

## Morton County Commission Meeting Agenda

May 12, 2014

Commission Room, Morton County Courthouse

210 2<sup>nd</sup> 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 Leingang
2. Wendy Bent/Human Resources
  - Authorization to advertise for positions in Communications
3. Ron Otto/Veterans Office
  - Out of State Travel
4. Dale Ekstrom/Supt of School
  - School Annexation and Reorganization Committee
5. Mike Aubol/County Engineer
  - Public Hearing - Special Assessment District for paving of Whispering Hills 2<sup>nd</sup> Subdivision and Auditor's Lot H of the NW ¼ Sec-11 Township 138N R 81W.
  - Bid results and recommendation of award – 2014 CNOA Paving Projects
6. Dawn Rhone/ County Auditor

\*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  
April 29, 2014

The Morton County Commission Regular Meeting was called to order on April 29, 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, Auditor Rhone and States Attorney Koppy.

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

Boehm moved and Schulz seconded to approve the minutes of the April 14, 2014 meeting. All voting aye, motion carried.

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

Boehm moved and Schulz seconded approve Homestead Credit Abatements #4567-4568. All voting aye, motion carried.

Schulz moved and Boehm seconded to approve the purchase of auxiliary power components and labor for installation not to exceed \$15,000 with funds to be expended from the E-911 fund to repair the emergency power generator. All voting aye, motion carried.

Boehm moved and Leingang seconded to approve the request by Martin Construction for a Special Use Permit for the Ferderer Staging Area under the following conditions:

1. Remediation of rock piles and surrounding area to approximate its preexisting condition should occur within six (6) months of termination or abandonment of the operation.
2. All hauling operations shall be conducted during the hours of daylight (meaning to 10 p.m. at the latest) except in the case of public or private emergency.
3. Any noxious weeds on site must be controlled as required by the County Weed Control Officer.
4. The Special Use Permit will be valid for a term of two years, after which it will need to be renewed to continue the approved operation.

All voting aye, motion carried.

Schulz moved and Zachmeier seconded to approve a zoning map amendment from Recreation (RC) District to Agricultural (A) District in the SW  $\frac{1}{4}$  and the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 25, Township 138N Range 81W. All voting aye, motion carried.

Zachmeier moved and Boehm seconded to approve a Special Use Permit for a cemetery to be located in the SW  $\frac{1}{4}$  and the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 25, Township 138N, Range 81W, an area located directly south of the ND Veterans' Cemetery. As such, the current application fulfills the requirements of Morton County Zoning Ordinance Article 14. The Special Use Permit should also be based on fulfillment of NDCC 23-07-21, also the approach permit for access to this property needs to be approved by the NDDOT and the cemetery must be properly named. All voting aye, motion carried.

Schulz moved and Leingang seconded to request of a Zoning Map Amendment from Agricultural (A) to Residential (R) on Lot L of the SE  $\frac{1}{4}$  of Section 28 Township 135N Range 82W. All voting aye, motion carried.

Schulz moved and Boehm seconded to refund the \$200 fee for the zoning map amendment to Chad & Kara Haff. Voting Aye: Schulz, Boehm, Leingang, Strinden; Voting Nay: Zachmeier. Motion carried.

Boehm moved and Schulz seconded to approve the final plat of Crownwest Country Estates 2<sup>nd</sup> Subdivision, a two-lot subdivision, with the following special requirements:

1. The applicant assumes responsibility for constructing an extension of Crown West Dr N, meeting county roadway standards as approved by the County Engineer, for approximately .15 miles to the east to access the proposed subdivision.

All voting aye, motion carried.

Schulz moved and Zachmeier seconded to approve a short-form subdivision Replat of Gustin Acres First Subdivision and zoning map amendment to change Outlot A from Agricultural (A) to Residential (R) District in the SE ¼ of Section 4, Township 137N, Range 82W. All voting aye, motion carried.

The total of all county funds expended from April 15, 2014 through April 29, 2014, equals \$483,734.08. 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.

Schulz moved and Zachmeier seconded to adjourn at 7:15pm. All voting aye, motion carried.

