

McLean County Commission Proceedings

Tuesday, May 6, 2025

The first regular May 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 Curtis Olson. Also present were Auditor Beth A. Knutson; Administrative Assistant/Receptionist Lynda Snyder; Assistant Road Superintendent Travis Verke; Computer Operations Director/Chief Deputy Auditor Lori A. Foss; First District Health Nurse Pam Fischer; Falkirk Mining Representative Adam Ourada; North Dakota Department of Water Resources Project Manager Travis Johnson; Butler Machinery Representative Lowell Malard; RDO Equipment Representative Jennifer Heck; and Swanston Equipment of Minot Representative Randy Hoovestol.

Moved by Olson, seconded by Cottingham, to approve the minutes of the meeting held on April 22, 2025, as submitted. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Fisher presented an update on the state's measles outbreak and asked the Commission to establish a protocol if McLean County were to have a citizen come into the courthouse with suspected measles. She stated concerns with the fact that we don't know our visitor population on a day-to-day basis with the varying departments in the building. Discussion followed.

Moved by Olson, seconded by Cottingham, to have the Public Health Nurse Coordinate with the Auditor's Office to establish a protocol for closure in the event of a measles contamination requiring the building to close for four hours and all employees are required to leave. Discussion followed. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Foss presented a quote from NRG Technology Services in the amount of \$4,193.33 to upgrade four network switches in the courthouse and Law Enforcement Center (LEC). She stated that the switches are outdated and not receiving updates which leaves the county vulnerable. Discussion followed.

Moved by Olson, seconded by Cottingham, to approve NRG Technologies Services upgrading the network switches in the courthouse and LEC as presented. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Verke requested to promote Gunnar Hyttinen to an Equipment Operator III. Foss requested a salary increase from \$53,898.12 to \$59,618.08 effective May 1, 2025 in light of the promotion. Discussion followed.

Moved by Cottingham, seconded by Olson, to approve the recommended salary increase and promotion for Hyttinen effective May 1, 2025 as presented. Roll Call Vote: Aye: Cottingham, Olson and Lee. Nay: None. Motion carried.

Verke requested to advertise for an Equipment Operator II for the Washburn area until it is filled due to a resignation. Discussion followed.

Foss presented four updated job descriptions for the Auditor's Office positions of Chief Deputy Auditor/Computer Operations Director; Deputy - Accounting; Deputy - Payroll, HR and Wellness; and Deputy - Tax and Risk Management. Discussion followed.

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

Knutson discussed hiring a replacement Deputy Auditor for Diane Blumhagen who will be resigning in 2026. Knutson expressed the need for the new hire to allow several months of training before Blumhagen leaves since the role has many duties. Knutson also requested to move Snyder to a Deputy as of July 1, 2025.

Moved by Olson, seconded by Cottingham, to advertise for a Deputy Auditor – Payroll, HR, Wellness and moving Snyder to a Deputy as of July 1, 2025. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried. Discussion followed.

Steven Heger and Ben Heger joined the meeting.

Verke presented a department update stating that a Case tractor had been hauled to Mandan for repair. He also stated that the leased mowers had arrived, were already in use, and working well. He went on to explain that the Highway Department is wrapping up shoulder pulls in the Rosglen area and will move on to spreading reclaimed gravel in the areas as needed. Discussion followed.

Verke requested that spring Load Restrictions be lifted today. Discussion followed.

Moved by Cottingham, seconded by Olson, to remove spring Load Restrictions effective 7:00 a.m. on May 6, 2025. Roll Call Vote: Aye: Cottingham, Olson and Lee. Nay: None. Motion carried.

Verke opened the following bids for a 2025 vertical lift tracked skid steer:

- From Butler Machinery for a 255 Caterpillar in the amount of \$71,375;
- From RDO Equipment for a 325G John Deere in the amount of \$72,650;
- From Swanston Equipment for a T76 Bobcat in the amount of \$ 84,834.03; and
- From Titan Equipment for a TV370B Case in the amount of \$76,730.00.

Verke requested time to review the bids with Road Superintendent Jim Grey.

Ourada presented a resolution to conduct surface coal mining operations within 100 feet of the outside right-of-way line of the public roads stated. He discussed modifications that were made to the variance. Discussion followed.

