Morton County Commission Meeting Agenda

September 12, 2024
Commission Room, Morton County Courthouse
210 2nd Ave NW, Mandan ND
5:30 PM

Call to order
The Pledge of Allegiance
Roll Call
Approval of Agenda
Approval of minutes for previous meetings
Approve monthly bills and payroll – Commissioner Zachmeier

This meeting will also be available via the Go To Meeting platform via
https://www.gotomeet.me/MortonCounty or dial +1 (669) 224-3412
and use access code: 370-200-173

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
https://global.gotomeeting.com/install/370200173

1. Donald LaFleur/MC Tax Director
    - Abatements for board consideration

6:00PM Public Hearing

- Presentation of the draft resolution to impose a moratorium on the development of all data centers and cryptocurrency mining facilities until the County can develop zoning standards for said uses.

2. Natalie Pierce/MC Planner
    - Request from Thomas & Janet Schmidt for the final plat of a short-form Subdivision known as Triangle S Acres, and a zoning map amendment from Agricultural to Residential, on approximately 4.45 acres in the NE ¼ Section 18, Township 135N, Range 81W, Morton County
    - Request from Scandinavian Evangelical Lutheran Church for the final plat of a short-form Subdivision known as Sims Cemetery Subdivision, and a zoning map amendment from Agricultural to Public/ Institutional, on approximately 4.52 acres in the E ½ Section 14, Township 138N, Range 86W, Morton County.
    - Request from Glen and Rodine Stastny for a special use permit for one farm worker dwelling unit on 115 acres in the S ½ Section 2, Township137N, Range 81W, Morton County

3. John Saiki/MC Engineer
    - Request for Concurrence with Award of NDDOT Contract with Northern Improvement Company, Bismarck ND.

4. Kyle Kirchmeier/MC Sheriff
    - Request approval of the Memorandum of Agreement between the State of North Dakota, acting by and through the Department of Emergency Services Division of State Radio and Morton County.

5. Dawn Rhone/MC Auditor

6. Others
    - 100-030 Abandoned Cemeteries-Endangered Gravesites

*ISSUES MAY BE ADDED OR DELETED BY MEETING DAY.

MORTON COUNTY COMMISSION REGULAR MEETING
August 27, 2024

The Morton County Commission Regular Meeting was called to order on August 27, 2024 at 5:30 PM by Chair Boehm at the Morton County Courthouse, 210 Second Avenue NW, Mandan, North Dakota. Others present were Commissioners Zachmeier, Buckley, Leingang, Morrell and Auditor Rhone. Also present was States Attorney Koppy and Sheriff Kirchmeier.

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

Buckley moved and Morrell seconded to approve the minutes of the August 8, 2024, regular meeting. All voting aye, motion carried.

Morrell moved and Leingang seconded to approve bills and payroll. On roll call vote Morrell, Leingang, Buckley, Zachmeier and Boehm voting aye, motion carried.

Chairman Boehm opened the public hearing on the name change of Fairview Cemetery at 6:00PM.

Chairman Boehm closed the public hearing at 6:05PM.

Morrell moved and Zachmeier seconded to approve the name change of Fairview Cemetery near Timmer ND to Morton County Fairview/Timmer Ladies Aid Cemetery.
All voting aye, motion carried.

Zachmeier moved and Morrell seconded to approve $15,000 for West River Strategies LLC from the Morton County Development Fund and an additional $10,000 after January 1st, 2025. All voting aye, motion carried.

Morrell moved and Leingang seconded to approve Resolution of Promulgation as presented here as it relates to Morton County's updated Local Emergency Operations Plan dated August 27th, 2024. All voting aye, motion carried.

Commissioner Zachmeier exited the room as he is recused from the next agenda item due to a conflict of interest.

Morrell moved and Leingang seconded to uphold the termination of Renae Bleth and deny any severance pay. On roll call Morrell, Leingang, Buckley and Boehm voting aye, motion caried.

The total of all county funds expended from August 9, 2024, through August 27, 2024, equals $1,289,088.98.

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 Leingang moved to adjourn the meeting at 9:01 PM.

Nathan Boehm, 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

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

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MEETING DATE:	09/12/2024
PREPARATION DATE:	09/09/2024
SUBMITTING DEPARTMENT:	TAX EQUALIZATION
DEPARTMENT DIRECTOR:	DONALD LAFLEUR
PRESENTER:	DONALD LAFLEUR
SUBJECT:	HOMESTEAD 6622-6623

STATEMENT/PURPOSE: RECOMMENDED APPROVAL OF 2022 CITY OF MANDAN HOMESTEAD ABATEMENTS 6622-6623

ATTACHMENTS:

#	YR	REASON	PARCEL	OWNER	ADDRESS	ORIG	ABATED	NEW	MILL
6622	2022	HOMESTEAD	65-2294000	SULLIVAN/JAMES M	114 1/2 MAIN ST E MANDAN	12,590	1,283	11,307	287.38
6623	2022	HOMESTEAD	65-2117000	OWENS/ARTHUR & MARGO	409 16TH ST NW MANDAN	11,574	563	11,011	287.38

RECOMMENDATION: RECOMMEND APPROVAL OF 2022 CITY OF MANDAN HOMESTEAD ABATEMENTS 6622-6623

SUGGESTED MOTION: MOTION TO APPROVE AS PRESENTED

Morton County Commission
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MEETING DATE: 09/12/2024
PREPARATION DATE: 09/09/2024
SUBMITTING DEPARTMENT: TAX EQUALIZATION
DEPARTMENT DIRECTOR: DONALD LAFLEUR
PRESENTER: DONALD LAFLEUR
SUBJECT: HOMESTEAD 6624-6625

STATEMENT/PURPOSE: RECOMMENDED APPROVAL OF 2023 CITY OF MANDAN HOMESTEAD ABATEMENTS 6624-6625

ATTACHMENTS:

#	YR	REASON	PARCEL	OWNER	ADDRESS	ORIG	ABATED	NEW	MILL
6624	2023	HOMESTEAD	65-2294000	SULLIVAN/JAMES M	114 1/2 MAIN ST E MANDAN	13,495	3,420	10,075	281.02
6625	2023	HOMESTEAD	65-2117000	OWENS/ARTHUR & MARGO	409 16TH ST NW MANDAN	12,591	9,000	3,591	281.02

RECOMMENDATION: RECOMMEND APPROVAL OF 2023 CITY OF MANDAN HOMESTEAD ABATEMENTS 6624-6625
SUGGESTED MOTION: MOTION TO APPROVE AS PRESENTED

P&Z SUMMARY | FOR SEPTEMBER 12, 2024 COMMISSION MEETING

1. **Public Hearing (advertised for 6pm)**: Presentation of the draft resolution to impose a moratorium on the development of all data centers and cryptocurrency mining facilities until the County can develop zoning standards for said uses.

    a. **Summary**: staff brought the resolution to the County Commission at the August 8th regular meeting. By consensus, County Commission directed staff to notice a public hearing for the next County Commission meeting so the draft moratorium could be read and commented on by the public.

