

McLean County Commission Proceedings

Tuesday, July 2, 2024

The first regular July meeting of the Board of Commissioners was called to order at 8:30 a.m. by Chairperson Steve Cottingham. Present were Commissioners Cottingham, Steve Lee, and Barry Suydam. Also present were Auditor Beth A. Knutson, Deputy Auditor Kayla Oberlander, Road Superintendent Jim Grey, Chief Deputy Sheriff Richard Johnson, and Chief Deputy Auditor Lori Foss.

Foss presented the Commission with quotes for new computers for the County Recorder's and State's Attorney's offices as well as Toughbooks for the Sheriff's Department along with a battery backup for the server.

Moved by Lee, seconded by Suydam, to accept the quotes as presented by Foss. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion Carried.

Foss presented the proposed budget for 2025 for Superintendent of Schools with the changes being the Salaries line item increasing from \$2,976.77 to \$3,155.38 and awards/contests line item increasing from \$4,000 to \$5,500.00. Total budget presented, \$9,255.38.

Foss presented the proposed budget for 2025 for Computer Operations. Equipment Repair line item decreased from \$1,000.00 to \$500.00; Dakota Programs Maintenance line decreased from \$13,990.00 to \$0.00; ITD Contract line item decreased from \$9,170.00 to \$8,650.00; ITD Support Contract increased from \$38,000 to \$46,000; Active Directory Accounts line decreased from \$300.00 to \$100.00; Exchange E-Mail Accounts line items increased from \$3,000.00 to \$5,350.00; Adobe Subscription line item decreased from \$540.00 to \$420.00; Office 365/Highway Shops line item decreased from \$216.00 to \$0.00; Anti-Virus Protection line item decreased from \$650.00 to \$400.00; and Capital Outlay line item decreased from \$51,925.00 to \$51,000.00. Total budget presented, \$226,141.95.

Foss presented the proposed budget for 2025 for GIS Implementation. Total budget presented, \$0.00.

Foss presented the proposed budget for 2025 for Flexible Benefits-Medical and Child Care Funds with the only change being the Administrative Fees line item decrease from \$1,400.00 to \$1,000.00. Total budget presented, \$1,000.00.

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

Grey provided a department update to the Commission. He discussed an issue brought to his attention on County Road (CR) 27 where a speed limit sign or a slow sign may need to be installed.

Moved by Lee, seconded by Suydam, to allow the Highway Department to install the appropriate signage to slow down traffic on CR 27. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Grey told the Commission they will start mowing county right-of-ways on August 5. Notice will go in the paper for two weeks prior to this taking place.

Adam Ourada, Falkirk Mining Company, joined the meeting.

Grey discussed cattle guards within the county with the commissioners. They recently had to clean some out due to cattle crossing over. Grey stated there is nothing showing where the county is responsible for the maintenance of cattle guards. Cottingham suggested putting a policy in place and communicate it to all individuals involved. Lee suggested speaking with the State's Attorney for guidance.

Chairperson Cottingham recessed the meeting and opened the Hearing on the Temporary Closure of a Section Line at 9:00 a.m.

Ourada presented a request for a temporary closure of a section line road between the SW¼ of Section 29 and the NW¼ of Section 32, Township 145 North, Range 83 West. Discussion followed.

Moved by Lee, seconded by Suydam, to approve the temporary section line closure as requested by Falkirk. Discussion followed. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

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 roads that interfere 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 road between the SW¼ of Section 29 and the NW¼ of Section 32, Township 145 North, Range 83 West

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 2nd day of July, 2024, 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.

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 roads interfere 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 roads 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 roads be temporarily closed until such time as Falkirk's surface coal mining operations which affect the use of said section line roads by the general public are completed:
 - a. The section line road between the SW¼ of Section 29 and the NW¼ of Section 32, Township 145 North, Range 83 West
2. That Falkirk provide farmers access to their lands for farming purposes during the time that said section line roads are temporarily closed.
3. That within a reasonable period of time after completion of surface coal mining operations Falkirk shall restore said section line roads 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 roads is completed, at which time Falkirk shall tender said section line roads 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 roads and may request Falkirk to show cause why said section line roads 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 2nd day of July, 2024.

Attest:

McLean County Commission

By: _____

Beth Knutson, County Auditor

By: _____

By: _____

Chairperson Cottingham adjourned the hearing and reconvened the regular meeting at 9:04 a.m.

Johnson presented the budget for 2025 for E-911 with TELCO Tariffs decreasing from \$22,000.00 to \$15,000.00 and Monthly Fee-Redundant Circuit increasing from \$32,000.00 to \$40,000.00. Total budget presented, not including Salaries, \$95,950.00

Johnson presented the budget for 2025 for Communications with Tower Repeater increasing from \$0.00 to \$20,000.00. Total budget presented, not including Salaries, \$29,000.00.

Chairperson recessed the meeting and opened the hearing on operating 100 feet of the outside right-of-way line at 9:10 a.m.

Ourada requested 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 section line trail between Section 1, Township 145 North, Range 84 West and Section 6, Township 145, Range 83 West
- b. The north and south sides of the county road located between Section 31, Township 146 North, Range 82 West and Section 6, Township 145 North, Range 82 West

Discussion followed.

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

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 west side of the section line trail between Section 1, Township 145 North, Range 84 West and Section 6, Township 145, Range 83 West
- b. The north and south sides of the county road located between Section 31, Township 146 North, Range 82 West and Section 6, Township 145 North, Range 82 West

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 2nd day of July, 2024, at 9:10 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 section line trail between Section 1, Township 145 North, Range 84 West and Section 6, Township 145, Range 83 West
- b. The north and south sides of the county road located between Section 31, Township 146 North, Range 82 West and Section 6, Township 145 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 2nd day of July, 2024.