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 west side of the county road located along the section line between the SE4 of Section 19 and the SW4 of Section 20, Township 146 North, Range 82 West
- b. The north and south sides of the county road located between Sections 19 and 30, Township 146 North, Range 82 West
- c. The east and west sides of the county road located between Sections 30 and 29, Township 146 North, Range 82 West
- d. The east and west sides of the county road located between Sections 31 and 32, Township 146 North, Range 82 West
- e. The east side of the road located between Section 24, Township 146 North, Range 83 West and Section 19, Township 146 North, Range 82 West

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 6th day of May, 2025, 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 west side of the county road located along the section line between the SE4 of Section 19 and the SW4 of Section 20, Township 146 North, Range 82 West
- b. The north and south sides of the county road located between Sections 19 and 30, Township 146 North, Range 82 West
- c. The east and west sides of the county road located between Sections 30 and 29, Township 146 North, Range 82 West
- d. The east and west sides of the county road located between Sections 31 and 32, Township 146 North, Range 82 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 6th day of May, 2025.

Attest:

Beth Knutson, County Auditor

McLean County Commission

By: _____

By: _____

By: _____

Steven Heger discussed his opposition to the variance. Discussion followed.

Moved by Olson, seconded by Cottingham, to approve the operations within 100 feet of the outside right-of-way line as amended by Falkirk. Discussion followed. Roll Call Vote: Aye: Olson, and Lee. Nay: None. Abstained: Cottingham. Motion carried.

Verke rejoined the meeting. He stated that he and Grey recommend purchasing the Case Skid Steer from Titan Equipment. Verke explained that this bid included a warranty of five years versus only two years with all other machines. He also stated the bid amount was less than what was budgeted for this purchase. Discussion followed.

Moved by Cottingham, seconded by Olson, to approve the purchase of a 2025 vertical lift tracked skid steer from Titan Equipment for \$76,370.00. Discussion followed. Roll Call Vote: Aye: Cottingham, Olson and Lee. Nay: None. Motion carried.

Building Maintenance Supervisor Curt Malo joined the meeting to request approval of upcoming maintenance projects.

Moved by Olson, seconded by Cottingham, to approve a quote from Superior Sealing for striping and stenciling the parking lots in front of the courthouse and LEC in the amount of \$3,292.49. Discussion followed. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Malo presented a sample of the interlocking flooring he recommends using for the Dispatch area of the LEC. He stated he is waiting on labor bids and will present a quote once that is received. Discussion followed.

Malo stated that the newly constructed water heater for the LEC is close to being complete and will soon be installed.

Malo informed the Commission that a recent inspection revealed an ethylene glycol leak in the Courthouse HVAC system. This repair may take up to three days and require the courthouse to be closed. Discussion followed.

Malo presented a quote from Mr. Squeegee Window Cleaning to clean the courthouse and LEC windows. Discussion followed.

Moved by Cottingham, seconded by Olson, to approve the quote for cleaning windows in the amount of \$1,200.00. Roll Call Vote: Aye: Cottingham, Olson and Lee. Nay: None. Motion carried.

Knutson presented two letters of interest for the County Weed Board appointment. Discussion followed.

Chairperson Lee recessed at 9:56 a.m.

Chairperson Lee reconvened at 9:58 a.m.

Moved by Olson, seconded by Cottingham, to appoint Toby Kramer to the Weed Board. Discussion followed. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried. Discussion followed.

Travis Johnson presented a Memorandum of Understanding (MOU) to use West Totten Trail and Sportsmen's Centennial Park boat ramps for upcoming projects conducted by the Northwest Area Water Supply (NAWS) project for the ND State Water Commission. Discussion followed.

Johnson stated that flatbed semis will bring in equipment to launch from the boat ramp at Sportsmen's Centennial Park and that any damage to roads or the park will be repaired by the ND State Water Commission as stated in the MOU. He went on to explain that the project is going to be bid over the next couple weeks with some work beginning in the fall and the bulk of the work being completed in the spring of 2026.

Moved by Olson, seconded by Cottingham, to approve the MOU with the ND State Water Commission as presented. Discussion followed. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried. Discussion followed.

Knutson presented the Pledge of Securities received from TruCommunity Bank for the period ending April 31, 2025. The total public deposits were \$25,158,907.95 and the total pledged securities were \$28,033,283.27 with an overage of \$2,874,375.32.