2. Request from Thomas & Janet Schmidt for the final plat of a short-form Subdivision known as Triangle S Acres, and a zoning map amendment from Agricultural to Residential, on approximately 4.45 acres in the NE¼ Section 18, Township 135N, Range 81W, Morton County.

    a. **Summary**: the subject property is located on the south side of County Road 135, about 7 miles south of St Anthony. The applicants are looking to divide a 4.45 acre residential lot from a 152 acre agricultural tract.

    b. **P&Z Commission Recommendation**: approve the short-form subdivision and zoning map amendment from Agricultural to Residential

3. Request from Scandinavian Evangelical Lutheran Church for the final plat of a short-form Subdivision known as Sims Cemetery Subdivision, and a zoning map amendment from Agricultural to Public/Institutional, on approximately 4.52 acres in the E½ Section 14, Township 138N, Range 86W, Morton County.

    a. **Summary**: the subject property is located about 2 miles north of Almont. Applicants are looking to consolidate two parcels that make up the Sims Cemetery into one parcel and rezone from non-conforming Agricultural to Public Institutional.

    b. **P&Z Commission Recommendation**: approve the short-form subdivision and zoning map amendment from Agricultural to Public/Institutional

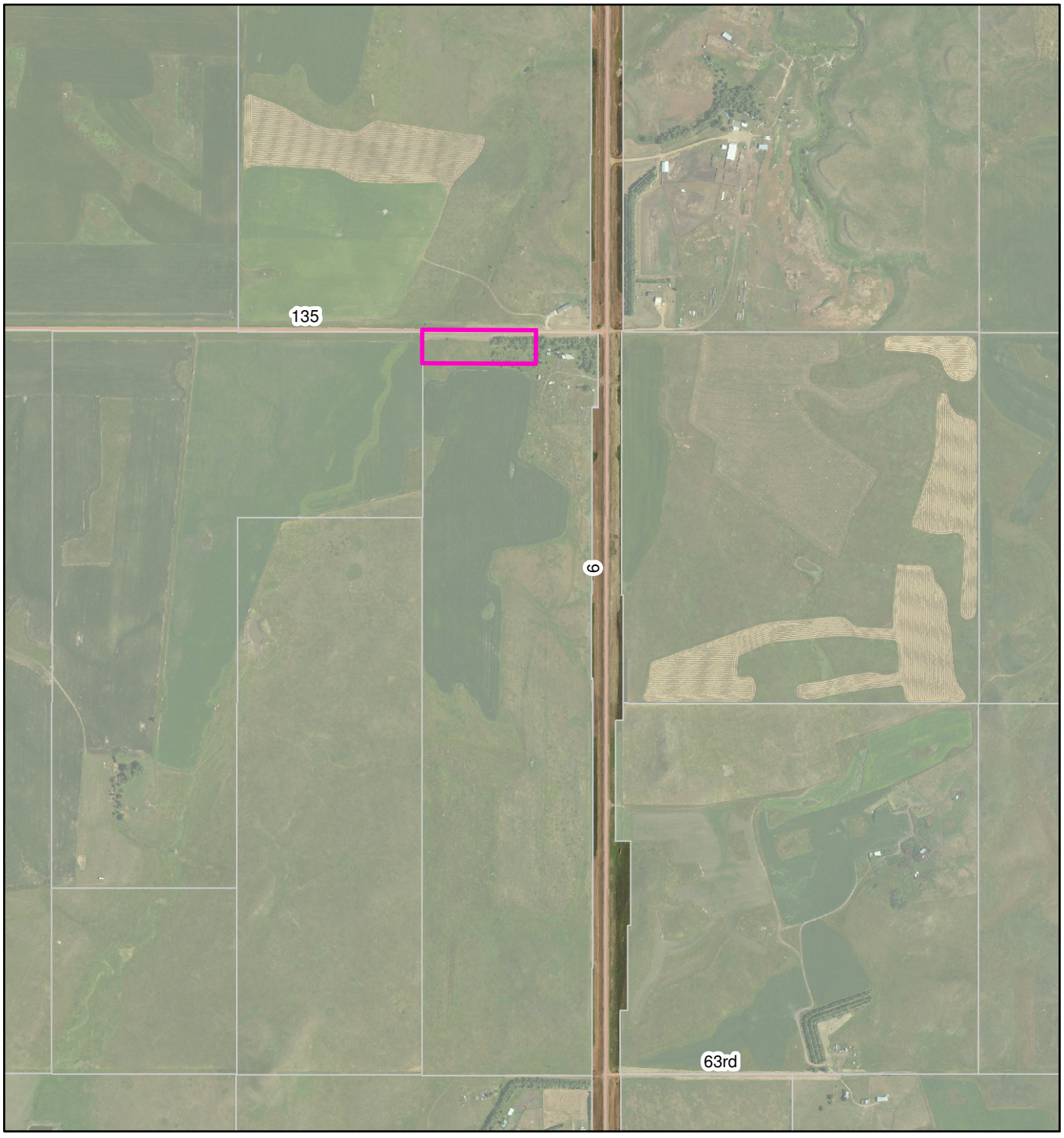
4. Request from Glenn and Rodine Stastny for a special use permit for one farm worker dwelling unit on 115 acres in the S½ Section 2, Township 137N, Range 81W, Morton County.

    a. **Summary**: the applicants are requesting approval of a special use permit for a farm worker dwelling unit (the third residential structure on the 115 acre tract). There had been three residences on the property since 2013. The applicants tore down one of the residences and would like to place a mobile home on the same footprint as the previous residence. Water, electric, and Bek service are all available to the proposed home.
    The applicant has selected a septic installer and has applied for a septic permit from Western Plains Public Health. The system is yet to be installed.

    b. **P&Z Commission Recommendation**: approve, conditioned on Western Plains Public Health accepting the septic system installation

Triangle S Subdivision
Zoning Map

Morton County Planning and Zoning Department
Created: 8/23/2024



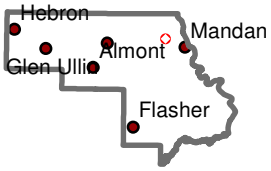
Project Area

N

0 650 1,300 2,600 Feet

Zoning

- Agricultural
- Estate
- Public Institutional
- Parks & Recreation
- Conservation/Open Space
- Industrial
- Limited Industrial
- Commercial
- Rural Commercial
- Residential Multifamily
- Residential

