

## MORTON COUNTY COMMISSION REGULAR MEETING

April 12, 2018

The Morton County Commission Regular Meeting was called to order on April 12, 2018 at 5:30 PM by Chairman Strinden at the Morton County Courthouse, 210 Second Avenue NW, Mandan, North Dakota. Others present were Commissioners Leingang, Zachmeier and Schulz, Deputy Auditor Eckroth, States Attorney Kopyy and Assistant States Attorney Grosinger. Absent was Commissioner Boehm.

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

Schulz moved and Leingang seconded to approve the minutes of the March 27, 2018 meeting. All voting aye, motion carried.

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

Schulz moved and Leingang seconded to approve Homestead Credit abatements #5156-5158. All voting aye, motion carried.

Schulz moved and Leingang seconded to approve the draft of the Morton County Public Communication Plan. All voting aye, motion carried.

Leingang moved and Schulz seconded to approve the bids from True North Steel for steel culverts. All voting aye, motion carried.

Leingang moved and Schulz seconded to approve the bids from Forterra Pipe and Precast for concrete culverts. All voting aye, motion carried.

Leingang moved and Schulz seconded to authorize the interim County Engineer Hille and Commissioner Leingang to authorize negotiations and enter into a contract with selected consulting firms for the design services for the Almont Bridge Project. All voting aye, motion carried.

Schulz moved and Leingang seconded to approve the special use permit to Knife River and Larry Graft to engage in gravel extraction and gravel crushing operations on approximately 20 acres in the NE ¼ of Section 23 and the NW ¼ of Section 24, Township 140N, Range 82W with the following conditions:

1. Hours of operation for all activities covered under the SUP (including, but not limited to hauling of material) shall be limited to 6:00 am to 7:30 pm, Monday through Saturday.
2. The SUP shall expire on December 31, 2018.
3. The SUP shall automatically expire at the end of the current land lease if the lease is not renewed.
4. Knife River or its agent shall apply calcium chloride, magnesium chloride or similar chemical to some or all portions of the approximately 0.9 mile haul route, as directed by the County Engineer, to minimize dust.
5. Prior to issuance of the SUP, the applicant shall provide the zoning Administrator with copy of the army corps of Engineers approval to build a haul rout crossing over Square Butte Creek.
6. Activities approved under the Special Use Permit shall be limited to the areas identified in the site plan.
7. The County Engineer shall conduct a pre and post project inspection of 25<sup>th</sup> Ave and Knife River shall be required to improve the effective portion of 25<sup>th</sup> Ave to its pre project condition.
8. After the project is completed Knife River shall engaged in site reclamation activity including grading of the mine site and returning of top soil with the completion date of August 2019.

All voting aye, motion carried.

Zachmeier moved and Schulz seconded to have Planning & Zoning reconsider the additional right of way and easements on Co Rd 138. All voting aye, motion carried.

Zachmeier moved and Leingang seconded to deny the Special Use permit for the Little Heart Compassion Center, also known as Little Heart Botanicals, a medical marijuana growing/processing center, submitted by Brian & Angie McGinness, located in the SW ¼ of Section 28, Township 137N, Range 81 W due to the following:

- Marijuana is defined as a Controlled Substance per 21 U.S.C. Section 6.
- Marijuana, Cannabis, and THC is a Schedule 1 Controlled Substance per 21 U.S.C. Section 812.
- Marijuana is illegal under the Federal Controlled Substances Act.
- There are currently no provisions in United States Law that allow for Medical Marijuana.
- Article VI, Section 2 of the United States Constitution states that Federal Laws made pursuant to the Constitution and treaties made under its authority, constitute the supreme law of the land. It provides that State Courts are bound by the supreme law; in case of conflict between Federal Law and State Law, the Federal Law must be applied. State Constitutions are subordinate to Federal Law.
- The United States Supreme Court in Gonzales v. Raich (545 U.S. 1 (2005) ruled that under the Commerce Clause of the United States Constitution, Congress may criminalize the production and use of homegrown cannabis even if State Law allows its use for medicinal purposes.

Voting aye: Zachmeier, Leingang and Strinden; voting nay: Schulz. Motion carried.

The total of all county funds expended from March 28, 2018 through April 12, 2018, equals \$2,339,241.86.

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.

Zachmeier moved and Leingang seconded to adjourn at 8:00 PM. All voting aye, motion carried.

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

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