

## Morton County Commission Meeting Agenda

**April 23, 2019**

**Commission Room, Morton County Courthouse**

**210 2<sup>nd</sup> Ave NW, Mandan ND**

**5:30 PM**

Call to order

Roll Call

Approval of Agenda

Approval of minutes for previous meetings

Approve monthly bills and payroll – Commissioner Leingang

1. Scott Wegner/Arntson Stewart Wegner PC
  - Sales Tax Ordinance
2. John Saiki/MC Engineer
  - Request for Dust Control in the Area of Northern Border Pipeline near Glen Ullin
3. Dawn Rhone/MC Auditor
  - Project Manager for LEC Remodel

\*ISSUES MAY BE ADDED OR DELETED BY MEETING DAY.

## MORTON COUNTY COMMISSION REGULAR MEETING

April 11, 2019

The Morton County Commission Regular Meeting was called to order on April 11, 2019 at 5:30 PM by Chairman Strinden at the Morton County Courthouse, 210 Second Avenue NW, Mandan, North Dakota. Others present were Commissioners Schulz, Leingang, Zachmeier and Buckley, Deputy Auditor Eckroth and States Attorney Koppy.

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

Buckley moved and Leingang seconded to approve the minutes of the March 26, 2019 meeting. All voting aye, motion carried.

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

Schulz moved and Buckley seconded to approve the letters of support of the 2019 Community Connect Grant from BEK Communication Cooperative and sign the associated letters. All voting aye, motion carried.

Schulz moved and Zachmeier seconded to approve the request of BMDA Morton County Development Funds for Morton County Fair Board in the amount of \$25,000 designating \$5,800 for Rodeo Stock. Voting aye: Leingang, Zachmeier, Schulz and Strinden. Voting nay: Buckley. Motion carried.

Zachmeier moved and Leingang seconded to approve Homestead Credit Abatements # 5252 - #5256. All voting aye, motion carried.

Buckley moved and Leingang seconded to approve the ratification of the Morton County Emergency Flood Declaration for Overland and Riverine Flooding. All voting aye, motion carried.

Zachmeier moved and Schulz seconded approval of a special use permit to locate an accessory dwelling unit in the SE ¼ of Section 6, Township 137N, Range 83W, Morton County, as the application conforms to the requirements of Section 5-010 of the Morton County Land Use Code, with the following condition:

1. The new residential structure must be located north of County Road 137 and outside the special flood hazard area.
2. Substantial construction on the new residence must begin by December 31, 2021.

All voting aye, motion carried.

Schulz moved and Leingang second to approve the request by Knife River, Arthur Carlson and David Hendrickson for a special use permit (SUP) to allow a gravel extraction, crushing and stockpiling operations on approx. 20 acres in the NW ¼ of Section of 4 and NE ¼ of Section 5, Township 138N, Range 82W, Morton County with the following conditions:

1. Hours of operation for all noise-producing activities and hauling of material shall be limited to 7:00am to 6:00pm, Monday through Friday.
2. The term of the SUP is two years from the approval date.
3. Knife River or its agent shall apply calcium chloride, magnesium chloride or similar chemical to some or all portions of the haul route, as directed by the County Engineer, to minimize dust.
4. The special use permit is contingent upon the development of a road maintenance agreement between Morton County and Knife River.

All voting aye, motion carried.

Zachmeier moved and Leingang second to approve the request for an amendment to the Morton County Land Use Code Section 10-020(b) Long Form Subdivision/Consultation and Application, regarding long-form subdivision application requirements and availability of potable water. Voting aye: Zachmeier, Leingang. Voting nay: Buckley, Schulz, Strinden. Motion denied.

Leingang moved and Buckley seconded to authorize the Highway Department to request bids for culverts including steel, concrete and plastic. All voting aye, motion carried.

Leingang moved and Schulz seconded to authorize the Highway Department to request bids for gravel crushing. All voting aye, motion carried

Schulz moved and Leingang seconded to approve the offer negotiated for right of way and temporary easements needed for construction of the Sims Bridge. All voting aye, motion carried.

Schulz moved and Buckley seconded to accept the resignation letter from Doug Griffin from the Morton County Park Board with regrets. All voting aye, motion carried.

Schulz moved and Zachmeier seconded to authorize the County Auditor to proceed with securing financing for the LEC remodel structured as bonds of 2.5 million and a loan of \$500,000 from the Bank of ND as well as to hire Bond Counsel. All voting aye, motion carried.

The total of all county funds expended from March 27, 2019 through April 11, 2019, equals \$2,369,782.41.

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 Leingang seconded to adjourn at 6:47 PM. All voting aye, motion carried.

