

Morton County Commission Meeting Agenda

March 25, 2014

Commission Room, Morton County Courthouse

210 2nd Ave NW, Mandan ND

5:30 PM

1. Call to order
 - Roll Call
 - Approval of Agenda
 - Approval of minutes of previous meetings
 - Approve monthly bills and payroll – Commissioner Strinden
2. Wendy Bent/Human Resources
3. Linda Morris/Tax Director
 - Abatements for the Board's consideration
4. Mike Aubol/County Engineer
 - Gravel Crushing and Stockpiling – Bid Results
 - Furnishing Concrete and Metal Culverts – Bid Results
 - Whispering Hills Special Assessment District
5. Dawn Rhone/ County Auditor
 - Award Insurance
 - Home Rule Charter and Sales Tax Ordinance

*ISSUES MAY BE ADDED OR DELETED BY MEETING DAY.

Please note: These are unofficial minutes and are subject to change. They will be approved and become official at the next regularly scheduled meeting.

MORTON COUNTY COMMISSION REGULAR MEETING
March 10, 2014

The Morton County Commission Regular Meeting was called to order on March 10, 2014 at 5:30 PM by Chairman Strinden at the Morton County Courthouse, 210 Second Avenue NW, Mandan, North Dakota. Others present were Commissioners Boehm, Leingang, Schulz, Zachmeier and Auditor Rhone.

Boehm moved and Schulz seconded to approve the agenda. All voting aye, motion carried.

Schulz moved and Boehm seconded to approve the minutes of the February 25, 2014 meeting. All voting aye, motion carried.

Leingang moved and Zachmeier seconded to approve monthly bills and payroll. All voting aye, motion carried.

Schulz moved and Boehm seconded to approve abatement 4543. All voting aye, motion carried.

Boehm moved and Leingang seconded to approve abatements 4544-4547. All voting aye, motion carried.

Boehm moved and Leingang seconded to approve abatements 4548-4555. All voting aye, motion carried.

Schulz moved and Boehm seconded to authorize out of state travel for Jon Engelstad to attend K-9 Handler Instruction & Training Seminar in Phoenix on May 27-30. All voting aye, motion carried.

Schulz moved and Boehm seconded to approve expending funds from the E-911 fund for public education for a cost not to exceed \$730.92. All voting aye, motion carried.

Schulz moved and Leingang seconded to approve using 2014 budgeted Capital Equipment in the Communications budget for installing an additional console in the Communications Center at a cost not to exceed \$5,400. All voting aye, motion carried.

Schulz moved and Zachmeier seconded to approve the request by Sunflower Wind Project LLC for a Special Use Permit for construction of the Sunflower Wind Project with the following conditions:

1. Up to 55 wind turbines may be constructed, along with an underground collection line system, a substation and interconnection facility to the existing transmission line, access roads, underground communications cables, meteorological towers, and one operations and maintenance building
2. All wind turbines shall be placed within the Feasible Turbine Placement Area, as defined on the Sunflower Wind Project map, which is attached to this permit
3. Additionally, all wind turbines shall be set back from all section lines a distance not less than one hundred (100) feet.
4. The substation and interconnection facility shall be constructed in the general location indicated on the Sunflower Wind Project Map.
5. The Operations and Maintenance Building may be constructed in any location within the project boundary, subject to area regulations of Article 5, Section 5 of the Morton County Zoning Regulations.
6. Land that is disturbed during construction of each turbine and associated facilities will be substantially returned to its original state by ripping compacted soil, returning native topsoil, and / or reseeded within six months of the completion of that particular turbine and associated

facilities.

7. Sunflower Wind Project shall enter into a road maintenance agreement with the Morton County Highway Department to ensure that all county and township roads will be repaired or restored to a condition at least equal to the condition prior to construction of the Sunflower Wind Project.
8. Special rescue equipment and training necessary to accommodate high-angle rescues shall be provided to Morton County emergency responder's servant area. Additionally, Sunflower Wind Project shall coordinate with the Morton County Emergency Manager for addressing and identification methods for the project.
9. After decommissioning, all wind turbine nacelles, blades, towers, foundations, cables, roads substation, and other facilities shall be removed to a depth of 48 inches.
10. Sunflower Wind Project shall apply for all necessary approach permits, moving permits, and building permits necessary to complete construction of the project.
11. The remainder of the special use permit fee shall be paid in full before issuance of a building permit.
12. All terms and conditions of the Morton County Zoning Regulations, as well as all applicable state and federal regulations, shall be met during the construction, operation, and decommissioning of the Sunflower Wind Project.

All voting aye, motion carried.

Schulz moved and Zachmeier seconded to deny the request for a Special Use Permit reduction for the Sunflower Wind Project. All voting aye, motion carried.

Schulz moved and Zachmeier seconded to approve the adoption of an official zoning map and zoning text amendments to replace Schedule A of the Morton County Zoning Regulation. All voting aye, motion carried.

Schulz moved and Boehm seconded to protest the Special Assessment District 196 Project 2014-14 and authorize County Engineer Aubol to act on behalf of the County on this matter. All voting aye, motion carried.

Boehm moved and Leingang seconded to sell 2 CAT motorgraders on bids. All voting aye, motion carried.

Boehm moved and Leingang seconded to place load restrictions on the county roads a presented as of 7:00 AM on March 12, 2104. All voting aye, motion carried.

The total of all county funds expended from February 25, 2014 through March 10, 2014, equals \$900,313.09. A detailed list of funds expended by check is available for public inspection anytime during regular business hours at the Morton County Auditor's Office.

Boehm moved and Schulz seconded to adjourn at 7:08pm. All voting aye, motion carried.