Attest:

McLean County Commission

By: _____

Beth Knutson, County Auditor

By: _____

By: _____

Chairperson Cottingham adjourned the hearing and reconvened the regular meeting at 9:15 a.m.

Grey presented a permit requested by Falkirk Mining Company to install and maintain a mining haul road at-gate crossing under CR 17. Haul road will have a 100-foot finished width, surfaces with aggregate.

Moved by Suydam, seconded by Lee, to approve the permit requested by Falkirk Mining Company as presented. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Knutson discussed the open McLean-Mercer Regional Library Board positions and informed the commission that Elizabeth Patterson and Stacey Kinzler have volunteered to fill those openings.

Moved by Lee, seconded by Suydam, to appoint Elizabeth Patterson and Stacey Kinzler to the McLean-Mercer Regional Library Board for three-year terms. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Knutson presented a letter of interest for the open Dakota Central Human Service Zone (DCHSZ) Board position from Margaret Rasmussen.

Moved by Lee, seconded by Suydam to appoint Margaret Rasmussen to the DCHSZ Board. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Knutson discussed the open McLean County Planning and Zoning Board position for the Underwood area and informed the commission that the Underwood City Auditor Courtney Adams has volunteered to fill that position.

Moved by Lee, seconded by Suydam, to appoint Courtney Adams to the McLean County Planning and Zoning Board representing the Underwood area. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Knutson then discussed the open School Reorganization Committee position and informed the commission that Chelsey Brandt from Washburn has volunteered to fill that position.

Moved by Lee, seconded by Suydam, to appoint Chelsey Brandt to the School Reorganization Committee. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Knutson presented the Pledge of Securities received from TruCommunity Bank for the period ending June 30, 2024. The total public deposits were \$25,562,059.38 and the total pledged securities were \$26,386,830.82 with an overage of \$824,771.44.

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

Moved by Lee, seconded by Suydam, to approve the Dakota Central Human Service Zone (DCHSZ) Transfer of Funds Resolutions and the McLean County Auditor's Sweep Account Transfer of Funds Resolution. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

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

Moved by Suydam, seconded by Cottingham, to approve the Local Raffle Permit Application submitted by District 33 Republicans for a raffle to be held at Lewis and Clark Interpretive Center on September 21, 2024, with prizes listed as: four \$250.00 gift certificates and nine guns for a total prize value of \$6,896.71. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Lee told the commission he had a request to revisit the option of banning golf carts and other UTVs from the Sportsmen's Centennial Campground. Lee would like this to be put on the agenda for the fall park board meeting.

Received and ordered filed the fee collection report from the Recorder's Department for the month of June in the amount of \$8,141.80.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of June in the amount of \$1,705.76.

Knutson presented the budget narrative for period ending June 30, 2024. She presented data showing property tax collections are at 92% collected including 96% with discount for 2024 or \$19,922,364.13, government reimbursement revenues totaled \$1,352,476.49 compared to \$1,444,899.46 in 2023, fees and miscellaneous revenues totaled \$822,032.56 compared to \$1,048,851.61 in 2023, and expenditures were at 45.94% of total budget for 2024.

Knutson presented the current list of delinquent tax payers owing more than \$4,000.00 showing 54 taxpayers owing \$536,813.62 in back taxes.

Knutson presented the Uncollected Tax List for years 2021-2023 showing a total of \$1,337,070.12.

Beth Bruestle joined the meeting to present the proposed budget for McLean-Mercer Regional Library for 2025. She discussed a proposed salary increase of \$1.50 per hour for all staff. Bruestle presented the revenue picture for the library including the amount in reserves then presented a complete picture of proposed non-salary expenditures. Total budget presented, \$632,355.00 with McLean County's portion being \$350,700.00.

Lynn Oberg and Shannon Jeffers of the Water Resource Board joined the meeting to present the board's budget for 2025. They discussed several projects around McLean County. Total presented, \$158,500.00.

Johnson rejoined the meeting to discuss the quote he had received from Enterprise to lease a 2023 Ford Expedition to replace one that was damaged and fixed but while it was waiting to get repaired it became infested with mice. Enterprise will buy the repaired vehicle from the Sheriff's Department and take that amount off the lease amount.

Moved by Lee, seconded by Suydam, to approve the lease agreement as presented with Enterprise. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Knutson presented the proposed budget for 2025 for State's Attorney, with the change being the Salaries line item has been left blank and Capital Outlay/Victim Advocacy increased \$10,000.00. Total budget presented, not including Salaries, \$20,000.00.

Knutson presented the proposed 2025 budget for McLean County Fair Board. Telephone line item decreased from \$1,400.00 to \$1,000.00; Advertising line item increased from \$5,000.00 to \$7,000.00; Capital Improvement line item decreased from \$14,500.00 to \$7,300.00; Repairs line item increased from \$12,000.00 to \$13,000.00; Rentals line item increased from \$3,000.00 to \$3,500.00; Ribbons & Plaques line item increase from \$1,500.00 to \$2,500.00; Dues/Membership/Travel/Meetings line item increase from \$2,000.00 to \$4,000.00; Contract Labor line item increase from \$3,000.00 to \$4,000.00; and Equipment line item increased from \$4,400.00 to \$4,500.00. Total budget presented, \$90,000.00.

Knutson presented the 2025 budget for First District Health Unit requesting 2.37 mills or \$215,670.00.

There being no further business, the Chairperson declared the meeting adjourned at 10:17 a.m. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

Steve Cottingham, Chairperson

Kayla Oberlander, Deputy Auditor