

McLean County Commission Proceedings

Tuesday, May 20, 2025

The second 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 Curt Olson. Also present were Auditor Beth A. Knutson; Administrative Assistant/Receptionist Lynda Snyder; Road Superintendent James Grey; Chief Deputy Sheriff Richard Johnson; Chief Deputy Auditor/Computer Operations Director Lori Foss; Karl Lemke; and Claus Lemke.

Moved by Cottingham, seconded by Olson, to approve the minutes of the meeting held on May 6, 2025, as submitted. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Foss presented a NRG Technology Services quote for Microsoft Office licenses for seven Toughbooks in the amount of \$2,239.72.

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

Foss requested a salary adjustment for newly rehired Jailer/Dispatcher I Tricia Sabin. Sabin has four years prior experience with McLean County. Foss presented a starting salary of \$49,505.21 with an additional adjustment to \$50,713.20 after probation. Discussion followed.

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

Grey provided a department update stating that the new skid steer has arrived and operators received training prior to using it.

Grey discussed an issue on County Road (CR) 3 with beavers that have blocked some six-foot drainage pipes. He stated that he will request that they be trapped as he has done in the past. Discussion followed.

Grey stated that the consistent rainfall has created issues on several county roads and they will continue to address them as the weather permits.

Grey presented four permits from Falkirk Mining Company requesting permission to bury HDPE pipe twelve feet below the existing grade in order to convey water from the mining pits. Discussion followed.

Moved by Cottingham, seconded by Olson, to approve all four permits requested by Falkirk Mining Company to facilitate water drainage at each crossing location as presented. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Johnson presented a proposal from Diamond Tower Service for a complete tower inspection, re-lamping guy wires, and repainting of the Underwood tower in the amount of \$12,500.00. He stated that he will use the funds budgeted for replacing the repeater as ARPA funds were used for that item making the budgeted funds still available. Discussion followed.

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

Moved by Olson, seconded by Cottingham, to approve the Local Raffle Permit application submitted by Washburn Riverboat Days for a 50/50 raffle on June 7, 2025. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Brenda Beran joined the meeting.

NDSU Extension Agent Kamile Moderegger and NDSU Extension Agriculture and Natural Resource Agent Sarah Bedgar joined the meeting to give an update on NDSU Extension activities. Moderegger and Bedgar presented a quarterly narrative to the Commissioners. Discussion followed.

Attorney David Lindell and Falkirk Mining Company representative Adam Ourada joined the meeting.

Chairman Lee opened the public hearing for the below petition filed with the McLean County Commission:

Resolution Vacating An Access Way Described As Follows:

Being all of the "public lake access" shown on the original plat of "Schock's Resort Addition to McLean County, North Dakota in the W½ of Section 17, Township 147 North, Range 79 West" (document number 3337133), and is more particularly described as follows:

BEGINNING at the northeast corner of Lot 1 of said Schock's Resort Addition; thence on the southeasterly right of way line of Schock's Road on a curve to the left, said curve having an arc length of 153.54'; a radius of 167.15 feet, a delta angle of 52°37'52.4", a chord bearing of N26°03'08.8"E, a chord distance of 148.20 feet to a point on the north/south quarter line of said Section 17; thence on said north/south quarter line, S00°15'47.4"E a distance of 333.16 feet; thence S64°13'46.2"W a distance of 66.94 feet to the southeast corner of said Lot 1; thence on the east line of said Lot 1, N01°34'52.8"W a distance of 229.21 feet to the POINT OF BEGINNING. Said "public lake access" to be vacated contains 16211 square feet, more or less.

Whereas, the Owners of all the property abutting on that part of the above described street duly petitioned the County Commission of McLean County, North Dakota, for the vacation thereof, and

Whereas, the Petition was in all things legal and proper, and complied with the provisions of Chapter 40-39 of the North Dakota Century Code, and

Whereas, the County Commission received said Petition and ordered the same to be filed with the County Auditor and directed the giving of notice by publication in the McLean County Independent, the official newspaper of McLean County, North Dakota, for four weeks, which notice provided that the petition would be heard and considered by the County Commission in the McLean County Courthouse, on the 20th day of May, 2025, at 9:00 a.m.

