

## McLean County Commission Proceedings

Thursday, February 17, 2022

The final regular February meeting of the Board of Commissioners was called to order at 8:31 a.m. by Chairperson Steve Lee. Present were Commissioners Lee, Steve Cottingham, and Barry Suydam. Also present were Auditor Beth A. Knutson, Highway Superintendent Jim Grey, Deputy Auditor Kayla Oberlander, Samantha Rebel, Sydney Hiatt, Adam Ourada, and Alyssa Meier of BHG News Service.

Moved by Cottingham, seconded by Suydam, to approve the minutes as presented for the January 18, 2022, as submitted. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Chief Deputy Auditor Lori Foss joined the meeting.

Highway Superintendent Jim Grey was present to report that crews are busy in the shop. Grey informed the Commission that the Assistant Road Superintendent position has been filled by Travis Verke. Foss presented the Commission with salary options for Verke. The recommended salary for Verke which follows the promotion policy was \$63,053.72 starting March 1, 2022, with no increase after six months.

Moved by Cottingham, seconded by Suydam, to approve the salary as presented by the Auditor's Office. Roll Call: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Grey spoke with the Commission about allowing a clothing allowance for all highway department employees. He would like all employees to have a reflective jacket or sweatshirt in addition to the reflective vest already provided by the county. Lee asked Grey to get prices for jackets and sweatshirts and bring that information back to the next meeting.

Grey requested authorization to purchase two pickups from the state sale listing. Grey explained he would like to start introducing new vehicles into the department's fleet.

Moved by Suydam, seconded by Cottingham, to approve the purchase of up to two pickups. Roll Call: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey presented the Commission with a boring permit requests from West River Telecommunications Cooperative. The boring permit requested to bore north of 3<sup>rd</sup> St SW, in Section 15, Township 145 North, Range 79 West, and to bore 3<sup>rd</sup> St SW south of Mercer and place fiber in public right-of-way parallel to 3<sup>rd</sup> St SW on the north side.

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

Commissioner Suydam spoke with Grey about a question he received on a bridge located in the northwest portion of the county. The individual wanted to know if the bridge was safe and who decides if it is. He also asked if the bridge had been inspected. Commissioner Lee asked Grey to inquire with the state to see when it was last inspected and when it is scheduled for the next inspection.

Grey informed the commission the Equipment Operator III position in the Max area is open and Grey requested to advertise to fill this position.

Moved by Cottingham, seconded by Suydam, to approve advertising for one or more full-time Equipment Operator III position in Max. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Knutson informed the Commission that she reached out to the McLean County Park Board members and all agreed that the next park board meeting date and time would work for them. The meeting is scheduled for April 5, 2022, at 8:00 a.m. at the McLean County Courthouse.

Knutson explained that the final ruling for the ARPA funds is out and she attended a webinar presented by the North Dakota Association of Counties. The final ruling states that since McLean County received under 10 million dollars, we are allowed to claim all of our funds as revenue lost without using the calculation spreadsheet. Knutson explained that this means the county is able to use the funds toward any county business expense.

Knutson discussed the Farm-to-Market levy expiring in 2024. The county currently levies 10 mills for this levy. The county can increase the County Road & Bridge Fund mill levy by 10 mills to replace the loss of the Farm-to-Market levy. Knutson explained that the NDACo is assisting the counties that utilize this levy in getting it placed on the Primary Election ballot in June.

Moved by Suydam, seconded by Cottingham, to approve placing the question to replace the 10 mill Farm-to-Market levy with the authority to levy for 20 mills in the County Road & Bridge Fund Levy on the Primary Election ballot. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson requested approval to disburse excess proceeds from the tax sale held November 16, 2021. Knutson stated 90 days after the sale the previous owner or an interested party can claim any excess proceeds. Out of the six properties, four have been claimed. Kimberly Dworshak in the amount of \$26,187.64, Michael Houser in the amount of \$104.80, Korby Kolden in the amount of \$6,645.34, and William and Darlene Underwood in the amount of \$102.79. Discussion followed.

