

Morton County Commission Meeting Agenda

December 8, 2016

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 Zachmeier

Public Hearing: Resolution Authorizing the Issuance of Health Care Facilities Revenue Bonds

1. Linda Morris/Tax Director
 - Abatements for the boards consideration
 - Building Inspector Contract and Building Permit Fee Schedule
2. Brian Grosinger/MC State Attorney
 - Executive Session-to advise/consult per litigation against Morton County, Dundon et al v. Morton County et. al.
3. Dawn Rhone/County Auditor
 - 2017 Morton County Commission Meeting Schedule

*ISSUES MAY BE ADDED OR DELETED BY MEETING DAY.

MORTON COUNTY COMMISSION REGULAR MEETING
November 22, 2016

The Morton County Commission Regular Meeting was called to order on November 22, 2016 at 5:30 PM by Chairman Schulz at the Morton County Courthouse, 210 Second Avenue NW, Mandan, North Dakota. Others present were Commissioners Zachmeier, Boehm, Leingang and Strinden, Auditor Rhone, States Attorney Koppy and Assistant States Attorney Grosinger.

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

Boehm moved and Leingang seconded to approve the minutes of the November 10, 2016 meeting. All voting aye, motion carried.

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

Boehm moved and Leingang seconded to approve the request to fill the Highway Maintenance worker position. All voting aye, motion carried.

Zachmeier moved and Leingang seconded to approve the request for a temporary Child Protective Services position. All voting aye, motion carried.

Strinden moved and Boehm seconded to approve abatement #4887. All voting aye, motion carried.

Zachmeier moved and Boehm seconded to accept the notice of retirement from County Agent, Jackie Buckley, with thanks from the Commission and citizens of Morton County. All voting aye, motion carried.

Zachmeier moved and Boehm seconded to approve the Northeast Morton County Future Land Use Plan excluding chapter 2. All voting aye, motion carried.

Strinden moved and Zachmeier seconded to approve the recreational zoning transition plan and authorize County Planner Pierce to proceed after January 1, 2017. All voting aye, motion carried.

Leingang moved and Boehm seconded to approve of disposal of County Highway Department vehicles as presented. All voting aye, motion carried.

The total of all county funds expended from November 11, 2016 through November 23, 2016, equals \$757,285.37

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.

Boehm moved and Leingang seconded to adjourn at 6:43 PM. All voting aye, motion carried.

Cody Schulz, Chairman, Morton County Commission _____

Dawn R Rhone, County Auditor _____

**RESOLUTION AUTHORIZING THE ISSUANCE OF
HEALTH CARE FACILITIES REVENUE BONDS
(SANFORD-GOOD SAMARITAN COMMUNITY HEALTH
SERVICES, LLC PROJECT) UNDER CHAPTER 40-57 N.D.C.C. AND
AUTHORIZING THE PREPARATION OF NECESSARY DOCUMENTS**

BE IT RESOLVED by the County Commission of Morton County, North Dakota (the “County”), as follows:

Section 1. Policy and Purpose.

1.01. For the purpose of promotion, attraction, encouragement, and development of economically sound commerce and encouraging employment opportunities for the citizens of the County, the County is authorized by Chapter 40-57, North Dakota Century Code (the “Act”), to issue revenue bonds of the County and to loan the proceeds to a contracting party to provide financing for equipment and improvements to real property.

1.02. Sanford-Good Samaritan Community Health Services, LLC, a North Dakota limited liability company (the “Company”), whose members are Sanford Living Centers and The Evangelical Lutheran Good Samaritan Society, has requested the County to issue its Health Care Facilities Revenue Bonds (Sanford-Good Samaritan Community Health Services, LLC Project) Series 2017 (the “Bonds”) in the amount not to exceed \$23,000,000 for the purpose of acquiring a newly constructed 120-bed skilled nursing facility located at 3500 21st Street SE, Mandan, North Dakota (the “Project”).

Section 2. Findings.

2.01. The County Commission, by Resolution duly adopted on November 10, 2016, called a public hearing on a proposal that the County issue its revenue bonds under the Act, in an amount not exceeding \$23,000,000 to finance the Project. A public notice setting forth the nature of the Project and the date and time of a public hearing on the Bonds was published November 23 and 30, 2016, in the *Bismarck Tribune* and on December 2, 2016, in the *Mandan News*.

