

**McLean County Commission Proceedings**  
**Tuesday, May 24, 2022**

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 Barry Suydam. Also present were: Auditor Beth A. Knutson; Road Superintendent Jim Grey; Deputy Auditor Diane L. Blumhagen; Director of Disaster Emergency Services Noelle Kroll; Wold Engineering Representative Mike Rivinius; Apex Clean Energy Representative Bill Pedersen; and Great River Energy Representative Rachel Retterath.

Moved by Suydam, seconded by Cottingham, to approve the minutes of the previous regular meeting as submitted. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey was present with an update on department operations reporting that shoulder work will start this week and rock work on County Road (CR) 12 near Coleharbor will start next week.

Grey requested approval to purchase a hoist for the Washburn Shop. Discussion followed.

Moved by Suydam, seconded by Cottingham, to authorize the purchase of a hoist for the Washburn Shop not to exceed \$8,000.00. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Cammie Wright of NorDak North Publishing joined the meeting.

Rivinius informed the board that the North Dakota Department of Transportation (NDDOT) was inquiring on potential upcoming bridge projects through an infrastructure bill. Rivinius requested approval to submit the following three bridges projects; Bridge #28-145-30.0, Bridge #28-143-31.0, and Bridge #28-135-10.0.

Moved by Cottingham, seconded by Suydam, to authorize Wold Engineering to submit applications for Bridge #28-145-30.0, Bridge #28-143-31-0, and Bridge #28-135-10.0 with priority based on need to be fixed and cost to the county. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Commissioner Cottingham discussed the three-way stop signs on 36<sup>th</sup> Ave SW near Wolf Creek. Discussion followed which included comment that many phone calls have been received by the Highway Department and the Commissioners.

Moved by Cottingham, seconded by Suydam, to remove the north and south stop signs on 36<sup>th</sup> Ave SW by Wolf Creek. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Commissioner Lee discussed with Grey concerns regarding CR 27. Discussion followed.

Adam Ourada, Falkirk Mining Company, joined the meeting.

Tax Director Todd Schreiner joined the meeting.

Kroll informed the commissioners that the public review of the multi-hazard mitigation draft plan is complete. Kroll requested approval to send the plan to the state for review.

Moved by Cottingham, seconded by Suydam, to authorize Kroll to send the multi-hazard mitigation draft plan to the state for review. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Kroll informed the board that some of the Emergency Management Performance Grant (EMPG) is changing to Integrated Preparedness Planning Workshop (IPPW). Discussion followed.

Schreiner presented an application submitted by Cornjerker Farms L.P., of Bismarck, ND, requesting approval of a Conditional Use Permit involving land located in NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> and the NE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 12, Township 144 North, Range 83 West, more specifically identified as Outlot A (12.14 acres).

Moved by Cottingham, seconded by Suydam, to concur with the Planning and Zoning Commission and approve the request of a Conditional Use Permit from Cornjerker Farms, L.P., of Bismarck, ND, involving land located in NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> and the NE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 12, Township 144 North, Range 83 West, more specifically identified as Outlot A (12.14 acres). Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Schreiner presented an application submitted by Joshua and Krista Messer, of Buchanan, ND, requesting approval of a Conditional Use Permit involving land located in the N<sup>1</sup>/<sub>2</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 28, Township 143 North, Range 81 West, more specifically identified as Outlot B (5 acres).

Moved by Cottingham, seconded by Suydam, to concur with the Planning and Zoning Commission and approve the request of a Conditional Use Permit from Joshua and Krista Messer, of Buchanan, ND, involving land located in the N<sup>1</sup>/<sub>2</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 28, Township 143 North, Range 81 West, more specifically identified as Outlot B (5 acres). Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Ourada with approached the board to petition for a hearing to conduct surface coal mining operations within 100 feet of the outside right-of way line of the following public roads: north and south sides of the section line between Lot 1 Section 2, Township 144 North, Range 84 West and Section 32, Township 145 North, Range 83 West; east and west sides of the section line between the NW<sup>1</sup>/<sub>4</sub> of Section 12 and the NE<sup>1</sup>/<sub>4</sub> of Section 11, Township 144 North, Range 84 West; east and west sides of the section line between the N2SW<sup>1</sup>/<sub>4</sub> of Section 12 and the N2SE<sup>1</sup>/<sub>4</sub> of Section 11, Township 144 North, Range 84 West; north and south sides of the road located along the quarter line between the NE<sup>1</sup>/<sub>4</sub> and the SE<sup>1</sup>/<sub>4</sub> of Section 11, Township 144 North, Range 84 West; and north and south sides of the road located along the quarter line between the NW<sup>1</sup>/<sub>4</sub> and the SW<sup>1</sup>/<sub>4</sub> of Section 12, Township 144 North, Range 44 West.