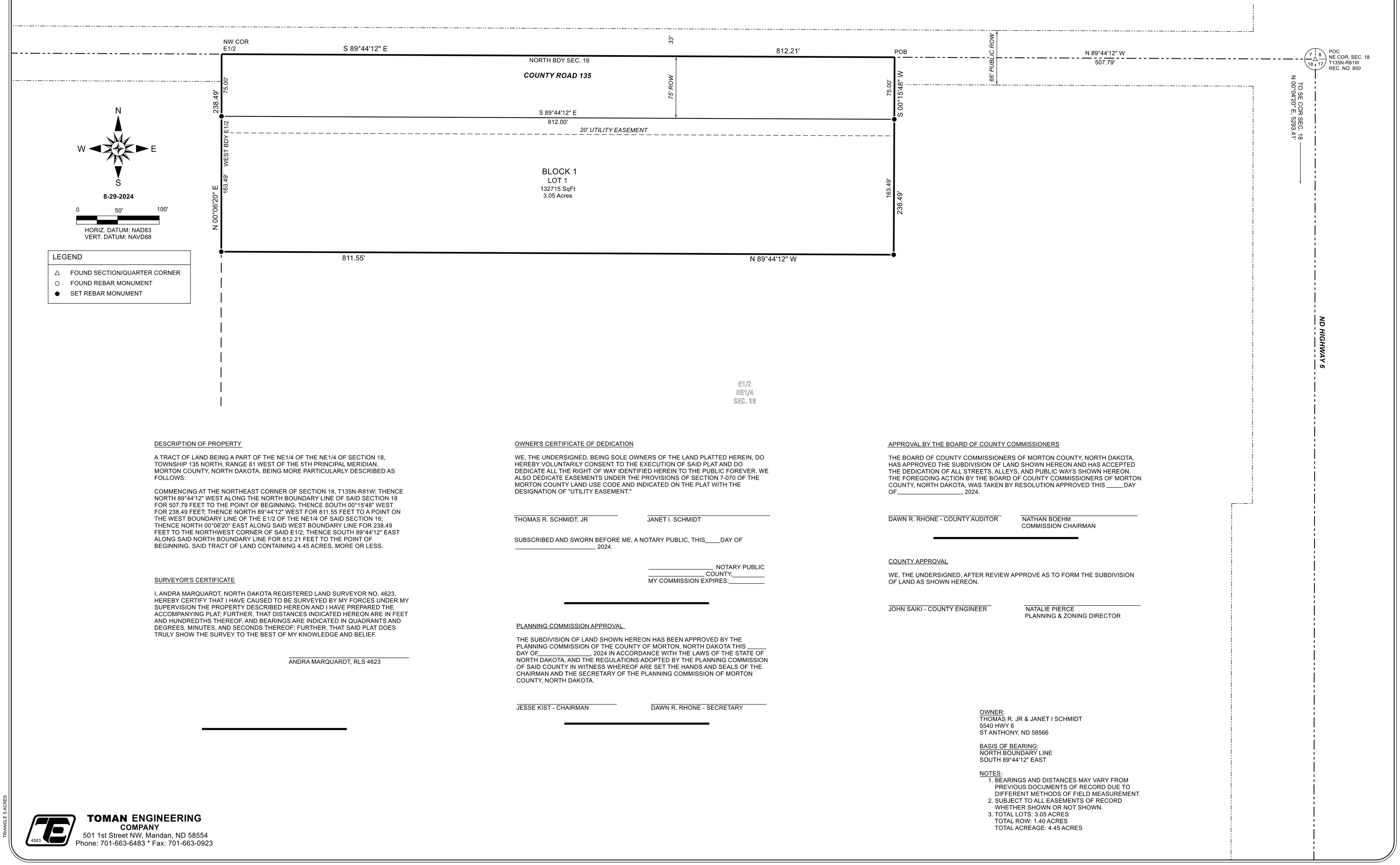


Proposed boundaries of site not exact.
For planning purposes only.

TRIANGLE S ACRES

OF MORTON COUNTY, NORTH DAKOTA

PART OF THE E1/2 OF THE NE1/4 OF SECTION 18, T135N-R81W, MORTON COUNTY, NORTH DAKOTA



DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING A PART OF THE NE1/4 OF THE NE1/4 OF SECTION 18, TOWNSHIP 135 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, T135N-R81W; THENCE NORTH 89°44'12" WEST ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 18 FOR 507.79 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°15'48" WEST FOR 238.49 FEET; THENCE NORTH 89°44'12" WEST FOR 811.55 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE E1/2 OF THE NE1/4 OF SAID SECTION 16; THENCE NORTH 00°06'20" EAST ALONG SAID WEST BOUNDARY LINE FOR 238.49 FEET TO THE NORTHWEST CORNER OF SAID E1/2; THENCE SOUTH 89°44'12" EAST ALONG SAID NORTH BOUNDARY LINE FOR 812.21 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 4.45 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

_____
ANDRA MARQUARDT, RLS 4623

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHT OF WAY IDENTIFIED HEREIN TO THE PUBLIC FOREVER. WE ALSO DEDICATE EASEMENTS UNDER THE PROVISIONS OF SECTION 7-070 OF THE MORTON COUNTY LAND USE CODE AND INDICATED ON THE PLAT WITH THE DESIGNATION OF "UTILITY EASEMENT."

_____ _____
THOMAS R. SCHMIDT, JR JANET I. SCHMIDT

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS____DAY OF _____, 2024.

_____ NOTARY PUBLIC
_____ COUNTY,_____
MY COMMISSION EXPIRES:_____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION OF LAND SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE COUNTY OF MORTON, NORTH DAKOTA THIS _____ DAY OF_____, 2024 IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, AND THE REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID COUNTY IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF MORTON COUNTY, NORTH DAKOTA.

_____ _____
JESSE KIST - CHAIRMAN DAWN R. RHONE - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON AND HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON. THE FOREGOING ACTION BY THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THIS _____DAY OF_____, 2024.

_____ _____
DAWN R. RHONE - COUNTY AUDITOR NATHAN BOEHM
COMMISSION CHAIRMAN

COUNTY APPROVAL

WE, THE UNDERSIGNED, AFTER REVIEW APPROVE AS TO FORM THE SUBDIVISION OF LAND AS SHOWN HEREON.

_____ _____
JOHN SAIKI - COUNTY ENGINEER NATALIE PIERCE
PLANNING & ZONING DIRECTOR

OWNER:
THOMAS R. JR & JANET I SCHMIDT
5540 HWY 6
ST ANTHONY, ND 58566

BASIS OF BEARING:
NORTH BOUNDARY LINE
SOUTH 89°44'12" EAST

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. TOTAL LOTS: 3.05 ACRES
   TOTAL ROW: 1.40 ACRES
   TOTAL ACREAGE: 4.45 ACRES

TOMAN ENGINEERING COMPANY
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
4583

TRIANGLE S ACRES

Sims Cemetery Subdivision Zoning Map

Morton County Planning and Zoning Department
Created: 8/23/2024

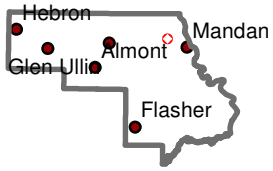
Project Area

N

0 325 650 1,300 Feet

Zoning

- Agricultural
- Estate
- Public Institutional
- Parks & Recreation
- Conservation/Open Space
- Industrial
- Limited Industrial
- Commercial
- Rural Commercial
- Residential Multifamily
- Residential

