

Morton County Commission Meeting Agenda

April 24, 2018

Commission Room, Morton County Courthouse

210 2nd 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 Strinden

1. Roger Hille/Interim County Engineer

- Almont Bridge replacement #30-128-18.0 BRC-3027(054) PNC 14145 Project 1870
- Bridge#30-130-15.0 – Project 1874, Bridge#30-133-03.0- Project 1824 and Bridge#30-160-21.0 – Project 1825, for replacement
- Budget Amendment for Gravel
- Project SRF-0030(046) PCN 22138, Graner Park Bituminous Overlay-Project 1872

2. Dawn Rhone/County Auditor

*ISSUES MAY BE ADDED OR DELETED BY MEETING DAY.

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 25th Ave and Knife River shall be required to improve the effective portion of 25th 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 _____



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

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MEETING DATE: April 24, 2018
PREPARATION DATE: April 17, 2018
SUBMITTING DEPARTMENT: Highway Department
DEPARTMENT DIRECTOR:
PRESENTER: Roger Hille/Designee
SUBJECT: Almont Bridge replacement #30-128-18.0 BRC-3027(054)
PNC 14145-Project 1870

STATEMENT/PURPOSE: Discussion on results of consultant presentations and interviews. Would like to enter contract prior to next Commission meeting.

BACKGROUND/ALTERNATIVES: Selection committee met and reviewed 8 proposals for the Preliminary Engineering and Design Services for the Almont Bridge replacement #30-128-18.0. Out of the 8 proposals, four of those firms were interviewed and a selection was made that best fit the needs of Morton County.

ATTACHMENTS: None at this time.

FISCAL IMPACT: None. HB 1176 funding.

STAFF IMPACT: None.

LEGAL REVIEW: Contract to be reviewed.

RECOMMENDATION: Road Commission recommends authorization for chair to execute agreement with Sauber Engineering.

SUGGESTED MOTION: Authorize chair to execute agreement with Sauber Engineering for Preliminary Engineering and Design for Almont Bridge Replacement #30-128-18.0, BRO-3027(054)-Project 1870.



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MEETING DATE: April 24, 2018
PREPARATION DATE: April 17, 2018
SUBMITTING DEPARTMENT: Highway Department
DEPARTMENT DIRECTOR:
PRESENTER: Roger Hille/Designee
SUBJECT: Bridge #30-130-15.0- Project 1874, Bridge #30-133-03.0- Project 1824 and Bridge# 30-160-21.0 – Project 1825, for replacement.

STATEMENT/PURPOSE: Authorize Chair to execute agreements for Preliminary Engineering and Design contracts.

BACKGROUND/ALTERNATIVES: Recommendation to proceed with Preliminary Engineering and Design contracts at April 18th, 2018 Road Comm. Meeting.

ATTACHMENTS: None at this time.

FISCAL IMPACT: Will use budgeted bridge replacement funds.

STAFF IMPACT: Minimal at this time.

LEGAL REVIEW: Not required.

RECOMMENDATION Approval to authorize Chair to execute agreements for Preliminary Engineering and Design for replacement of Bridge #30-130-15.0, 30-133-03.0 and 30-160-21.0.

SUGGESTED MOTION: Authorize Chair to execute agreements for Preliminary Engineering and Design for replacement of Bridge #30-130-15.0- Project 1874, 30-133-03.0- Project 1824 and 30-160-21.0- Project 1825.



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MEETING DATE: April 24, 2018

PREPARATION DATE: April 17, 2018

SUBMITTING DEPARTMENT: Highway Department

DEPARTMENT DIRECTOR:

PRESENTER: Roger Hille/Designee

SUBJECT: Budget Amendment for Gravel

STATEMENT/PURPOSE: Strategic pit & crushing locations will save hauling costs.

BACKGROUND/ALTERNATIVES: None.

ATTACHMENTS: None at this time.

FISCAL IMPACT: Additional \$279,000 for gravel crushing. Will use revenue stream from \$279,000 payment from Water Resource Board.

STAFF IMPACT: None.

LEGAL REVIEW: None.

RECOMMENDATION: To approve budget amendment.

SUGGESTED MOTION: Optional, as per Auditor Rhone. Accept budget amendment adding \$279,000 to the gravel crushing line item.



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MEETING DATE: April 24, 2018

PREPARATION DATE: April 17, 2018

SUBMITTING DEPARTMENT: Highway Department

DEPARTMENT DIRECTOR:

PRESENTER: Roger Hille/Designee

SUBJECT: Project SRF-0030(046) PCN 22138, Graner Park Bituminous Overlay- Project 1872

STATEMENT/PURPOSE: Graner Park Bituminous Overlay bid results/award bid.

BACKGROUND/ALTERNATIVES: Request for proposals authorized at March 27th, 2018 Morton County Commission Meeting.

ATTACHMENTS: None.

FISCAL IMPACT: Budgeted item.

STAFF IMPACT: Minimal.

LEGAL REVIEW: None.

RECOMMENDATION: Recommend awarding low bid for Graner Park Paving.

SUGGESTED MOTION: Award Graner Park Paving Bituminous Overlay SRF-0030 (046), PCN 22138- Project 1872.