Bruce Strinden, Chairman, Morton County Commission \_\_\_\_\_

Dawn R Rhone, County Auditor \_\_\_\_\_

## **Belinda Eckroth**

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**From:** Ron Otto  
**Sent:** Tuesday, April 29, 2014 9:25 AM  
**To:** Belinda Eckroth  
**Subject:** May Commission Meeting

The Purpose for my request to be on the agenda for the May 12<sup>th</sup> meeting is to request permission to travel out of state for the annual National Association of County Veterans Service Officers training and conference in Grand Rapids, MI. As a national officer I will need to leave on June 5<sup>th</sup> and I will return on the 14<sup>th</sup>. It is a budgeted item (Training ). Thank you.

To: Morton County Commissioners

From: Dale Ekstrom, County Supt. of Schools

Re: Confirmation of Reorganization/Annexation Committee Members

Date: May 5, 2014

Every county is mandated to have a School District Reorganization & Annexation Committee in place in the event a school district in their county desires to make a change in their boundaries or reorganize. The appointment to this committee is for a 3-year term. I am requesting the Commission confirm the appointment of:

Robyn Thiel, Almont to a 3-year term ending 2017  
and Dennis Gustin, Mandan to a 3-year term ending in 2017.

There has been no activity for this committee since 2009 and I do not know of any school district planning to request any changes for the future. However, the committee should be in place in case a boundary change is proposed.

The other members of the committee are Josh Gartner, Glen Ullin; Lee Fleischer, Mandan; and Maxine Rugland, Mandan.

## **Morton County Highway Department May 13, 2014 Commission Items**

### **1. Public Hearing - Special Assessment District for Paving of Whispering Hills 2nd Subdivision and Auditor's Lot H of the NW ¼ Sec-11 Township 138N R 81W.**

Today's meeting is scheduled for a "Public Hearing" for the purpose of hearing and determining the sufficiency of any protests for the aforesaid special assessment project. Per following letter, the minimum percentage to create an assessment is 60% of the property owners and 60% of the benefitted property. There are 68.21% of the property owners (15 of 22) and 65.21% (18.01 acres of 27.62 acres) of the benefitted property in favor of the assessment district.

I have fielded one phone call from Julie Prescott that is not in favor of the assessment and should be at today's meeting. Dawn also received one protest letter from Joe Lockner.

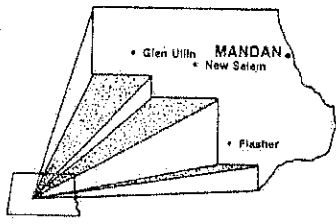
The Notice of Hearing was published in the Mandan News at least 30 days prior to this public hearing as required. A courtesy letter was also sent out last week for a reminder of the meeting.

I recommend approval of the assessment district (Street Improvement District 141) for paving of roadways in Whispering Hills 2nd Subdivision and Auditor's Lot H of the NW ¼ Sec-11 Township 138N R 81W.

### **2. Bid Results and Recommendation of Award for HB 1358 Paving Projects**

Bids for House Bill 1358 projects were opened on May 9, 2014. There were five bids received and the low bid was submitted by Central Specialties in the amount of \$5,086,750.57. All bids were within a 10% range and the low bid was less than 10% over the Engineer's Estimate. Available state funds are \$4,209,910 with the remaining \$876,840 the match and responsibility of Morton County.

I recommend award of the project to Central Specialties in the amount of \$5,086,750.57. Central Specialties also has Morton County's Federal Aid Paving Projects and are looking at starting the projects when load restrictions are lifted. Central Specialties will complete HB 1358 projects immediately following our federal projects and hopefully have everything completed in July.



# Morton County Road Department

2916 37<sup>th</sup> Street NW  
Mandan, ND 58554

County Engineer: Mike Aubol, PE  
E-mail: [maubol@mortoncountynd.org](mailto:maubol@mortoncountynd.org)  
Road Superintendent: Nick Kraft  
E-mail: [nkraft@mortoncountynd.org](mailto:nkraft@mortoncountynd.org)  
Website: [www.co.morton.nd.us](http://www.co.morton.nd.us)  
Telephone: (701) 667-3346  
Fax: (701) 667-3362

May 9, 2014

RE: Whispering Hills 2<sup>nd</sup> Subdivision and Auditors Lot "H" Special Assessment District #141  
Subdivision Roadway Paving

Dear Property Owner,

This letter is a courtesy notice of a Public Hearing occurring at the May 12, 2014 Morton County Commission Meeting. The Public Hearing serves as an opportunity for those opposed to the assessment to protest. Letters of protest can also be turned into the Morton County Auditor, 210 2<sup>nd</sup> Ave NW, Mandan ND no later than 5:00 pm on May 12, 2014.

