

**McLean County Commission Proceedings**  
**Tuesday, September 6, 2022**

The first regular September meeting of the Board of Commissioners was called to order at 8:30 a.m. by Chairperson Steve Lee. Present were Commissioners Lee, Steve Cottingham, and Barry Suydam. Also present were Auditor Beth A. Knutson, Deputy Auditor Diane L. Blumhagen, Road Superintendent Jim Grey, Civil Engineer Jon Martin of Wold Engineering, NDSU Extension West District Director Jim Gray, McLean County Agriculture and Natural Resources NDSU Extension Agent Sarah Bedgar, James C. Falcon of NorDak North Publishing, and Eleanor Carlson of Mercer.

Moved by Cottingham, seconded by Suydam, to approve the minutes of the previous regular meeting held on August 16, 2022, as submitted. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Grey was present with an update on department operations reporting that right-of-way mowing continues and a fence has been installed on the east side corner of U.S. Highway 83 and County Road 8, near Garrison, as previously discussed at the commission meeting on August 2, 2022.

Grey presented a utility permit request from West River Telecommunications Cooperative. The permit requested to plow on county right-of-way along 19<sup>th</sup> Ave NW and 1<sup>st</sup> St. NW, six miles southwest of Turtle Lake in Sections 24 and 25, Township 146 North, Range 81 West, for fiber cable telecommunications facilities to serve the Diane Schell residence.

Moved by Cottingham, seconded by Suydam, to approve the utility permit request from West River Telecommunications Cooperative as presented. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Martin updated the commission that the Bridge Project BRO-0028(051) will now be 100% federally funded.

Building and Maintenance Supervisor Curt Malo joined the meeting.

Gray discussed filling the open NDSU Extension Agent position at McLean County due to Courtney Hoikkala resignation. Discussion followed.

Moved by Suydam, seconded by Cottingham, to fill the open NDSU Extension Agent position. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Bedgar introduced Eleanor Carlson to the commission. Carlson explained her experiences that she has had with the 4-H program.

Knutson discussed the appointment of Sarah Bedgar as the 2022 ND State Fair Delegate.

Moved by Cottingham, seconded by Suydam, to appoint Sarah Bedgar as the 2022 ND State Fair Delegate. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Malo informed the commission that blocks for the retaining wall take over one year to receive and a deposit of \$8,228.10 is needed to order them.

Moved by Cottingham, seconded by Suydam, to approve the deposit for preordering the retaining wall blocks in the amount of \$8,228.10. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson presented the Pledge of Securities received from TruCommunity Bank. The total public deposits were \$18,791,613.48 and the total pledged securities were \$20,896,246.50 on August 31, 2022.

Moved by Cottingham, seconded by Suydam, to accept the Pledge of Securities from TruCommunity Bank. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Knutson informed the commission that the signed police contract from the City of Underwood has been received.

Chief Deputy Sheriff Richard Johnson joined the meeting.

Knutson discussed with the commission an email received from Grant Coordinator Kenneth Steiner of the Upper Great Plains Transportation Institute, requesting a letter of support to apply for federal funds.

Moved by Suydam, seconded by Cottingham, to approve sending the requested letter of support to Kenneth Steiner. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Johnson requested approval to hire two Patrol Deputies from the active hiring list and to hire two additional Jailer-Dispatchers from the active hiring list.

Moved by Cottingham, seconded by Suydam, to approve hiring two Patrol Deputies, and three Jailer-Dispatchers. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Suydam, to approve the Special Events Liquor License transfer for Strawberry Kooler of Ruso for an event to be held at 1273 24<sup>th</sup> St NW, Cabin #121, Ruso, with retroactive date to September 3, 2022. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Knutson discussed reappointing Cottingham to the Coal Conversion Counties (CCC) Board.

Moved by Suydam, seconded by Lee, to appoint Commissioner Cottingham to the CCC Board. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Knutson received notification from Rath & Mehrer, PC that they are no longer completing county biennial audits. The notice was received after Knutson budgeted \$15,000.00 for the audit. Knutson has reached out to other county auditor's to see who they utilize.

Received and ordered filed the fee collection report from the Recorder's Department for the month of August in the amount of \$11,785.10.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of August in the amount of \$1,328.40.

Adam Ourada, Falkirk Mining Company, joined the meeting.

Knutson presented the budget narrative for period ending August 31, 2022. She presented data showing property tax collections are at 94% collected including 98% with discount for 2022 or \$18,686,512.92; government reimbursement revenues totaled \$1,876,206.08 compared to \$1,789,657.79 in 2021; fees and miscellaneous revenues totaled \$1,163,110.87 compared to \$1,429,774.41 in 2021; and expenditures were at 58.97% of total budget for 2022.

Knutson presented the Uncollected Tax List for years 2019-2021 showing a total of \$778,581.14.

Knutson presented the current list of delinquent tax payers owing more than \$4,000.00, showing 29 taxpayers owing \$273,167.71 in back taxes.