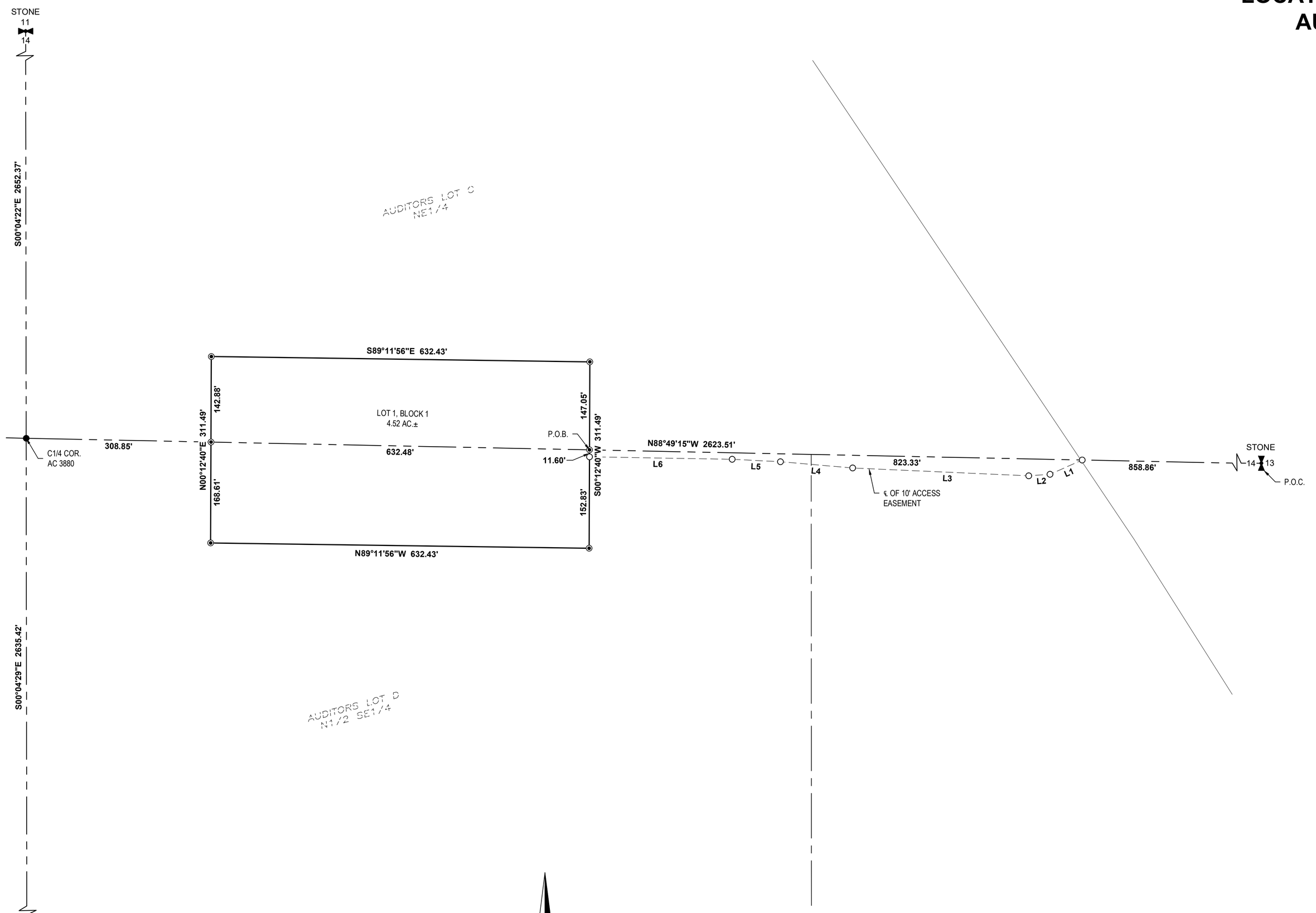


Proposed boundaries of site not exact.
For planning purposes only.

PRELIMINARY PLAT OF

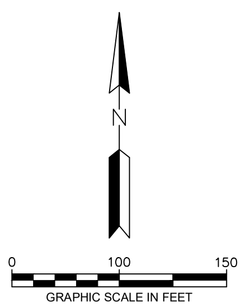
SIMS CEMETERY

LOCATED IN AUDITOR'S LOT C OF THE NE1/4 AND AUDITOR'S LOT D OF THE N1/2 SE1/4 OF SECTION 14, T138N, R86W, OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA



LEGEND

●	FOUND MONUMENT
◉	SET #5 REBAR W/OPC "NELSON LS-3638"
○	CALCULATED POSITION
⋈	QUARTER CORNER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
———	RIGHT OF WAY LINE
– – –	EASEMENT LINE
———	EXISTING PROPERTY LINE
——— – – ———	QUARTER SECTION LINE



SCALE: 1INCH = 100 FEET
PLOT SCALE: 24x36
HORIZ. DATUM: NAD83
VERT. DATUM: NAVD88

BASIS OF BEARINGS: BEARINGS SHOWN ARE GRID BEARINGS BASED ON NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83, INTERNATIONAL FEET

DATE OF FIELD SURVEY: 12 JANUARY 2022
DATE OF PLAT PREPARATION: 19 MAY 2022

CLIENT:
SCANDINAVIAN EVANGELICAL LUTHERAN CHURCH OF SIMS
4945 SIMS ROAD
ALMONT, ND

SURVEYOR:
KEVIN G. NELSON, PE, PLS
MOUNTAIN PLAINS, LLC
1300 TACOMA AVE, SUITE A
BISMARCK, ND, 58504

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. TOTAL LOTS: 1
   TOTAL PLAT: 4.52 ACRES
4. 100 YEAR FLOOD PLAN: FEMA ZONE X. DOCUMENT #38059C0400D. EFFECTIVE DATE: 4/19/2005

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN AUDITOR'S LOTS C AND D OF THE EAST HALF OF SECTION 14, T.138N. R.86W. OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER OF SAID SECTION 14; THENCE N88°49'15"W ALONG THE QUARTER LINE OF SAID SECTION 14 A DISTANCE OF 1682.18 FEET TO THE POINT OF BEGINNING; THENCE S00°12'40"W A DISTANCE OF 164.43 FEET; THENCE N89°11'56"W A DISTANCE OF 632.43 FEET; THENCE N00°12'40"E A DISTANCE OF 311.49 FEET; THENCE S89°11'56"E A DISTANCE OF 632.43 FEET; THENCE S00°12'40"W A DISTANCE OF 147.05 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 4.52 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

TOGETHER WITH A 10 FOOT WIDE ACCESS EASEMENT (5 FEET EITHER SIDE OF CENTERLINE) DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14; THENCE N88°49'15"W ALONG THE QUARTER LINE OF SAID SECTION 14 A DISTANCE OF 858.86 FEET TO THE POINT OF BEGINNING; THENCE S66°03'46"W A DISTANCE OF 58.77 FEET; THENCE S85°54'45"W A DISTANCE OF 35.65 FEET; THENCE N87°27'21"W A DISTANCE OF 294.51 FEET; THENCE N85°03'16"W A DISTANCE OF 121.13 FEET; THENCE N87°06'38"W A DISTANCE OF 80.77 FEET; THENCE N89°00'19"W A DISTANCE OF 238.40 FEET TO TERMINUS AT A POINT ON THE EAST LINE OF THE PREVIOUSLY DESCRIBED TRACT OF LAND ABOVE.

EASEMENT SIDE LINE SEGMENTS TO BE LENGTHENED OR SHORTENED AS NECESSARY TO PROVIDE A CONTINUOUS BOUNDARY LINE WITHOUT GAPS AND OVERLAPS. SAID EASEMENT CONTAINS 0.19 ACRES, MORE OR LESS, AND IS SUBJECT TO EXISTING EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

OWNER'S CERTIFICATE AND DEDICATION

I, THE UNDERSIGNED, BEING SOLE OWNER OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHTS OF WAY SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

I ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS" AND/OR, "UTILITY" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, OR ABOVE OR UNDER THOSE CERTAIN STRIPS OF LAND.

_____
SCANDINAVIAN EVANGELICAL LUTHERAN CHURCH OF SIMS
JAMES F. MELCHIOR, PRESIDENT

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____DAY OF _____, 2024.

_____ NOTARY PUBLIC
_____COUNTY,_____
MY COMMISSION EXPIRES:_____

SURVEYOR'S CERTIFICATE

I, KEVIN G. NELSON, A REGISTERED LAND SURVEYOR, NORTH DAKOTA PLS NO. LS-3638, DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE BY ME OR UNDER MY DIRECTION, AND THE INFORMATION SHOWN ON THIS MAP IS TRUE AND CORRECT, TO THE BEST OF MY ABILITY.

_____
KEVIN G. NELSON
LS-3638

REGISTERED PROFESSIONAL ENGINEER
KEVIN G. NELSON PE-7918
NORTH DAKOTA
PRELIMINARY

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ___DAY OF _____, 2024.

_____ NOTARY PUBLIC
_____COUNTY,_____
MY COMMISSION EXPIRES:_____

COUNTY APPROVAL

WE, THE UNDERSIGNED, AFTER REVIEW APPROVE AS TO FORM THE SUBDIVISION OF LAND AS SHOWN HEREON.