A special assessment can occur if there is at least 60% of the benefitted property and 60% of the property owners in favor of an assessment. Petitions were circulated and there was 65.21% of the benefitted property and 68.18% of the property owners in the benefitted boundary in favor of the paving district.

The Public Hearing will take place at the May 12, 2014 Morton County Commission Meeting which starts at 5:30 pm in the Commissioners Room of the Morton County Courthouse, 210 2<sup>nd</sup> Ave NW, Mandan ND.

Sincerely,

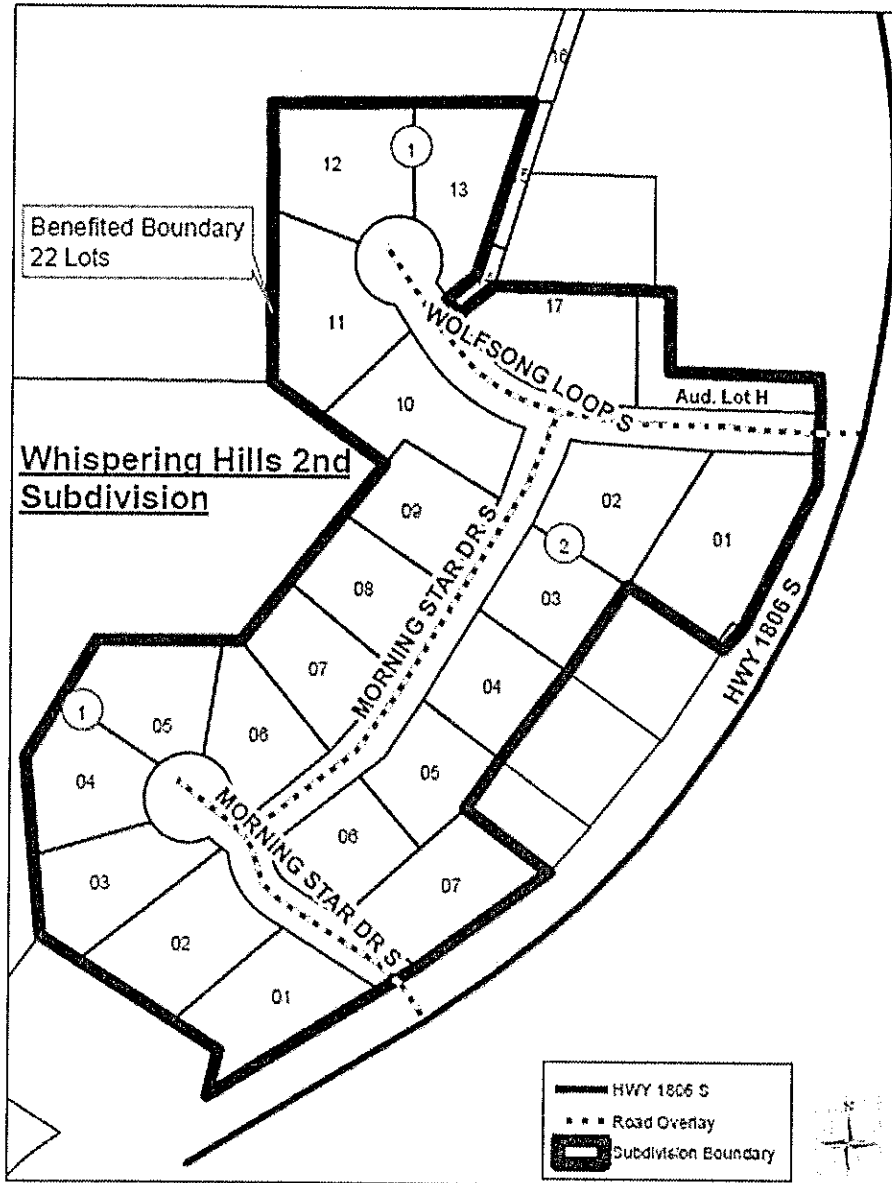
A handwritten signature in black ink, appearing to read "Mike Aubol".

