 hp	10	10	None
Fugitive Emissions	FUG	FUG	None

C. **Owner/Operator (Permit Applicant):**

1. Name: Dakota Access, LLC
2. Address: 800 E Sonterra Blvd, Suite 400
San Antonio, TX 78258
3. Application Date: May 13, 2015

II. **Conditions:** This Permit to Construct allows the construction and initial operation of the above-mentioned new or modified equipment at the source. The source may be operated under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Health and to the conditions specified below.

A. **Emission Limits:** Emission limits from the operation of the source unit(s) identified in Item I.B of this Permit to Construct (hereafter referred to as "permit") are as follows. Source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules.

Emission Unit Description	EU	EP	Pollutant / Parameter	Emission Limit
Emergency generator engine	9	9	Opacity	20%*
Fire pump engine	10	10	Opacity	20%*

* 40% opacity is allowed for one six-minute period per hour.

B. **New Source Performance Standards (NSPS) for Storage Tank(s):** The owner/operator shall operate the storage tank(s) in accordance with the following applicable requirement:

- 40 CFR Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction or Modification Commenced after July 23, 1984, as incorporated by reference into NDAC Chapter 33-15-12.

C. **40 CFR 60, Subpart IIII:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

D. **40 CFR 60, Subpart JJJJ:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

E. **40 CFR 63, Subpart ZZZZ:** The engines are subject to 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. For this subpart, EPA Region 8, not the North Dakota Department of Health, is the implementing and enforcement authority. All documentation required by this subpart must be submitted to EPA at the following address:

U.S. EPA Region 8
1595 Wynkoop Street
Mail Code 8ENF – AT
Denver, CO 80202-1129

- F. **Storage Tanks:** All tanks shall be equipped with a submerged fill pipe in accordance with NDAC 33-15-07-01.3.
- G. **Construction:** Construction of the above described facility shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

- H. **Startup Notice:** A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.
- I. **Odor Restrictions:** The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33-15-16.

The owner/operator may not discharge into the ambient air hydrogen sulfide (H₂S) in concentrations that would be objectionable on land owned or leased by the complainant or in areas normally accessed by the general public. For the purpose of complaint resolution, two samples with concentrations greater than 0.05 parts per million (50 parts per billion) sampled at least 15 minutes apart within a two-hour period and measured in accordance with Section 33-15-16-04 constitute a violation.

- J. **Organic Compounds Emissions:** The facility shall comply with the applicable requirements of NDAC 33-15-07, Control of Organic Compounds Emissions.
- K. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.
- L. **Permit Invalidation:** This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.

- M. **Sampling and Testing:** The Department may require the owner/operator to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department's Emission Testing Guideline.
- N. **Annual Emission Inventory/Annual Production Reports:** The owner/operator shall submit an annual emission inventory report or an annual production report, upon request, on forms supplied or approved by the Department.
- O. **Source Operations:** Operations at the installation shall be in accordance with statements, representations, procedures, and supporting data contained in the initial application, and any supplemental information or renewal application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.
- P. **Alterations, Modifications or Changes:** Any alteration, repairing, expansion or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.
- Q. **Recordkeeping:** The owner/operator shall maintain any compliance monitoring records required by the permit or applicable requirements. The owner/operator shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by this permit.
- R. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33-15-08-01 – Internal Combustion Engine Emissions Restricted.
- S. **Malfunction Notification:** The owner/operator shall notify the Department as soon as possible during normal working hours of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger.

- T. **Operation of Air Pollution Control Equipment:** The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
- U. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.
- V. **Transfer of Permit to Construct:** The holder of a Permit to Construct may not transfer such permit without prior approval from the Department.
- W. **Change of Ownership:** This permit may not be transferred without prior approval from the Department.
- X. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Health may enter and inspect any property, premise or place at which the source listed in Item I.B of this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.
- Y. **Other Regulations:** The owner/operator of the source unit(s) described in Item I.B of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.
- Z. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23-25. Each and every condition of this permit is a material part thereof, and is not severable.

FOR THE NORTH DAKOTA
DEPARTMENT OF HEALTH

Date

8/12/15

By

Terry L. O'Clair
Terry L. O'Clair, P.E.
Director
Division of Air Quality



**AIR POLLUTION CONTROL
PERMIT TO CONSTRUCT**

Pursuant to Chapter 23-25 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Health and to any conditions specified below:

I. General Information:

A. **Permit to Construct Number:** PTC15043

B. **Source:**

1. **Name:** Dakota Access, LLC
2. **Location:** Trenton Terminal
Sec. 35, T154N, R102W
Williams County, North Dakota
3. **Source Type:** Crude Oil Pipeline Terminal
4. **Equipment to be located at the Facility:**

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
100,000 barrel crude oil storage tank (Kb)	1	1	Submerged fill pipe; internal floating roof
150,000 barrel crude oil storage tank (Kb)	2	2	Submerged fill pipe; internal floating roof
Pig Launchers	3	3	None
Pig Receivers	4	4	None
Two 4,000 gallon sump tanks	5 & 6	5 & 6	Submerged fill pipe
1,000 gallon sump tank	7	7	Submerged fill pipe
Emergency generator set equipped with an engine rated at less than 500 hp	8	8	None
Fugitive Emissions	FUG	FUG	None

C. **Owner/Operator (Permit Applicant):**

1. **Name:** Dakota Access, LLC
2. **Address:** 800 E Sonterra Blvd, Suite 400
San Antonio, TX 78258
3. **Application Date:** May 14, 2015

II. **Conditions:** This Permit to Construct allows the construction and initial operation of the above-mentioned new or modified equipment at the source. The source may be operated under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Health and to the conditions specified below.

A. **Emission Limits:** Emission limits from the operation of the source unit(s) identified in Item I.B of this Permit to Construct (hereafter referred to as "permit") are as follows. Source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules.

Emission Unit Description	EU	EP	Pollutant / Parameter	Emission Limit
Emergency generator engine	8	8	Opacity	20%*

* 40% opacity is allowed for one six-minute period per hour.

B. **New Source Performance Standards (NSPS) for Storage Tank(s):** The owner/operator shall operate the storage tank(s) in accordance with the following applicable requirement:

- 40 CFR Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction or Modification Commenced after July 23, 1984, as incorporated by reference into NDAC Chapter 33-15-12.

C. **40 CFR 60, Subpart IIII:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

D. **40 CFR 60, Subpart JJJJ:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

E. **40 CFR 63, Subpart ZZZZ:** The engine is subject to 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. For this subpart, EPA Region 8, not the North Dakota Department of Health, is the implementing and enforcement authority. All documentation required by this subpart must be submitted to EPA at the following address:

U.S. EPA Region 8
1595 Wynkoop Street
Mail Code 8ENF – AT
Denver, CO 80202-1129

- F. **Storage Tanks:** All tanks shall be equipped with a submerged fill pipe in accordance with NDAC 33-15-07-01.3.
- G. **Construction:** Construction of the above described facility shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

- H. **Startup Notice:** A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.
- I. **Odor Restrictions:** The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33-15-16.

The owner/operator may not discharge into the ambient air hydrogen sulfide (H₂S) in concentrations that would be objectionable on land owned or leased by the complainant or in areas normally accessed by the general public. For the purpose of complaint resolution, two samples with concentrations greater than 0.05 parts per million (50 parts per billion) sampled at least 15 minutes apart within a two-hour period and measured in accordance with Section 33-15-16-04 constitute a violation.

- J. **Organic Compounds Emissions:** The facility shall comply with the applicable requirements of NDAC 33-15-07, Control of Organic Compounds Emissions.
- K. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.
- L. **Permit Invalidation:** This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.
- M. **Sampling and Testing:** The Department may require the owner/operator to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for

and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department's Emission Testing Guideline.

- N. **Annual Emission Inventory/Annual Production Reports:** The owner/operator shall submit an annual emission inventory report or an annual production report, upon request, on forms supplied or approved by the Department.
- O. **Source Operations:** Operations at the installation shall be in accordance with statements, representations, procedures, and supporting data contained in the initial application, and any supplemental information or renewal application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.
- P. **Alterations, Modifications or Changes:** Any alteration, repairing, expansion or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.
- Q. **Recordkeeping:** The owner/operator shall maintain any compliance monitoring records required by the permit or applicable requirements. The owner/operator shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by this permit.
- R. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33-15-08-01 – Internal Combustion Engine Emissions Restricted.
- S. **Malfunction Notification:** The owner/operator shall notify the Department as soon as possible during normal working hours of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger.
- T. **Operation of Air Pollution Control Equipment:** The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
- U. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.

- V. **Transfer of Permit to Construct:** The holder of a Permit to Construct may not transfer such permit without prior approval from the Department.
- W. **Change of Ownership:** This permit may not be transferred without prior approval from the Department.
- X. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Health may enter and inspect any property, premise or place at which the source listed in Item I.B of this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.
- Y. **Other Regulations:** The owner/operator of the source unit(s) described in Item I.B of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.
- Z. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23-25. Each and every condition of this permit is a material part thereof, and is not severable.

FOR THE NORTH DAKOTA
DEPARTMENT OF HEALTH

Date 8/12/15

By Terry L. O'Clair
Terry L. O'Clair, P.E.
Director
Division of Air Quality



**AIR POLLUTION CONTROL
PERMIT TO CONSTRUCT**

Pursuant to Chapter 23-25 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Health and to any conditions specified below:

I. General Information:

A. **Permit to Construct Number:** PTC15044

B. **Source:**

1. **Name:** Dakota Access, LLC
2. **Location:** Epping Terminal
Sec. 32, T156N, R98W
Williams County, North Dakota
3. **Source Type:** Crude Oil Pipeline Terminal
4. **Equipment to be located at the Facility:**

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
100,000 barrel crude oil storage tank (Kb)	1	1	Submerged fill pipe; internal floating roof
150,000 barrel crude oil storage tank (Kb)	2	2	Submerged fill pipe; internal floating roof
Pig Launchers	3	3	None
Pig Receivers	4	4	None
Two 4,000 gallon sump tanks	5 & 6	5 & 6	Submerged fill pipe
1,000 gallon sump tank	7	7	Submerged fill pipe
Emergency generator set equipped with an engine rated at less than 500 hp	8	8	None
Fugitive Emissions	FUG	FUG	None

C. **Owner/Operator (Permit Applicant):**

1. **Name:** Dakota Access, LLC
2. **Address:** 800 E Sonterra Blvd, Suite 400
San Antonio, TX 78258
3. **Application Date:** May 14, 2015

II. Conditions: This Permit to Construct allows the construction and initial operation of the above-mentioned new or modified equipment at the source. The source may be operated

under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Health and to the conditions specified below.

- A. **Emission Limits:** Emission limits from the operation of the source unit(s) identified in Item I.B of this Permit to Construct (hereafter referred to as "permit") are as follows. Source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules.

Emission Unit Description	EU	EP	Pollutant / Parameter	Emission Limit
Emergency generator engine	8	8	Opacity	20%*

* 40% opacity is allowed for one six-minute period per hour.

- B. **New Source Performance Standards (NSPS) for Storage Tank(s):** The owner/operator shall operate the storage tank(s) in accordance with the following applicable requirement:
- 40 CFR Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction or Modification Commenced after July 23, 1984, as incorporated by reference into NDAC Chapter 33-15-12.
- C. **40 CFR 60, Subpart IIII:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
- D. **40 CFR 60, Subpart JJJJ:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- E. **40 CFR 63, Subpart ZZZZ:** The engine is subject to 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. For this subpart, EPA Region 8, not the North Dakota Department of Health, is the implementing and enforcement authority. All documentation required by this subpart must be submitted to EPA at the following address:
- U.S. EPA Region 8
1595 Wynkoop Street
Mail Code 8ENF – AT
Denver, CO 80202-1129
- F. **Storage Tanks:** All tanks shall be equipped with a submerged fill pipe in accordance with NDAC 33-15-07-01.3.

- G. **Construction:** Construction of the above described facility shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

- H. **Startup Notice:** A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.
- I. **Odor Restrictions:** The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33-15-16.

The owner/operator may not discharge into the ambient air hydrogen sulfide (H₂S) in concentrations that would be objectionable on land owned or leased by the complainant or in areas normally accessed by the general public. For the purpose of complaint resolution, two samples with concentrations greater than 0.05 parts per million (50 parts per billion) sampled at least 15 minutes apart within a two-hour period and measured in accordance with Section 33-15-16-04 constitute a violation.

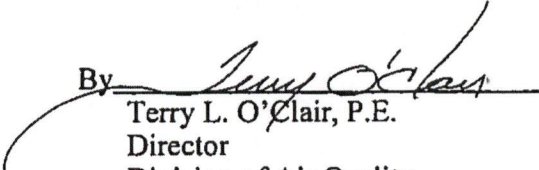
- J. **Organic Compounds Emissions:** The facility shall comply with the applicable requirements of NDAC 33-15-07, Control of Organic Compounds Emissions.
- K. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.
- L. **Permit Invalidation:** This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.
- M. **Sampling and Testing:** The Department may require the owner/operator to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department's Emission Testing Guideline.

- N. **Annual Emission Inventory/Annual Production Reports:** The owner/operator shall submit an annual emission inventory report or an annual production report, upon request, on forms supplied or approved by the Department.
- O. **Source Operations:** Operations at the installation shall be in accordance with statements, representations, procedures, and supporting data contained in the initial application, and any supplemental information or renewal application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.
- P. **Alterations, Modifications or Changes:** Any alteration, repairing, expansion or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.
- Q. **Recordkeeping:** The owner/operator shall maintain any compliance monitoring records required by the permit or applicable requirements. The owner/operator shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by this permit.
- R. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33-15-08-01 – Internal Combustion Engine Emissions Restricted.
- S. **Malfunction Notification:** The owner/operator shall notify the Department as soon as possible during normal working hours of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger.
- T. **Operation of Air Pollution Control Equipment:** The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
- U. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.
- V. **Transfer of Permit to Construct:** The holder of a Permit to Construct may not transfer such permit without prior approval from the Department.