Moved by Cottingham, seconded by Suydam, to approve the disbursement of excess proceeds from the November 16, 2021 tax sale. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Suydam, to authorize Maintenance Supervisor Curt Malo to purchase a new commercial washing machine for the jail from Fleck's Furniture & Appliances in the amount of \$1,299.00. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson presented a Local Raffle Permit Application submitted by the McLean County Racers Inc. for 50/50 drawings and raffles to be held on nine dates at the McLean County Speedway.

Moved by Suydam, seconded by Cottingham, to approve the Local Raffle Permit Application submitted by the McLean County Racers Inc. for a 50/50 drawings and raffles to be held on nine dates at the McLean County Speedway. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Knutson presented the Pledge of Securities received from TruCommunity Bank of Washburn, ND. On January 31, 2022, total public deposits were \$19,590,585.53 and total pledged securities were \$20,124,164.49.

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.

Foss rejoined the meeting to request approval to purchase a switch replacement. Foss received a quote from Armor Interactive in the amount of \$3,113.24. Discussion followed.

Moved by Suydam, seconded by Cottingham, to approve the purchase of a switch from Armor Interactive in the amount of \$3,113.24. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Foss also requested approval to purchase six new Toughbook laptops for the Sheriff's Department from PCS Mobile. The total cost is \$14,226.00.

Moved by Cottingham, seconded by Suydam to authorize the purchase of six Toughbook laptops for the Sheriff's Department from PCS Mobile at the cost of \$14,226.00. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Sydney Hiatt of Washburn approached the Commission with interest in purchasing a partial lot adjacent to the property she currently owns. Knutson said the lot would have to be surveyed at the cost to the land owner. Knutson explained she would visit with the City of Washburn also. Hiatt was advised to fill out a bid proposal with a drawing showing the area she is interested in and bring it back to the next Commission meeting.

Adam Ourada with Falkirk Mining Company approached the Commission to petition the board for a hearing to temporary close ½ mile of a section line between Sections 29 and 32, Township 145 North, Range 83 West.

Moved by Suydam, seconded by Cottingham, to approve the following Petition for Closing of Section Line Roads:

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 road between NE4 of Section 32 and the SE4 of Section 29, Township 145 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 17th day of February, 2022

The Falkirk Mining Company

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

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

Moved by Suydam, seconded by Cottingham, to approve the following Notice of Hearing on Petition to Temporarily Close Certain Section Line Roads:

Notice of Hearing on Petition To  
Temporarily Close Certain Section Line Roads

Please Take Notice that a Petition has been filed by The Falkirk Mining Company, P.O. Box 1087, Underwood, North Dakota 58576, with the Board of McLean County Commissioners requesting that the following section line roads be temporarily closed in order to conduct surface coal mining and reclamation operations:

- b. The section line road between NE4 of Section 32 and the SE4 of Section 29, Township 145 North, Range 83 West

After the completion of surface coal mining and reclamation operations, Falkirk will restore the closed sections 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.

A hearing on the Petition will be held by the Board of McLean County Commissioners in the McLean County Courthouse at Washburn, North Dakota, on the 15th day of March, 2022, at 9:30 a.m., CDT, for the purpose of receiving testimony and evidence bearing upon the above request by Falkirk. Statements may be made orally or in writing at the time of the public hearing. The Petition, along with the map showing the effected section lines, is on file in the office of the McLean County Auditor and may be viewed by interested persons during regular office hours.

By order of the Board of McLean County Commissioners.

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Beth Knutson, County Auditor

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

Moved by Suydam, seconded by Cottingham, 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.

There being no further business, the chairperson declared the meeting adjourned at 9:36 a.m. until the next regularly scheduled meeting on Tuesday, March 1, 2022. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

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Chairperson, Steve Lee

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Kayla Oberlander, Deputy Auditor