Moved by Suydam, seconded by Cottingham, to approve the following petition:

McLEAN COUNTY COMMISSIONERS

IN THE MATTER OF THE APPLICATION )  
OF THE FALKIRK MINING COMPANY )  
FOR AN ORDER PERMITTING SURFACE ) PETITION  
COAL MINING OPERATIONS WITHIN 100 )  
FEET OF THE OUTSIDE RIGHT-OF-WAY )  
LINE OF CERTAIN PUBLIC ROADS )

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 ("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 Board of McLean County Commissioners permit and approve the conducting of surface coal mining operations by the Petitioner within 100 feet of the outside right-of-way line of the following public roads:
  - a. The north and south sides of the section line between Lot 1 Section 2, Township 144 North, Range 84 West and Section 32, Township 145 North, Range 83 West
  - b. The east and west sides of the section line between the NW4 of Section 12 and the NE4 of Section 11, Township 144 North, Range 84 West
  - c. The east and west sides of the section line between the N2SW4 of Section 12 and the N2SE4 of Section 11, Township 144 North, Range 84 West
  - d. The north and south sides of the road located along the quarter line between the NE4 and the SE4 of Section 11, Township 144 North, Range 84 West
  - e. The north and south sides of the road located along the quarter line between the NW4 and the SW4 of Section 12, Township 144 North, Range 44 West

3. Petitioner asserts that the interests of the public and the interests of affected landowners will be protected from the proposed surface coal mining operations.

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 24th day of May, 2022.

THE FALKIRK MINING COMPANY

By: \_\_\_\_\_  
Jay H. Kost, its 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 conduct surface coal mining operations within 100 feet of the outside right-of way- line:

NOTICE OF HEARING ON PETITION FOR PERMITTING  
SURFACE COAL MINING OPERATIONS WITHIN 100 FEET  
OF THE OUTSIDE RIGHT-OF WAY OF CERTAIN PUBLIC 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 Commissioners permit and approve the conducting of surface coal mining operations within 100 feet of the outside right-of-way line of the following public roads:

- a. The north and south sides of the section line between Lot 1 Section 2, Township 144 North, Range 84 West and Section 32, Township 145 North, Range 83 West
- b. The east and west sides of the section line between the NW4 of Section 12 and the NE4 of Section 11, Township 144 North, Range 84 West
- c. The east and west sides of the section line between the N2SW4 of Section 12 and the N2SE4 of Section 11, Township 144 North, Range 84 West
- d. The north and south sides of the road located along the quarter line between the NE4 and the SE4 of Section 11, Township 144 North, Range 84 West
- e. The north and south sides of the road located along the quarter line between the NW4 and the SW4 of Section 12, Township 144 North, Range 44 West

Falkirk asserts that the interests of the public and the interests of affected landowners will be protected from the proposed surface coal mining operations.

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 21st day of June, 2022, at 10:00 am. 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 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.

\_\_\_\_\_  
Beth Knutson, County Auditor

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

State's Attorney Ladd Erickson joined the meeting to discuss the gravel pit bond with JMAC. Discussion followed on recalling the bonds.

Chief Deputy Sheriff Richard Johnson joined the meeting.

Erickson presented the commission with the proposed verbiage changes for the McLean County Zoning Ordinance. Discussion followed.

Moved by Cottingham, seconded by Suydam, to accept the changes made as presented for the McLean County Zoning Ordinance. Discussion followed. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Erickson requested approval to publish the McLean County Zoning Ordinance in the McLean County Independent and on the county website.

Moved by Cottingham, seconded by Suydam, to approve publication of the McLean County Zoning Ordinance finalized revisions as presented. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson informed the commission that the signed police contracts from the following cities have been received back: Benedict, Riverdale, and Turtle Lake.

Knutson informed the commission that Erica Meadows, Washburn Vote Center Inspector, is unavailable to attend election training. Knutson stated that Donna Sommer showed interest in being appointed as inspector for the Washburn Vote Center.

Moved by Cottingham, seconded by Suydam, to appoint Donna Sommer as Inspector for Washburn Vote Center. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Johnson requested approval to accept a Boating Safety Grant through the North Dakota Game and Fish (NDGF). It is a 50/50 grant which included two survival rescue kits, four five-point harness vests, and 18 spot lights. The county cost portion would be \$2,354.39.

Moved by Suydam, seconded by Cottingham, to accept the NDGF Boating Safety Grant. Discussion followed. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Johnson requested approval to purchase three computers including Microsoft Office 2021 from Armor Interactive at a total cost of \$5,960.28. The funds would come from the E-911 Equipment Purchases account.