- W. **Change of Ownership:** This permit may not be transferred without prior approval from the Department.
- X. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Health may enter and inspect any property, premise or place at which the source listed in Item I.B of this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.
- Y. **Other Regulations:** The owner/operator of the source unit(s) described in Item I.B of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.
- Z. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23-25. Each and every condition of this permit is a material part thereof, and is not severable.

FOR THE NORTH DAKOTA
DEPARTMENT OF HEALTH

Date 8/12/15

By 
Terry L. O'Clair, P.E.
Director
Division of Air Quality



**AIR POLLUTION CONTROL
PERMIT TO CONSTRUCT**

Pursuant to Chapter 23-25 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Health and to any conditions specified below:

I. General Information:

A. **Permit to Construct Number:** PTC15045

B. **Source:**

1. **Name:** Dakota Access, LLC
2. **Location:** Stanley Terminal
Sec. 25, T156N, R92W
Mountrail County, North Dakota
3. **Source Type:** Crude Oil Pipeline Terminal
4. **Equipment to be located at the Facility:**

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
120,000 barrel crude oil storage tank (Kb)	1	1	Submerged fill pipe; internal floating roof
120,000 barrel crude oil storage tank (Kb)	2	2	Submerged fill pipe; internal floating roof
Pig Launcher	3	3	None
Pig Receivers	4	4	None
Two 4,000 gallon sump tanks	5 & 6	5 & 6	Submerged fill pipe
1,000 gallon sump tank	7	7	Submerged fill pipe
Emergency generator set equipped with an engine rated at less than 500 hp	8	8	None
Fugitive Emissions	FUG	FUG	None

C. **Owner/Operator (Permit Applicant):**

1. **Name:** Dakota Access, LLC
2. **Address:** 800 E Sonterra Blvd, Suite 400
San Antonio, TX 78258
3. **Application Date:** May 18, 2015

II. Conditions: This Permit to Construct allows the construction and initial operation of the above-mentioned new or modified equipment at the source. The source may be operated

under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Health and to the conditions specified below.

- A. **Emission Limits:** Emission limits from the operation of the source unit(s) identified in Item I.B of this Permit to Construct (hereafter referred to as "permit") are as follows. Source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules.

Emission Unit Description	EU	EP	Pollutant / Parameter	Emission Limit
Emergency generator engine	8	8	Opacity	20%*

* 40% opacity is allowed for one six-minute period per hour.

- B. **New Source Performance Standards (NSPS) for Storage Tank(s):** The owner/operator shall operate the storage tank(s) in accordance with the following applicable requirement:
- 40 CFR Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction or Modification Commenced after July 23, 1984, as incorporated by reference into NDAC Chapter 33-15-12.
- C. **40 CFR 60, Subpart IIII:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
- D. **40 CFR 60, Subpart JJJJ:** The permittee shall comply with all applicable requirements of 40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- E. **40 CFR 63, Subpart ZZZZ:** The engine is subject to 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. For this subpart, EPA Region 8, not the North Dakota Department of Health, is the implementing and enforcement authority. All documentation required by this subpart must be submitted to EPA at the following address:
- U.S. EPA Region 8
1595 Wynkoop Street
Mail Code 8ENF – AT
Denver, CO 80202-1129
- F. **Storage Tanks:** All tanks shall be equipped with a submerged fill pipe in accordance with NDAC 33-15-07-01.3.

- G. **Construction:** Construction of the above described facility shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

- H. **Startup Notice:** A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.
- I. **Odor Restrictions:** The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33-15-16.

The owner/operator may not discharge into the ambient air hydrogen sulfide (H₂S) in concentrations that would be objectionable on land owned or leased by the complainant or in areas normally accessed by the general public. For the purpose of complaint resolution, two samples with concentrations greater than 0.05 parts per million (50 parts per billion) sampled at least 15 minutes apart within a two-hour period and measured in accordance with Section 33-15-16-04 constitute a violation.

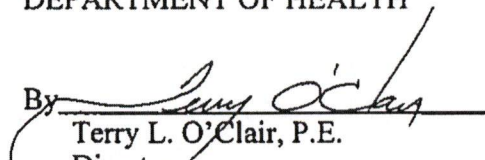
- J. **Organic Compounds Emissions:** The facility shall comply with the applicable requirements of NDAC 33-15-07, Control of Organic Compounds Emissions.
- K. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.
- L. **Permit Invalidation:** This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.
- M. **Sampling and Testing:** The Department may require the owner/operator to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department's Emission Testing Guideline.

- N. **Annual Emission Inventory/Annual Production Reports:** The owner/operator shall submit an annual emission inventory report or an annual production report, upon request, on forms supplied or approved by the Department.
- O. **Source Operations:** Operations at the installation shall be in accordance with statements, representations, procedures, and supporting data contained in the initial application, and any supplemental information or renewal application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.
- P. **Alterations, Modifications or Changes:** Any alteration, repairing, expansion or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.
- Q. **Recordkeeping:** The owner/operator shall maintain any compliance monitoring records required by the permit or applicable requirements. The owner/operator shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by this permit.
- R. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33-15-08-01 – Internal Combustion Engine Emissions Restricted.
- S. **Malfunction Notification:** The owner/operator shall notify the Department as soon as possible during normal working hours of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger.
- T. **Operation of Air Pollution Control Equipment:** The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
- U. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.
- V. **Transfer of Permit to Construct:** The holder of a Permit to Construct may not transfer such permit without prior approval from the Department.

- W. **Change of Ownership:** This permit may not be transferred without prior approval from the Department.
- X. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Health may enter and inspect any property, premise or place at which the source listed in Item I.B of this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.
- Y. **Other Regulations:** The owner/operator of the source unit(s) described in Item I.B of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.
- Z. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23-25. Each and every condition of this permit is a material part thereof, and is not severable.

FOR THE NORTH DAKOTA
DEPARTMENT OF HEALTH

Date 8/13/15

By 
Terry L. O'Clair, P.E.
Director
Division of Air Quality



June 2, 2015

Dakota Access, LLC
Attn: Micah Rorie
1300 Main 13th Floor
Houston, TX 77002

Daniel and Cindy Garaas
2114 22nd St W
Williston, ND 58801

R-15-21, C-15-27, CPA-15-6; Micah Rorie for a Rezone from Agricultural to Industrial, a Conditional Use Permit, and a Comprehensive Plan Amendment to facilitate the construction of a crude oil facility. The property consists of 22.4 acres and is located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 32, T156N R98W, off CR8. The property is zoned Agricultural. Wheelock Township.

Dear Applicant:

On June 2, 2015, the Board of County Commissioners granted your Zone change, Conditional use Permit and a Comprehensive Plan amendment request, provided you comply with but not limited to the following special conditions and restrictions:

1. A drainage plan, on-site dust control plan, stormwater management plan, traffic study, grading plan and road improvement plans shall be submitted for review and approval to the county building division as part of the building permit process,
2. Improvements (hard surface, dust control and turn lane) to CR8c and CR8 might be required. Work with County Highway Department for roadway criteria and improvements,
3. Building permits and inspections shall be required for all structures on site,
4. Approval and recording of a minor subdivision,
5. Public Service Commission approval shall be provided,
6. Adhere to Water Resource Board requirements,
7. Addressing comments from the city of Epping,
8. Notify the ownership changes.

In addition to the above special conditions and restrictions, Rezones, Conditional Use Permits and Comprehensive Plan Amendments must also comply with all requirements of Williams County ordinances, codes, rules, regulations, comprehensive plan, and policies, and amendments thereto, as well as all State of North Dakota and federal statutes, codes, regulations, and rules, and amendments thereto.

NOTE: WILLIAMS COUNTY RESERVES THE RIGHT TO REVOKE YOUR REZONE, COMPREHENSIVE PLAN AMENDMENT AND CONDITIONAL USE PERMIT IF IT IS FOUND THAT YOU HAVE NOT COMPLIED WITH THE ABOVE SPECIAL CONDITIONS AND RESTRICTIONS, OR HAVE NOT COMPLIED WITH APPLICABLE COUNTY, STATE, OR FEDERAL LAWS AFTER A PUBLIC HEARING.



Please contact Planning and Zoning Division should you have any questions or concerns.

Thank you,

Yana Ness 
Senior Planner, Williams County Planning and Zoning

- cc:
- Beth Innis, County Auditor
 - Darcy Anderson, County Assessor
 - GIS Info, County GIS Department
 - Simmon Logan, Planning Manager
 - Katie Lima, Building Manager
 - Yana Ness, Staff Planner
 - Kylee Murphy, Staff Planner
 - Whectock Township
 - Mike Sizemore, Director of Development Services



April 24, 2015

Dakota Access, LLC
Attn: Micah Rorie
1300 Main 13th Floor
Houston, TX 77002

Ryan and Jenice Davidson
PO Box 277
Tioga, ND 58852

C-15-21, R-15-12; Dakota Access, LLC is requesting a Zone Change from Agriculture to Industrial and a Conditional Use Permit to facilitate the construction of a crude oil facility. The property consists of 40 acres and is located in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 32, T156N R95W, off 103rd Ave NW. The property is zoned Agriculture. Pleasant Valley Township

Dear Applicant:

On April 14, 2015, the Board of County Commission granted your Conditional Use Permit, and Zone Change request, provided you comply with but not limited to the following special conditions and restrictions:

1. A drainage plan, on-site dust control plan, stormwater management plan, grading plan and road improvement plans shall be submitted for review and approval to the county building division as part of the building permit process;
2. Building permits and inspections shall be required for all structures on site.
3. Adequate approach with applicant's supplied culverts shall be built.
4. Proper signage shall be installed and maintained.
5. If 103rd Ave NW becomes developed, the applicant shall participate in the dust control.
6. Road on 103rd Ave NW to 60th St NW shall be built up to County specs.
7. Approval and recording of a minor subdivision.
8. Public Service Commission approval shall be provided.

In addition to the above special conditions and restrictions, Conditional Use Permits and Rezone's must also comply with all requirements of Williams County ordinances, codes, rules, regulations, comprehensive plan, and policies, and amendments thereto, as well as all State of North Dakota and federal statutes, codes, regulations, and rules, and amendments thereto.



NOTE: WILLIAMS COUNTY RESERVES THE RIGHT TO REVOKE YOUR CONDITIONAL USE PERMIT AND ZONE CHANGE IF IT IS FOUND THAT YOU HAVE NOT COMPLIED WITH THE ABOVE SPECIAL CONDITIONS AND RESTRICTIONS, OR HAVE NOT COMPLIED WITH APPLICABLE COUNTY, STATE, OR FEDERAL LAWS AFTER A PUBLIC HEARING

Please contact Planning and Zoning Division should you have any questions or concerns.

Thank you,

Simmon Logan
Planning Manager

cc: Beth Innis, County Auditor
Darcy Anderson, County Assessor
GIS Info, County GIS Department
Taylor Corbett, Staff Planner
Yana Ness, Staff Planner
Kylene Murphy, Staff Planner
Pleasant Valley Township
Mike Sizemore, Director of Development Services

January 28, 2015

Dakota Access
c/o David Halvorson
2403 East Thayer Ave.
Bismark, ND 58501

This is to confirm that, at their December 16th meeting, the McKenzie County Board of Commissioners approved the Text Amendment, Zone Change, and Conditional Use Permit request to change the area to be located in Section 23, Township 150N, Range 96W, shown in the amended site plan provided in the application, from Agricultural to Industrial, to support a crude oil facility with (1) 100,000 bbl. tank and (1) 200,000 bbl. tank for bulk storage.

Please keep in mind that the following conditions were placed on the development:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall obtain a building permit for the proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.
7. The applicant shall follow the updated exterior site plan that incorporates a fencing, security lighting, and landscaping plan placed in the file as part of this request.
8. The applicant shall follow all federal, state, and local laws pertaining to this project.
9. All tanks and equipment shall be painted earth tone. For example: tan, gray, green, blue, brown.
10. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.
11. The applicant shall maintain adequate garbage control.

12. The applicant shall fence, light (for security purposes), and landscape the site according to the site plan on file.

13. The applicant shall fence the site before construction.
14. The applicant shall construct facility with fixtures to contain the leakage at valves.
15. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
16. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.
17. (New) The applicant shall coordinate with the Keene Fire Department to have an effective on-site water storage.

If you have any questions, please feel free to call.

Sincerely,



Lindsey Perusich

Assistant Planner/ Current Planning
McKenzie County

JULY 14, 2015 STANLEY CITY COUNCIL MEETING

Mayor Gary Weisenberger called the July 14, 2015 meeting to order at 7:00 pm with the following members present: Tim Holte, Linda Wienbar, Zachary Gaaskjolen, City Attorney Wade Enget, P&Z Administrator Denis Kesterson, Public Works Director David Belling, City Auditor Allyn Sveen, and Chief of Police Kris Halvorson. Also present: City Engineer Steve Eberle. Absent: Tim Helmer and Robert Nohr.

OATH OF OFFICE – NEW COUNCIL MEMBER

David Minton was sworn in under the Oath of Office for the duty as council member for the term of 2015 – 2016.

PLANNING AND ZONING RECOMMENDATIONS

Vice Chairman Corey Bristol gave the following report and recommendations from the Planning and Zoning meeting:

PLAT LOTS

Gjellstad, LLC

An application was submitted to re-plat Outlot 5 in the N ½ SE ¼ of Section 28, Township 156N, Range 91W to create a separate lot for Carquest. The Planning and Zoning Committee authorized the chairman to sign the Plat of Sublot A of Outlot 5 in the N ½ SE ¼ of Section 28, Township 156N, Range 91W for Gjellstad, LLC.

VARIANCE PERMITS

A motion made by Holte second by Gaaskjolen to approve the following variance permits: Motion carried.