2.02. The County Commission has, on this date held a public hearing regarding the issuance of revenue bonds to finance the Project, and all persons desiring to be heard were heard.

2.03. Following the public hearing, it appears the issuance of the Bonds is in the public interest and any competitive nature and impact and effect of the issue upon existing industry and business will not result in an unfair advantage to the Project to the substantial detriment of existing enterprises.

Section 3. Approval and Authorization.

3.01. Subject to the mutual agreement of the County, the Company, and the purchaser of the Bonds as to the details of the Bonds, the Indenture of Trust, the Loan Agreement, and other necessary documents, the issuance of the Bonds, in one or more series, in an amount not to exceed \$23,000,000, is hereby approved and authorized to finance the Project.

3.02. Neither this commitment nor any actions, agreements, or legal matters related hereto or executed in pursuance hereof, shall in any manner or form create an indebtedness or liability of the County.

Dated December 8, 2016.

APPROVED:

Chair, Board of County Commissioners

ATTEST:

County Auditor

Motion for the adoption of the foregoing Resolution was made by Commissioner _____, seconded by Commissioner _____, and, upon a vote being taken thereon, the following voted in favor: _____; the following voted against: _____; and the following were absent: _____; whereupon the Resolution was declared duly passed and adopted.



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

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MEETING DATE: 12/08/2016
PREPARATION DATE: 12/05/2016
SUBMITTING DEPARTMENT: TAX DIRECTOR
DEPARTMENT DIRECTOR: LINDA MORRIS
PRESENTER: LINDA MORRIS
SUBJECT: ABATEMENT # 4890—4891—4892

STATEMENT/PURPOSE: ABATEMENTS 4890, 4891, & 4892 REDUCTION OF THE TOTAL VALUE PARCEL 10-0126000—SECT 29—TWP 135—RAN 81 PART OF THE SW ¼ NW ¼ 19.84 ACRES 6440 HWY 6 SOLEN ND

BACKGROUND/ALTERNATIVES: WITH A REASSESSMENT/APPRaisal, THE CONDITION OF THE PROPERTY HAS INDICATED THIS PROPERTY HAS BEEN OVER ASSESSED. YOUR CONSIDERATION FOR THE REDUCTION TO THE MARKET VALUE ARE AS FOLLOWS:

*4890-ASSESSED FOR 2014: LAND - \$16,800 BUILDING - \$123,900 TOTAL VALUE - \$140,700
SHOULD BE FOR 2014: LAND - \$10,900 BUILDING - \$35,400 TOTAL VALUE - \$ 46,300
*4891-ASSESSED FOR 2015: LAND - \$20,000 BUILDING - \$133,100 TOTAL VALUE - \$153,100
SHOULD BE FOR 2015: LAND - \$10,900 BUILDING - \$38,600 TOTAL VALUE - \$ 49,500
*4892-ASSESSED FOR 2015: LAND - \$20,000 BUILDING - \$145,300 TOTAL VALUE - \$165,300
SHOULD BE FOR 2015: LAND - \$10,900 BUILDING - \$42,100 TOTAL VALUE - \$ 53,000

ATTACHMENTS: N/A

FISCAL IMPACT: REDUCTION 2014 MARKET VALUE OF \$ 94,400
REDUCTION 2015 MARKET VALUE OF \$103,600
REDUCTION 2016 MARKET VALUE OF \$112,300

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: RECOMMEND APPROVAL OF ABATEMENTS #4890, 4891, & 4892 AS THE PARCEL HAS BEEN REASSESSED AND INDICATES A REDUCTION IN MARKET VALUE.

