

**McLean County Commission Proceedings**  
**Thursday, October 6, 2022**

The first October 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, Deputy Auditor Diane L. Blumhagen, Road Superintendent Jim Grey, Assistant Road Superintendent Travis Verke, Clerk of Court Bonnie Bohnsack, Bill Pedersen of Apex Clean Energy, and James Falcon of NorDak North Publishing.

Moved by Cottingham, seconded by Suydam, to approve the minutes of the previous regular meeting held on September 20, 2022, as submitted. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Bohnsack discussed with the commissioners the possibility of the Clerk of Court offices being taken over by the State of North Dakota.

Grey presented an update on department operations reporting that right-of-way mowing will wrap up soon and gravel work continues in the areas needed.

Grey presented a quote from Swanston Equipment Co. of Fargo, ND, for the purchase of two used Tenco TCS 172A loader mounted snow blowers for the total amount of \$60,000.00. Discussion followed.

Moved by Suydam, seconded by Cottingham, to approve the purchase from Swanston Equipment Co, as presented. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey requested to advertise for bids for a loader to be purchased in 2023.

Moved by Cottingham, seconded by Suydam, to approve advertising for bids for a loader to be purchased in 2023. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Grey requested to set the loader bid opening for November 15, 2022, at 9:00 a.m.

Moved by Suydam, seconded by Cottingham, to set the loader bid opening date for November 15, 2022, at 9:00 a.m. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey informed the commission that he was approached by Aggregate Construction, Inc. to purchase 38,000 ton of gravel from Aggregate Construction, Inc. Discussion followed.

Moved by Suydam, seconded by Cottingham, to approve the purchase of 38,000 ton of gravel from Aggregate Construction, Inc. dependent on agreement. Discussion followed. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Grey discussed the option to pre-buy propane reporting he had received a letter from Farmers Union Oil of Wilton with terms and conditions.

Grey presented a boring permit request from West River Telecommunications Cooperative. The permit requests to bore 24<sup>th</sup> Ave SW, in Section 6, Township 144 North, Range 81 West, to provide fiber optic services to the Dan Hoff residence at 640 24<sup>th</sup> Ave SW.

Moved by Suydam, seconded by Cottingham, to approve the boring permit request from West River Telecommunications Cooperative as presented. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Grey informed the board that the Highway Department has hired Kelly Helm to fill the open Equipment Operator III position for the Butte area.

Deputy Auditor Kayla Oberlander joined the meeting.

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

<b>HIGHWAY VOUCHERS</b>			
<b>CHECK #</b>	<b>VENDOR NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
306717	A 1 WINDOW REPLACEMENT & REPAIR	SIX WINDOWS INSTALLED AT WASHBURN SHOP	3,150.00
306718	BURLEIGH COUNTY	TRUCK BOX AND HOIST	900.00
306719	MAX FARM SERVICE	FUEL TO UNDERWOOD AND BUTTE SHOP	7,590.30

306720	MCLEAN COUNTY IMPLEMENT LLC	PARTS, BLADES	2,617.57
306721	ND ONE CALL	SAFETY ITEMS	1.30
306722	PAHLKE STEEL, INC	PARTS	308.64
306723	S & J HARDWARE	TRIMMER STRING	13.99
306724	WAGON WHEEL LUMBER	SUPPLIES FOR REPAIRS AT WASHBURN SHOP	316.44
306725	WASHBURN AUTO BODY	LABOR TO INSTALL GLASS DOORS	372.43