Moved by Cottingham, seconded by Suydam, to approve the purchase as presented in the amount \$5,960.28. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson informed the commission that the West Totten Trail low water ramp will be worked on and paid for by NDGF. The NDGF is also looking into pouring a cement high water ramp to replace the current gravel high water ramp at West Totten Trail. The United States of America Corp of Engineers (USACE) will be providing material, equipment, and labor to improve the low water ramp at Sportsmen's Centennial Park. The Sportsmen's Centennial Park high water ramp project will be completed this summer by NDGF with a 75%-25% cost share. Knutson stated she will be applying for gaming funds from Totten Trail Resort to cover the counties 25% share.

Knutson presented a Gaming Site Authorization Application submitted by Washburn American Legion Victor B Wallin Post #12, for gaming activities at the Painted Woods Golf Course for July 1, 2022, to June 30, 2023, with the addition of electronic pull tabs and poker along with removal of prize board.

Moved by Suydam, seconded by Cottingham, to approve the Gaming Site Authorization Application submitted by the Washburn American Legion Victor B Wallin Post #12 for gaming activities as presented at the Painted Woods Golf Course. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Knutson informed the commission that a recent weather system came through Washburn doing some damage to the shingles on the Law Enforcement Center building. Discussion followed.

Knutson informed the commission that both of the Energy Conservations Grant applications were approved for light replacement at the Garrison and Turtle Lake Highway Shops with work needing to be completed by June 2022.

Moved by Suydam, seconded by Cottingham, to approve the following vouchers for payment:

CHECK #	VENDOR NAME	HIGHWAY VOUCHERS DESCRIPTION	AMOUNT
306139	CK AUTO INC	MODULE FOR 12-002	40.00
306140	FARMERS UNION OIL CO	LIQUID PROPANE AT UNDERWOOD SHOP	912.91