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

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

MORTON COUNTY, NORTH DAKOTA ORDINANCE #2019-1

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO  
\$3,000,000 SALES TAX REVENUE BONDS  
TO FINANCE RENOVATION OF FORMER DETENTION SPACE**

WHEREAS, the Morton County Commission has determined it necessary to renovate the former Morton County detention space and make related improvements (the "Project"); and

WHEREAS, the County Commission is authorized under Article II of the Home Rule Charter to levy a sales and use tax of one-half of one percent (0.5%) (the "Sales Tax") on taxable sales within Morton County (the "County"), the revenues of which are dedicated to the construction of the new joint detention center and renovation of the former detention space; and

WHEREAS, the County Commission has the power under Article II of the County's Home Rule Charter, Ordinance 2014-1 and North Dakota Century Code Section 11-11-14 to issue bonds to finance the construction of the Project.

NOW THEREFORE, THE MORTON COUNTY COMMISSION HEREBY ORDAINS:

Section 1. Sales Tax Imposed. The Sales Tax imposed by Article II of the Home Rule Charter and Ordinance 2014-1 is ratified and confirmed.

Section 2. Authorization of Sales Tax Revenue Bonds. The County hereby authorizes the issuance of its Sales Tax Revenue Bonds in an aggregate principal amount not to exceed \$3,000,000 (the "Bonds") pursuant to and in accordance with the Home Rule Charter, Ordinance 2014-1 and NDCC Section 11-11-14 for the purpose of financing the Project. The Bonds may be sold at private negotiated sale or competitive sale in one or more series, to include interim notes and bonds, as determined by the County Commission.

Section 3. Source of Payment for the Bonds. The Bonds shall be special, limited obligations of the County, and unless paid from other sources, shall be payable from the revenues collected from the Sales Tax. The Sales Tax, and so much thereof as is necessary is hereby pledged to prompt payment of the principal of, premium, if any, and the interest on the Bonds. The County shall continue to levy and collect the Sales Tax until the Bonds have been paid in full.

Section 4. Further Action. The County Commission shall adopt a resolution or resolutions providing for the issuance and sale of the Bonds and specifying the terms of the Bonds. The appropriate officers of the County are hereby authorized and directed to take all such action, execute, deliver, file and record all such documents, publish all notices and otherwise carry out the intent of the Morton County Commission in the enactment of this Ordinance and the issuance of the Bonds.

**APPROVED:**

Attest:

\_\_\_\_\_  
Chairman, Board of County Commissioners

\_\_\_\_\_  
County Auditor

( S E A L )

First Reading: April 23, 2019.

Second Reading: \_\_\_\_\_, 2019.

Effective Date: \_\_\_\_\_, 2019.



Morton County Commission  
Morton County Courthouse  
210 2<sup>nd</sup> Ave NW  
Mandan, ND 58554  
(701) 667.3414

Stewardship of Public Trust | Respect for Diverse Voices & Ideas | Responsive & Comprehensive Customer Service | Leadership with Ethics and Integrity | Culture of Teamwork & Collaboration

**MEETING DATE:** April 23, 2019  
**PREPARATION DATE:** April 18, 2019  
**SUBMITTING DEPARTMENT:** Highway Department  
**DEPARTMENT DIRECTOR:** John Saiki  
**PRESENTER:** John Saiki

**SUBJECT:** Request for Dust Control in the Area of Northern Border Pipeline near Glen Ullin

**STATEMENT/PURPOSE:** Request for Authorization to apply palliative dust control measures in area of Northern Border Pipeline in Glen Ullin. Northern Border Pipeline has requested dust control measure to be applied with a 50/50 cost share with Morton County.

**BACKGROUND/ALTERNATIVES:** Dust control in the area of the Northern Border pipeline near Glen Ullin, as well as other dust control issues were discussed at the April 17 Road Commission Meeting. Motion by Hille and second by Buckley to recommend 50% cost share for requested dust palliative measures, to be applied once per year at a predetermined and scheduled time, with cost share to be paid prior to application. A minimum length of 800 LF for each application was also recommended, and the year 2020 budget would need to reflect funding for the issue. The motion was passed on a split vote, with Hille, Buckley, and Kirchmeier voting Aye, Wolf and Leingang voting Nay.

**ATTACHMENTS:** None

**FISCAL IMPACT:** Future Budgeted Item in 2020 if passed. Estimated cost is \$ 5,000 per mile, depending on the material used.

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** None

**RECOMMENDATION** Authorize dust palliative measures be applied as requested with a 50/50 cost share. Future Budgets will reflect this line item.

**SUGGESTED MOTION:** Move to Authorize Dust Palliative measures be applied as requested with a 50/50 cost share with Morton County.