SUGGESTED MOTION: A MOTION TO APPROVE ABATEMENTS #4890, 4891, & 4892 TO CORRECT THE 2014, 2015, & 2016 ASSESSMENTS AS PRESENTED



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MEETING DATE: 12/8/2016
PREPARATION DATE: 12/5/2016
SUBMITTING DEPARTMENT: TAX DIRECTOR
DEPARTMENT DIRECTOR: LINDA MORRIS
PRESENTER: LINDA MORRIS
SUBJECT: ABATEMENT # 4888 & 4889

STATEMENT/PURPOSE: HOMESTEAD CREDIT ABATEMENTS

BACKGROUND/ALTERNATIVES: N/A

ATTACHMENTS: N/A

FISCAL IMPACT: NONE—CREDIT TAX REIMBURSED BY THE STATE

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: RECOMMEND APPROVAL OF ABATEMENT 4888 & 4889 AS APPLICANTS QUALIFY FOR 2016 HOMESTEAD CREDIT:

2016	65-1406000	THOMAS	211 10 TH AVE NE MD
2016	65-2524000	BECKLER	206 1 ST AVE NE MD

SUGGESTED MOTION: MOTION TO APPROVE ABATEMENT 4888 & 4889 AS PRESENTED

DATE: 12/5/16

TO: MORTON COUNTY COMMISSIONERS

FROM: LINDA MORRIS, MORTON COUNTY TAX DIRECTOR

RE: DECEMBER 8, 2016 ABATEMENTS

TAX YEAR	ABATEMENT NUMBER	TYPE OF ABATEMENT	PARCEL NUMBER	ORIGINAL VALUE	OWNER	NEW VALUE	PROPERTY ADDRESS	ABATED VALUE	REASON FOR ABATEMENT
2016	4888	HMSTD CRDT	651406000	\$129,000	GLADYS THOMAS	\$129,000	211 10TH AVE NE MD	\$ -	HMSTD CRDT
2016	4889	HMSTD CRDT	652524000	\$121,200	MARIE BECKLER	\$121,200	206 1ST AVE NE	\$ -	HMSTD CRDT
2014	4890	REASSESSMENT	100126000	\$140,700	TISHA BLACK ET AL	\$46,300	6440 HWY 6 SOLEN	\$ 94,400.00	REASSESSMENT
2015	4891	REASSESSMENT	100126000	\$153,100	TISHA BLACK ET AL	\$49,500	6440 HWY 6 SOLEN	\$ 103,600.00	REASSESSMENT
2016	4892	REASSESSMENT	100126000	\$165,300	TISHA BLACK ET AL	\$53,000	6440 HWY 6 SOLEN	\$ 112,300.00	REASSESSMENT



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MEETING DATE: 12/8/2016
PREPARATION DATE: 12/5/2016
SUBMITTING DEPARTMENT: TAX DIRECTOR
DEPARTMENT DIRECTOR: LINDA MORRIS
PRESENTER: LINDA MORRIS
SUBJECT: BUILDING INSPECTORS CONTRACT

STATEMENT/PURPOSE: 2017 BUILDING INSPECTORS ANNUAL CONTRACT AND BUILDING PERMIT FEE SCHEDULE.

BACKGROUND/ALTERNATIVES: MR. TOM LIEBEL HAS AGREED TO CONTINUE AS THE MORTON COUNTY BUILDING INSPECTOR FOR 2017 WITH NO CHANGE TO HIS CONTRACT. NO CHANGES TO THE PERMIT FEE SCHEDULE. THE FOLLOWING IS A RECAP OF 2016:

NEW DWELLING	32
MODULAR	15
ADDITIONS/BSMT FIN	20
MISC. RES	13
GARAGE	14
COMMERCIAL BUILDING	4
SHOP	26
MISC. COM	6
TOTAL PERMITS	130
TOTAL FEES RECEIVED	\$109,000
TOTAL FOR CONTRACT SERVICE INCLUDING MILEAGE	\$ 35,700

ATTACHMENTS: N/A

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: NO LEGAL REVIEW REQUESTED

RECOMMENDATION: I am recommending a motion to approve the 2017 contract between Morton County and Building Inspector Tom Liebel. With your approval tonight, the 2017 contract and fee schedule would remain same as the 2016 with the exception of the date changes.