**UNPAID VOUCHERS**

CHECK #	VENDOR NAME	DESCRIPTION	AMOUNT
306726	SARAH BEDGAR	REIMBURSE CELL PHONE	30.00
306727	ASHLEY DEHAVEN	JAIL NURSE	1,188.00
306728	CAPITAL TROPHY	PLAQUE	74.00
306729	CHASE DRUG	INMATE MEDICINE	78.34
306730	CITY OF WASHBURN	WATER, SEWER FOR LEC AND COURTHOUSE WATER	133.94
306731	GARRISON FARMERS UNION	REPAIRS	48.09
306732	BENJAMIN GEHRING	MONTHLY CORONER FEES	750.00
306733	GOETZ FUNERAL HOME	MONTHLY CORONER FEES	750.00
306734	GOODSOURCE SOLUTIONS	INMATE MEALS	471.12
306735	GERARD GOVEN	WATER BOARD MEETINGS AND TRAVEL	565.63
306736	HATZY'S REPAIR	OIL CHANGES, TIRE REPAIR	157.90
306737	SHANNON JEFFERS	WATER BOARD MEETINGS AND TRAVEL	570.63
306738	TERRY KOLDEN	PUMP COUNTY VAILTS, FISH STATION, OVERFLOW	1,450.00
306739	LIGNITE TIRE	TIRES	1,427.90
306740	MARCO	STANDARD PAYMENTS	2,073.60
306741	MCLEAN-MERCER COUNTY SENIOR MEALS	2019 - 2021 LEVY MONIES COLLECTED AND SENIOR MILL LEVY MATCH - SEPTEMBER	788.47
306742	MCLEAN IMPLEMENT LLC	OIL	13.90
306743	MERCER COUNTY TREAS.	TIRES TO MERCER COUNTY LANDFILL	2,254.00
306744	NDSU CENTER FOR 4-H	SECURITY DEPOSIT AND RENTAL FEE ENVIRTHON	650.00
306745	NELSON AUTO CENTER	TWO 2022 FORD EXPEDITIONS	81,696.00
306746	LYNN OBERG	WATER BOARD MEETINGS AND TRAVEL	726.25
306747	OTTER TAIL POWER CO	BUTTE, TURTLE LAKE, MAX, WASHBURN SHOPS, COURTHOUSE, RADIO TOWER, LEC	5,835.16
306748	SRT COMMUNICATIONS	TRANSPORT PER MILE	694.08
306749	UNICOM	S7 CHANGE OUT GPS	114.90
306749	UNICOM	S9 REMOVE EQUIPMENT AND GRAPHICS, RECONNECT GRILL, LIGHTS, RECONNECT SWITCH	1,973.65
306749	UNICOM	S17 REPAIR FRONT GRILL LIGHTS, REPLACE GPS TRACKER	171.20

**DIRECT DEPOSIT PAYMENTS**

CHECK #	VENDOR NAME	DESCRIPTION	AMOUNT
3151	JAN HANSON	REIMBURSE CELL PHONE	30.00
3152	BETH KNUTSON	REIMBURSE FOR TITLES AND REGISTRATIONS AT NDDOT	102.00
3153	CURT MALO	REIMBURSE CELL PHONE	30.00
3154	NOELLE KROLL	REIMBURSE MILEAGE	256.25
3155	TRAVIS VERKE	REIMBURSE CELL PHONE	30.00
3156	HEIDI ANDERSON	REIMBURSE MILEAGE	56.25
3157	JUSTIN COTE-KANNING	REIMBURSE POSTAGE FOR MAILING	5.40
3158	RYAN OBERG	REIMBURSE CELL PHONE	30.00
3159	ELIZABETH PATTERSON	REIMBURSE CELL PHONE	30.00

**PAID VOUCHERS**

CHECK #	VENDOR NAME	DESCRIPTION	AMOUNT
306687	DACOTA PAPER CO	GARBAGE BAGS, TOILET PAPER, CLEANER, ETC.	555.34
306688	MARCO TECHNOLOGIES	CONTRACT USAGE	307.91
306689	STARION BOND SERVICES	INTEREST	312.50
306691	AFLAC	MONTHLY PREMIUM	2,232.90
306692	A R AUDIT SERVICES INC	GARNISHMENT	733.66
306693	AVESIS/FSL	VISION INSURANCE PREMIUMS	1,478.53
306694	BRAVERA WEALTH	MONTHLY CONTRIBUTIONS	3,289.75
306695	DELTA DENTAL	DENTAL INSURANCE PREMIUMS	4,476.05
306696	FRATERNAL ORDER OF POLICE	FOP DUES	110.00
306697	MCLEAN COUNTY AUDITOR	FSA GARNISHMENT	157.75
306698	NDPEA	NDPEA DUES	45.92
306699	USABLE LIFE	CANCER AND ACCIDENT INSURANCE PREMIUMS	268.12
306700	ND CHILD SUPPORT	CHILD SUPPORT	4,548.00
306701	STATE OF WASHINGTON	CHILD SUPPORT	327.59