_____ JOHN SAIKI - COUNTY ENGINEER

_____ NATALIE PIERCE - PLANNING & ZONING DIRECTOR

PLANNING COMMISSION APPROVAL

THE SUBDIVISION OF LAND SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE COUNTY OF MORTON, NORTH DAKOTA THIS _____ DAY _____ OF 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, AND THE REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID COUNTY IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF MORTON COUNTY, NORTH DAKOTA.

_____ JESSE KIST - CHAIRMAN

_____ DAWN R. RHONE - SECRETARY

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON AND HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON. THE FOREGOING ACTION BY THE BOARD OF COUNTY COMMISSIONERS OF MORTON COUNTY, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THIS _____ DAY OF _____, 20____.

_____ DAWN R. RHONE - COUNTY AUDITOR

_____ NATHAN BOEHM - CHAIRMAN

SHEET 1 OF 1

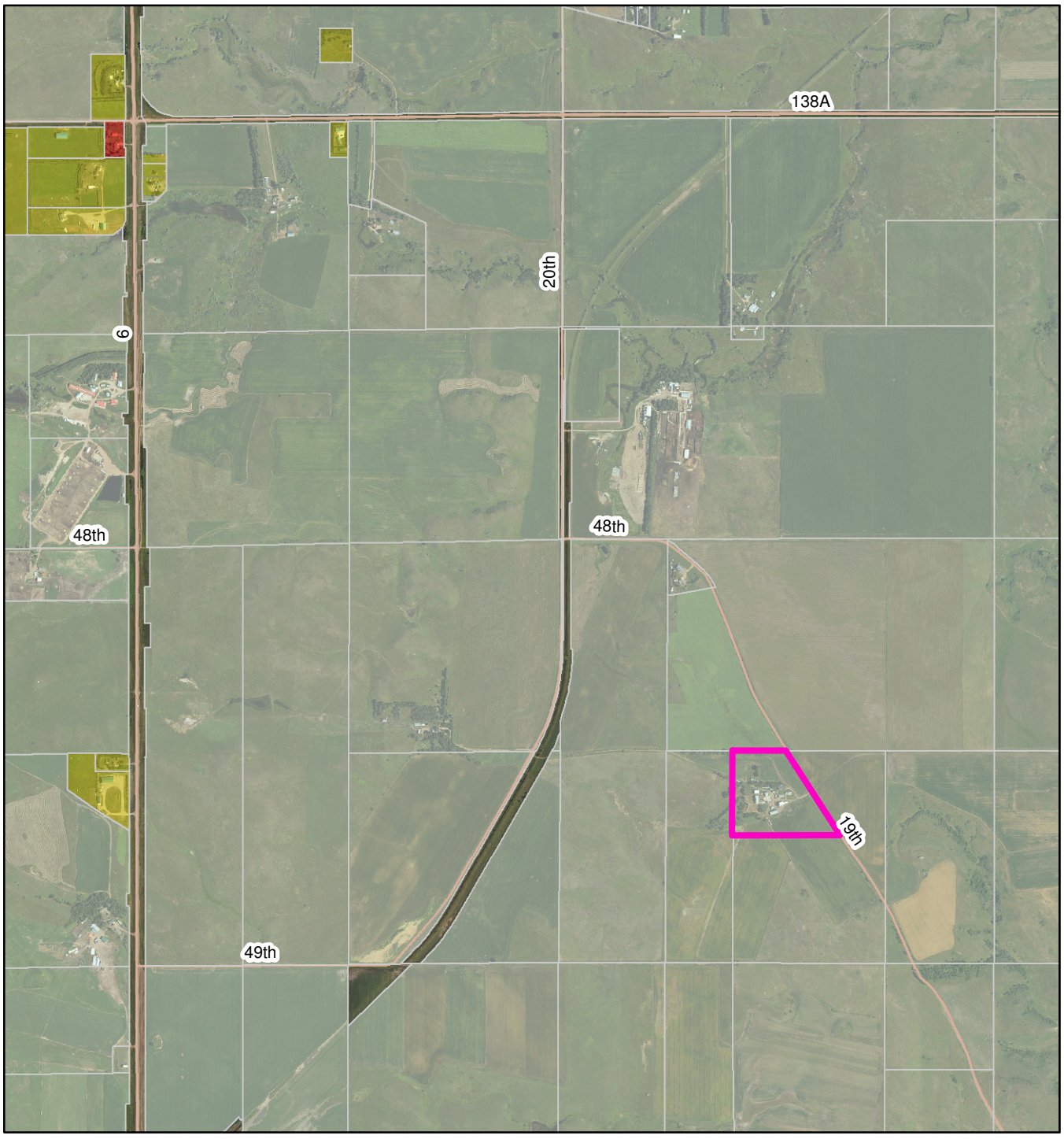
MOUNTAIN PLAINS LLC
1300 TACOMA AVE, SUITE A | BISMARCK, ND 58504 | (701) 557-3348 | WWW.MTNPLAINS.COM

Plot Date & Time: 8 August 2024 10:32 AM

C:\Users\JustinHayes\Box\Survey\Active Jobs\Western North Dakota Synod\Sims Cemetery Boundary Survey Job # 3860\Dwg\Preliminary Plat\Sims Cemetery_Preliminary Plat.dwg

Stastny FWDU SUP
Zoning Map

Morton County Planning and Zoning Department
Created: 8/23/2024



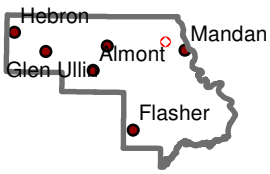
Project Area

N

0 1,150 2,300 4,600 Feet

Zoning

- Agricultural
- Estate
- Public Institutional
- Parks & Recreation
- Conservation/Open Space
- Industrial
- Limited Industrial
- Commercial
- Rural Commercial
- Residential Multifamily
- Residential



Proposed boundaries of site not exact.
For planning purposes only.

APPLICANT'S STATEMENT

I farm 1200 acres also put up hay on another 150 acres and this year Chuck Suchy asked me to do his Grass Alfalfa. So my son helps with raking hay and stacking hay. On my crop land he spread the fertilizer and helped with spraying and loading the air drill and planter. For Harvesting he is helping haul loads and unload loads. Him and his wife and 3 kids and 1 on the way is who will reside in the house and the reason we wanted them to be on the premise is so my wife can help with watching the kids because my Daughter in Law is a nurse at Sanford in Bismarck and that way my son is able to help me. Roughly I will make about 65% of the income and he will make 35% of the income as he is able to buy into the farm he will make more and I will make less. The reason for putting the house there is because there was a house there and there was water and Electricity and BEK Internet and we thought sewer. The New septic system plans are in the works. Billy Keseleck is going to be doing the system and has set up with West Plains Public Health and has got the permit. The other reason to have them here and in the yard is I have to have right shoulder replacement surgery which will have me laid up for 6-10 weeks.

SITE IMAGES

IMAGE LOOKING WEST. BLUE HOME (AT LEFT) LOCATED ON FOUNDATION THAT IS PROPOSED TO BE USED FOR NEW STRUCTURE. PHOTO TAKEN APPROXIMATELY 2013.