Now, Therefore, Be It Resolved By The County Commission Of Mclean County, North Dakota, that the Petition be granted and that the portion above described sought to be vacated, be and the same is hereby vacated, and the property formerly occupied by part of said street shall vest in the abutting owners in accordance with law.

Passed and Adopted this 20th day of May, 2025.

Approved:

Attest:

County Commission

County Auditor

Lemke explained that he has owned the property for 24 years and it has never been used as a public access way stating that another more suitable location is available to be used for public access. He went on to state that the current owners of the adjacent property are attempting to sell the land and this will help facilitate that sale. Discussion followed.

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

Tax Equalization Director Todd Schreiner joined the meeting presenting five applications from the Planning and Zoning Commission meeting held on May 19, 2025.

Moved by Olson, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the application submitted by Tanner James Freeman and Maria Kari Freeman of Turtle Lake, ND involving land located in Outlot A in the North 712' of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35, Township 148 North, Range 80 West. The above-named applicants seek approval of a Conditional Use Permit to construct a non-farm structure on agricultural land. Discussion followed. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Moved by Olson, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the application submitted by Kohl Miller of Minot, ND, on behalf of owner Ronald Hummel, involving land located in Outlot C in Government Lot 1, also known as NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 148 North, Range 83 West, Snow Township. The above-named applicant seeks approval of a Conditional Use Permit to construct a non-farm structure on agricultural land. Discussion followed. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Olson, to concur with the Planning and Zoning Commission and approve the variance application submitted by Mikel E. Lindseth and Cynthia L. Bossert of Velva, ND, involving land located in Lot 13 & adjacent westerly 10', Otto's West Side Subdivision, Otis Township. The above-named applicants seek a variance to allow the construction of a structure closer than 15 feet from the side lot lines and 25 feet from the front lot line, as proclaimed in Subsection 6 of Section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022. Discussion followed. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Olson, to concur with the Planning and Zoning Commission and approve the application submitted by Dave Olson of Raging River Properties, LLC, Richardton, ND involving land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 148 North, Range 85 West, to be known as Lots 1-9, Raging River East Subdivision. The above-named applicant seeks approval of a subdivision plat for the following purpose: to develop a 9-lot rural residential subdivision to be known as Lots 1-9, Raging River East Subdivision. Discussion followed. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Moved by Olson, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the application submitted by Dave Olson of Raging River Properties, LLC, Richardton, ND involving land located in Lot 1 of Section 28 and Lots 1-2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 148 North, Range 85 West, to be known as Lots 1-6, Raging River West Subdivision. The above-named applicant seeks approval of a subdivision plat for the following purpose: to develop a 6-lot rural residential subdivision to be known as Lots 1-6, Raging River West Subdivision. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Ourada requested a public hearing be set for two petitions presented. The first petition was for conducting of surface coal mining operations within 100 feet of the outside right of way line of the following public roads:

- a. The east and west sides of the section line located between the SW $\frac{1}{4}$ of Section 2 and the SE $\frac{1}{4}$ Section 3, Township 144 North, Range 84 West; and
- b. The west side of the county road located between Section 25, Township 145 North, Range 83 West and Section 30, Township 145 north, Range 82 West.

The second petition was for temporary closure of the following described section line roads

- a. The section line trail located between the SW $\frac{1}{4}$ of Section 2 and the SE $\frac{1}{4}$ of Section 3, Township 144 North, Range 84 West; and

b. The section line trail between Section 9 and Section 4, Township 146 North, Range 82 West.

Moved by Olson, seconded by Cottingham, to schedule the public hearing on the presented petition for the setback variance for June 17, 2025 at 9:00 a.m. and the petition for road closures for June 17, 2025 at 9:05 a.m. in the McLean County Commission Room. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Knutson opened up discussion about the Legislative Wrap-up she attended and the upcoming training session on calculating the county budget and taxes with the new 3% caps. Discussion followed.

Knutson informed the Commission that the McLean County Tax Equalization meeting is scheduled for June 3, 2025 at 9:00 a.m. in the McLean County Commission Room and the County Auction is set for June 21, 2025 at 9:00 a.m. at the Garrison County Shop.

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: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Knutson presented the City of Turtle Lake Police Contract and a corrective deed for signature. Discussion followed.

There being no further business, the Chairperson declared the meeting adjourned at 9:47 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