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

Knutson presented a Gaming Site Authorization Application submitted by American Legion Post 12 of Washburn for pull tab, prize board, poker, twenty-one, and electronic pull tab activities at Painted Woods Golf Course of Washburn from July 1, 2025 to June 30, 2026.

Moved by Olson, seconded by Cottingham, to approve the Gaming Site Authorization Application as submitted by American Legion Post 12 of Washburn. Roll Call Vote: Aye: Cottingham, Olson and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Olson, to approve a Special Event Permit for the Falkirk Mine Fishing Tournament to be held at Sportsman's Centennial Park, on June 28, 2025. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Moved by Olson, seconded by Cottingham, to approve a Special Events Liquor License transfer for The Riverboat Saloon for the ranch rodeo during Washburn's Riverboat Days to be held at the North Dakota 4-H Camp on June 7, 2025. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Olson, to approve the Local Raffle Permit Application submitted by Skyfest Over Fort Stevenson for a raffle to be held at Fort Stevenson State Park on May 26, 2025, with prizes listed as kites with total prize value of \$350.00. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Absent and not voting: Lee. Motion carried.

Knutson requested approval to advertise for an open Mercer-McLean Library Board appointment.

Moved by Cottingham, seconded by Olson, to advertise for an open board position on the McLean-Mercer Library Board. Discussion followed. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Knutson stated that our five-year lease agreement with Mike and Jamie Nelson for the NDSU Extension Office is up for renewal in 2026. The proposed renewal rate is \$10,000 per year. Commissioner Cottingham recommended tabling the matter until further discussion can be had with NDSU.

Moved by Olson, seconded by Cottingham, to approve the DCHSZ Transfer of Funds Resolution, Lakeview Estates MMDA transfer of Funds Resolution, the McLean County General Fund Transfer of Funds Resolution, and the Sweep Account Transfer of Funds Resolutions as presented. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

DCHSZ Transfer of Funds Resolutions, Lakeview Estates Transfer of Funds Resolutions, General Fund Transfer of Funds Resolutions, and Sweep Account Transfer of Fund Resolutions are on file in the McLean County Auditor's Office.

Sheriff J.R. Kerzmann, Chief Deputy Richard Johnson, Patrol Lieutenant Cody Meadows, and MHA Representative Phil Packineau joined the meeting.

Kerzmann presented the MOU for the Police Contract with the City of Garrison. He stated that the contract was made on the overtime rate because of the extra burden on the McLean County Sheriff's Department for the remainder of 2025.

Moved by Olson, seconded by Cottingham, to approve the MOU with the City of Garrison. Discussion followed. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Knutson informed the board that all police contracts with other cities have been distributed as budgets are due July 1, 2025. She stated she will send an amended 2026 contract to the City of Garrison with both parties having the option to cancel. Discussion followed.

Kerzmann introduced Phil Packineau of MHA Nation and presented a proposal to utilize their Public Safety facility in White Shield. Kerzmann stated the facility has three holding cells and he would like to staff the location with four Jailer/Dispatchers hired by McLean County. Packineau stated that he has a budget for this partnership and 100% reimbursement would be provided to the county. Discussion followed.

Moved by Olson, seconded by Cottingham, to approve the Sheriff's Department advertising for Jailer/Dispatcher I's is to be assigned primarily to the White Shield location with the understanding that the positions are not filled until the current MOU has been updated and reviewed by States Attorney Ladd Erickson. Discussion followed. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Knutson presented a list of abatements for property owners who did not receive the Primary Residence Credits (PRC) due to the property being held in a trust. Knutson explained that this year's Legislature passed a bill to go back and award the PRC to land owners with their residential property in a trust. Discussion followed.

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

Received and ordered filed the fee collection report from the Recorder's Department for the month of April in the amount of \$8,650.20.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of December in the amount of \$2,532.40.

Chairperson Lee recessed at 10:55 a.m.

Chairperson Lee reconvened at 10:58 a.m.

Moved by Cottingham, seconded by Olson, 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: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Knutson informed the Commission that the McLean County Tax Equalization meeting is scheduled for June 3, 2025 at 9:00 a.m. Discussion followed.

There being no further business, the Chairperson declared the meeting adjourned at 11:10 a.m. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

Steve Lee, Chairperson

Lynda Snyder, Administrative Assistant