IMAGE LOOKING NORTH FROM DRIVEWAY, BLUE HOME REMOVED (SITE OF PROPOSED NEW MOBILE HOME)

SITE PLAN

SITE ADDRESS: _____ ***LEGAL DESCRIPTION:*** _____

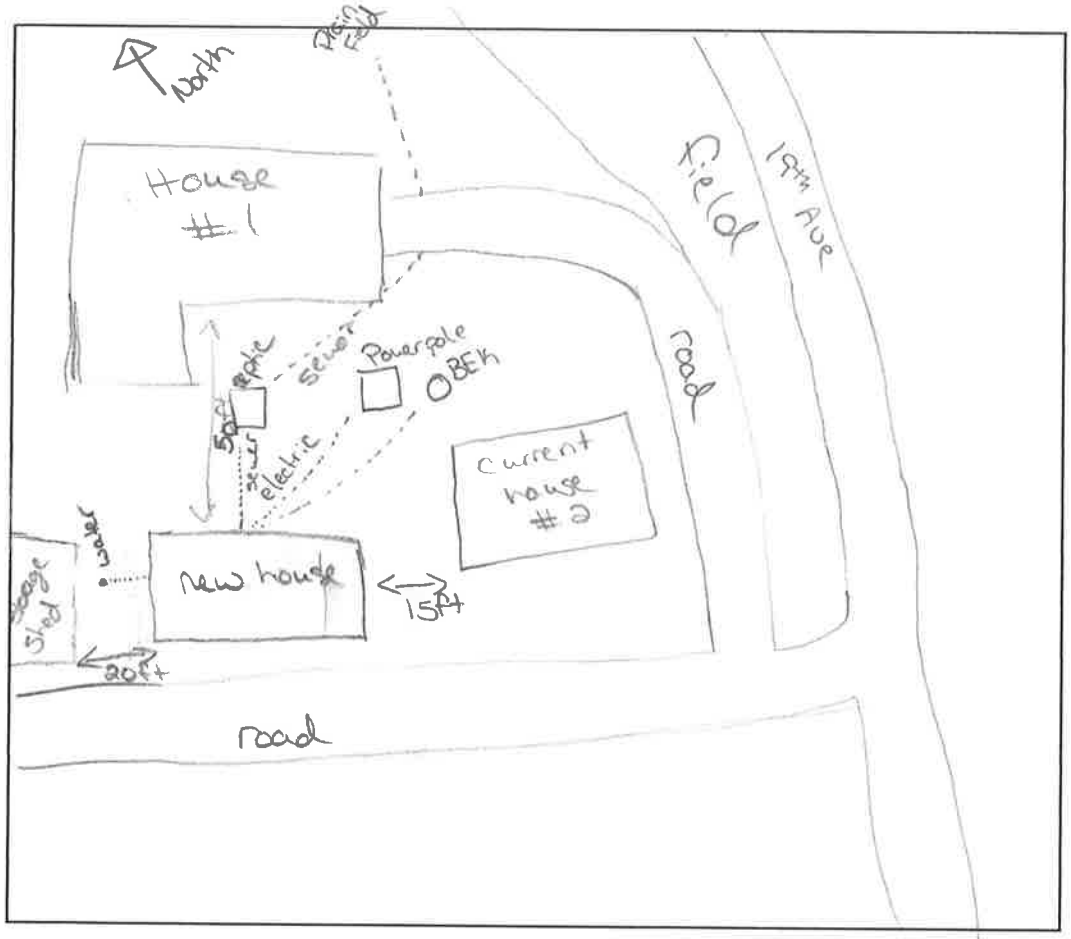
LOT: _____ ***BLOCK:*** _____ ***SUBDIVISION:*** _____

TOTAL SITE AREA: _____***SQ FT/ACRES*** ***TOTAL AREA OCCUPIED BY BLDG:*** _____***SQ FT***

INSTRUCTIONS

IN THE BOX BELOW, DRAW YOUR LOT AND SHOW WHERE THE NEW BUILDING AS WELL AS ANY EXISTING BUILDINGS ARE LOCATED. SHOW DISTANCES TO THE PROPERTY LINES, DISTANCES BETWEEN BUILDINGS AND DISTANCE TO THE CENTERLINE OF THE ROAD.

SHOW WHERE THE WATERLINES, GAS LINES, ELECTRIC LINES, SEPTIC TANK AND DRAIN FIELD ARE LOCATED. ALSO SHOW ANY EASEMENTS FOR UTILITIES AND DRAINAGE. ***INCLUDE A NORTH ARROW.***



WE CERTIFY THAT THE PROPOSED CONSTRUCTION WILL CONFORM TO THE DIMENSIONS AND USES SHOWN ABOVE AND THAT NO CHARGES WILL BE MADE WITHOUT FIRST OBTAINING APPROVAL.

_____ _____

NAMES(S) OF OWNER(S) OF SITE/STRUCTURE SIGNATURE OF OWNER(S) OR AUTHORIZED REP

MORTON COUNTY COMMISSION

RESOLUTION 30-2024-03

A RESOLUTION OF THE COUNTY OF MORTON, NORTH DAKOTA, TO IMPOSE A MORATORIUM ON THE DEVELOPMENT OF ALL DATA CENTER AND CRYPTOCURRENCY MINING FACILITIES UNTIL ZONING STANDARDS CAN BE DEVELOPED

WHEREAS, the Board of Commissioners of Morton County, ND has taken notice of the impacts of data center development in Williams County, ND

WHEREAS, the Board of Commissioners of Morton County, ND finds it necessary to develop a land use code amendment to establish a framework for the evaluation and siting of data center and cryptocurrency mining facilities, in order to protect the health, safety and general welfare of the citizens of Morton County

WHEREAS, the Board of Commissioners of Morton County, ND finds it necessary to impose a moratorium on any and all data center and cryptocurrency mining facilities and that the purpose of the moratorium is to allow the County adequate time to conduct research, and develop and adopt standards to guide the development of said land use

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Morton County, ND that a moratorium on the development of all data center and cryptocurrency mining facilities is adopted, for the period of time necessary to develop and adopt adequate, applicable land use code amendments, and that this resolution shall take effect upon recording and publication.

BY ORDER OF THE Board of Morton County Commissioners this _____ day of _____, 2024.

ATTEST:

Morton County Commission

_____
Auditor
Dawn Rhone

_____
Chairman
Nathan Boehm

DRAFT

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

MEETING DATE:	September 12, 2024
PREPARATION DATE:	September 9, 2024
SUBMITTING DEPARTMENT:	Highway Department
DEPARTMENT DIRECTOR:	John Saiki
PRESENTER:	John Saiki
SUBJECT:	Resolution Concurring with Award of NDDOT Contract with Northern Improvement Company, Bismarck, ND

STATEMENT/PURPOSE: Request for Concurrence with Award of Contract

BACKGROUND/ALTERNATIVES: The Morton County Highway Department has developed a project involving the patching and overlay of County Road 139A (the Frontage Road) North of Interstate 94. This project will involve patching some areas of failure, a 1 inch leveling course and a 2 inch overlay. This will start at the intersection of CR 139A and ND 25 and proceed East 2.02 miles. This project is being Federally Funded with the typical 20% local match. Before the NDDOT can execute a contract with the low bidder, they need concurrence from the County Commission. The bid results were shared with members of the Road Commission by email and they agree with the recommendation to approve the Resolution of Concurrence.

ATTACHMENTS: Copy of the Resolution provided by the NDDOT, copy of the Apparent Low Bidders Report.

FISCAL IMPACT: The low bid is $ 741,988.30. The Engineers Estimate is $ 930,505.00 based on averages of the unit bid prices. The 20% match, approximately $150,000, has been budgeted.

STAFF IMPACT: Minimal

LEGAL REVIEW: None

RECOMMENDATION

Concur with the Award of the NDDOT contract with Northern Improvement Company, Bismarck, ND for the Overlay of County Road 139A for $ 741,988.30.

SUGGESTED MOTION:

Move to Concur with the Award of the NDDOT contract with Northern Improvement Company, Bismarck, ND for the Overlay of County Road 139A, at a contract amount of $ 741,988.30 and execute the resolution for return to the NDDOT.

