

**McLean County Commission Proceedings**  
**Thursday, October 6, 2022**

The first October 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, Assistant Road Superintendent Travis Verke, Clerk of Court Bonnie Bohnsack, Bill Pedersen of Apex Clean Energy, and James Falcon of NorDak North Publishing.

Moved by Cottingham, seconded by Suydam, to approve the minutes of the previous regular meeting held on September 20, 2022, as submitted. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Bohnsack discussed with the commissioners the possibility of the Clerk of Court offices being taken over by the State of North Dakota.

Grey presented an update on department operations reporting that right-of-way mowing will wrap up soon and gravel work continues in the areas needed.

Grey presented a quote from Swanston Equipment Co. of Fargo, ND, for the purchase of two used Tenco TCS 172A loader mounted snow blowers for the total amount of \$60,000.00. Discussion followed.

Moved by Suydam, seconded by Cottingham, to approve the purchase from Swanston Equipment Co, as presented. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey requested to advertise for bids for a loader to be purchased in 2023.

Moved by Cottingham, seconded by Suydam, to approve advertising for bids for a loader to be purchased in 2023. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Grey requested to set the loader bid opening for November 15, 2022, at 9:00 a.m.

Moved by Suydam, seconded by Cottingham, to set the loader bid opening date for November 15, 2022, at 9:00 a.m. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey informed the commission that he was approached by Aggregate Construction, Inc. to purchase 38,000 ton of gravel from Aggregate Construction, Inc. Discussion followed.

Moved by Suydam, seconded by Cottingham, to approve the purchase of 38,000 ton of gravel from Aggregate Construction, Inc. dependent on agreement. Discussion followed. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Grey discussed the option to pre-buy propane reporting he had received a letter from Farmers Union Oil of Wilton with terms and conditions.

Grey presented a boring permit request from West River Telecommunications Cooperative. The permit requests to bore 24<sup>th</sup> Ave SW, in Section 6, Township 144 North, Range 81 West, to provide fiber optic services to the Dan Hoff residence at 640 24<sup>th</sup> Ave SW.

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

Grey informed the board that the Highway Department has hired Kelly Helm to fill the open Equipment Operator III position for the Butte area.

Deputy Auditor Kayla Oberlander joined the meeting.

Moved by Cottingham, seconded by Suydam, to approve the following 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.

Chief Deputy Sheriff Richard Johnson joined the meeting.

Knutson presented the agreement letter from Eide Bailly LLP to perform the 2023 biennial audit of years 2021 and 2022.

Moved by Cottingham, seconded by Suydam, to authorize the Auditor's office to sign the agreement letter as presented. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Johnson requested permission to advertise for one or more Jailer-Dispatcher positions.

Moved by Suydam, seconded by Cottingham, to authorize advertising to fill one or more Jailer-Dispatcher positions. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Chris Friez and Adam Ourada from Falkirk Mining Company joined the meeting.

Knutson presented the Pledge of Securities received from TruCommunity Bank. The total public deposits were \$17,847,422.13 and the total pledged securities were \$19,851,067.00 on September 30, 2022.

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

Knutson presented final recommendations for minimum sale prices on real estate forfeited to the county. She stated that the price is the amount of taxes including specials, penalties, interest, and costs of serving notice plus the estimated taxes for 2022. The sale will be held on Tuesday, November 15, 2022, at 10:00 a.m. in the County Commission Chambers of the McLean County Courthouse. The minimum sale prices recommended by Knutson are as follows:

Notice of Sale of Real Estate Forfeited to the County  
For Delinquent Taxes  
Chapter 57-28 N.D.C.C.

Notice is hereby given that the following real estate has been forfeited to the County of McLean, State of North Dakota, for delinquent taxes that said county has taken tax deed for such property and will offer it for sale at public auction beginning at 10:00 a.m. on Tuesday, November 15, 2022, in the county commission chambers of the McLean County Courthouse.

Each parcel of real estate will be offered separately and sold to the highest bidder, but not for a sum less than the minimum sale price listed below. Payment must be made in cash. The sale shall continue until such time as all parcels forfeited to McLean County have been offered for sale and/or sold.