SUGGESTED MOTION: A MOTION TO APPROVE AS PRESENTED

**BUILDING PERMIT FEE SCHEDULE
MORTON COUNTY**

FEE SCHEDULE FOR BUILDING VALUATION

Up to \$1000	\$80		
\$1001-\$25,000	\$120 +	\$4.75	per \$1000 of value
\$25,001-\$500,000	\$150 +	\$4.50	per \$1000 of value
\$500,001-\$750,000	\$250 +	\$4.25	per \$1000 of value
Over \$750,001	\$500 +	\$4.00	per \$1000 of value

PROJECTS

Additions	See cost factor
Carport	\$100
Commercial	See cost factor
Basement Finish	\$150
Decks/Patio	\$150
Demo Permit	\$100
Enclosed Patio/Deck	See cost factor
Fireplace	\$100
Garage	See cost factor
Gas Pressure Testing	\$60
Miscellaneous	\$60
Modular/Manufactured:	
Pier/block/slab.....	\$250
Basement/Garage or Addition	See cost factor
Pole Barn/Shop	See cost factor
Sheds-Prefab/Utility	\$150

**COST FACTOR FOR DETERMINING VALUE OF NEW
CONSTRUCTION**

Res:	Main Floor:	No Basement	\$80 per sf
		Crawl Space	\$95 per sf
		W/Basement	\$120 per sf
	2 nd Floor		\$65 per sf
	Additions		\$65 per sf
	Garage		\$25 per sf
Breezeway			\$20 per sf
Basement only			\$30 per sf
Crawl space			\$15 per sf
Decks/Patio			\$20 per sf
Enclosed Patio/Deck			\$25 per sf
Sheds (over 500 SF)			\$15 per sf
Pole Barn/Shop			\$20 per sf
add per sf for living quarters			\$40 per sf
Commercial Project/Airport Hanger			Bid Cost

OTHER PERMITS

Temporary Crew Housing	**See Morton County Land Use *Section 5-170
Wind/Cell Tower & Other Communication Sites	\$500***
***Tower site inspection/Setbacks	
Penalty Fees:	
Building w/out permit....Original Permit Fee*	
Permit w/out inspections....\$100 Per Violation*	
Extra Building Inspections.....\$100*	
*Maximum Penalty Fee per permit.....\$500	

Approved by the Board of County Commissioners
this 8th of December 2016.

EFFECTIVE DATE JANUARY 1, 2017

STATE OF NORTH DAKOTA

BOARD OF COUNTY COMMISSIONERS

COUNTY OF MORTON

CODY SCHULZ, CHAIRMAN

CONTRACT FOR INDEPENDENT COUNTY BUILDING INSPECTOR

RECITALS

1) WHEREAS, Morton County, North Dakota, a political subdivision of the State of North Dakota, pursuant to the provisions of the Constitution of North Dakota and Title 11 of the North Dakota Century Code, and through its County Auditor and Director of Tax Equalization, as required by law, has and will continue to have, the duty to enforce Chapter 11-33 N.D.C.C. entitled **COUNTY ZONING**, and

2) WHEREAS, Morton County has determined the need and advisability to employ the expertise regarding the inspection of such properties as may be submitted to Morton County by the owner(s) and builder(s) of those properties; and

3) WHEREAS, it has been made to appear to the Morton County Board of Commissioners, by information and negotiation, that Thomas F. [Tom] Liebel, of Mandan, North Dakota, possesses the expertise of several years of experience regarding building inspection as well as the necessary scientific and technical knowledge in the field; and

4) WHEREAS, it has been made to appear to the Morton County Board of Commissioners, to be advantageous to Morton County to engage Thomas [Tom] Liebel, as an independent contractor, for the purpose of performing building inspections under Chapter 11-33 N.D.C.C. [County Zoning];

IT SHALL THEREFORE BE THE EXPRESS AGREEMENT BETWEEN Morton County, through its board of county commissioners (Morton County), and Thomas F. [Tom] Liebel, of Mandan, North Dakota, as follows:

THE AGREEMENT

As an independent contractor with Morton County, Thomas F. [Tom] Liebel will be responsible for the inspection the use of the standard International Building Code (IBC) and other

Morton County addendums or guidelines of Residential, Commercial, Agricultural, and Industrial types of building foundations, structures, and fixtures. Payment for those specified building inspection services shall be as follows:

