

McLean County Commission Proceedings

Tuesday, March 17, 2026

The second regular March 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; Road Superintendent Jim Grey; Computer Operations Director Lori Foss; Christian Schmaltz of Weisz & Sons Contractors Inc.; Troy Wolf of Edward H. Schwartz Construction, Inc.; Mitch Rasmussen of Central Specialties Inc.; Daniel Rhoads of Baranko Brothers, Inc; Michael Rivinius and Jon Martin of Wold Engineering; Shannon Hanson of Hanson Excavating Inc.; Adam Ourada of Falkirk Mining; and Patrick Bair.

Moved by Cottingham, seconded by Lee, to approve the minutes of the meeting held on March 3, 2026, as submitted. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Foss presented an NRG Technology Services quote in the amount of \$1,437.50 for a new desktop computer as requested by Patrol Lieutenant Cody Meadows to charge, backup, and update the department's tasers and to add the desktop to the existing service contract in the amount of \$62.00 per month. Discussion followed.

Moved by Lee, seconded by Cottingham, to approve purchase of the desktop and addition to the service contract with NRG Technology Services. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Grey presented the department update stating that crack sealing continues and blading will take place as weather allows. Discussion followed.

Grey stated that due to rising fuel costs all department fuel tanks have been filled. Discussion followed.

Commissioners notified Grey of road issues they have been contacted about. Discussion followed.

Rivinius presented the Preliminary Construction Engineering Services Agreement for Project CP-0028(026), a grading and paving project involving two miles of 29th Ave SW near Underwood. He stated the agreement allows for 15% of the total construction amount to be paid as engineering costs. Discussion followed.

Moved by Cottingham, seconded by Lee, to approve the Preliminary Construction Engineering Services Agreement as presented. Discussion followed. Roll Call: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Moved by Lee, seconded by Cottingham, to approve the Local Raffle Permit Application submitted by Sakakawea Fence Stretchers for a raffle to be held at Garrison Golf Course on July 7, 2026, with prizes listed as following: Delton Echo 5.56 Tactical AR-15 rifle; Savage 243 rifle; Stevens 308 rifle; Mossberg Patriot 7mm PRC rifle; Savage Axis II 6.5 Creedmoor rifle; Legacy Sports Panther 12-gauge shotgun; Savage Mark II 21 Sharp rifle; Savage 174HMR rifle; Medora vacation package; Garrison Golf Course membership; Westridge Golf Course membership; 36-inch Blackstone griddle; Makita gas chainsaw; Amsoil package; two Lewis and Clark Riverboat cruise tickets; Blackstone propane air fryer; two North Dakota State Fair grandstand and gate passes; and three \$100.00 gift cards with a total prize value of \$5,229.41. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Moved by Lee, seconded by Cottingham, to approve the Local Raffle Permit Application submitted by Hiddenwood Sportsmen Club for a raffle to be held on June 13, 2026 with a handmade Crown Royal quilt listed as the only prize with a value of \$400.00. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Chairperson Olson began bid openings at 8:45 a.m. for a structure replacement project described as Project FXS-2841(053).

Bids were opened as follows: Baranko Brothers, Inc. in the amount of \$1,098,533.73; Central Specialties Inc. in the amount of \$1,026,513.46; Weisz and Sons Inc. in the amount of \$1,241,925.10; Edward H. Schwartz Construction, Inc. in the amount of \$733,404.03; DL Barkie Construction Inc. in the amount of \$625,136.00; C3 Energy Partners LLC in the amount of \$476,139.96; and Hanson's Excavating, Inc. in the amount of \$832,151.15.

Chairperson Olson allowed Wold Engineering representatives time to review and verify the bids.

Commissioner Cottingham stated that he will not be available for the Commission Meeting on May 5, 2026. Discussion followed and it was determined that the meeting will not be changed at this time.