Mike Aubol, PE  
Morton County Engineer

NOTICE OF HEARING BEFORE THE BOARD OF MORTON COUNTY COMMISSIONERS

WHISPERING HILLS 2<sup>ND</sup> SUBDIVISION AND AUDITORS LOT "H"

SPECIAL ASSESSMENT DISTRICT #141



NOTICE OF HEARING BEFORE THE BOARD OF MORTON COUNTY COMMISSIONERS  
WHISPERING HILLS 2<sup>ND</sup> SUBDIVISION AND AUDITOR'S LOT H OF THE NW ¼, SECTION 11 T138N R81W

NOTICE IS HEREBY GIVEN that there will be a hearing before the Board of Morton County Commissioners on May 12, 2014, at the hour of 5:30 pm in the Commissioners Room of the Morton County Courthouse, 210 2<sup>nd</sup> Ave NW, Mandan, ND, on the matter of declaring the necessity of an improvement in Street Improvement District #141, which consists of Hot



Bituminous paving of the roadways within Whispering Hills 2<sup>nd</sup> Subdivision and Auditor's Lot H of the NW ¼, Section 11, T138N R81W. Roadways to be paved are Morning Star Drive S, Dream Catcher Place, and Wolfsong Loop lying west of ND 1806.

### RESOLUTION OF NECESSITY

#### RESOLUTION DECLARING THE NECESSITY OF AN IMPROVEMENT IN WHISPERING HILLS 2<sup>ND</sup> SUBDIVISION AND AUDITOR'S LOT H OF THE NW ¼, SECTION 11 T138N R81W - SID 141

BE IT RESOLVED by the Board of County Commissioners of Morton County, North Dakota as follows:

1. It is hereby found, determined, and declared that it is necessary and expedient for the County to construct an improvement to SID 141 consisting of Hot Bituminous paving of subdivision roadways, in accordance with and as described in the Resolution creating said District, adopted in the preliminary report of the Engineer, approved by this board on March 25, 2014.
2. Cost of the Improvement will be paid for by Special Assessments to be levied against the properties benefited by the improvement in amounts proportionate to and not exceeding such benefits. The estimated cost by the Engineer for said improvement is in the amount of \$220,000.
3. The County Auditor is hereby authorized and directed to cause this Resolution, together with a map of the area showing the Improvement District, to be published once each week for two (2) consecutive weeks in the official Newspaper of the County. The owners of property within said Improvement District and liable to be specialty assessed for said improvement shall be afforded the opportunity to file written protests with the County Auditor at any time within thirty(30) days after the first publication of the Resolution. The Board of County Commissioners shall at its next meeting after the expiration of said period, to wit May 12<sup>th</sup>, 2014 at 5:30pm in the Commissioners Room of the Morton County Courthouse for the purpose of hearing and determining the sufficiency of any protests to be filed and to take such other and further action with reference to said improvement as may then be deemed necessary and expedient.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS  
MORTON COUNTY, NORTH DAKOTA  
ATTEST: Dawn Rhone, Morton County Auditor  
210 2<sup>nd</sup> Ave NW, Mandan, ND 58554

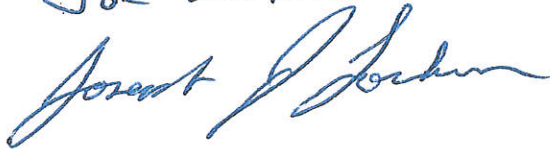
Dated this 25<sup>th</sup> day of March, 2014

Letter of Protest to SID #141

5-12-14

As the owner of lot 07 in Whispering  
Hills 2<sup>nd</sup> Subdivision, I do not agree  
the necessity of Street Improvement District  
# 141.

