

MORTON COUNTY COMMISSION REGULAR MEETING

January 9, 2020

The Morton County Commission Regular Meeting was called to order on January 9, 2020 at 5:30 PM by Chairman Strinden at the Morton County Courthouse, 210 Second Avenue NW, Mandan, North Dakota. Others present were Commissioners Zachmeier, Schulz, and Leingang, Deputy Auditor Eckroth and States Attorney Kopyy. Absent was Commissioner Buckley.

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

Leingang moved and Zachmeier seconded to approve the minutes of the December 26, 2019 regular meeting. All voting aye, motion carried.

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

Chairman Strinden released the chair for reorganization of the Board of Commission to Deputy Auditor Eckroth.

Eckroth called for nominations for Chairman.

Leingang nominated Schulz for Chairman.

Strinden moved and Leingang seconded to cease nominations and cast a unanimous ballot for Schulz. All voting aye, motion carried.

Eckroth released the chair to Chairman Schulz.

Schulz called for nominations for Vice-Chairman.

Strinden nominated Zachmeier for Vice-Chairman.

Strinden moved and Leingang seconded to cease nominations and cast a unanimous ballot for Zachmeier for Vice-Chairman. All voting aye, motion carried.

Strinden moved and Leingang seconded to approve 2020 Building Inspectors Annual Contract. All voting aye, motion carried.

Strinden moved and Zachmeier seconded to approve the final plat of the short-form subdivision known as **Lyons Road Subdivision** and a zoning map amendment from Agricultural (A) District to Estate (E) District on approx. 22.4 acres in NW ¼ Section 5, Township 138N, Range 82 with a variance to allow the creation of a non-conforming lot and a variance to use the short-form subdivision process, as the platting of three lots is a process imposed by the County rather than the desire of the applicant, and as the subdivision conforms to remaining regulations established in Article 7 of the Morton County Land Use Code. All voting aye, motion carried.

Strinden moved and Zachmeier seconded to approve the final plat of the long-form subdivision known as **Feland Second Subdivision** and a zoning map amendment from Commercial (C) District to Industrial (I) District on approx. 12.58 acres in SE ¼ Section 9, Township 139N, Range 88W as the subdivision is in the appropriate location for an Industrial use and conforms to regulations established in Article 7 of the Morton County Land Use Code. All voting aye, motion

carried.

Chairman Schulz opened the public hearing to vacate the south 957 feet of the north 990 feet of the western section line right-of-way of NW ¼ Section 10, Township 139N, Range 81W, Morton County.

Chairman Schulz closed the public hearing at 5:51 PM.

Zachmeier moved and Leingang seconded to approve to vacate the south 957 feet of the north 990 feet of the western section line right-of-way of NW ¼ Section 10, Township 139N, Range 81W on the condition that a plat – that includes the lands of the Longhorn 1st Addition Replat – passes through the City of Mandan Subdivision process and is recorded within 12 months of the approval of the section line vacation. All voting aye, motion carried.

Zachmeier moved and Strinden seconded to postpone action on the Custer Health District proposal on holding a joint Board of County Commission Health Budget Meeting as required by NDCC 23-35-07 until the last Morton County Commission Meeting in June 2020 pending an Attorney General opinion. All voting aye, motion carried.

Zachmeier moved and Strinden seconded to request the Morton County States Attorney to obtain a North Dakota Attorney General Opinion regarding NDCC 23-35-07 and the requirements necessary to hold a joint board of county commissioners meeting to approve a health district budget. The Morton County States Attorney is asked to consult with the North Dakota Association of Counties and the various States Attorneys within the Custer District Health Unit in requesting the Attorney General opinion. All voting aye, motion carried.

Zachmeier moved and Strinden seconded to approve a Resolution to the North Dakota Association of Counties to review NDCC 23-35-07 for possible amendment to better clarify County representation on Joint Board of County Commissioners Meeting to approve a district health budget where representation is based on population or tax contributions. All voting aye, motion carried.

Zachmeier moved and Strinden seconded to approve a Resolution to the North Dakota Association of Counties to review NDCC 23-35-06 for possible legislative amendments to allow County Commissions within a Health District to withdraw their County from the Health District by County Commission resolution. The County Commission that seeks to withdraw their County from the Health District by resolution must have at least three public hearings where public comment must be obtained prior to a resolution to withdraw from a Health District being voted upon. Should a resolution to withdraw from a Health District be approved by the County Commission after the required Public Hearings, the County is removed from the Health District on the second January following the approval of the resolution to withdraw from a Health District. Should a resolution to withdraw from a Health District be denied by the County Commission after the required Public Hearings, the County remains in the Health District and no additional resolution to withdraw from a Health District may be considered by that County Commission for the next two years. All voting aye, motion carried.

Strinden moved and Zachmeier seconded to recess and immediately reconvene in an executive session of the Morton Count Commission pursuant to NDCC 44-04-19.2 for the purpose of consulting with legal counsel regarding Cendak/Ft Rice. Voting aye: Zachmeier, Strinden, Leingang and Schulz. Motion carried.

The executive session began at 6:34 PM and was attended by Commissioners Zachmeier, Strinden, Leingang and Schulz. Also in attendance were Deputy Auditor Eckroth, States Attorney Koppy, and Assistant States Attorney Goter.

The executive session was adjourned at 6:58PM.

The Morton County Commission reconvened with all members present at 6:59PM.

Strinden moved and Leingang seconded to authorize the States Attorney to adjust the agreement regarding the Cendak/Ft Rice property with the funds agreed upon and to authorize Chairman Schulz to sign the agreement. All voting aye, motion carried.

The total of all county funds expended from December 27, 2019 through January 9, 2020 equals \$10,750,223.53.

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.

Strinden moved and Leingang seconded to adjourn at 7:10PM. All voting aye, motion carried.

Bruce Strinden, Chairman, Morton County Commission _____

Dawn R Rhone, County Auditor _____