- 1) A base contract fee of \$3,500.00 shall be paid to Thomas F. [Tom] Liebel, as follows: \$875.00 quarterly payments shall be made by Morton County to Tom Liebel beginning January 2012. It is the agreement of the parties that the \$3,500.00 base fee shall be divided evenly into four \$875.00 quarterly payments in each year of the contract.
- 2) The contract amount of payment for services rendered shall be \$55.00 per hour, which shall be above and beyond the base contract fee.
- 3) Mileage to perform the necessary building inspection services under the contract shall be at the North Dakota state mileage rate. Tom's personal vehicle shall be used when travelling to and from the building inspection sites and for review of properties pursuant to the contract. Tom agrees to maintain liability insurance on his personal vehicle as required by Ch. 39-16 N.D.C.C.
- 4) If Mr. Tom Liebel is unable to provide an inspection on a structure or foundation which is beyond his expertise, **prior approval** from the Morton County Commission will be required for any additional expenses that may be required. Expense may include but not limited to additional education or travel for Mr. Liebel to make a qualified inspection.

MONTHLY REPORTING

As an independent contractor, Thomas F. [Tom] Liebel agrees to submit to the Morton County Auditor, a detailed, itemized monthly statement as to the hours and mileage spent conducting building inspections under the contract for Morton County. The duty of issuing building permits and the like, shall continue to be done by Morton County.

As an independent contractor, Tom Liebel shall, in his monthly itemization report of his activity, include information indicating the specific properties that have been inspected and which building permits are to be issued by the County.

DUTY TO MAINTAIN INSURANCE

As an independent contractor, Tom Liebel agrees to maintain an umbrella policy of

general liability insurance concerning any errors or omissions he may commit under the contract.

CONTRACT RENEWAL PROVISION

The parties agree that the contract may be renewed on an annual basis as to any increases or decreases in the cost of services and payment therefore, by Morton County and Tom Liebel.

CONTRACT TERMINATION PROVISION

The parties further agree that this independent contract for building inspection services may be terminated by either party giving the other party thirty (30) days advance notice of their intent to terminate the agreement.

By order of the Morton County Board of Commissioners this _____ day of December, 2016.

FOR MORTON COUNTY:

Cody Schulz, Chairman
Board of County Commissioners
Morton County, North Dakota

FOR THE INDEPENDENT CONTRACTOR:

Thomas F. [Tom] Liebel
2388 37th Street
Mandan, North Dakota 58554

ATTESTING:

Dawn R. Rhone, County Auditor
Morton County, North Dakota
210 2nd Avenue NW
Mandan, North Dakota 585554



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MEETING DATE: December 8, 2016
PREPARATION DATE: December 8, 2016
SUBMITTING DEPARTMENT: State's Attorney
DEPARTMENT DIRECTOR: Allen Kopyy
PRESENTER: Brian Grosinger
Dundon et al v. Morton County et. al,
SUBJECT: Executive Session.

STATEMENT/PURPOSE: Executive Session to advise/consult per litigation against Morton County

BACKGROUND/ALTERNATIVES: Suil iled 11-28-2016

ATTACHMENTS: none

FISCAL IMPACT: none

STAFF IMPACT: none

LEGAL REVIEW: done

RECOMMENDATION n/a

SUGGESTED MOTION: open

2017 Morton County Commission Meeting Dates

Meeting will start at 5:30pm.

2nd Thursday & 4th Tuesday

Thursday	January	12 2017
Tuesday	January	24 2017
Thursday	February	9 2017
Tuesday	February	28 2017
Thursday	March	9 2017
Tuesday	March	28 2017
Thursday	April	13 2017
Tuesday	April	25 2017
Thursday	May	11 2017
Tuesday	May	23 2017
Thursday	June	8 2017
Tuesday	June	27 2017
Thursday	July	13 2017
Tuesday	July	25 2017
Thursday	August	10 2017
Tuesday	August	22 2017
Thursday	September	7 2017
Tuesday	September	26 2017
Thursday	October	12 2017
Tuesday	October	24 2017
Thursday	November	9 2017
Tuesday	November	28 2017
Thursday	December	14 2017
Tuesday	December	26 2017