Chad and Cammi Hysjulien

A permit was submitted for a 28' x 40' garage addition at 603 5th Street SE to allow an alley entrance and a setback of 7 feet from the alley. The garage addition will essentially line up with the existing fence by the alley. Attorney Enget stated the lot to the north would be a no build as the City's storm sewer is located there. The Planning and Zoning Committee recommended approval for the variance for an alley entrance and a 7 foot setback off the alley for a garage addition at 603 5th Street SE.

PINNACLE

A permit was submitted for a height variance for a 122' x 196' x 48'5" dry fertilizer facility with towers 92' and 61' tall at 8147 Highway 2. P&Z Administrator Kesterson stated he would not issue them a building permit until they received approval from the FAA for the height restrictions. A letter from the FAA was provided to the committee of the approval of the height restrictions. The Planning and Zoning Committee recommended approval for the height variance for Pinnacle for a dry fertilizer facility with towers at 8147 Highway 2.

REZONE APPLICATION & CONDITIONAL USE PERMIT

Dakota Access, LLC

Applications were submitted to rezone the property located at 6140 85th Ave NW described as being a 38 acre tract of land being located in the W ½ of Section 25, Township 156N, Range 92W of the 5th P.M., which is owned by Curtis & Lesley Trulson, from agricultural to I4-Oil Field Industrial and a conditional use for oil crude pipeline and storage facility.

Kent Reiersen with Crowley Fleck PLLP, representing Dakota Access, LLC, was present to address the Planning and Zoning Committee on the rezone and conditional use requests. Also present was Chuck Frey, Vice President for Engineering for Dakota Access, LLC. They presented to the committee updated material in regards to location of the terminal and the layout of the facility. Mr. Frey stated there will be two 120,000 barrel internal floating roof tanks. They will obtain the permits from the State for the tanks and the permit for the pipeline from PSC. Attorney Enget stated he has discussed with Mr. Reiersen about a recent complaint from a resident. P&Z Administrator Kesterson stated he didn't receive the complaint first hand but allegedly a person was concerned about being harassed, which Kesterson thought it was by one individual and one incident. Upon further investigation, Kesterson discovered this person has been contacted over a period of time and was not specifically for this site of this project as it was on locations of pipelines. Attorney Enget stated Mr. Reiersen has informed him that the company has resolved this matter. Mr. Reiersen stated there were right of way issues and if other individuals

have right of way issues that there is a toll free number to contact. The Planning and Zoning Committee discussed the truck traffic and how this could impact the township road. Attorney Enget stated the condition would be that they obtain a road use agreement with Ross Township and provide this to the City. The Planning and Zoning Committee inquired if they have plans for more gathering lines at a later date as they are concerned about the landowners being treated fairly. Mr. Frey stated they might possibly but they don't currently have any plans for more gathering lines. Mr. Frey also stated their corporate philosophy is to treat landowners fairly and that's why they have replaced some of their agents as they were not representing the company in the appropriate manner.

A motion made by Wienbar second by Holte to approve the rezone from agricultural to I4-Oil Field Industrial on the property located at 6140 85th Ave NW described as being a 38 acre tract of land being located in the W ½ of Section 25, Township 156N, Range 92W of the 5th P.M., which is owned by Curtis & Lesley Trulson. Motion carried.

A motion made by Gaaskjolen second by Wienbar to approve the conditional use for oil crude pipeline and storage facility with the condition of a road use agreement with the township. Motion carried.

DAVID CATES – JOHN RIAN ADDITION

David Cates was present to address the Planning and Zoning Committee in regards to splitting the 20 units of the 10 duplexes, located in the cul-de-sac on Hilltop Way in the John Rian Addition, into separate lots for his sales process. Mr. Cates wanted the committee's input before proceeding with submitting the applications to re-plat and variances for the setbacks. By splitting the units they could be owner occupied instead of selling the entire duplex to investors. Consensus of the Planning and Zoning committee was for Mr. Cates to proceed with submitting the applications as they would rather have owner occupied units.

Mr. Cates also updated the committee on the street repairs to be completed by Bechtold Paving. He will be meeting with Public Works Director Belling to discuss the details. Mr. Cates stated when he previously met with Joe Dubel, the former City Engineer; he had received a \$300,000 change order for the specifications that Mr. Dubel had requested for street repairs. As the road on the north end has failed and Dubel had stated that they would have to take it down 12 feet as it was not properly compacted. Mr. Cates stated they will have the streets repaired correctly but they are not going to gut them at an additional cost of \$300,000 unless the City wants to pay the additional cost.

PLANNING AND ZONING COMMITTEE CONCERNS

Attorney Enget reported the City Council had approved not charging non-profit organizations, such as churches, hospital, the County, and the school a building permit fee. Upon Council approval of the building permits the fee will be waived.

The committee discussed the Westview Plaza frontage road extension, the Airport Storm sewer projects and surge funding.

P&Z ADMINISTRATOR REPORT– APPROVED PERMITS

<u>Permit #</u>	<u>Address</u>	<u>Name</u>	<u>IMPROVEMENT</u>	
28-15	311 RR Ave	Jacob Corpron	Deck	
29-15	109 8th Ave SW	Comstock Construction Inc	Remodel Existing Building	Elementary School - Fee Waived
30-15	300 N Main St	Mark Huggins/Tombstone	New Deck and Entryway	
31-15	715 5th St SE	Kevin Ellvanger	Garage	
32-15	921 2nd St SE	Marvin Johnson	Addition to Garden Shed	
33-15	622 2nd St SW	Alex Sandeen	Fence	
62-14	Outlot 8 of S12 T156N R 91W	Anton Mickelsen	Garage	Extended till 8/31/2016
34-15	609 Frontier Lane	Lifeway Homes	Manufactured Home	
14-14	829 Knife River Drive	Bright Design Homes	5 Plex	Extended till 8/31/2016
15-14	825 Knife River Drive	Bright Design Homes	5 Plex	Extended till 8/31/2016
16-14	821 Knife River Drive	Bright Design Homes	5 Plex	Extended till 8/31/2016
35-15	??	Stanley Park Board	Fence for Dog Park	Fee Waived
36-15	??	Stanley Park Board	Fence around Cemetary	Fee Waived
37-15	??	Stanley Park Board	Removing Rock at Cemetary	Fee Waived
38-15	Entrance to Westview Plaza	City of Stanley	Chainlink Fence	Fee Waived

39-15	403 1st St SW	American Lutheran Church	Fence	Fee Waived
40-15	338 Adeline Dr	Danaya Lindner	Dog Cage/Fence	
41-15	302 9th Ave SE	Jason Eckelberry	Deck	
42-15	120 Wills Court	Bonnie Davies	Deck	
43-15	709 Horseshoe Drive	Eugene Hanson	Garage	
44-15	616 9th Ave SE	Jeff Mortensen	Cement Slab	
45-15	506 8th Ave SE	Tony Russell	Garage	
46-15	702 Horseshoe Drive	Debra Nichols	Cement Slab	
47-15	307 10th Ave SE	Rory Gjestvang	Fence	

Sign Permits

Permit #

S8-15	604 Westview Lane	Mainstay Hotel	Wall Sign, Lighted
S9-15	604 Westview Lane	Mainstay Hotel	Pole Sign, Lighted
S10-15	8116 61ST St NW	Delta Constructors	2 Wall Non Lighted Sign

A motion made by Holte second by Gaaskjolen to approve the P&Z Administrator Report. Motion carried.

ICS, INC. – PUBLIC WORKS BUILDING

Ron Dazell, representing ICS, Inc. was present to update the Council on the new public works building project. Mr. Dazell stated the panels have been completed and the erection of the panels was scheduled to start in August but were able to move the schedule forward to July 21st. They were also able to move the schedule forward on the bar joists. The footings and deadman have been installed and ready for the erection of the panels.

LUMLEY ANNEXATION REQUEST

Mayor Weisenberger updated the Council on the status of this annexation request. Mayor Weisenberger stated the Idaho Township met on July 13th but they tabled the matter. Their plan was to deed or strip annex 63rd Street NW to 82nd Ave NW to allow the annexation of the Lumley property. They tabled the matter as they had some legal questions. Mayor Weisenberger requested Engineer Steve Eberle to check the capacity of the city sewer lines in this area.

PARK BOARD

Christy Iverson and Cassie Fjeldahl, representing the Park Board, were present to follow up on the discussion from last month’s meeting on funding needs for potential projects. They presented the Council with a prioritized list of projects they are looking to accomplish over the next several years which included rough cost estimates. Mrs. Fjeldahl stated with the grade school’s upcoming expansion project today was their last day on the softball fields and they would like to start looking at developing new ball diamonds as soon as possible. Attorney Enget stated they met with 2 owners of the property located to the west of Frontier Village. Attorney Enget along with the committee will be working with the landowners on a final project draft and land appraisal to come back with a presentation to the Council and Park Board. Attorney Enget stated there was discussion on whether the school or the Park Board would have ownership; consensus was for the Park Board to have ownership. Council discussed reducing the percentage that goes to EDC and increasing the Park Board’s share. Council discussed having the city sales tax on the ballot at the next regular election to increase the percentage that is distributed to the Park District. Attorney Enget stated the City will need to have the wording ready for publication in April for the primary election in June. The Park Board will also be doing some fundraising.

COMMERCIAL CLUB – WINE WALK

Brandi Bieri and Cassie Fjeldahl, representing the Commercial Club, were present to discuss the proposed wine walk. They presented the Council with a map of the businesses that will be participating in the wine walk on the evening of Crazy Days on August 7th from 6p.m. to 8p.m. Mrs. Bieri stated 13 businesses, which a couple of businesses will be partnering up with other businesses located off Main Street, will be hosting the wine walk and 2 businesses will serve non-alcoholic wine. Attorney Enget reminded them that by the city ordinance there is no liquor allowed on the sidewalks, so participants will not be able to walk around with their glass of wine. The wine walk will begin and end at the Leader Bar where customers will be carded and given a wrist band to participate.

SPECIAL EVENT LIQUOR LICENSES

A motion made by Wienbar second by Gaaskjolen to approve the special event liquor license for the Leader Bar for the wine walk on August 7, 2015. Motion carried.

A motion made by Wienbar second by Holte to approve the special event liquor licenses for the Leader Bar for wedding receptions at the South Complex on August 8, 2015 and August 29, 2015 and for the 5-Spot Bar for a wedding reception at the South Complex on August 1, 2015. Motion carried.

Attorney Enget reported he was contacted by one of the bar owners inquiring about how they could serve outside city limits under the special event liquor license. Attorney Enget informed him that is not allowed as their liquor license is permitted only in the City's jurisdiction and to serve in the County he would have to have a county license as well as physically be located in the County's jurisdiction.

GAMING PERMIT

A motion made by Holte second by Wienbar to approve gaming permit #7-15 for the Stanley Park District for a raffle from August 2015 to February 2016. Motion carried.

RENAISSANCE ZONE

Renaissance Zone Committee member Kris Halvorson reported the committee received an application from Jacob and Ashley Carpenter applying for a State Tax Credit to purchase the house at 417 2nd Street SW. The State tax benefit would be \$10,000 each year over the next 5 years. A motion made by Holte second by Gaaskjolen to approve the application for Jacob and Ashley Carpenter for a State Tax Credit. Motion carried.

ACKERMAN-ESTVOLD UPDATES

Engineer Steve Eberle updated Council on the following projects:

1. East Side Trunk Water Transmission Piping – Meyer Contracting has all the water mains installed, tested, and are in service. Project clean-up, seeding and punch list items are currently scheduled to be completed by the end of the month. A walk through with Public Works was completed on July 9th. A request for payment #1 was submitted in the amount of \$435,110.85. Attorney Enget inquired about the abandoned water line by Gary Nelson's residence. Public Works have put a cap on the end of the water line as well as the curb stop. A motion made by Holte second by Gaaskjolen to approve payment #1 in the amount of \$435,110.85 to Meyer Contracting. Upon roll call: All present voted in favor. Motion carried.
2. Public Works Building Site – ICS, Inc. – Ackerman-Estvold has been coordinating with ICS, Inc. on adjacent City owned storm water facilities located on 3rd Street SE and Reservoir Road. They provided plans to ICS for the proposed improvements with-in City right-of-way on July 10th. ICS will provide the cost estimates for the proposed work to the Council at the August meeting.
3. High Service Pumps, Motors, and Electrical Controls – A project status meeting held on site on July 8th with Prairie Engineering, Ackerman-Estvold, and City Public Works in attendance. Muth Electric has installed the new electrical service to the building. They have the transformer and generator pad poured. The MCC and high service pump #3 have been installed and piping has been connected. Remaining two pumps have been ordered but have not yet been received.
4. US Highway 2 North Ditch Cleaning – Meyer Contracting has completed the project and final pay request was submitted to the City at the June meeting. Engineer Eberle has coordinated with the NDDOT and Auditor Sveen on project cost reimbursement. Reimbursement request letter has been sent to the NDDOT for review and approval.
5. District 47 – Street Improvements – The chip seal was completed by Aztech Corporation (sub-contractor for Central Specialties, Inc.) on July 11th. Ackerman-Estvold will complete a final walk through with Public Works in the next two weeks. A final pay request will be expected for the August meeting.
6. Street Improvements – 4th Street and 6th Avenue SW – Chip seal has been completed by Aztech Corporation (sub-contractor for Bechtold Paving) on July 11th and sweeping was completed on July 13th. There are minor punch list items still outstanding and are expected to be completed by the end of the month. A final pay request will be expected for the August meeting.
7. Street Reconstruction and Utility Improvements - District 48 – Engineer Eberle stated the project design is approximately 60% complete. The project has a variety of intricate design parameters primarily surrounding the grading and retaining wall challenges within the district. Engineer Eberle asked the Council for their consideration for a committee to discuss and aid in guidance on items such as retaining walls, landscaping, tree planting, etc. Attorney Enget will work with Public Works and Engineer Eberle on these items to bring back a recommendation to the Council. Engineer Eberle also asked for consideration to hold and schedule a public information meeting this fall to keep stakeholders up to date. Ackerman-Estvold will draft the easement documents for Council review and approval. The easements should be collected this fall once designs have been finalized. Engineer Eberle recommends having the bid opening in February or March of 2016.
8. John Rian Addition Lighting Improvement – District 49 – The bid opening was held on July 9, 2015 at 9a.m. Two respective bids were received from Main Electric and Strata Corporation.

