

McLean County Commission Proceedings

Tuesday, February 3, 2026

The first regular February meeting of the Board of Commissioners was called to order at 8:30 a.m. by Chairperson Curt Olson. Present were Commissioners Olson, Steve Cottingham, and Steve Lee. Also present were Auditor Beth A. Knutson; Deputy Auditor Lynda Snyder; Computer Operations Director Lori Foss; Chief Deputy Sheriff Richard Johnson; Road Superintendent Jim Grey; Washburn American Legion Representatives Jo and Mike Kidd; and Michael Rivinius of Wold Engineering.

Moved by Lee, seconded by Cottingham, to approve the minutes of the meeting held on January 21, 2026, as submitted. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Foss presented a quote from Tao Interactive to complete an ADA compliance review of our website. She also stated that training will be provided by the North Dakota Association of Counties on requirements going forward. Discussion followed.

Moved by Cottingham, seconded by Lee, to approve the Tao Interactive quote in the amount of \$1,680.00 as presented. Discussion followed. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Johnson requested permission to hire Daniel Scheepers from the hiring list for a Jailer/Dispatcher I. He stated that Scheepers is related to Assistant Jail Administrator Casey Howe but will not report directly to Howe. Discussion followed.

Moved by Lee, seconded by Cottingham, to approve hiring the Jailer/Dispatcher I as requested. Discussion followed. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Grey presented the Highway Department update stating that he and Assistant Road Superintendent Travis Verke attended the Annual North Dakota Association of County Engineers County Roads Conference last week. Discussion followed. He also stated that trucks are out plowing to clean up what is left on roads and then plan to trim trees if the weather cooperates. Discussion followed.

Rivinius stated the North Dakota Department of Transportation sent notifications on their Flex and Prairie Dog funding. He went on to explain that Project CP-2800(026) which includes flex funding for countywide mill and overlay was approved for approximately 1.975 million dollars. Discussion followed.

Rivinius requested that the bid opening date be changed to April 7, 2026 at 9:00 a.m. to allow time for a response on the Prairie Dog Grant Funds. Discussion followed.

Moved by Cottingham, seconded by Lee, to change the bid opening date to April 7, 2026 at 9:00 a.m. for Project CP-2800(026) Countywide Mill and Overlay. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Knutson presented the Pledge of Securities from TruCommunity Bank. The total deposits were \$26,934,183.30 and the total pledged securities were \$27,867,875.88 on January 31, 2026.

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

Moved by Cottingham, seconded by Lee, to approve the Dakota Central Human Service Zone Transfer of Funds resolutions and the McLean County Auditor's Sweep Account Transfer of Funds resolution. Roll Call: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Both Transfer of Funds resolutions are on file in the McLean County Auditor's Office.

Knutson presented a new Memorandum of Understanding with the McLean County Coroner. She stated that the current agreement was modified to remove Goetz Funeral Home as a co-coroner. Going forward, Benjamin Gehring will be the McLean County Coroner receiving the full payment of \$2,000.00. Knutson explained that Paul Sannes no longer lives in McLean County and this change will allow Gehring to hire individuals as needed and compensate them with the funds he receives from being Coroner. Discussion followed.

States Attorney Ladd Erickson joined the meeting.

Received and ordered filed the fee collection report from the Recorder's Department for the month of January in the amount of \$7,927.40.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of January in the amount of \$1,329.80.

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

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

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

Rainbow Energy Director of Projects Jon Price and Vice President of Finance Lyndsey Roemmich joined the meeting.

Erickson presented information on Rainbow Energy, LLC's development of an energy park and its effect on the county. He stated the main issue is the road on the immediate west side of Rainbow Energy, LLC. Erickson also discussed the Bank of North Dakota (BND) loan that was approved to construct the road. Discussion followed.

Knutson stated her concerns with the BND financing and McLean County carrying the debt and the time necessary to set up the special assessment taxing district.

Roemmich stated that BNC National Bank will provide a letter of credit to McLean County for Rainbow Energy, LLC which will remove the financial liability of the county. She explained that the letter of credit may not be for the full amount of the loan. Discussion followed.

Price stated that the new taxing district must be created prior to the funds being disbursed. Discussion followed.

Cottingham stated the new businesses will be beneficial to the county and he felt the project should be supported. Discussion followed.

Moved by Cottingham, seconded by Lee, to authorize moving forward with creating a new special assessment taxing district and the BND loan application contingent up the letter of credit with BNC National Bank being established for the full amount of the loan and adjusted down annually with an administration fee of 1%. Discussion followed. Roll Call: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Falkirk Mining Representative Adam Ourada joined the meeting.

Mike and Jo Kidd presented information on the Clint Hill Memorial project and the public entertainment area being built on Main Street in Washburn by the American Legion Post 12. The new phase will include a memorial to Clint Hill and they are requesting donations. Discussion followed.

Moved by Lee, seconded by Cottingham, to approve donating \$2,000 to the Clint Hill Memorial. Discussion followed. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Ourada requested a public hearing be set for the variance according to the petition below:

Before The Board Of
McLean County Commissioners

In the matter of the application)
of The Falkirk Mining Company)
for an order permitting surface) petition
coal mining operations within 100)
feet of the outside right-of-way)
line of certain public roads)

Pursuant to the provisions of Chapter 38-14.1-07, of the North Dakota Century Code and Chapter 69-05.2-04 of the North Dakota Administrative 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 Board of McLean County Commissioners permit and approve the conducting of surface coal mining operations by the Petitioner within 100 feet of the outside right-of-way line of the following public roads:
 - a. The east side of the portion of the section line road located north of US Hwy 83 and near the section line between the NE4 of Section 17 and the NW4 of Section 16, Township 146 North, Range 82 West
 - b. The east side of the section line between Section 30, Township 146 North, Range 82 West and Section 25, Township 146 North, Range 83 West
 - c. The east side of the section line between Section 31, Township 146 North, Range 82 West and Section 36, Township 146 North, Range 83 West
3. Petitioner asserts that the interests of the public and the interests of affected landowners will be protected from the proposed surface coal mining operations.

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 3rd day of February, 2026.

The Falkirk Mining Company

By: _____
Jay H. Kost, its President

Moved by Lee, seconded by Cottingham, to schedule the public hearing on the presented petition for a right of way variance for March 3, 2026 at 9:00 a.m. Discussion followed. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Ourada requested a public hearing be set for the road closure according to the petition below:

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 S2 of Section 19 and the N2 of Section 30, Township 146 North, Range 82 West
3. Petitioner asserts that the closing of the above-described section line roads will not deprive adjacent landowners access to their property.
4. 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 3rd day of February, 2026

The Falkirk Mining Company

By: _____
Jay H. Kost, its President

Moved by Lee, seconded by Cottingham, to schedule the public hearing on the presented petition for a road closure for March 3, 2026 at 9:15 a.m. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Knutson presented two vouchers received that were not listed on the schedule of vouchers previously approved for payment.

Moved by Lee, seconded by Cottingham, to approve payments to Eide Bailly and the donation to the Clint Hill Memorial. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Knutson stated that the McLean County Fair Board has requested a letter of support for a grant funds application.

Moved by Cottingham, seconded by Lee, to approve the Auditor sending a letter of support for the McLean County Fair Board's grant application. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

There being no further business, the Chairperson declared the meeting adjourned at 10:00 a.m. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

Curt Olson, Chairperson

Lynda Snyder, Deputy Auditor