306141	GARRISON CITY	WATER, SEWER, GARBAGE	54.14
306142	MAX FARM SERVICES	FUEL TO UNDERWOOD, TURTLE LAKE, ROSEGLEN & MAX SHOPS	29,755.13
306143	MCLEAN COUNTY IMPLEMENT LLC	PARTS	315.88
306144	MDU	GAS- WASHBURN, TURTLE LAKE, MAX, GARRISON SHOPS	1,088.04
306145	WEBER ELECTRIC	WASHBURN SHOP GARAGE DOOR WIRING	389.70
<b>UNPAID VOUCHERS</b>			
<b>CHECK #</b>	<b>VENDOR NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
306146	AXON ENTERPRISE INC	DYNAMIC BUNDLE X2 BASIC	4,612.00
306147	NORDAK NORTH	LEGAL ADVERTISEMENT	26.24
306148	BOBCAT OF MANDAN	FILTERS	158.37
306149	CHASE DRUG	INMATE MEDICATIONS	55.35
306150	CARRON DAY	MULTI-HAZARD MITIGATION UPDATE	12,000.00
306151	DOC'S SHOP	OIL CHANGES, TIRES, REPAIRS	1,371.91
306152	FARMERS UNION INSURANCE	YEARLY PREMIUM 2022	134,985.00
306153	GARRISON RURAL WATER	PARK RURAL WATER USAGE	76.80
306154	GARRISON READINESS GROUP	KNOWLEDGE AT BABYSITTING CLASS	320.00
306155	HAZEN STAR	HELP WANTED ADVERTISEMENT	57.00
306156	HIGHWAY 83 EXPRESS	GAS FOR GENERATOR	20.65
306157	COURTNEY HOIKKALA	REIMBURSE SUPPLIES	240.36
306157	COURTNEY HOIKKALA	REIMBURSE FOR HOTEL ROOM	86.40
306158	ITD	DATA PROCESSING FOR APRIL	533.95
306159	INTOXIMETERS	ALCO SENSOR FST	1,260.00
306160	JODI JOHNSON	SCHOOL ANNEXATION WORK	320.00
306161	KEN'S BODY SHOP	IMPOUNDS, GREAT RIVER TRANSFER	3,450.00
306162	KEVIN'S PLUMBING & HEATING	CIRCULATOR PUMP & LABOR	938.25
306163	LIGNITE TIRE	TIRES	4,452.16
306164	L-TRON CORPORTATION	LICENSE READER KIT, PRINTER STAND, PRINTERS, WIRE KIT, USB CABLE	1,873.68
306165	MCLEAN COUNTY IMPLEMENT	WIPER BLADE, OIL, FILTER	263.85
306166	MCLEAN COUNTY AUDITOR	APRIL POSTAGE	100.02
306167	MDU	GAS - LEC, COURTHOUSE	209.71
306168	MENARDS	TOILET/URINAL REPAIR KITS, SEALS, ETC	268.48
306169	MINOT MULTIPLE LISTING	MCLEAN COUNTY MLS	225.00
306170	NARDINI FIRE EQUIPMENT	LABOR FOR ASSESSING PANEL TROUBLES	315.00
306171	ND COUNTY RECORDERS ASSOC	DUES	200.00
306172	ND CORRECTIONS & REHAB	INVESTIGATION MONITORING EXPENSES	392.71
306173	ND SURPLUS PROPERTY	SUPPLIES	30.00
306174	ND SCHOOL BOARDS ASSOC	2022-2023 DUES	200.00
306175	NORTHLAND HEALTH CENTERS	INMATE DENTAL	297.00
306176	PRESORT PLUS	PICKUP FEE, COURIER SERVICE	42.50
306177	RAPID FIRE PROTECTION INC	ANNUAL SPRINKLER INSPECTION	175.00
306178	RIVERDALE-PICK CITY WOMEN'S CLUB	REIMBURSE FOR WEALTH CLINIC	30.00
306179	SCOTT'S HARDWARE	PRESSURE GAUGE, BUSHING, MISC ROOF REPAIR SUPPLIES, ETC.	186.85
306180	SEVERIN, RINGSAK & MORROW	COURT APPOINTED COUNSEL	2,400.00
306181	MAIN STREET MARKET	INMATE MEALS	3,276.68
306182	UNICOM	LABOR TO TEST & REPLACE SIREN	85.00
306183	VERIZON WIRELESS - VSAT	SEARCH WARRANT CELL PHONE	50.00
306184	WATER PURITY INC	WATER DELIVERED	80.00
306185	WRT	911 TRUNKING RECURRING	494.36
<b>DIRECT DEPOSIT PAYMENTS</b>			
<b>CHECK #</b>	<b>VENDOR NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
2553	STEVE COTTINGHAM	PLANNING & ZONING MILEAGE	16.38
2554	RICHARD HULTBERG	PLANNING & ZONING MILEAGE	44.46
2555	DARWIN SAARI	PLANNING & ZONING MILEAGE	26.91
2556	ELIZABETH PATTERSON	REIMBURSE MILEAGE	222.30
2557	GARRETT KRUEGER	REIMBURSE MILEAGE	45.63
2558	MIKE THYBERG	REIMBURSE MILEAGE	5.85
<b>PAID VOUCHERS</b>			
<b>CHECK #</b>	<b>VENDOR NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
306081	ATTORNEY GENERAL	MONTHLY COLLECTIONS 24/7 SOBRIETY PROGRAM	1,910.00
306111	NDPERS	MONTHLY INSURANCE PREMIUMS	158,791.01
306112	NDPERS	MONTHLY CONTRIBUTION RETIREMENT	70,796.92
306113	NDPERS	APRIL 22 PAYROLL – DEF. COMP.	8,174.00
306114	DACOTAH PAPER CO	PAPER TOWELS, PAPER PLATES	167.67
306115	US FOODS	INMATE MEALS	1,195.30
306116	WEX HEALTH	MONTHLY ADMIN FEE	110.00
306117	DACOTAH PAPER CO	GARBAGE BAGS, GLOVES, ETC	560.31
306122	BURLEIGH COUNTY SHERIFF DEPT	SERVICE OF TAX LIEN PAPERS	49.00
306123	MONROE COUNTY SHERIFF DEPT	SERVICE OF TAX LIEN PAPERS	75.00
306124	MORTON COUNTY SHERIFF DEPT	SERVICE OF TAX LIEN PAPERS	45.00
306125	SHERIFF OF PINELLAS COUNTY	REIMBURSEMENT OF FEES	108.00
306126	BURLEIGH COUNTY SHERIFF DEPT	SERVICE OF TAX LIEN PAPERS	49.00
306127	MONROE COUNTY SHERIFF DEPT	SERVICE OF TAX LIEN PAPERS	75.00
306128	BURLEIGH COUNTY SHERIFF DEPT	SERVICE OF TAX LIEN PAPERS	64.00
306129	BURLEIGH COUNTY SHERIFF DEPT	SERVICE OF TAX LIEN PAPERS	34.00
306133	MCLEAN COUNTY IMPLEMENT LLC	BLADES	40.58
306134	MIDCO	CABLE TV	116.34
306135	DACOTAH PAPER CO	TOILET PAPER, KLEENEX	74.20

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

There being no further business, the chairperson declared the meeting adjourned at 10:00 a.m. until the next regularly scheduled meeting on Tuesday, June 7, 2022. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

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Steve Lee, Chairperson

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Diane L. Blumhagen, Deputy Auditor