NORTH Dakota | Transportation
Be Legendary.

September 6, 2024

Nathan Boehm
Morton County Chairperson
C/O County Auditor
210 2nd Avenue NW
Mandan, ND 58554

PROJECT NOS. – SC-3008(058) & SU-1-988(054)
HWY 25, EAST 2 MI
HBP OVERLAY – 2.020 MI

Enclosed is a Resolution for the above project in the September 6, 2024 bid opening. The apparent low bidder is Northern Improvement Company in the amount of $741,988.30. If the County concurs in awarding, please execute the Resolution, and return to our office.

Derek Pfeifer, P.E., Local Government Engineer

38/ss
Enclosure

RESOLUTION

WHEREAS, the bid in the amount of $741,988.30 from Northern Improvement Company received in the bid opening of September 06, 2024 for Projects SC-3008(058) and SU-1-988(054) was the low bid received.

WHEREAS, this bid is considered reasonable.

NOW THEREFORE, be it resolved by the Board of County Commissioners of MORTON County will award to Northern Improvement Company the contract for Projects SC-3008(058) and SU-1-988(054) and hereby authorizes the Chairman of the Board to sign said contract.

It is further understood that the County shall reimburse the North Dakota Department of Transportation for any payments made under this contract, which are not collectible from the Federal Highway Administration.

ATTEST:

_____ _____

County Auditor

Chairman, Board of County Commissioners

County: MORTON_____

This is to certify that the above resolution was adopted and passed at a meeting of the Board of County Commissioners at _____ County on _____.

_____

County Auditor

Call order: 24400 **Proposal:** 2024090624400

Counties: MORTON

HBP OVERLAY

Bidder	Bidder ID	Alt or Opt	Bid Limitation	Total Discount	DBE %	Total
NORTHERN IMPROVEMENT COMPANY	140				3.42%	$741,988.30
STRATA CORPORATION	180					$812,028.20
ENGINEERS ESTIMATE	9048					$930,505.00
KNIFE RIVER MATERIALS	2712					$1,273,474.10

(4 apparent bids)

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NORTH Dakota | Emergency Services
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MEMORANDUM OF AGREEMENT

This Agreement is between the State of North Dakota, acting by and through the Department of Emergency Services' Division of State Radio, P.O. Box 5511, Bismarck, North Dakota (hereafter State Radio) and the County of MORTON, 210 2nd Ave NW, Mandan, ND,

Address City

North Dakota _____58554_____ (hereafter County).
Zip

WHEREAS, North Dakota Century Code (N.D.C.C.) § 37-17.3-09 provides the Director of State Radio may provide 911 services to a political subdivision with the population of fewer than twenty-five thousand and shall charge fees apportioned with providing actual costs of such services as outlined and agreed upon herein and in accordance with N.D.C.C. ch. 57-40.6;

WHEREAS, County has developed a local 911 emergency telephone response system; and

WHEREAS, County will provide ongoing localized 911 program management through the employment of an emergency services communication system coordinator (911 Coordinator) or secure such services from another county or private entity through contract.

NOW THEREFORE, the parties agree to the following:

1. County emergency services communication system coordinator shall:
    a. Ensure that address and mapping data is updated in the emergency services communication system database and mapping system within thirty days of receipt of notice or request for change;
    b. Provide for a complete quarterly review of the emergency services communication system land line database by obtaining current records from the appropriate telecommunications companies;
    c. Maintain the law enforcement, fire, and emergency medical service response boundaries for the public safety answering point service area; and
    d. Ensure that the dispatch protocols for emergency service notifications are documented and communicated with all law enforcement, fire, and emergency medical services.
2. County will provide agreed upon common standard operating procedures (protocols) for emergency services notifications or otherwise agree to the standards as set by State Radio.

3. County agrees to pay all telephone network configuration charges including any startup, reoccurring monthly charges, or special charges based on routing and/or trunking, or equipment and/or services provided by phone service providers.

4. County agrees to pay State Radio, as provided in N.D.C.C. § 37-17.3-09, per access line (landline or cellular) per month for services provided for the County 911 System.

5. County agrees to pay fees for 911 services at the rate of **$1.59 per line** effective 1 July 2025 through 30 June 2027.

6. State Radio agrees to provide emergency telephone call response service in so much as:

    a. Receiving and taking 911 calls.
    b. Recording such calls for purposes of liability and providing records.
    c. Establishing CAD events or records as necessary.
    d. Dispatching local response assets.
    e. Monitoring incidents

7. State Radio agrees to staff a minimum of five dispatch consoles during peak hours and that dispatchers will meet the appropriate training standards and certifications.

8. State Radio will release any and all recorded information requested pertaining to specific incidents occurring in the county to, and at the request of, the 911 Coordinator. All documentation released will be to the requesting County Sheriff or Chief of Police of the local city jurisdiction to avoid conflict with pending investigations.

9. State Radio will provide a yearly report to County providing State Radio performance metrics, achievements, expenses, and status of improvement initiatives.

10. Formal grievances relating to this Agreement will be made in writing, outlining the issue, and identifying a resolution that may be addressed as an addendum to this Agreement by mutual agreement of both parties.

11. This Agreement is effective on date of signature of last party to sign and may be terminated upon the last day of the State's biennium, 30 June of odd years. Notice of intent to non-renew Agreement shall be provided to State Radio by 30 September of the even years. A renewal MOA will be signed for each biennium.

12. In order to determine State Radio's budgetary needs for the biennium, the term of this Agreement is 1 July 2025 through 30 June 2027.

13. Any notice or communications under this Agreement shall be in writing and shall be deemed to have been fully given if personally delivered or mailed postage paid to:

Director
State Radio Division
P.O. Box 5511
Bismarck, ND 58506-5511

14. This Agreement constitutes the entire agreement between the parties. No waiver consent, modification, or change of terms of this Agreement shall bind the parties unless in writing and signed by the parties.

15. The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

Dated this _____ day of _____, 2024

North Dakota Division of State Radio

BY: _____
Darin Anderson, Director

Dated this _____ day of _____, 2024

COUNTY OF MORTON

BY: _____
Name

_____
Position (Commission Chair)

100-030 - Abandoned Cemeteries - Endangered Gravesites - Care and Custody of the Dead

Adopted - 09/28/2021
Revised -
Legal Reference - NDCC 12.1-02-02; NDCC 23-06-03; NDCC 23-06-20; 23-06-21; NDCC 23-06-21.1; NDCC 23-06-24.1; NDCC 23-06-27; NDCC 23-06-30; NDAC 33-05-01

Purpose
This policy reflects Morton County's strong commitment to respecting and protecting the final resting places of all people regardless of culture, religion, race, gender, or length of time since burial. All human remains are afforded equal protection under the law.

It is our primary objective to increase the awareness and importance of our historic cemeteries as sources of community and state pride, while promoting an attitude of reverence and respect, and encouraging the further preservation of these unique historical resources for future generations to appreciate and learn from.

General Policy
Many abandoned cemeteries are the remnants of pioneers who moved on. Some are former churchyards, or the land of old family farms. Many cemeteries within the County have been threatened by neglect, insufficient funds, and inappropriate development. These cemeteries constitute a memento of great achievements of the common everyday people that lived and worked there, contributing greatly to both culture and science, leading to the creation of a better place for those that followed. Morton County currently owns Greenwood Cemetery (911 address) and Fairview – Timmer – Ladies Aid Cemetery (911 address)

Abandoned Cemetery
Morton County defines an Abandoned Cemetery as a cemetery in which no burial of a human body has taken place for five years, and has not been owned or maintained by any person, church, religious, benevolent society, any civic organization, or cemetery association for a period of five or more years.