Joe Lockner



5-12-14

## Tabulation of Bids for Morton County ND 2014 CNOA Paving Projects - Bid Opening May 9, 2014

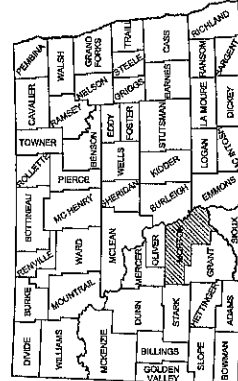
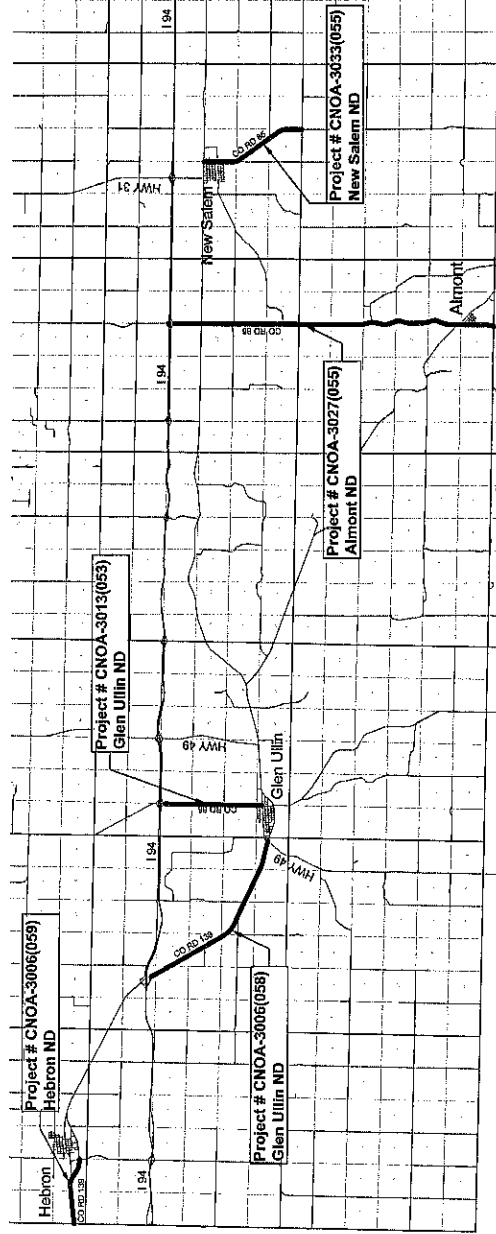
SPEC	CODE	ITEM DESCRIPTION	UNIT	QUANTITY	Engineers Estimate		Central Specialties		Border States Paving	
					UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
103	100	Contract Bond	LSUM	1	\$8,500.00	\$8,500.00	\$12,000.00	\$12,000.00	\$18,200.00	\$18,200.00
107	100	Railroad Protection Insurance	LSUM	1	\$6,000.00	\$6,000.00	\$3,000.00	\$3,000.00	\$5,000.00	\$5,000.00
401	150	SS1H, CSS1H or MS1 Emulsified Asphalt	GAL	36,200	\$2.40	\$86,880.00	\$2.00	\$72,400.00	\$3.00	\$108,600.00
408	185	Hot Bituminous Pavement - Cl 29	TON	52,706	\$45.00	\$2,371,770.00	\$50.38	\$2,655,328.28	\$51.00	\$2,688,006.00
408	445	PG 58-28 Asphalt Cement	TON	3,163	\$640.00	\$2,024,320.00	\$650.00	\$2,055,950.00	\$650.00	\$2,055,950.00
702	9100	Mobilization	LSUM	1	\$50,000.00	\$50,000.00	\$221,000.00	\$221,000.00	\$215,000.00	\$215,000.00
704	100	Flagging	MHR	864	\$25.00	\$21,600.00	\$15.00	\$12,960.00	\$32.50	\$28,080.00
704	1000	Traffic Control Signs	UNIT	2,502	\$2.75	\$6,880.50	\$2.00	\$5,004.00	\$2.05	\$5,129.10
704	11185	Pilot Car	HR	288	\$35.00	\$10,080.00	\$20.00	\$5,760.00	\$43.50	\$12,528.00
760	9	Rumble Strips-Intersections	EA	3	\$2,500.00	\$7,500.00	\$2,875.00	\$8,625.00	\$3,000.00	\$9,000.00
762	430	Short Term 4In Line- Type NR	LF	117,949	\$0.12	\$14,153.88	\$0.09	\$10,497.46	\$0.10	\$11,794.90
762	1104	PVMT Mk Painted 4In Line	LF	372,705	\$0.06	\$22,362.30	\$0.07	\$24,225.83	\$0.07	\$26,089.35
<b>TOTAL</b>						<b>\$4,630,046.68</b>		<b>\$5,086,750.57</b>		<b>\$5,183,377.35</b>