Strata Corporation submitted the low bid of \$577,074 which was 21% over the engineer estimate. The protest hearing is scheduled for July 20, 2015 at 7:30p.m. Engineer Eberle stated the completion date will be July 1, 2016. A motion made by Wienbar second by Holte to award the contract to the low bidder Strata Corporation for the amount of \$577,074. Upon roll call: All present voted in favor. Motion carried.

9. Airport Storm Sewer – Engineer Eberle stated the project plans and specifications are 95% complete. They are currently coordinating with Enbridge and Hess to verify locations of three mains that cross the proposed storm sewer. Upon completion of final design, easement documents will be drafted.
10. GIS Mapping and Integration – Engineer Eberle had a scoping meeting and general discussion with Public Works Director Belling today. He will bring it back to the August meeting for Council consideration.
11. Westview Plaza Frontage Road and Water Main Extension – The project estimate to extend the Westview Frontage Road and 12" water main to the west bypass is \$2,014,154. This estimate has been forwarded to Attorney Enget for review and distribution to the stakeholders. A project meeting with stakeholders is scheduled for July 15, 2015 at 9:30a.m. Attorney Enget stated during this meeting with the stakeholders, part of the discussion will be what the City's contribution will be as well as a developer's agreement for this project. Consensus of the Council was a 20% contribution to the project as they have done in the past. Council discussed issues with there being no sanitary sewer as the project is for water and streets only. Council also discussed the grade issues and the distance which may require additional pump/lift stations. Engineer Eberle suggested have the septic system provisions stubbed out and ready for future connections which could be included in the developer's agreement.

4th QUARTER GAMING REPORT

Council reviewed the 4th quarter of 2014 gaming report submitted by the gaming board.

POLICE REPORT

Chief of Police Kris Halvorson stated Ron Dazell with ICS, Inc. has requested a temporary handicap parking sign for people going to the chiropractor in their building. Attorney Enget suggested having the temporary handicap parking sign at the corner by Prairie Outfitters so they would have access to the ramp onto the sidewalk. Halvorson will follow up on this request.

Halvorson stated with no pastureland left within the City that the ordinance pertaining to the types and numbers of animals allowed should be readdressed. He will do an ordinance review with the police committee and Attorney Enget to bring a draft ordinance to the next meeting for Council review.

Halvorson reported the Police Department had received several calls pertaining to fireworks, such as fireworks being shot off late at night and the vendors shooting off fireworks close to their stands. Council discussed setting a minimum distance for discharge of fireworks. P&Z Administrator Kesterson issues the fireworks license and will revise the permit application to specify the distance for discharging of fireworks for the vendor.

A motion made by Wienbar second by Minton to approve the Police Report. Motion carried.

PUBLIC WORKS REPORT

Public Works Director David Belling stated with the landslide in White Earth near the City's water line, who is responsible, who is at fault and how should the City deal with this issue. Attorney Enget stated this has been this way for a few years and this lies within the NDDOT's right-of-way so the City would need their approval. Belling reported they have ordered an emergency repair kit in the event it is needed. Attorney Enget suggested the City coordinate with the NDDOT to fix this issue to prevent a future water break. Attorney Enget stated the NDDOT possibly has plans to fix this problem next year.

Belling inquired what the City should be charging for grass maintenance on landowner's property as the public works department has plenty of City property to mow. P&Z Administrator Kesterson suggested hiring a private contractor to mow lots after the landowner has been notified rather than having the public works department mowing. The City would then bill the landowner including an administration fee. Consensus of the Council was for P&Z Administrator Kesterson to look into hiring a private contractor for mowing. Council also discussed the need for property owners to mow to their property line whether they have a fence or are near an alley.

Belling inquired about the City's policy for water bills that are in the tenants name and if they should be in the owner's name as public works is having to turn water on/off as tenants come and go. Attorney Enget stated the City has tried both ways and have encountered issues in either situation.

Belling inquired about personnel for monitoring contractors on projects. Engineer Eberle informed him that Ackerman-Estfold provides that service as the city engineer.

Belling requested reviewing the standards for tapping into the City's water and sewer lines. He will coordinate with Engineer Eberle and the Public Works Committee to develop a new standard.

Belling updated the Council on the city wide maintenance completed by the Public Works Department such as gate valve exercising, manhole flushing, hydrant flushing, street painting, mowing, and weed control.

Belling reported the new radio equipment has been installed in the city equipment.

Belling also reported that repairs have been completed on the lift station.

Belling stated with his arbor background, he would like to start a tree maintenance program. He also discussed the need to deal with Dutch Elm disease and boulevard trees.

Belling updated the Council on some equipment he would like the City to consider purchasing such as grapple for the loader, mini excavator and a tandem dump truck. He will get prices for this equipment and bring back for Council review and consideration.

Belling presented the Council with a quote in the amount of \$10,412 from Mountrail Builders for the 8th Avenue SE Storm Water Rehab to fix the drainage issue in the alley between 8th Avenue SE by Jason Iverson and 9th Avenue SE by Brosz Engineering. They would remove and replace the drain tile for the storm water drainage and remove the rectangular drain and replace with 8" drain tile with filter sock then cover the new tile with rock to allow for proper drainage. A motion made by Wienbar second by Holte to approve the proposal from Mountrail Builders to fix the drainage issue in the alley between Jason Iverson on 8th Avenue SE and Brosz Engineering on 9th Avenue SE. Upon roll call: All present voted in favor. Motion carried.

A motion made by Holte second by Gaaskjolen to approve the Public Works Report. Motion carried.

ATTORNEY UPDATES

Attorney Enget reported the Public Works Director David Belling has a dog that is a pit bull mix. Belling is a veteran and has documentation that his dog is classified as an emotional support dog. Attorney Enget stated even though the dog is a pit bull mix, ADA designation trumps the City Ordinance so the dog will be allowed in city limits.

Attorney Enget reported a bill was submitted by K&W Handyman for cleaning in the City 4-Plex Unit #2 previously occupied by the previous Public Works Director Byron Kleven. Attorney Enget stated he asked Auditor Sveen to keep track of these bills for them to be passed on.

Attorney Enget also reported the City has appealed the initial decision by Job Service regarding the claim submitted by Byron Kleven.

Attorney Enget informed the Council he be will working for the County fulltime effective January 1, 2016. He will no longer have any private practice and the City will need to find a new city attorney. He stated he has asked a few people as well as his partner if they would be interested in taking the position, which they were not.

Attorney Enget reported on an old water bill for Jean Bailey in the amount of \$55.00. The City has recently received a bankruptcy notice for Jean Bailey. A motion made by Holte second by Wienbar to write off the water bill for Jean Bailey in the amount of \$55. Motion carried.

COUNCIL CONCERNS

Councilman Gaaskjolen presented the Public Works with a plat that identifies the city owned properties so they are clear on which areas is the City's responsibility to maintain for mowing and weed control. Mayor Weisenberger stated previous Council member Jacob Hellman held positions on the finance, library, and public works committees. Mayor Weisenberger appointed David Minton to serve on the Public Works Committee. He will appoint a council member to the other two committees at a later date.

Councilwoman Wienbar inquired if P&Z Administrator Kesterson or Chief of Police Halvorson has checked into the campers and vehicles on Fleming's property. Chief Halvorson will follow up on this matter. The City received a complaint from Flemings regarding property damage by the garbage truck. Public Works filled in the ruts and Circle Sanitation was going to put in grass seed.

Councilman Minton stated the vacant lot across from Microtel has wires and an abandoned vehicle that could be hazardous as there are kids playing in that lot.

JUDGES REPORT

A motion made by Wienbar second by Minton to approve the Judge's report for June 2015. Motion carried.

MINUTES

A motion made by Holte second by Gaaskjolen to approve the June 9 and June 24, 2015 minutes with correction of the date for the protest hearing for District 49. Motion carried.

BILLS

A motion made by Holte second by Wienbar to approve the following bills: Motion carried.

ACH Payroll		\$89,220.15
782E Verizon Wireless	Cell Phones	\$1,550.32

785E	NDPERS-Health Ins	August Premium	\$14,973.36
786E	NDPERS-Retirement		\$11,802.46
787E	State Tax Commissioner		\$1,018.02
788E	Job Service North Dakota	2nd Qtr Contributions	\$504.94
789E	Payment Service Network(PSN)	July Fees	\$456.78
12829	American Bank Center	Assessor Supplies	\$25.00
12830	David Belling	Clothing Allowance	\$150.00
12831	Montana Dakota Utilities	Utilities	\$5,630.37
12832	TAT	Loan for Orin Grinnell	\$200.00
12833	TAT DCSE	Child Support - Orin Grinnell	\$609.60
12834	Abel Enterprises	Equipment Consulting - Mar thru Apr	\$725.00
12835	Ackerman-Estvold	Engineering Fees	\$202,691.87
12836	ACME Tools	Washer Trailer	\$13,294.00
12837	ADAPCO	Mosquito Spray	\$1,171.30
12838	Allyson Jameson	Refund Wa Acct for D. Krisher	\$46.78
12839	Ameripride Linen & Apparel	Rug Service	\$158.98
12840	Annabelle Townhome Assoc	July HOA Dues	\$125.00
12841	Baker & Taylor	Library Books	\$291.90
12842	Brosz Engineering	Engineering Fees - 8th Ave Ext.	\$7,227.50
12843	Carquest of Stanley	Supplies	\$239.94
12844	Casey Footh	Refund for connect fee paid twice	\$75.00
12845	Cellular Communications	Micro SD Card for Orin Grinnell	\$29.99
12846	Chris Jenkins	Reimburse for Certification Class	\$50.00
12847	Circle Sanitation	June Garbage Services	\$16,261.50
12848	CORKO Construction LLC	Old City Hall Demo Final Pmt	\$9,570.00
12849	Dakota Fence	Chain Link Fence	\$1,075.00
12850	Dakota Fire Extinguishers	Fire Dept Equipment	\$201.00
12851	Dakota Supply Group	Water Supplies	\$3,146.67
12852	Darla Juma	June City Hall & Library Cleaning	\$600.00
12853	Design Solutions Integration	Booster Station Upgrade;Lift Station Mntng	\$91,211.08
12854	DJR Architecture Inc	Const Admin/Plan Revisions PW Bldg	\$4,545.25
12855	Farmers Union Lumber	Supplies	\$275.39
12856	Feiring Veterinary Service	Animal Pound Fees	\$315.00
12857	First District Health Unit	Water Analysis	\$44.00
12858	Gaffaney's Total Office	Office Supplies	\$427.81
12859	Gustafson's Septic Service	Srvcd Portable Restroom @ City Shop	\$120.00
12860	HJ Cleaning Services	City 4-Plex Cleaning - June	\$50.00
12861	Holiday Companies	Xpress Wash	\$11.00
12862	Holiday Fleet	Fuel & Car Washes	\$2,402.15
12863	ICS General Contractor	Pmt #2 PW Bldg;Welded PW Pickups	\$687,941.83
12864	John Deere Financial	Sweeper & Mower Parts	\$2,451.33
12865	K & W Handyman	Cleaning Carpet @ City Apt #2	\$819.00
12866	Kelly Kudrna	Reimbursement for Supplies & DVDs	\$214.06
12867	Larson Engineering Inc	Engineering Fees- City Hall & PW Bldg	\$13,060.00
12868	Larson's Tire Service	Tire Repair	\$74.99
12869	M/E Electric	New Lighting for Fire Hall	\$9,867.00
12870	Meiers Oil & Towing	Fuel & Towing Fees	\$181.40
12871	Menards, Inc - Minot	Supplies	\$65.28
12872	Meyer Contracting Inc.	Pmt#1 East Side Trunk Wa Trans Piping	\$435,110.85
12873	Midstate Telephone Co	Phone, Fax & Internet Service	\$943.83
12874	Mikes Plb & Heating	Repairs City 4Plex Apt #1 & 2	\$260.00
12875	Mo Co Sheriff's Dept	June Boarding Prisoners	\$130.00
12876	Montana Dakota Utilities	Finald Out Acct @ City 4Plex #2	\$39.64
12877	Mountrail Builders	Excavated Curb Stop	\$980.00
12878	Mo Co Auditor	Reimburse Wa Acct -L. Munson	\$135.04
12879	Mo Co Medical	June City Sales Tax	\$33,904.65
12880	Mountrail Medical Center	PD Drug Testing	\$45.00

12881	Mo-Williams Electric	Electricity	\$1,513.00
12882	ND Dept of Health	Waste Transportation Fee	\$25.00
12883	ND Rural Water Systems	Smoke Testing	\$1,389.88
12884	NDSWRA	Membership Dues	\$60.00
12885	Newman Signs	Traffic Signs	\$473.90
12886	Northwest Pipe Fitting	Curb Stops & Supplies	\$3,688.02
12887	One Call Concepts	June Locates	\$188.10
12888	One Overdrive Way	Maint Fees & Dig Const. Library	\$1,500.00
12889	O'Reilly Auto Parts	Supplies	\$151.39
12890	Pinnacle	Fuel	\$355.25
12891	Prairie Motors Inc	PD Vehicle Repairs	\$142.84
12892	Preble Medical Services	Employee Testing	\$53.00
12893	PVE Sheffler, LLC	City Hall Demo & Site Assessment	\$41,822.26
12894	R&T Water Supply	June Water	\$52,941.37
12895	Sanitation Products	Sweeper Parts	\$1,835.47
12896	Security Plus	Fire Monitoring Fees	\$55.00
12897	Sherwin Williams	Paint for Fire Hall	\$344.70
12898	Stanley Airport Authority	2nd Qtr Tax Collections	\$6,477.52
12899	Stanley Ambulance Service	2nd Qtr Tax Collections	\$253.02
12900	Stanley Auto & Truck	Sweeper Parts	\$49.43
12901	Stanley Fire Dept.	Reimburse for Paint&Labor by HHH Drywall	\$2,096.00
12902	Stanley Hardware Inc	Supplies	\$662.79
12903	Stanley Park District	2nd Qtr Tax Collections	\$16,743.21
12904	Susan Spaeth	Meal Reimbursement	\$185.50
12905	Swanston Equipment	Street Supplies	\$92.03
12906	Tractor Supply	Supplies	\$342.09
12907	American Family Life Ins	August Premium	\$761.82
12908	Blue Cross Blue Shield of ND	Aug Dental Premium	\$1,012.80
12909	Brandt Brokerage House	Insurance 6-5-15 to 6-5-16	\$23,220.00
12910	ND Insurance Dept	Insurance 7-1-15 to 6-30-16	\$4,941.96
12911	NDAAO Secretary/Treasurer	Registration & Dues	\$180.00
12912	Oilfield Rentals LLC	August Rent - City Hall	\$5,000.00
12913	TAT	Loan for Orin Grinnell	\$200.00
12914	TAT DCSE	Child Support - Orin Grinnell	\$609.60
12915	Mountrail County Recorder	Jensen Family Annexation	\$29.00

A motion made by Wienbar second by Holte to adjourn. Motion carried.