Cemetery Board of Directors
The Board of County Commissioners may appoint a Cemetery Board of Directors to regulate and direct the care and maintenance of the abandoned rural cemeteries. The regulation and maintenance shall include, but is not limited to, the mowing and cutting of weeds and grass, the repairing of fences and corrective measures relative to grave markers, etc. The enforcement of these regulations shall be the responsibility of the County Cemetery Board of Directors. The Cemetery Board shall meet at special meetings subject to the call of the Chairman. In that event, the Cemetery Board is unable to all meet to take appropriate action, the Board of County Commissioners will act as Cemetery Board in their absence. Funds necessary to carry out the provisions of this section may be appropriated from the county general fund.

Requirements for Transfer of Ownership

Any person, church, religious or benevolent society, civic organization, or cemetery association that wishes to transfer ownership of a cemetery to Morton County shall do the following:

1. Obtain the proper legal representation necessary to transfer title or deed to the cemetery to Morton County.
2. Prepare the proper legal paperwork to transfer title or deed to the Cemetery to Morton County.
3. Forward all legal paperwork to transfer cemetery title and deed to the Morton County States Attorney's Office for review.
4. Provide a copy of all burial records for the cemetery to the Morton County Register's Office for review.
5. Answer all concerns or questions that the County States Attorney and County Register may have regarding cemetery legal paperwork, title, deed, or burial records.
6. Petition the County Commission through the County Auditor's Office to have Morton County take ownership of the cemetery. The County Auditor will place the petition for transferring ownership of the Cemetery to Morton County on the County Commission agenda to be heard only after all legal requirements are in order to the satisfaction of the County States Attorney and County Register.
7. The Morton County Commission will hear the petition to take ownership of the cemetery. The County will only take cemetery ownership after the petition is heard at the assigned meeting and the reasons for transferring ownership of the cemetery are given.
8. Morton County reserves the right to deny taking ownership of a cemetery for any reason.

Responsibilities of Taking Ownership

- The County shall provide for the general maintenance and upkeep of the cemetery using revenues derived from the general fund.
- The County shall, at least once each year, proceed to have the weeds and grass cut, restore gravestones to their original placement, and perform any other general maintenance necessary to maintain the dignity and appearance of the cemetery grounds.
- Cemetery lot owners will be entitled to the same rights and privileges concerning their lots as if the transfer had not been made.
- The County may adopt rules and regulations to conduct, manage, maintain, and operate the cemetery, but the rules may not infringe upon the rights of persons who were lot owners at the time the transfer was made.
- The Morton County Recorder shall maintain the Sexton Records to any cemetery that the County takes ownership of.
- The Morton County Parks Department shall serve as groundskeeper, and provide metal cemetery lot markers for grave detection for any cemetery under County jurisdiction.
- Emergency Management shall set up Cemetery Mapping that provides detailed gravesite mappings that are true depictions of the property, locating known (marked), unmarked, lost graves and remaining plot availability for future burials to any cemetery that the County takes ownership of.
- Availability for future burials to any abandoned cemetery that the County takes ownership of will be reviewed on a case by case basis.

- Greenwood Cemetery will be considered a County Historical Site and viewed abandoned (it cannot be considered an “active” cemetery), primarily to protect and not disrupt the resting place of the marked/unmarked burials, therefore prohibiting future burials and the disturbance to the property.
- Due to years of neglect and misuse of cemetery grounds can lead to an abandoned cemetery in serious need of maintenance and upkeep. Grant funding for the maintenance of cemetery properties that the County takes ownership of may be secured through local community organizations, certain federal affiliations, and in some instances, financial assistance for the upkeep of headstones and burial plots may require solicitation through local businesses or residents.

Endangered Gravesites - County Action Authorized

The Morton County Commissioners may move graves or cremate the bodies in any graves which are located in the County and maintained by the County when the gravesites are in imminent danger of destruction by natural elements. The County Commissioners shall, to the extent possible, give personal notice to a relative of a deceased person whose grave is to be moved or whose body is to be cremated if the identity of that person and the identity of the relative are known. The County Commissioners shall provide at least thirty days' prior notice in a legal newspaper of the County of the Commissioners' intended action to be taken. NDCC 23-06-24.1

Burial Rules for County Owned or Administered Cemeteries

- Purchase price for burial plats in County owned or administered cemeteries shall be set yearly. The County Recorder shall determine the proposed purchase price based on the comparison of burial plat prices at other cemeteries located within Morton County. The County Recorder shall present the proposed burial plat price to the County Commission for final approval.
- Morton County does not open or close graves. It will be the duty of the bereaved and the funeral director to obtain a licensed excavation company to open and close the grave. The excavation company shall complete the grave within the standards as approved by the North Dakota Department of Health and NDAC 33-05-01-04.
- The casket shall be placed in an approved metal, concrete, or similar vault prior to burial. Cremains shall be placed in a suitable urn for burial.
- No vault, crypt, columbarium, mausoleum, or other structure or device by whatever name for the interment of any deceased person will be allowed above the natural surface of the ground. Surface vaults and urns are prohibited.
- Only grass will be allowed to cover any grave. Borders, fences, or rocks are not permitted to cover any grave or are allowed on cemetery grounds.
- Permanent plantings will not be permitted on gravesites at any time.

Monument Regulations

- Arrangements for any monument setting must be made with the County Parks Department staff prior to installation.
- Monuments must face east and must be placed at the head of the grave in line with surrounding monuments.
- Additional monuments may be placed at the middle or foot end of the grave as long as the additional monument is a flat marker that is set flush with the ground.
- Monuments must set on cement, granite or marble pad that is four inches in thickness. The monument pad must extend a minimum of four inches around all sides of the monument base.

- The monument pad must set flush with the ground. A monument pad for a single grave may not exceed a width of 48 inches and a pad for a double grave may not exceed a width of 60 inches.
- Monuments may not exceed a height of four feet from the pad.
- Monument crosses my not exceed a width of three feet per grave space and a maximum height of four feet.
- Placing or repairing of monuments and other ground concerns must be authorized by the County Parks Department.
- Commemorative items that are attached to or placed above the headstone in a manner that allows for unobstructed mowing and trimming are allowed. The cement pad on which the monument sits must remain unobstructed.
- No benches are allowed unless an integral part of the monument.

Fresh Cut and Artificial Flowers

- Floral items may be placed on graves no earlier than seven days prior to the following Holidays: Memorial Day, Fourth of July, Veterans Day, Thanksgiving, Christmas and Easter; these items must be removed within 14 days after the Holiday.
- Floral items that are attached to the headstones and placed in a manner that allows for unobstructed mowing and trimming and can be placed anytime, but will be removed when they become unsightly or faded.
- Fresh flowers may be placed on the gravesite at any time (no wrapping, plastic or glass containers).
- Annuals will be allowed, in a ground level planting area, on the east side of the headstone. The maximum planting area can be the length of the headstone and no wider than eight inches.
- Morton County is not responsible for any items that may be damaged or missing within the cemetery and reserves the right to remove items at any time.

Indigent Burial

Indigent burial occurs when the deceased did not leave sufficient means to pay for expenses of final disposition, including the cost of a casket, and is not survived by an individual described in NDCC 23-06-03 (1). Three Rivers Human Service Zone is responsible for indigent burial within Morton County. Morton County will not be involved in indigent burial unless ordered to do so by the Three Rivers Human Service Zone Board or the North Dakota Department of Health and Human Services.