Chairperson Olson opened a public hearing at 9:00 a.m. for the petition below filed with the McLean County Commission:

Resolution of McLean County Commission

Whereas, 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 ("Falkirk") petitioned the Board of County Commissioners of McLean County, North Dakota ("Commission") for permission to conduct surface coal mining operations 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

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 17th day of March, 2026, at 9:00 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;

Whereas, the Commission has jurisdiction over the subject matter of the Petition and the public roads and rights-of-way stated therein;

Whereas, the Notice of Hearing on said Petition was duly served and published as required by law; and

Whereas, the interests of the public and the interests of the affected landowners will be protected.

Now, therefore, be it resolved that the Commission does hereby approve the conducting of surface coal mining operations, except actual coal removal, by Falkirk 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

Be It Further Resolved that this Resolution, the Petition involved herein, and the Affidavits of Publication of Notice of Hearing be filed with the McLean County Auditor.

Dated this 17th day of March, 2026.

Attest:

Beth Knutson, County Auditor

McLean County Commission

By: _____

By: _____

By: _____

Ourada stated that he had not received any comments or concerns on this petition. Discussion followed.

Moved by Lee, seconded by Cottingham, to approve the resolution as presented. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Assistant Director of Tax Equalization Elizabeth Patterson joined the meeting.

Moved by Lee, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the request submitted by Patrick Bair, Mandan, North Dakota, requesting approval of a subdivision plat involving land located in all of Outlot B in the NW¼ of Section 19, Victoria Township, of McLean County, to develop a 3-lot rural residential subdivision to be known as Lots 1 through 3, Block 1, Wolf Creek Woods Subdivision. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Moved by Lee, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the request submitted by Annie and Tyler Bennett, Bismarck, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 11, Blk 1, Bonnie Subdivision, Wise Township. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Knutson presented the City of Underwood's Municipal Court Contract stating that Clerk of Court Gwyn Bosch has reviewed the contract. Discussion followed.

Moved by Cottingham, seconded by Lee, to approve the contract as presented with the City of Underwood. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Chairperson Olson recessed the meeting at 9:10 a.m.

Chairperson Olson reconvened the meeting at 9:15 a.m. and opened a public hearing on the petition below filed with the 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 road that interferes 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 S2 of Section 19 and the N2 of Section 30, Township 146 North, Range 82 West

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 17th day of March, 2026, at 9:15 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 road interferes with Falkirk's conduct of surface coal mining operations.
4. That the temporary closing of said section line roads does not deprive adjacent landowners access to their property.
5. That a public benefit exists in temporarily closing said section line road 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 road be temporarily closed until such time as Falkirk's surface coal mining operations which affect the use of said section line road by the general public are completed:
 - a. The section line between the S2 of Section 19 and the N2 of Section 30, Township 146 North, Range 82 West
2. That Falkirk provide farmers access to their lands for farming purposes during the time that said section line road is temporarily closed.
3. That within a reasonable period of time after completion of surface coal mining operations Falkirk shall restore said section line road 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 road is completed, at which time Falkirk shall tender said section line road 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 road and may request Falkirk to show cause why said section line road 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 17th day of March, 2026.

Attest:

Beth Knutson, County Auditor

McLean County Commission

By: _____

By: _____

By: _____

Ourada stated that the affected landowners do not have issues with this petition. Discussion followed.

Moved by Lee, seconded by Cottingham, to approve the resolution as presented. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Rivinius recommended awarding Project FXS-2841(053) to the lowest bidder, C3 Energy Partners LLC, with a bid of \$476,139.96. Discussion followed.

Moved by Lee, seconded by Cottingham, to table the final decision until the next meeting on April 7, 2026 at 8:45 a.m. so that further research can be completed on the bid amounts and companies they were submitted by. Roll Call Vote: Aye: Lee, Cottingham, and Olson. 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, Lee, and Olson. Nay: None. Motion carried.

There being no further business, the Chairperson declared the meeting adjourned at 9:31 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