ITEM DESCRIPTION	UNIT	QUANTITY	Knife River Corporation		Mayo Construction		Mariner Construction			
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL		
Contract Bond	LSUM	1	\$12,500.00	\$12,500.00	\$22,000.00	\$22,000.00	\$16,791.44	\$16,791.44		
Railroad Protection Insurance	LSUM	1	\$9,700.00	\$9,700.00	\$2,080.00	\$2,080.00	\$3,800.00	\$3,800.00		
SS1H, CSS1H or MS1 Emulsified Asphalt	GAL	36200	\$2.50	\$90,500.00	\$2.40	\$86,880.00	\$4.00	\$144,800.00		
Hot Bituminous Pavement - Cl 29	TON	52706	\$71.50	\$3,768,479.00	\$59.15	\$3,117,559.90	\$52.25	\$2,753,888.50		
PG 58-28 Asphalt Cement	TON	3163	\$400.00	\$1,265,200.00	\$571.00	\$1,806,073.00	\$789.00	\$2,495,607.00		
Mobilization	LSUM	1	\$108,500.00	\$108,500.00	\$360,000.00	\$360,000.00	\$35,000.00	\$35,000.00		
Flagging	MHR	864	\$56.00	\$48,384.00	\$10.00	\$8,640.00	\$34.00	\$29,376.00		
Traffic Control Signs	UNIT	2502	\$2.50	\$6,255.00	\$2.10	\$5,254.20	\$6.48	\$16,203.00		
Pilot Car	HR	288	\$65.00	\$18,720.00	\$50.00	\$14,400.00	\$54.00	\$15,552.00		
Rumble Strips-Intersections	EA	3	\$3,000.00	\$9,000.00	\$3,500.00	\$10,500.00	\$2,406.40	\$7,219.20		
Short Term 4In Line- Type NR	LF	117949	\$0.09	\$10,615.41	\$0.10	\$11,794.90	\$0.14	\$16,512.86		
PVMT Mk Painted 4In Line	LF	372705	\$0.07	\$26,089.35	\$0.07	\$26,089.35	\$0.08	\$29,816.40		
<b>TOTAL</b>						<b>\$5,373,942.76</b>		<b>\$5,471,271.35</b>		<b>\$5,564,566.40</b>

**MORTON COUNTY, NORTH DAKOTA  
STATE AID PROJECTS  
CNOA-3006(059), CNOA-3006(058)  
CNOA-3013(053), CNOA-3027(055), CNOA-3033(055)  
BITUMINOUS OVERLAY - 24.11 Miles**

ALL PROJECTS ON AN EXISTING PAVED COUNTY ROADWAYS.

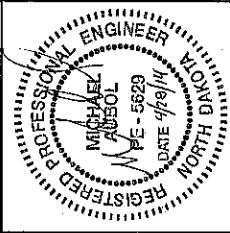
PROJECT LENGTHS	MILES
CNOA-3006(059) PCN 20511 STA. 0+75 TO STA. 105+12	2.06
CNOA-3006(058) PCN 20509 STA. 55+00 TO STA. 381+71	5.81
CNOA-3013(053) PCN 20512 STA. 2+50 TO STA. 102+00	3.02
CNOA-3027(055) PCN 20510 STA. 21+00 TO STA. 29+00 (BK) - STA. 0+00 TO STA. 37+27.8 (BK)	9.91
CNOA-3033(055) PCN 20508 STA. 0+15 TO STA. 175+15	3.31



STATE COUNTY MAP

STATE	ND	PROJECT NO.	Morton County Work Order # 1450	SECTION NO.	1	SHEET NO.	1
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**GOVERNING SPECIFICATIONS**  
STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, ADOPTED BY THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION, OCTOBER 2008, STANDARD DRAWINGS CURRENTLY IN EFFECT, AND OF TRANSPORTATION CONTRACTS, STANDARD DRAWINGS CURRENTLY IN ALL OTHER CONTRACT PROVISIONS SUBMITTED HEREIN.



I hereby certify that the attached plans were prepared by me or under my direct supervision and that I am a duly registered professional engineer under the laws of the State of ND.

APPROVED DATE: 4/28/2014

APPROVED SIGNATURE: [Signature]

MIKE A. BUSOL, P.E.  
MORTON COUNTY ENGINEER

MORTON COUNTY  
HIGHWAY DEPARTMENT