Appraised Value of Property Taken for Delinquent 2019 Taxes

Legal Description, Parcel Number, Minimum Sale Price

Garrison City

Lot 1 Blk 18 Original Townsite, 75-0001-00174-000, \$3,638.78

Turtle Lake City

Lot 6 Blk 6 Original Townsite, 79-0001-00026-000, \$133.34

Underwood City

Lot 5 Blk 12 Original Townsite, 80-0001-00124-000, \$3,109.86

Lots 23-24 Blk 2 Houser Addition, 80-0801-00050-000, \$2,342.06

Washburn City

Lot 26 Rhude Addition, 81-1802-00039-000, \$6,535.52

Given pursuant to authority of law this 20<sup>th</sup> day of September, 2022 at Washburn, ND

/S/ Beth A. Knutson

Beth A. Knutson

McLean County Auditor

Moved by Cottingham, seconded by Lee, to approve the appraised value of property taken for delinquent 2019 taxes. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Suydam, to set the Delinquent Properties Hearing for 9:30 a.m. during the regular commission meeting set for October 18, 2022. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Suydam, to accept the change in reimbursement for lodging increasing from \$86.40 to \$88.20 as instituted by the State of North Dakota with retroactive date of October 1, 2022. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Oberlander presented the Unclaimed Property Report which includes outstanding checks over one year old. The outstanding checks are to be sent to the North Dakota Unclaimed Property Division.

Treasurer Checks

Check number, date issued, amount, payable to, description.

42372, December 30 2020, \$9.00, Susan Davis, Overpayment on taxes

42392, January 25 2021, \$4.14, Max Sanford, Overpayment on Dental Premium

Warrant Checks

Check number, date issued, amount, payable to, description.

302955, July 7 2020, \$13.00, James Morgan, Refund for 24/7 Sobriety Program

303115, July 15 2020, \$227.13, Jolene Haux, Travel

303129, July 15 2020, \$426.67, Verizon Wireless, Cell Phone Charges

Moved by Cottingham, seconded by Suydam, to approve the Unclaimed Property Report. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Glenda and Sara Scholl, of Washburn, ND, joined the meeting.

Chairperson Lee recessed the meeting at 9:25 a.m.

Chairperson Lee opened a public hearing at 9:30 a.m. for Falkirk Mining Company's temporary closure of section line roads request.

Joe La Duke, Beverly and Neal Peterson, Mary Riem, Jane Miller, Sandra La Duke, and Dean Swanson joined the meeting.

Moved by Suydam, seconded by Cottingham, to approve the following resolution of McLean County Commission:

Resolution of  
McLean County Commission

Whereas, The Falkirk Mining Company ("Falkirk") has petitioned the Board of County Commissioners of McLean County, North Dakota ("Commission") to temporarily close the following described 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 of the North Dakota Century Code:

- 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

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 6th day of October, 2022, at 9:30 a.m. CDT, in the Courthouse in the City of Washburn, North Dakota, and the Commission having heard and considered all of the testimony and evidence presented.

Now, Therefore, Be It Resolved that the Commission does hereby find, conclude, and determine as follows:

- 1. That the Commission has jurisdiction over the subject matter of the Petition and the section line roads involved therein.
- 2. That the Notice of Hearing on said Petition was duly served and published as required by law.
- 3. That the temporary closing of said section line roads is necessary due to the fact that said section line roads interfere with Falkirk's conduct of surface coal mining operations.
- 4. That the temporary closing of said section line roads does not deprive adjacent land owners access to their property.
- 5. That a public benefit exists in temporarily closing said section line roads and that the interests of public and the affected landowners will be protected.

Be It Further Resolved, based on the foregoing, that the Commission hereby determines and orders as follows:

- 1. That the following section line roads be temporarily closed until such time as Falkirk's surface coal mining operations which affect the use of said section line roads by the general public are completed:
  - 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
- 2. That Falkirk provide farmers access to their lands for farming purposes during the time that said section line roads are temporarily closed.
- 3. That within a reasonable period of time after completion of surface coal mining operations Falkirk shall restore said section line roads to as good a condition as existed prior to the temporary closing to the extent required by the Commission.
- 4. That Falkirk inform the Commission when the restoration of said section line roads is completed, at which time Falkirk shall tender said section line roads to the Commission for acceptance for general public use.
- 5. That the Commission may at any time exercise its rights to monitor the continued need for the temporary closing of said section line roads and may request Falkirk to show cause why said section line roads should not be reopened if surface coal mining operations in the vicinity thereof have been completed.
- 6. That this Resolution, the Petition involved therein, the Affidavits of Service and the Affidavits of Publication of Notice of Hearing be filed with the McLean County Auditor.

Dated this 6<sup>th</sup> day of October, 2022.