ADJOURN

ATTEST

Gary Weisenberger, Mayor

Allyn Sveen, City Auditor

JULY 13, 2015 PLANNING AND ZONING MEETING

Vice Chairman Corey Bristol called the July 13, 2015 Planning and Zoning meeting to order at 5:30pm with the following members present: Todd Heidbreder, Dale Kilen, P&Z Administrator Denis Kesterson, City Attorney Wade Enget, City Auditor Allyn Sveen, Public Works Director David Belling, and Building Inspector Orin Grinnell. Absent: Chairman Wayne Evans and Blair Hamilton.

PLAT LOTS

Gjellstad, LLC

An application was submitted to re-plat Outlot 5 in the N ½ SE ¼ of Section 28, Township 156N, Range 91W to create a separate lot for Carquest. A motion made by Kilen second by Heidbreder to authorize the chairman to sign the Plat of Sublot A of Outlot 5 in the N½ SE ¼ of Section 28, Township 156N, Range 91W for Gjellstad, LLC. Motion carried.

VARIANCE PERMITS

Chad and Cammi Hysjulien

A permit was submitted for a 28' x 40' garage addition at 603 5th Street SE to allow an alley entrance and a setback of 7 feet from the alley. The garage addition will essentially line up with the existing fence by the alley. Attorney Enget stated the lot to the north would be a no build as the City's storm sewer is located there. A motion made by Heidbreder second by Kilen to approve the variance for an alley entrance and a 7 foot setback off the alley for a garage addition at 603 5th Street SE. Motion carried.

PINNACLE

A permit was submitted for a height variance for a 122' x 196' x 48'5" dry fertilizer facility with towers 92' and 61' tall at 8147 Highway 2. P&Z Administrator Kesterson stated he would not issue them a building permit until they received approval from the FAA for the height restrictions. A letter from the FAA was provided to the committee of the approval of the height restrictions. A motion made by Kilen second by Heidbreder to approve the height variance for Pinnacle for a dry fertilizer facility with towers at 8147 Highway 2. Motion carried.

REZONE APPLICATION & CONDITIONAL USE PERMIT

Dakota Access, LLC

Applications were submitted to rezone the property located at 6140 85th Ave NW described as being a 38 acre tract of land being located in the W ½ of Section 25, Township 156N, Range 92W of the 5th P.M., which is owned by Curtis & Lesley Trulson, from agricultural to I4-Oil Field Industrial and a conditional use for oil crude pipeline and storage facility.

Kent Reierson with Crowley Fleck PLLP, representing Dakota Access, LLC, was present to address the committee on the rezone and conditional use requests. Also present was Chuck Frey, Vice President for Engineering for Dakota Access, LLC. They presented to the committee updated material in regards to location of the terminal and the layout of the facility. Mr. Frey stated there will be two 120,000 barrel internal floating roof tanks. They will obtain the permits from the State for the tanks and the permit for the pipeline from PSC. Attorney Enget stated he has discussed with Mr. Reierson about a recent complaint from a resident. Kesterson stated he didn't receive the complaint first hand but allegedly a person was concerned about being harassed, which Kesterson thought it was by one individual and one incident. Upon further investigation, Kesterson discovered this person has been contacted over a period

of time and was not specifically for this site of this project as it was on locations of pipelines. Attorney Enget stated Mr. Reiersen has informed him that the company has resolved this matter. Mr. Reiersen stated there were right of way issues and if other individuals have right of way issues that there is a toll free number to contact. The committee discussed the truck traffic and how this could impact the township road. Attorney Enget stated the condition would be that they obtain a road use agreement with Ross Township and provide this to the City. The committee inquired if they have plans for more gathering lines at a later date as they are concerned about the landowners being treated fairly. Mr. Frey stated they might possibly but they don't currently have any plans for more gathering lines. Mr. Frey also stated that is their corporate philosophy to treat landowners fairly and that's why they have replaced some of their agents as they were not representing the company in the appropriate manner. A motion made by Heidbreder second by Kilen to approve the rezone from agricultural to I4-Oil Field Industrial on the property located at 6140 85th Ave NW described as being a 38 acre tract of land being located in the W ½ of Section 25, Township 156N, Range 92W of the 5th P.M., which is owned by Curtis & Lesley Trulson. Motion carried.

A motion made by Kilen second by Heidbreder to approve the conditional use for oil crude pipeline and storage facility with the condition of a road use agreement with the township. Motion carried.

DAVID CATES

David Cates was present to address the committee in regards to splitting the 20 units of the 10 duplexes, located in the cul-de-sac on Hilltop Way in the John Rian Addition, into separate lots for his sales process. Mr. Cates wanted the committee's input before proceeding with submitting the applications to re-plot and variances for the setbacks. By splitting the units they could be owner occupied instead of selling the entire duplex to investors. Consensus of the committee was for Mr. Cates to proceed with submitting the applications as they would rather have owner occupied units.

Mr. Cates also updated the committee on the street repairs to be completed by Bechtold Paving. He will be meeting with Public Works Director Belling to discuss the details. Mr. Cates stated when he previously met with Joe Dubel, the former City Engineer, he had received a \$300,000 change order by the specifications that Mr. Dubel had requested for street repairs. As the road on the north end has failed and Dubel had stated that they would have to take it down 12 feet as it was not properly compacted. Mr. Cates stated they will have the streets repaired correctly but they are not going to gut them at an additional cost of \$300,000 unless the City wants to pay the additional cost.

COMMITTEE CONCERNS

Attorney Enget reported the City Council had approved not charging non-profit organizations, such as churches, hospital, the County, and the school a building permit fee. Upon Council approval of the building permits the fee will be waived.

The committee discussed the Westview Plaza frontage road extension, the Airport Storm sewer projects and surge funding.

ADJOURN

ATTEST

Corey Bristol, Vice Chairman

Allyn Sveen, City Auditor

JULY 14, 2015 STANLEY CITY COUNCIL MEETING

Mayor Gary Weisenberger called the July 14, 2015 meeting to order at 7:00 pm with the following members present: Tim Holte, Linda Wienbar, Zachary Gaaskjolen, City Attorney Wade Enget, P&Z Administrator Denis Kesterson, Public Works Director David Belling, City Auditor Allyn Sveen, and Chief of Police Kris Halvorson. Also present: City Engineer Steve Eberle. Absent: Tim Helmer and Robert Nohr.

OATH OF OFFICE – NEW COUNCIL MEMBER

David Minton was sworn in under the Oath of Office for the duty as council member for the term of 2015 – 2016.

PLANNING AND ZONING RECOMMENDATIONS

Vice Chairman Corey Bristol gave the following report and recommendations from the Planning and Zoning meeting:

PLAT LOTS

Gjellstad, LLC

An application was submitted to re-plot Outlot 5 in the N ½ SE ¼ of Section 28, Township 156N, Range 91W to create a separate lot for Carquest. The Planning and Zoning Committee authorized the chairman to sign the Plat of Sublot A of Outlot 5 in the N½ SE ¼ of Section 28, Township 156N, Range 91W for Gjellstad, LLC.

VARIANCE PERMITS

A motion made by Holte second by Gaaskjolen to approve the following variance permits: Motion carried.

Chad and Cammi Hysjulien

A permit was submitted for a 28' x 40' garage addition at 603 5th Street SE to allow an alley entrance and a setback of 7 feet from the alley. The garage addition will essentially line up with the existing fence by the alley. Attorney Enget stated the lot to the north would be a no build as the City's storm sewer is located there. The Planning and Zoning Committee recommended approval for the variance for an alley entrance and a 7 foot setback off the alley for a garage addition at 603 5th Street SE.

PINNACLE

A permit was submitted for a height variance for a 122' x 196' x 48'5" dry fertilizer facility with towers 92' and 61' tall at 8147 Highway 2. P&Z Administrator Kesterson stated he would not issue them a building permit until they received approval from the FAA for the height restrictions. A letter from the FAA was provided to the committee of the approval of the height restrictions. The Planning and Zoning Committee recommended approval for the height variance for Pinnacle for a dry fertilizer facility with towers at 8147 Highway 2.

REZONE APPLICATION & CONDITIONAL USE PERMIT

Dakota Access, LLC

Applications were submitted to rezone the property located at 6140 85th Ave NW described as being a 38 acre tract of land being located in the W ½ of Section 25, Township 156N, Range 92W of the 5th P.M., which is owned by Curtis & Lesley Trulson, from agricultural to I4-Oil Field Industrial and a conditional use for oil crude pipeline and storage facility.

Kent Reiersen with Crowley Fleck PLLP, representing Dakota Access, LLC, was present to address the Planning and Zoning Committee on the rezone and conditional use requests. Also present was Chuck Frey, Vice President for Engineering for Dakota Access, LLC. They presented to the committee updated material in regards to location of the terminal and the layout of the facility. Mr. Frey stated there will be two 120,000 barrel internal floating roof tanks. They will obtain the permits from the State for the tanks and the permit for the pipeline from PSC. Attorney Enget stated he has discussed with Mr. Reiersen about a recent complaint from a resident. P&Z Administrator Kesterson stated he didn't receive the complaint first hand but allegedly a person was concerned about being harassed, which Kesterson thought it was by one individual and one incident. Upon further investigation, Kesterson discovered this person has been contacted over a period of time and was not specifically for this site of this project as it was on locations of pipelines. Attorney Enget stated Mr. Reiersen has informed him that the company has resolved this matter. Mr. Reiersen stated there were right of way issues and if other individuals

have right of way issues that there is a toll free number to contact. The Planning and Zoning Committee discussed the truck traffic and how this could impact the township road. Attorney Enget stated the condition would be that they obtain a road use agreement with Ross Township and provide this to the City. The Planning and Zoning Committee inquired if they have plans for more gathering lines at a later date as they are concerned about the landowners being treated fairly. Mr. Frey stated they might possibly but they don't currently have any plans for more gathering lines. Mr. Frey also stated their corporate philosophy is to treat landowners fairly and that's why they have replaced some of their agents as they were not representing the company in the appropriate manner.

A motion made by Wienbar second by Holte to approve the rezone from agricultural to I4-Oil Field Industrial on the property located at 6140 85th Ave NW described as being a 38 acre tract of land being located in the W ½ of Section 25, Township 156N, Range 92W of the 5th P.M., which is owned by Curtis & Lesley Trulson. Motion carried.

A motion made by Gaaskjolen second by Wienbar to approve the conditional use for oil crude pipeline and storage facility with the condition of a road use agreement with the township. Motion carried.

DAVID CATES – JOHN RIAN ADDITION

David Cates was present to address the Planning and Zoning Committee in regards to splitting the 20 units of the 10 duplexes, located in the cul-de-sac on Hilltop Way in the John Rian Addition, into separate lots for his sales process. Mr. Cates wanted the committee's input before proceeding with submitting the applications to re-plat and variances for the setbacks. By splitting the units they could be owner occupied instead of selling the entire duplex to investors. Consensus of the Planning and Zoning committee was for Mr. Cates to proceed with submitting the applications as they would rather have owner occupied units.

Mr. Cates also updated the committee on the street repairs to be completed by Bechtold Paving. He will be meeting with Public Works Director Belling to discuss the details. Mr. Cates stated when he previously met with Joe Dubel, the former City Engineer; he had received a \$300,000 change order for the specifications that Mr. Dubel had requested for street repairs. As the road on the north end has failed and Dubel had stated that they would have to take it down 12 feet as it was not properly compacted. Mr. Cates stated they will have the streets repaired correctly but they are not going to gut them at an additional cost of \$300,000 unless the City wants to pay the additional cost.

PLANNING AND ZONING COMMITTEE CONCERNS

Attorney Enget reported the City Council had approved not charging non-profit organizations, such as churches, hospital, the County, and the school a building permit fee. Upon Council approval of the building permits the fee will be waived.

The committee discussed the Westview Plaza frontage road extension, the Airport Storm sewer projects and surge funding.