Bruce Strinden, Chairman, Morton County Commission _____

Dawn R Rhone, County Auditor _____

The following items won't be in the packet mailed today because bid openings are on Monday. Items to be put on the agenda are as follows:

Gravel Crushing and Stockpiling - Bid Results

Furnishing Concrete and Metal Culverts - Bid Results

Whispering Hills Special Assessment District

Per Mike.....

Sample Home Rule Charter Ballot Language #1:

Shall the Morton County Home Rule Charter, as previously published in all Morton County newspapers, be approved?

Sample Ordinance Ballot Language:

Shall the Morton County Commission be authorized to implement and collect a one half of one percent (.5%) sales and use tax outlined in Ordinance #2014-1, for the purpose of funding the construction of a Joint Detention Center with Burleigh County and a remodel of existing detention space? If approved, this sales tax shall take effect on October 1, 2014, and shall terminate upon final payment of construction bonds for the proposed project.

DRAFT FOR MORTON COUNTY

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SUBJECT: ORDINANCE #2014-1 (SALES AND USE TAX FOR DETENTION CENTER)

ADOPTION DATE:

AN ORDINANCE TO ESTABLISH AND REGULATE A COUNTY SALES AND USE TAX UNDER THE HOME RULE CHARTER OF THE COUNTY OF MORTON

Definitions: All terms defined in Chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6 and 57-40.2, of the North Dakota Century Code (N.D.C.C.), including any future amendments, are adopted by reference. All references to the NDCC include amendments adopted by the North Dakota Legislative Assembly.

Collection and Administration: Where not in conflict with the provisions of this Ordinance, the provisions of N.D.C.C. chapters 11-09.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2, and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales, use, and gross receipts tax, including provisions for liability, refund, penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this Ordinance.

Sales Tax Imposed: Subject to the provisions of N.D.C.C. section 11-09.1-05, and except as otherwise provided, or the sales and use tax laws of the State of North Dakota, a tax of one half of one percent ($\frac{1}{2}\%$) is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property, within the corporate limits of the county of Morton, North Dakota.

Use Tax Imposed: Subject to the provisions of N.D.C.C. section 11-09.1-05, and except as otherwise provided, or the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon the storage, use, or consumption within the corporate limits of the county of Morton, North Dakota of tangible personal property purchased at retail for storage, use, or consumption in this county, at the rate of one half of one percent ($\frac{1}{2}\%$) of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the county of Morton, North Dakota of tangible personal property not originally purchased for storage, use or consumption in this county at the rate of one half of one percent ($\frac{1}{2}\%$) of the fair market value of the property at the time it was brought into this county.

With respect to the purchase price of tangible personal property used by a contractor or subcontractor to fulfill a contract as defined in N.D.C.C. section 57-40.2-03.3, the tax

imposed by this section applies only to bids submitted on or after the effective date of this Ordinance.

Gross Receipts of Alcoholic Beverages: Subject to the provisions of N.D.C.C. section 11-09.1-05, and except as otherwise provided, a gross receipts tax of one half of one percent ($\frac{1}{2}\%$) is imposed upon all gross receipts from the sale of alcoholic beverages within the county. A person who receives alcoholic beverages for storage, use, or consumption in this county is subject to tax on storage, use, or consumption of those alcoholic beverages at the rate of one half of one percent ($\frac{1}{2}\%$).

Gross Receipts of New Farm Machinery and New Farm Irrigation Equipment: Subject to the provisions of N.D.C.C. section 11-09.1-05, and except as otherwise provided, a gross receipts tax of one half of one percent ($\frac{1}{2}\%$) is imposed upon all gross receipts from the sale of new farm machinery and new farm irrigation equipment within the county. A person who receives new farm machinery or new farm irrigation equipment for storage, use, or consumption in this county is subject to tax on storage, use, or consumption of that machinery and/or equipment at the rate of one half of one percent ($\frac{1}{2}\%$).

Exemptions: This Ordinance does not provide for any additional exemptions from imposition and computation of the county sales and use tax other than those provided by state law.

Sales to contractors that are exempt pursuant to subsection 15 of N.D.C.C. § 57-39.2-04 shall be exempt from any county sales tax, but contractors shall be subject to the county use tax on those items used within the county that would be taxed pursuant to N.D.C.C. § 57-40.2-03.3 on which the county sales tax has not previously been paid.

Maximum Tax Imposed:

Any patron or user paying a tax imposed by this Ordinance in excess of \$25 upon any single transaction of one or more items may obtain a credit or refund of the excess tax at the time of purchase directly from the vendor or request a refund of the excess tax payment by filing a request for refund upon the forms provided by the Tax Commissioner.

Contract with Tax Commissioner: The Morton County Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this Ordinance. The County Auditor has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties, shall perform these duties in place of the Tax Commissioner.

Dedication of Tax Proceeds: All revenue raised and collected under this Ordinance, less administrative expenses, shall be dedicated only to the construction of a Joint Detention Center with Burleigh County and a remodel of existing detention space.

Compensation: County sales, use, and gross receipts tax permit holders are allowed to retain a portion of tax collected under this ordinance to help recover administrative expenses. This compensation shall equal 3% percent of the county tax due; however, the deduction is limited to \$83.33 per month or \$250 per quarter. A tax return must be filed and paid in full by the scheduled due date or the compensation will be disallowed and the tax obligation will be subject to penalty and interest.

Effective Date: This Ordinance shall take effect on October 1, 2014.

Termination Date: The sales tax shall expire when all necessary funds for the construction of the Detention Center are collected. At such point, notice will be provided to the Office of the State Tax Commissioner of the cease date. Such will be provided at least ninety days prior to the start of a calendar quarter.