Ourada approached the Commission to petition the board for a hearing to temporary close a section line between Sections 1 and 12, Township 144 North, Range 84 West, and Section 6 and 7, Township 144 North, Range 83 West.

Moved by Suydam, seconded by Cottingham, to approve the following Petition for Closing of Section Line Road and set hearing date for October 6, 2022 at 9:30 a.m.:

Before the Board of  
McLean County Commissioners

In the matter of the application of )  
The Falkirk Mining Company for an ) Petition for closing  
order temporarily closing certain ) of section line roads  
section line roads that interfere )  
with surface coal mining operations )

Pursuant to the provisions of Chapters 38-01-07.1 and 38-01-07.2, North Dakota Century Code, The Falkirk Mining Company ("Petitioner") states as follows:

1. Petitioner is a surface coal mining operator with the right to conduct surface coal mining and reclamation operations on or in the vicinity of the lands hereinafter described.
2. Petitioner requests that the following described section line roads, as shown on the map attached as Exhibit A, be temporarily closed due to the fact that such roads interfere with the Petitioner's conduct of surface coal mining and reclamation operations:
  - a. The section line between the SE4 of Section 1 and the NE4 of Section 12, Township 144 North, Range 84 West
  - b. The section line between the SW4 of Section 6 and the NW4 of Section 7, Township 144 North, Range 83 West
3. Petitioner asserts that the closing of the above described section line road will not deprive adjacent landowners access to their property.
5. After the completion of surface coal mining and reclamation operations, the Petitioner will restore the closed section line roads to as good a condition as existed prior to the closing of such roads to the extent required by the Board of McLean County Commissioners.

Wherefore, Petitioner requests that the Board of McLean County Commissioners set this matter for hearing and that thereafter Petitioner be granted the relief requested.

Dated this 6th day of September, 2022

The Falkirk Mining Company

By: \_\_\_\_\_  
Jay H. Kost, its President

Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Ourada proceeded to petition the board for a hearing to temporary close a section line between Sections 32 and 33, Township 145 North, Range 84 West, and Section 1, Township 144 North, Range 84 West.

Moved by Suydam, seconded by Cottingham, to approve the following Petition for Closing of Section Line Roads and set hearing date for October 6, 2022, at 9:40 a.m.:

Before the Board of

McLean County Commissioners

In the matter of the application of )  
The Falkirk Mining Company for an ) Petition for closing  
order temporarily closing certain ) of section line roads  
section line roads that interfere )  
with surface coal mining operations )

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2. Petitioner requests that the following described section line roads, as shown on the map attached as Exhibit A, be temporarily closed due to the fact that such roads interfere with the Petitioner's conduct of surface coal mining and reclamation operations:

- a. The section line between the SE4 of Section 32 and the SW4 of Section 33, Township 145 North, Range 83 West
  - b. The correction line road in Lots 2 and 3 of Section 1, Township 144 North, Range 84 West
  - c. The quarter line between the SW4 and the SE4 of Section 1, Township 144 North, Range 84 West
3. Petitioner asserts that the closing of the above described section line road will not deprive adjacent landowners access to their property.

5. After the completion of surface coal mining and reclamation operations, the Petitioner will restore the closed section line roads to as good a condition as existed prior to the closing of such roads to the extent required by the Board of McLean County Commissioners.

Wherefore, Petitioner requests that the Board of McLean County Commissioners set this matter for hearing and that thereafter Petitioner be granted the relief requested.

Dated this 6th day of September, 2022

The Falkirk Mining Company

By: \_\_\_\_\_  
Jay H. Kost, its President

Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Lee, to approve the following vouchers for payment:

A detailed list of checks is available for public inspection anytime during regular business hours in the McLean County Auditor's Office.

Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Chairperson recessed the meeting at 9:50 a.m.

Chairperson Lee reconvened the meeting at 10:00 a.m. Road Superintendent Jim Grey rejoined the meeting for the 10:00 a.m. motor grader bid opening.

Mark Feland from RDO Equipment Co (RDO) and Michael Flath from Butler Machinery Company (Butler) joined the meeting.

Butler, of Bismarck, bid the new Caterpillar 150 AWD motor grader at \$508,400.00 per motor grader with a guaranteed repurchase of \$175,000.00.

RDO, of Bismarck, bid the new John Deere 772G motor grader at \$392,500.00 per motor grader.

Grey requested time to review the bid proposals and will return at a later meeting with a recommendation.

Chairperson declared the meeting adjourned at 10:12 a.m.

Chairperson Lee reconvened the meeting at 10:39 a.m.

Knutson requested permission to advertise for an Equipment Operator II for the Max area. Discussion followed.

Moved by Suydam, seconded by Cottingham, to advertise for one or more Equipment Operator II positions in the Max area. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

There being no further business, the chairperson declared the meeting adjourned at 10:40 a.m. until the next regularly scheduled meeting on Tuesday, September 20, 2022. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

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Steve Lee, Chairperson

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Diane L Blumhagen, Deputy Auditor