P&Z ADMINISTRATOR REPORT– APPROVED PERMITS

<u>Permit #</u>	<u>Address</u>	<u>Name</u>	<u>IMPROVEMENT</u>	
28-15	311 RR Ave	Jacob Corpron	Deck	
29-15	109 8th Ave SW	Comstock Construction Inc	Remodel Existing Building	Elementary School - Fee Waived
30-15	300 N Main St	Mark Huggins/Tombstone	New Deck and Entryway	
31-15	715 5th St SE	Kevin Ellvanger	Garage	
32-15	921 2nd St SE	Marvin Johnson	Addition to Garden Shed	
33-15	622 2nd St SW	Alex Sandeen	Fence	
62-14	Outlot 8 of S12 T156N R 91W	Anton Mickelsen	Garage	Extended till 8/31/2016
34-15	609 Frontier Lane	Lifeway Homes	Manufactured Home	
14-14	829 Knife River Drive	Bright Design Homes	5 Plex	Extended till 8/31/2016
15-14	825 Knife River Drive	Bright Design Homes	5 Plex	Extended till 8/31/2016
16-14	821 Knife River Drive	Bright Design Homes	5 Plex	Extended till 8/31/2016
35-15	??	Stanley Park Board	Fence for Dog Park	Fee Waived
36-15	??	Stanley Park Board	Fence around Cemetery	Fee Waived
37-15	??	Stanley Park Board	Removing Rock at Cemetery	Fee Waived
38-15	Entrance to Westview Plaza	City of Stanley	Chainlink Fence	Fee Waived

39-15	403 1st St SW	American Lutheran Church	Fence	Fee Waived
40-15	338 Adeline Dr	Danaya Lindner	Dog Cage/Fence	
41-15	302 9th Ave SE	Jason Eckelberry	Deck	
42-15	120 Wills Court	Bonnie Davies	Deck	
43-15	709 Horseshoe Drive	Eugene Hanson	Garage	
44-15	616 9th Ave SE	Jeff Mortensen	Cement Slab	
45-15	506 8th Ave SE	Tony Russell	Garage	
46-15	702 Horseshoe Drive	Debra Nichols	Cement Slab	
47-15	307 10th Ave SE	Rory Gjestvang	Fence	

Sign Permits

Permit #

S8-15	604 Westview Lane	Mainstay Hotel	Wall Sign, Lighted
S9-15	604 Westview Lane	Mainstay Hotel	Pole Sign, Lighted
S10-15	8116 61ST St NW	Delta Constructors	2 Wall Non Lighted Sign

A motion made by Holte second by Gaaskjolen to approve the P&Z Administrator Report. Motion carried.

ICS, INC. – PUBLIC WORKS BUILDING

Ron Dazell, representing ICS, Inc. was present to update the Council on the new public works building project. Mr. Dazell stated the panels have been completed and the erection of the panels was scheduled to start in August but were able to move the schedule forward to July 21st. They were also able to move the schedule forward on the bar joists. The footings and deadman have been installed and ready for the erection of the panels.

LUMLEY ANNEXATION REQUEST

Mayor Weisenberger updated the Council on the status of this annexation request. Mayor Weisenberger stated the Idaho Township met on July 13th but they tabled the matter. Their plan was to deed or strip annex 63rd Street NW to 82nd Ave NW to allow the annexation of the Lumley property. They tabled the matter as they had some legal questions. Mayor Weisenberger requested Engineer Steve Eberle to check the capacity of the city sewer lines in this area.

PARK BOARD

Christy Iverson and Cassie Fjeldahl, representing the Park Board, were present to follow up on the discussion from last month’s meeting on funding needs for potential projects. They presented the Council with a prioritized list of projects they are looking to accomplish over the next several years which included rough cost estimates. Mrs. Fjeldahl stated with the grade school’s upcoming expansion project today was their last day on the softball fields and they would like to start looking at developing new ball diamonds as soon as possible. Attorney Enget stated they met with 2 owners of the property located to the west of Frontier Village. Attorney Enget along with the committee will be working with the landowners on a final project draft and land appraisal to come back with a presentation to the Council and Park Board. Attorney Enget stated there was discussion on whether the school or the Park Board would have ownership; consensus was for the Park Board to have ownership. Council discussed reducing the percentage that goes to EDC and increasing the Park Board’s share. Council discussed having the city sales tax on the ballot at the next regular election to increase the percentage that is distributed to the Park District. Attorney Enget stated the City will need to have the wording ready for publication in April for the primary election in June. The Park Board will also be doing some fundraising.

COMMERCIAL CLUB – WINE WALK

Brandi Bieri and Cassie Fjeldahl, representing the Commercial Club, were present to discuss the proposed wine walk. They presented the Council with a map of the businesses that will be participating in the wine walk on the evening of Crazy Days on August 7th from 6p.m. to 8p.m. Mrs. Bieri stated 13 businesses, which a couple of businesses will be partnering up with other businesses located off Main Street, will be hosting the wine walk and 2 businesses will serve non-alcoholic wine. Attorney Enget reminded them that by the city ordinance there is no liquor allowed on the sidewalks, so participants will not be able to walk around with their glass of wine. The wine walk will begin and end at the Leader Bar where customers will be carded and given a wrist band to participate.

SPECIAL EVENT LIQUOR LICENSES

A motion made by Wienbar second by Gaaskjolen to approve the special event liquor license for the Leader Bar for the wine walk on August 7, 2015. Motion carried.

A motion made by Wienbar second by Holte to approve the special event liquor licenses for the Leader Bar for wedding receptions at the South Complex on August 8, 2015 and August 29, 2015 and for the 5-Spot Bar for a wedding reception at the South Complex on August 1, 2015. Motion carried. Attorney Enget reported he was contacted by one of the bar owners inquiring about how they could serve outside city limits under the special event liquor license. Attorney Enget informed him that is not allowed as their liquor license is permitted only in the City's jurisdiction and to serve in the County he would have to have a county license as well as physically be located in the County's jurisdiction.

GAMING PERMIT

A motion made by Holte second by Wienbar to approve gaming permit #7-15 for the Stanley Park District for a raffle from August 2015 to February 2016. Motion carried.

RENAISSANCE ZONE

Renaissance Zone Committee member Kris Halvorson reported the committee received an application from Jacob and Ashley Carpenter applying for a State Tax Credit to purchase the house at 417 2nd Street SW. The State tax benefit would be \$10,000 each year over the next 5 years. A motion made by Holte second by Gaaskjolen to approve the application for Jacob and Ashley Carpenter for a State Tax Credit. Motion carried.

ACKERMAN-ESTVOLD UPDATES

Engineer Steve Eberle updated Council on the following projects:

1. East Side Trunk Water Transmission Piping – Meyer Contracting has all the water mains installed, tested, and are in service. Project clean-up, seeding and punch list items are currently scheduled to be completed by the end of the month. A walk through with Public Works was completed on July 9th. A request for payment #1 was submitted in the amount of \$435,110.85. Attorney Enget inquired about the abandoned water line by Gary Nelson's residence. Public Works have put a cap on the end of the water line as well as the curb stop. A motion made by Holte second by Gaaskjolen to approve payment #1 in the amount of \$435,110.85 to Meyer Contracting. Upon roll call: All present voted in favor. Motion carried.
2. Public Works Building Site – ICS, Inc. – Ackerman-Estvold has been coordinating with ICS, Inc. on adjacent City owned storm water facilities located on 3rd Street SE and Reservoir Road. They provided plans to ICS for the proposed improvements with-in City right-of-way on July 10th. ICS will provide the cost estimates for the proposed work to the Council at the August meeting.
3. High Service Pumps, Motors, and Electrical Controls – A project status meeting held on site on July 8th with Prairie Engineering, Ackerman-Estvold, and City Public Works in attendance. Muth Electric has installed the new electrical service to the building. They have the transformer and generator pad poured. The MCC and high service pump #3 have been installed and piping has been connected. Remaining two pumps have been ordered but have not yet been received.
4. US Highway 2 North Ditch Cleaning – Meyer Contracting has completed the project and final pay request was submitted to the City at the June meeting. Engineer Eberle has coordinated with the NDDOT and Auditor Sveen on project cost reimbursement. Reimbursement request letter has been sent to the NDDOT for review and approval.
5. District 47 – Street Improvements – The chip seal was completed by Aztech Corporation (sub-contractor for Central Specialties, Inc.) on July 11th. Ackerman-Estvold will complete a final walk through with Public Works in the next two weeks. A final pay request will be expected for the August meeting.
6. Street Improvements – 4th Street and 6th Avenue SW – Chip seal has been completed by Aztech Corporation (sub-contractor for Bechtold Paving) on July 11th and sweeping was completed on July 13th. There are minor punch list items still outstanding and are expected to be completed by the end of the month. A final pay request will be expected for the August meeting.
7. Street Reconstruction and Utility Improvements - District 48 – Engineer Eberle stated the project design is approximately 60% complete. The project has a variety of intricate design parameters primarily surrounding the grading and retaining wall challenges within the district. Engineer Eberle asked the Council for their consideration for a committee to discuss and aid in guidance on items such as retaining walls, landscaping, tree planting, etc. Attorney Enget will work with Public Works and Engineer Eberle on these items to bring back a recommendation to the Council. Engineer Eberle also asked for consideration to hold and schedule a public information meeting this fall to keep stakeholders up to date. Ackerman-Estvold will draft the easement documents for Council review and approval. The easements should be collected this fall once designs have been finalized. Engineer Eberle recommends having the bid opening in February or March of 2016.
8. John Rian Addition Lighting Improvement – District 49 – The bid opening was held on July 9, 2015 at 9a.m. Two respective bids were received from Main Electric and Strata Corporation.

Strata Corporation submitted the low bid of \$577,074 which was 21% over the engineer estimate. The protest hearing is scheduled for July 20, 2015 at 7:30p.m. Engineer Eberle stated the completion date will be July 1, 2016. A motion made by Wienbar second by Holte to award the contract to the low bidder Strata Corporation for the amount of \$577,074. Upon roll call: All present voted in favor. Motion carried.

9. Airport Storm Sewer – Engineer Eberle stated the project plans and specifications are 95% complete. They are currently coordinating with Enbridge and Hess to verify locations of three mains that cross the proposed storm sewer. Upon completion of final design, easement documents will be drafted.
10. GIS Mapping and Integration – Engineer Eberle had a scoping meeting and general discussion with Public Works Director Belling today. He will bring it back to the August meeting for Council consideration.
11. Westview Plaza Frontage Road and Water Main Extension – The project estimate to extend the Westview Frontage Road and 12" water main to the west bypass is \$2,014,154. This estimate has been forwarded to Attorney Enget for review and distribution to the stakeholders. A project meeting with stakeholders is scheduled for July 15, 2015 at 9:30a.m. Attorney Enget stated during this meeting with the stakeholders, part of the discussion will be what the City's contribution will be as well as a developer's agreement for this project. Consensus of the Council was a 20% contribution to the project as they have done in the past. Council discussed issues with there being no sanitary sewer as the project is for water and streets only. Council also discussed the grade issues and the distance which may require additional pump/lift stations. Engineer Eberle suggested have the septic system provisions stubbed out and ready for future connections which could be included in the developer's agreement.

4th QUARTER GAMING REPORT

Council reviewed the 4th quarter of 2014 gaming report submitted by the gaming board.

POLICE REPORT

Chief of Police Kris Halvorson stated Ron Dazell with ICS, Inc. has requested a temporary handicap parking sign for people going to the chiropractor in their building. Attorney Enget suggested having the temporary handicap parking sign at the corner by Prairie Outfitters so they would have access to the ramp onto the sidewalk. Halvorson will follow up on this request.

Halvorson stated with no pastureland left within the City that the ordinance pertaining to the types and numbers of animals allowed should be readdressed. He will do an ordinance review with the police committee and Attorney Enget to bring a draft ordinance to the next meeting for Council review.

Halvorson reported the Police Department had received several calls pertaining to fireworks, such as fireworks being shot off late at night and the vendors shooting off fireworks close to their stands. Council discussed setting a minimum distance for discharge of fireworks. P&Z Administrator Kesterson issues the fireworks license and will revise the permit application to specify the distance for discharging of fireworks for the vendor.

A motion made by Wienbar second by Minton to approve the Police Report. Motion carried.

PUBLIC WORKS REPORT

Public Works Director David Belling stated with the landslide in White Earth near the City's water line, who is responsible, who is at fault and how should the City deal with this issue. Attorney Enget stated this has been this way for a few years and this lies within the NDDOT's right-of-way so the City would need their approval. Belling reported they have ordered an emergency repair kit in the event it is needed. Attorney Enget suggested the City coordinate with the NDDOT to fix this issue to prevent a future water break. Attorney Enget stated the NDDOT possibly has plans to fix this problem next year.

Belling inquired what the City should be charging for grass maintenance on landowner's property as the public works department has plenty of City property to mow. P&Z Administrator Kesterson suggested hiring a private contractor to mow lots after the landowner has been notified rather than having the public works department mowing. The City would then bill the landowner including an administration fee. Consensus of the Council was for P&Z Administrator Kesterson to look into hiring a private contractor for mowing. Council also discussed the need for property owners to mow to their property line whether they have a fence or are near an alley.

Belling inquired about the City's policy for water bills that are in the tenants name and if they should be in the owner's name as public works is having to turn water on/off as tenants come and go. Attorney Enget stated the City has tried both ways and have encountered issues in either situation.

Belling inquired about personnel for monitoring contractors on projects. Engineer Eberle informed him that Ackerman-Estvold provides that service as the city engineer.

Belling requested reviewing the standards for tapping into the City's water and sewer lines. He will coordinate with Engineer Eberle and the Public Works Committee to develop a new standard.

Belling updated the Council on the city wide maintenance completed by the Public Works Department such as gate valve exercising, manhole flushing, hydrant flushing, street painting, mowing, and weed control.

Belling reported the new radio equipment has been installed in the city equipment.

Belling also reported that repairs have been completed on the lift station.

Belling stated with his arbor background, he would like to start a tree maintenance program. He also discussed the need to deal with Dutch Elm disease and boulevard trees.

Belling updated the Council on some equipment he would like the City to consider purchasing such as grapple for the loader, mini excavator and a tandem dump truck. He will get prices for this equipment and bring back for Council review and consideration.