Attest:

\_\_\_\_\_  
Beth Knutson, County Auditor

McLean County Commission

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Discussion followed which resulted in closure expiring December 31, 2029. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

With no additional attendees from the public and no discussion, Chairperson Lee closed the hearing at 10:22 a.m. and immediately opened the next Falkirk Mining Company hearing for Closing of Section Line Roads.

Chairperson Lee opened a public hearing at 10:22 a.m. for Falkirk Mining Company's temporary closure of section line roads request.

Moved by Suydam, seconded by Cottingham, to approve the following resolution of McLean County Commission:

Resolution of  
McLean County Commission

Whereas, The Falkirk Mining Company ("Falkirk") has petitioned the Board of County Commissioners of McLean County, North Dakota ("Commission") to temporarily close the following described 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 of the North Dakota Century Code:

- c. The section line between the SE4 of Section 32 and the SW4 of Section 33, Township 145 North, Range 83 West
- d. The correction line road in Lots 2 and 3 of Section 1, Township 144 North, Range 84 West
- e. The quarter line between the SW4 and the SE4 of Section 1, Township 144 North, Range 84 West

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 6th day of October, 2022, at 9:40 a.m. CDT, in the Courthouse in the City of Washburn, North Dakota, and the Commission having heard and considered all of the testimony and evidence presented.

Now, Therefore, Be It Resolved that the Commission does hereby find, conclude, and determine as follows:

1. That the Commission has jurisdiction over the subject matter of the Petition and the section line roads involved therein.
2. That the Notice of Hearing on said Petition was duly served and published as required by law.
3. That the temporary closing of said section line roads is necessary due to the fact that said section line roads interfere with Falkirk's conduct of surface coal mining operations.
4. That the temporary closing of said section line roads does not deprive adjacent land owner's access to their property.
5. That a public benefit exists in temporarily closing said section line roads and that the interests of public and the affected landowners will be protected.

Be It Further Resolved, based on the foregoing, that the Commission hereby determines and orders as follows:

1. That the following section line roads be temporarily closed until such time as Falkirk's surface coal mining operations which affect the use of said section line roads by the general public are completed:
  - 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
2. That Falkirk provide farmers access to their lands for farming purposes during the time that said section line roads are temporarily closed.
3. That within a reasonable period of time after completion of surface coal mining operations Falkirk shall restore said section line roads to as good a condition as existed prior to the temporary closing to the extent required by the Commission.
4. That Falkirk inform the Commission when the restoration of said section line roads is completed, at which time Falkirk shall tender said section line roads to the Commission for acceptance for general public use.
5. That the Commission may at any time exercise its rights to monitor the continued need for the temporary closing of said section line roads and may request Falkirk to show cause why said section line roads should not be reopened if surface coal mining operations in the vicinity thereof have been completed.
6. That this Resolution, the Petition involved therein, the Affidavits of Service and the Affidavits of Publication of Notice of Hearing be filed with the McLean County Auditor.

Dated this 6<sup>th</sup> day of October, 2022.

Attest:

McLean County Commission

\_\_\_\_\_  
Beth Knutson, County Auditor

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Discussion followed which resulted in the closure expiring December 31, 2029, and to provide alternate access to land owners. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

With no additional attendees from the public and no discussion, Chairperson Lee closed the hearing at 10:39 a.m. and immediately reconvened the commission meeting.

Received and ordered filed the fee collection report from the Recorder's Department for the month of September in the amount of \$9,958.30.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of September in the amount of \$1,796.78.

States Attorney Ladd Erickson and Water Resource Board member Lynn Oberg joined the meeting,

Knutson presented the current list of delinquent tax payers owing more than \$4,000.00 showing 28 taxpayers owing \$263,443.06 in back taxes.

Knutson presented the Uncollected Tax List for years 2019-2021 showing a total of \$677,775.68.

Knutson presented the budget narrative for period ending September 30, 2022. She presented data showing property tax collections are at 95% collected including 99% with discount for 2022 or \$18,760,363.35; government reimbursement revenues totaled \$2,071,206.62 compared to \$2,129,526.42 in 2021; fees and miscellaneous revenues totaled \$1,251,708.45 compared to \$1,534,221.65 in 2021; and expenditures were at 71.95% of total budget for 2022.

Knutson informed the board that she will be requesting Local Assistance and Tribal Consistency Funds in the amount of \$262,813.06. The funds can be used for any county activities.

There being no further business, the chairperson declared the meeting adjourned at 10:52 a.m. until the next regularly scheduled meeting on Tuesday, October 18, 2022. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

\_\_\_\_\_  
Steve Lee, Chairperson

\_\_\_\_\_  
Diane L Blumhagen, Deputy Auditor