

MORTON COUNTY COMMISSION REGULAR MEETING

April 8, 2021

The Morton County Commission Regular Meeting was called to order on April 8, 2021 at 5:30 PM by Chairman Leingang at the Morton County Courthouse, 210 Second Avenue NW, Mandan, North Dakota. Others present were Commissioners Zachmeier, Buckley, Boehm and Morrell, Auditor Rhone and States Attorney Koppy

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

Boehm moved and Morrell seconded to approve the minutes of the March 23, 2021 regular meeting. All voting aye, motion carried.

Morrell moved and Boehm seconded to approve bills and payroll. All voting aye, motion carried.

Morrell moved and Boehm seconded to reconsider abatement #5930. All voting aye, motion carried.

Boehm moved and Morrell seconded to cancel abatement #5930 for tax year 2020. All voting aye, motion carried.

Boehm moved and Morrell seconded to approve abatements #5935-5937. All voting aye, motion carried.

Zachmeier moved and Boehm seconded to approve a zoning map amendment from Rural Commercial (CR) District to Agricultural (A) District for the SW ¼ of Section 9, Township 139N, Range 82W as the rezoning is not in conflict with the land use priorities for the property, established in the 2045 Comprehensive Plan. All voting aye, motion carried.

Zachmeier moved and Morrell seconded to approve the removal of all of Section 3-050 of the Morton County Land Use Code and replace with a new Section 3-050 to the Morton County Land Use Code for the Harmon Lake Dam Breach Inundation Zone Overlay District as requested by the Morton County Water Resource District and recommended by the Morton County Planning and Zoning Board on 03-25-2021 as the new Section 3-050 complies with Goal #7, Implementation Step 7.1.4- of the Morton County 2045 Comprehensive Plan. The new Section 3-050 to the Morton County Land Use Code for the Harmon Lake Dam Breach Inundation Zone Overlay District further complies with the following:

- NDCC 11-33 in that the new Section 3-050 promotes the health, safety, and public welfare.
- It does not prohibit or prevent the use of land or buildings for farming or ranching and does not prohibit or prevent any of the normal incidents of farming or ranching.
- It protects and guides the development of a nonurban area.
- It provides for emergency management in that it provides for the mitigation and recovery from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or the environment.
- It regulates and restricts the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the density of population, and the location and use of buildings, structures, and land for residence, or other purposes.

- It lessens governmental expenditures in regards to potential emergency response to flooding.
- It conserves natural resources.
- It provides for reasonable regulations, not contrary to law, as it deems desirable or necessary to regulate and control nonconforming uses and occupancies.

The new Section 3-050 to the Morton County Land Use Code for the Harmon Lake Dam Breach Inundation Zone Overlay District also complies with Section 8 of the State of North Dakota, Permit to Construct or Modify- Permit #1092. Voting aye: Zachmeier, Morell; Voting nay: Buckley, Boehm, Leingang. Motion failed.

Boehm moved and Buckley seconded to table the Harmon Lake Dam Breach Inundation Zone until the next meeting. All voting aye, motion carried.

Boehm moved and Buckley seconded to appoint Bruce Engelhardt to the Missouri River Council. All voting aye, motion carried.

The total of all county funds expended from March 24, 2021 through April 8, 2021 equals \$2,183,439.77.

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.

Morrell moved and Boehm seconded to adjourn at 6:29PM. All voting aye, motion carried.

Ronald Leingang, Chairman, Morton County Commission _____

Dawn R Rhone, County Auditor _____