Belling presented the Council with a quote in the amount of \$10,412 from Mountrail Builders for the 8th Avenue SE Storm Water Rehab to fix the drainage issue in the alley between 8th Avenue SE by Jason Iverson and 9th Avenue SE by Brosz Engineering. They would remove and replace the drain tile for the storm water drainage and remove the rectangular drain and replace with 8" drain tile with filter sock then cover the new tile with rock to allow for proper drainage. A motion made by Wienbar second by Holte to approve the proposal from Mountrail Builders to fix the drainage issue in the alley between Jason Iverson on 8th Avenue SE and Brosz Engineering on 9th Avenue SE. Upon roll call: All present voted in favor. Motion carried.

A motion made by Holte second by Gaaskjolen to approve the Public Works Report. Motion carried.

ATTORNEY UPDATES

Attorney Enget reported the Public Works Director David Belling has a dog that is a pit bull mix. Belling is a veteran and has documentation that his dog is classified as an emotional support dog. Attorney Enget stated even though the dog is a pit bull mix, ADA designation trumps the City Ordinance so the dog will be allowed in city limits.

Attorney Enget reported a bill was submitted by K&W Handyman for cleaning in the City 4-Plex Unit #2 previously occupied by the previous Public Works Director Byron Kleven. Attorney Enget stated he asked Auditor Sveen to keep track of these bills for them to be passed on.

Attorney Enget also reported the City has appealed the initial decision by Job Service regarding the claim submitted by Byron Kleven.

Attorney Enget informed the Council he be will working for the County fulltime effective January 1, 2016. He will no longer have any private practice and the City will need to find a new city attorney. He stated he has asked a few people as well as his partner if they would be interested in taking the position, which they were not.

Attorney Enget reported on an old water bill for Jean Bailey in the amount of \$55.00. The City has recently received a bankruptcy notice for Jean Bailey. A motion made by Holte second by Wienbar to write off the water bill for Jean Bailey in the amount of \$55. Motion carried.

COUNCIL CONCERNS

Councilman Gaaskjolen presented the Public Works with a plat that identifies the city owned properties so they are clear on which areas is the City's responsibility to maintain for mowing and weed control. Mayor Weisenberger stated previous Council member Jacob Hellman held positions on the finance, library, and public works committees. Mayor Weisenberger appointed David Minton to serve on the Public Works Committee. He will appoint a council member to the other two committees at a later date.

Councilwoman Wienbar inquired if P&Z Administrator Kesterson or Chief of Police Halvorson has checked into the campers and vehicles on Fleming's property. Chief Halvorson will follow up on this matter. The City received a complaint from Flemings regarding property damage by the garbage truck. Public Works filled in the ruts and Circle Sanitation was going to put in grass seed.

Councilman Minton stated the vacant lot across from Microtel has wires and an abandoned vehicle that could be hazardous as there are kids playing in that lot.

JUDGES REPORT

A motion made by Wienbar second by Minton to approve the Judge's report for June 2015. Motion carried.

MINUTES

A motion made by Holte second by Gaaskjolen to approve the June 9 and June 24, 2015 minutes with correction of the date for the protest hearing for District 49. Motion carried.

BILLS

A motion made by Holte second by Wienbar to approve the following bills: Motion carried.

ACH Payroll		\$89,220.15
782E Verizon Wireless	Cell Phones	\$1,550.32

785E	NDPERS-Health Ins	August Premium	\$14,973.36
786E	NDPERS-Retirement		\$11,802.46
787E	State Tax Commissioner		\$1,018.02
788E	Job Service North Dakota	2nd Qtr Contributions	\$504.94
789E	Payment Service Network(PSN)	July Fees	\$456.78
12829	American Bank Center	Assessor Supplies	\$25.00
12830	David Belling	Clothing Allowance	\$150.00
12831	Montana Dakota Utilities	Utilities	\$5,630.37
12832	TAT	Loan for Orin Grinnell	\$200.00
12833	TAT DCSE	Child Support - Orin Grinnell	\$609.60
12834	Abel Enterprises	Equipment Consulting - Mar thru Apr	\$725.00
12835	Ackerman-Estvold	Engineering Fees	\$202,691.87
12836	ACME Tools	Washer Trailer	\$13,294.00
12837	ADAPCO	Mosquito Spray	\$1,171.30
12838	Allyson Jameson	Refund Wa Acct for D. Krisher	\$46.78
12839	Ameripride Linen & Apparel	Rug Service	\$158.98
12840	Annabelle Townhome Assoc	July HOA Dues	\$125.00
12841	Baker & Taylor	Library Books	\$291.90
12842	Brosz Engineering	Engineering Fees - 8th Ave Ext.	\$7,227.50
12843	Carquest of Stanley	Supplies	\$239.94
12844	Casey Footh	Refund for connect fee paid twice	\$75.00
12845	Cellular Communications	Micro SD Card for Orin Grinnell	\$29.99
12846	Chris Jenkins	Reimburse for Certification Class	\$50.00
12847	Circle Sanitation	June Garbage Services	\$16,261.50
12848	CORKO Construction LLC	Old City Hall Demo Final Pmt	\$9,570.00
12849	Dakota Fence	Chain Link Fence	\$1,075.00
12850	Dakota Fire Extinguishers	Fire Dept Equipment	\$201.00
12851	Dakota Supply Group	Water Supplies	\$3,146.67
12852	Darla Juma	June City Hall & Library Cleaning	\$600.00
12853	Design Solutions Integration	Booster Station Upgrade;Lift Station Mntrng	\$91,211.08
12854	DJR Architecture Inc	Const Admin/Plan Revisions PW Bldg	\$4,545.25
12855	Farmers Union Lumber	Supplies	\$275.39
12856	Feiring Veterinary Service	Animal Pound Fees	\$315.00
12857	First District Health Unit	Water Analysis	\$44.00
12858	Gaffaney's Total Office	Office Supplies	\$427.81
12859	Gustafson's Septic Service	Srvcd Portable Restroom @ City Shop	\$120.00
12860	HJ Cleaning Services	City 4-Plex Cleaning - June	\$50.00
12861	Holiday Companies	Xpress Wash	\$11.00
12862	Holiday Fleet	Fuel & Car Washes	\$2,402.15
12863	ICS General Contractor	Pmt #2 PW Bldg;Welded PW Pickups	\$687,941.83
12864	John Deere Financial	Sweeper & Mower Parts	\$2,451.33
12865	K & W Handyman	Cleaning Carpet @ City Apt #2	\$819.00
12866	Kelly Kudrna	Reimbursement for Supplies & DVDs	\$214.06
12867	Larson Engineering Inc	Engineering Fees- City Hall & PW Bldg	\$13,060.00
12868	Larson's Tire Service	Tire Repair	\$74.99
12869	M/E Electric	New Lighting for Fire Hall	\$9,867.00
12870	Meiers Oil & Towing	Fuel & Towing Fees	\$181.40
12871	Menards, Inc - Minot	Supplies	\$65.28
12872	Meyer Contracting Inc.	Pmt#1 East Side Trunk Wa Trans Piping	\$435,110.85
12873	Midstate Telephone Co	Phone, Fax & Internet Service	\$943.83
12874	Mikes Plb & Heating	Repairs City 4Plex Apt #1 & 2	\$260.00
12875	Mo Co Sheriff's Dept	June Boarding Prisoners	\$130.00
12876	Montana Dakota Utilities	Finald Out Acct @ City 4Plex #2	\$39.64
12877	Mountrail Builders	Excavated Curb Stop	\$980.00
12878	Mo Co Auditor	Reimburse Wa Acct -L. Munson	\$135.04
12879	Mo Co Medical	June City Sales Tax	\$33,904.65
12880	Mountrail Medical Center	PD Drug Testing	\$45.00

12881	Mo-Williams Electric	Electricity	\$1,513.00
12882	ND Dept of Health	Waste Transportation Fee	\$25.00
12883	ND Rural Water Systems	Smoke Testing	\$1,389.88
12884	NDSWRA	Membership Dues	\$60.00
12885	Newman Signs	Traffic Signs	\$473.90
12886	Northwest Pipe Fitting	Curb Stops & Supplies	\$3,688.02
12887	One Call Concepts	June Locates	\$188.10
12888	One Overdrive Way	Maint Fees & Dig Const. Library	\$1,500.00
12889	O'Reilly Auto Parts	Supplies	\$151.39
12890	Pinnacle	Fuel	\$355.25
12891	Prairie Motors Inc	PD Vehicle Repairs	\$142.84
12892	Preble Medical Services	Employee Testing	\$53.00
12893	PVE Sheffler, LLC	City Hall Demo & Site Assessment	\$41,822.26
12894	R&T Water Supply	June Water	\$52,941.37
12895	Sanitation Products	Sweeper Parts	\$1,835.47
12896	Security Plus	Fire Monitoring Fees	\$55.00
12897	Sherwin Williams	Paint for Fire Hall	\$344.70
12898	Stanley Airport Authority	2nd Qtr Tax Collections	\$6,477.52
12899	Stanley Ambulance Service	2nd Qtr Tax Collections	\$253.02
12900	Stanley Auto & Truck	Sweeper Parts	\$49.43
12901	Stanley Fire Dept.	Reimburse for Paint&Labor by HHH Drywall	\$2,096.00
12902	Stanley Hardware Inc	Supplies	\$662.79
12903	Stanley Park District	2nd Qtr Tax Collections	\$16,743.21
12904	Susan Spaeth	Meal Reimbursement	\$185.50
12905	Swanston Equipment	Street Supplies	\$92.03
12906	Tractor Supply	Supplies	\$342.09
12907	American Family Life Ins	August Premium	\$761.82
12908	Blue Cross Blue Shield of ND	Aug Dental Premium	\$1,012.80
12909	Brandt Brokerage House	Insurance 6-5-15 to 6-5-16	\$23,220.00
12910	ND Insurance Dept	Insurance 7-1-15 to 6-30-16	\$4,941.96
12911	NDAAO Secretary/Treasurer	Registration & Dues	\$180.00
12912	Oilfield Rentals LLC	August Rent - City Hall	\$5,000.00
12913	TAT	Loan for Orin Grinnell	\$200.00
12914	TAT DCSE	Child Support - Orin Grinnell	\$609.60
12915	Mountrail County Recorder	Jensen Family Annexation	\$29.00

A motion made by Wienbar second by Holte to adjourn. Motion carried.

ADJOURN

ATTEST

Gary Weisenberger, Mayor

Allyn Sveen, City Auditor

January 14, 2016

0119-15 CUP

Dakota Access, LLC

PO BOX 1206

Williston ND, 58802

RE: Amend your currently approved CUP and allow for (2) 200,000 barrel tanks of bulk storage instead of the (1) 150,000 barrel tank and (1) 200,000 barrel tank, that you were previously approved at 2673 109th Avenue N.W.; on the south side of Highway 73 in the NE ¼ Section 23, Township 150 North, Range 96 West.

This is to inform you that at the December 15, 2015 meeting, the McKenzie County Board of Commissioners approved your request with the following Conditions.

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather. Adequate spacing shall be determined by emergency manager.
3. The applicant shall have an AED on site and have personal trained to use it.
4. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place per county emergency manager.
5. The applicant shall obtain building permits for all proposed structures within the proposed development.
6. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.

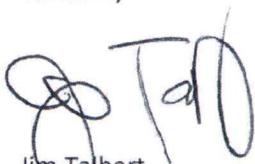
7. Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.
8. The applicant shall pave from their approach on 109th Avenue N.W. in the direction of US Highway 85 until meeting the existing pavement. Applicant will use County Engineering standard.
9. The applicant shall maintain dust control on site and have a 300' graveled/paved area for a knock off zone to keep from tracking mud onto 109th Ave NW and down to the highway. Knock of zone design shall be approved by the County Public Works Director.
10. The applicant shall follow all federal, state, and local laws pertaining to this project.
11. All tanks and equipment shall be painted earth tones and shall be maintained.
12. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
13. The applicant shall maintain garbage control within the site and along their property line outside of the fence. Any yard storage shall be kept in an orderly manner. The site shall be kept free of trash at all times. Trash shall be contained in dumpsters acceptable to the County Solid Waste Director.
14. The applicant shall follow the amended exterior site plan that incorporates fencing (6'), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2016 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2016) and the trees shall be planted by July 1, 2017. The applicant is responsible for contacting the planning department by July 1, 2016 to schedule a site visit to verify that landscaping, lighting, and fencing meets county standards, or a completion bond will be required to be placed in their file.
15. The applicant shall include a shelter belt on the west, north and east sides of the property. This shelter belt can be replaced according to ordinance 4.18; by a fence which shall be either a six-foot masonry wall (not cinderblock) or opaque fence, which will be substituted for the berm and up to 50% of the shrub requirement and be at least 6' in height and will need to be maintained, as necessary. The landscaping is to meet the planting requirements listed in condition #14 above. The

changes must be provided on an amended site plan, subject to the Planning Director's approval. The plan must be submitted by January 1, 2016.

16. The applicant shall fence the site before construction and/or building permits are issued to contain construction debris onsite.
17. The applicant shall construct the facility with fixtures to contain the leakage at valves.
18. The applicant shall control all erosion onsite during construction and prevent any erosion impacting offsite property.
19. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after six months of abandonment.

The applicant's conditional use permit will be reviewed by the planning staff on an annual basis to ensure conformance with the conditions of approval. If conditions are not adhered to, then the permit can be placed on the County Commission agenda for revocation. The applicant is responsible for notifying the planning department with a follow up to the conditions of this approval (in writing) in May 1, 2016. It will also be responsible for sending in written notification of its compliance annually (November 1st of every year).

Sinisterly



Jim Talbert
McKenzie County Planning and Zoning Director

January 14, 2016

0118-15 CUP

Dakota Access LLC
PO BOX 1206
Williston ND, 58802

RE: To amend a condition on your approved CUP that required you to install a 50 X 6 foot shelter belt around the south, east, and west sides of the property, and instead, fence the entire site with a 6 foot opaque fence.

This is to inform you that at the November 9, 2015 meeting, the McKenzie County Board of Commissioners approved the request, in part, with the following conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The liquid bulk storage structures shall be setback a minimum of 1,250 feet from the southern property line of the subject parcel.
3. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather. Adequate spacing shall be determined by emergency manager.
4. The applicant shall obtain building permits for all proposed structures within the proposed development.
5. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place per county emergency manager.

6. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
7. No truck parking is allowed along any roads adjacent to the proposed facility.
8. The applicant shall pave from their approach on 24th Street N.W. in the direction of US Highway 85 until meeting the existing pavement.
9. The applicant shall maintain dust control on site and have a 300' graveled/paved area for a knock off zone to keep from tracking mud onto 24th Street NW and down to the highway. Knock off zone design shall be approved by the County Public Works Director.
10. The applicant shall follow all federal, state, and local laws pertaining to this project.
11. All tanks and equipment shall be painted earth tones and shall be maintained.
12. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
13. The applicant shall maintain garbage control within the site and along their property line outside of the fence. Any yard storage shall be kept in an orderly manner. The site shall be kept free of trash at all times. Trash shall be contained in dumpsters acceptable to the County Solid Waste Director.
14. As to the east, west, and south sides of the property, the applicant shall follow the amended exterior site plan that incorporates opaque fencing (6'), security lighting (the approach shall be lit), and landscaping to meet ordinance 4.18.4 and tables 3 and 4 under 4.18.5. The applicant further agrees to provide a consecutive 3 year guarantee on survival of trees planted pursuant to this condition. The applicant is responsible for contacting the planning department by July 1, 2016 to schedule a site visit to verify that landscaping, lighting, and fencing meets county standards, or a completion bond will be required to be placed in their file.

15. The applicant shall install a 6' berm along the west side of the property parallel to the property line beginning at the road right-of-way and proceeding approximately 1500' south and tapered to grade. The berm shall have a maximum slope of 3:1.
16. The applicant shall fence the site before construction and/or building permits are issued to contain construction debris onsite.
17. The applicant shall construct the facility with fixtures to contain the leakage at valves.
18. The applicant shall control all erosion onsite during construction and prevent any erosion impacting offsite property.
19. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after six months of abandonment.

The applicant's conditional use permit will be reviewed by the planning staff on an annual basis to ensure conformance with the conditions of approval. If conditions are not adhered to, then the permit can be placed on the County Commission agenda for revocation. The applicant is responsible for notifying the planning department with a follow up to the conditions of this approval (in writing) by May 1, 2016. It will also be responsible for sending in written notification of its compliance annually (November 1st of every year).

Sincerely



Jim Talbert
McKenzie County Planning and Zoning Director

January 28, 2015

Dakota Access
c/o David Halvorson
2403 East Thayer Ave.
Bismark, ND 58501

This is to confirm that, at their December 16th meeting, the McKenzie County Board of Commissioners approved the Text Amendment, Zone Change, and Conditional Use Permit request to change the area to be located in Section 23, Township 150N, Range 96W, shown in the amended site plan provided in the application, from Agricultural to Industrial, to support a crude oil facility with (1) 100,000 bbl. tank and (1) 200,000 bbl. tank for bulk storage.

Please keep in mind that the following conditions were placed on the development:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall obtain a building permit for the proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.
7. The applicant shall follow the updated exterior site plan that incorporates a fencing, security lighting, and landscaping plan placed in the file as part of this request.
8. The applicant shall follow all federal, state, and local laws pertaining to this project.
9. All tanks and equipment shall be painted earth tone. For example: tan, gray, green, blue, brown.
10. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.
11. The applicant shall maintain adequate garbage control.

12. The applicant shall fence, light (for security purposes), and landscape the site according to the site plan on file.

13. The applicant shall fence the site before construction.
14. The applicant shall construct facility with fixtures to contain the leakage at valves.
15. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
16. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.
17. (New) The applicant shall coordinate with the Keene Fire Department to have an effective on-site water storage.

If you have any questions, please feel free to call.

Sincerely,



Lindsey Perusich
Assistant Planner/ Current Planning
McKenzie County

July 22, 2015

Dakota Access
C/O Dave Halvorsen
2403 East Thayer Avenue
Bismarck, ND 58501

This is to confirm that, at their June 16, 2015 meeting, the McKenzie County Board of Commissioners approved the Conditional Use Permit request for a crude oil facility with bulk storage. This project is located on approximately 35.46 acres commonly known as the NW/4 of Section 1, Township 149, Range 99.

Keep in mind that the following conditions were placed on the project:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The liquid bulk storage structures shall be setback a minimum of 1,250 feet from the southern property line of the subject parcel.
3. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
4. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
5. The applicant shall obtain a building permit for the proposed structures within the proposed development.
6. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
7. No truck parking is allowed along County right of way adjacent to the proposed facility.
8. The applicant shall pave from their approach on 24th St. NW in the direction of US Highway 85 until meeting the existing pavement.
9. The applicant shall maintain dust control on site and have a 300' graveled/paved area for a knock off zone to keep from tracking mud onto 24th St. NW and down to the highway. Knock off zone design shall be approved by the County Planning Director.
10. The applicant shall follow all federal, state, and local laws pertaining to this project.
11. All tanks and equipment shall be painted earth tone.
12. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
13. The applicant shall maintain garbage control within the site and along their property line outside of the fence. The site shall be kept tidy and clean, any yard storage shall be kept in an orderly manner. The site shall be kept free of trash at all times. Thrash shall be contained in dumpsters acceptable to the County Solid Waste Director.
14. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2015 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2015) and the trees shall be planted by July 1, 2016.

15. The applicant shall include a shelter belt on the south, east, and west sides of the property. The shelter belt must include, at a minimum, an earthen berm at least 50 feet wide and six feet in height with landscaping, to meet the planting requirements listed in condition #14 above. The changes must be provided on an amended site plan, subject to the Planning Director's approval. The plan must be submitted by July 1, 2015.
16. The applicant shall fence the site before construction.
17. The applicant shall control all erosion onsite during construction and prevent any erosion impacting offsite property.
18. The applicant shall construct the facility with fixtures to contain the leakage at valves.
19. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after six months of abandonment.
20. The applicant's conditional use permit will be reviewed by the planning staff on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.

If you have any questions, please feel free to call.

Sincerely,



Lindsey Perusich

Assistant Planner/ Current Planning
McKenzie County



June 2, 2015

Dakota Access, LLC
Attn: Micah Rorie
1300 Main 13th Floor
Houston, TX 77002

Daniel and Cindy Garaas
2114 22nd St W
Williston, ND 58801

R-15-21, C-15-27, CPA-15-6; Micah Rorie for a Rezone from Agricultural to Industrial, a Conditional Use Permit, and a Comprehensive Plan Amendment to facilitate the construction of a crude oil facility. The property consists of 22.4 acres and is located in the S½ SW¼, Section 32, T156N R98W, off CR8. The property is zoned Agricultural. Wheelock Township.

Dear Applicant:

On June 2, 2015, the Board of County Commissioners granted your Zone change, Conditional use Permit and a Comprehensive Plan amendment request, provided you comply with but not limited to the following special conditions and restrictions:

1. A drainage plan, on-site dust control plan, stormwater management plan, traffic study, grading plan and road improvement plans shall be submitted for review and approval to the county building division as part of the building permit process,
2. Improvements (hard surface, dust control and turn lane) to CR8c and CR8 might be required. Work with County Highway Department for roadway criteria and improvements,
3. Building permits and inspections shall be required for all structures on site,
4. Approval and recording of a minor subdivision,
5. Public Service Commission approval shall be provided,
6. Adhere to Water Resource Board requirements,
7. Addressing comments from the city of Epping,
8. Notify the ownership changes.

In addition to the above special conditions and restrictions, Rezones, Conditional Use Permits and Comprehensive Plan Amendments must also comply with all requirements of Williams County ordinances, codes, rules, regulations, comprehensive plan, and policies, and amendments thereto, as well as all State of North Dakota and federal statutes, codes, regulations, and rules, and amendments thereto.

NOTE: WILLIAMS COUNTY RESERVES THE RIGHT TO REVOKE YOUR REZONE, COMPREHENSIVE PLAN AMENDMENT AND CONDITIONAL USE PERMIT IF IT IS FOUND THAT YOU HAVE NOT COMPLIED WITH THE ABOVE SPECIAL CONDITIONS AND RESTRICTIONS, OR HAVE NOT COMPLIED WITH APPLICABLE COUNTY, STATE, OR FEDERAL LAWS AFTER A PUBLIC HEARING.



Please contact Planning and Zoning Division should you have any questions or concerns.

Thank you,

Yana Ness 
Senior Planner, Williams County Planning and Zoning

cc: Beth Innis, County Auditor
Darcy Anderson, County Assessor
GIS Info, County GIS Department
Simmon Logan, Planning Manager
Katie Lima, Building Manager
Yana Ness, Staff Planner
Kylene Murphy, Staff Planner
Whitlock Township
Mike Sizemore, Director of Development Services



April 24, 2015

Dakota Access, LLC
Attn: Micah Rorie
1300 Main 13th Floor
Houston, TX 77002

Ryan and Jenice Davidson
PO Box 277
Tioga, ND 58852

C-15-21, R-15-12; Dakota Access, LLC is requesting a Zone Change from Agriculture to Industrial and a Conditional Use Permit to facilitate the construction of a crude oil facility. The property consists of 40 acres and is located in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 32, T156N R95W, off 103rd Ave NW. The property is zoned Agriculture. Pleasant Valley Township

Dear Applicant:

On April 14, 2015, the Board of County Commission granted your Conditional Use Permit, and Zone Change request, provided you comply with but not limited to the following special conditions and restrictions:

1. A drainage plan, on-site dust control plan, stormwater management plan, grading plan and road improvement plans shall be submitted for review and approval to the county building division as part of the building permit process;
2. Building permits and inspections shall be required for all structures on site.
3. Adequate approach with applicant's supplied culverts shall be built.
4. Proper signage shall be installed and maintained.
5. If 103rd Ave NW becomes developed, the applicant shall participate in the dust control.
6. Road on 103rd Ave NW to 60th St NW shall be built up to County specs.
7. Approval and recording of a minor subdivision.
8. Public Service Commission approval shall be provided.

In addition to the above special conditions and restrictions, Conditional Use Permits and Rezone's must also comply with all requirements of Williams County ordinances, codes, rules, regulations, comprehensive plan, and policies, and amendments thereto, as well as all State of North Dakota and federal statutes, codes, regulations, and rules, and amendments thereto.



NOTE: WILLIAMS COUNTY RESERVES THE RIGHT TO REVOKE YOUR CONDITIONAL USE PERMIT AND ZONE CHANGE IF IT IS FOUND THAT YOU HAVE NOT COMPLIED WITH THE ABOVE SPECIAL CONDITIONS AND RESTRICTIONS, OR HAVE NOT COMPLIED WITH APPLICABLE COUNTY, STATE, OR FEDERAL LAWS AFTER A PUBLIC HEARING

Please contact Planning and Zoning Division should you have any questions or concerns.

Thank you,

Simmon Logan
Planning Manager

cc: Beth Innb, County Auditor
Darcy Amerson, County Assessor
GIS Info, County GIS Department
Taylor Corbett, Staff Planner
Yann Ness, Staff Planner
Kylene Murphy, Staff Planner
Pleasant Valley Township
Mike Sizmore, Director of Development Services



July 17, 2015

Dakota Access, LLC
Attn: Micah Rorie
1300 Main 13th Floor
Houston, TX 77002

Robert & Jane Jackson
17036 8th Ave NE
Shoreline, WA 98155

R-15-10, C-15-19, CPA-15-5; Dakota Access, LLC is requesting a Rezone from Agricultural to Industrial, a Conditional Use Permit, and a Comprehensive Plan Amendment to facilitate the construction of a crude oil facility. The property consists of a 19.98 tract in the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 35, T154N R102W, off 48th St NW. The property is zoned Agricultural. Judson Township

Dear Applicant:

On July 7, 2015, the Board of County Commissioners granted your Rezone from Agricultural to Industrial, a Conditional Use Permit, and a Comprehensive Plan Amendment, provided you comply with but not limited to the following special conditions and restrictions:

1. A drainage plan, on-site dust control plan, stormwater management plan, grading plan and road improvement plans shall be submitted for review and approval to the county building division as part of the building permit process;
2. Building permits and inspections shall be required for all structures on site.
3. Approval and recording of a minor subdivision.
4. Public Service Commission approval shall be provided.
5. Track out pad will be required before you start any trucking.

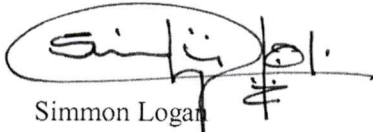


In addition to the above special conditions and restrictions, Conditional Use Permits, Rezones and Comprehensive Plan Amendments must also comply with all requirements of Williams County ordinances, codes, rules, regulations, comprehensive plan, and policies, and amendments thereto, as well as all State of North Dakota and federal statutes, codes, regulations, and rules, and amendments thereto.

NOTE: WILLIAMS COUNTY RESERVES THE RIGHT TO REVOKE YOUR CONDITIONAL USE PERMIT, REZONE OR COMPREHENSIVE PLAN AMENDMENT IF IT IS FOUND THAT YOU HAVE NOT COMPLIED WITH THE ABOVE SPECIAL CONDITIONS AND RESTRICTIONS, OR HAVE NOT COMPLIED WITH APPLICABLE COUNTY, STATE, OR FEDERAL LAWS AFTER A PUBLIC HEARING.

Please contact Planning and Zoning Division should you have any questions or concerns.

Thank you,



Simmon Logan
Planning Manager

cc: Beth Innis, County Auditor
Darcy Anderson, County Assessor
GIS Info, County GIS Department
Kameron Hymer, Code Enforcement Officer
Yana Ness, Senior Staff Planner
Kylene Murphy, Staff Planner
Judson Township
Mike Sizemore, Director of Development Services