306702	NDPERS	SERVICE CREDIT CONTRIBUTION	70.00
306703	STATE TAX COMMISSIONER	3RD QUARTER 2022	14,861.09
306704	JOB SERVICE OF ND	3RD QUARTER - GENERAL PAYROLL	1,788.28
306706	DACOTA PAPER CO	SOAP	66.41
306707	GARRISON DIVERSION DISTRICT	DISBURSE MONTHLY COLLECTIONS	1,400.72
306708	MCLEAN RESOURCE CENTER	DISBURSE MONTHLY COLLECTIONS	485.00
306709	NDACO	DISBURSE 10% E-911 COLLECTIONS	981.52
306710	ND STATE TREASURER	DISBURSE MONTHLY COLLECTIONS	5,478.67
306711	ATTORNEY GENERAL	MONTHLY COLLECTIONS 24/7 SOBRIETY PROGRAM	2,050.00
306712	NDPERS	DEFERRED COMPENSATION	7,862.00
306713	NDPERS - RETIREMENT	SEPTEMBER 2022 PAYROLL	69,773.20
306714	NDPERS - INSURANCE	SEPTEMBER 2022 PAYROLL	158,212.92
306715	WEX BANK	FLEET CARD AND GASOLINE	19,545.67
306716	JOB SERVICE OF ND	QUARTER ENDING 9-30-22	638.42
	SEPTEMBER PAYROLL	A DETAILED LIST OF PAYROLL FUNDS EXPENDED IS AVAILABLE FOR PUBLIC INSPECTION ANYTIME DURING REGULAR BUSINESS HOURS IN THE MCLEAN COUNTY AUDITOR'S OFFICE	382,555.14

**P-CARD FUNDED PURCHASES**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
AUTO VALUE	PARTS, OIL	919.80
NW TIRE	TIRES	342.00
MCLEAN SHERIDAN RURAL WATER	RURAL WATER	96.49
BUTLER MACHINERY	OIL	76.98
LINDE GAS & EQUIPMENT INC	WELDING SUPPLIES	591.49
NORDAK NORTH PUBLICATIONS	NOTICE FOR MOTORGRADER BIDS	360.00
MCLEAN ELECTRIC	ROSEGLLEN, UNDERWOOD, AND GARRISON SHOPS	408.00
WRT	PHONE, DSL	103.21
RTC	TELEPHONE	147.76
NEWMAN SIGNS	SIGNS	4,241.16
SWANSTON EQUIPMENT	PARTS, BOBCAT BUCKET	1898.68
NW TIRE	TIRE	1,219.90
INLAND TRUCK PARTS	PARTS	2,111.48
NORTHERN STATES SUPPLY	PARTS, CHAINSAW	680.80
BUTLER MACHINERY	REPAIRS TO RENTAL TRACTOR	1,207.51
VERIZON	KITTLER - HIGHWAY CELL	42.04
	KROLL - DES CELL	42.04
	GREY - HIGHWAY CELL	42.04
	ERICKSON - STATES ATTORNEY CELL	47.04
	OBERG - ASSESSOR JETPACK	40.01
	KROLL - DES JETPACK	40.01
CIRCLE SANITATION	GARBAGE PICKUP	444.00
VERIZON CONNECT	MONTHLY RECURRING CHARGES	488.60
VERIZON	DATA CARDS	922.26
	DETECTIVE PHONES	94.08
	KERZMANN, JOHNSON PHONES	196.96
AMAZON	PRINTER CLEANER SHEETS, BINDERS. LABELS	112.86
INDEED.COM	AUGUST 2022 JOB ADS	87.00
FIREFLY RESERVATIONS	RESERVATIONS FEE FOR SEASONAL SPOTS	86.00
RTC NETWORKS	BENEDICT SPORTSMEN'S PARK	171.11
ARMOR INTERACTIVE	SHERIFF DATTO NAS, SERVER BACKUP, NODES	1700.00
DAKOTA DUSTTEX	FLOOR MATS FOR COURTHOUSE, COUNTY SHOP	186.00
SRT COMMUNICATIONS INC	TRANSPORT PER MILE, TRANSPORT TRUNKS	694.08
RTC NETWORKS	MISCELLANEOUS SERVICES FOR 911	80.00
MATTHEW BENDER	AUGUST 2022 SUPPLEMENT	28.08
MULTNOMAH COUNTY COURTHOUSE	CERTIFIED JUDGMENT	5.75
WRT	SHERIFF	581.13
	COURTHOUSE	1,466.60
	NDSU EXTENSION	122.21
	E-911	84.52
	JURY/PERSONAL	6.30

	E-911 RADIO TOWER	102.21
	PAROLE AND PROBATION	20.00
KRAUSE'S SUPERVALU	COFFEE	59.96
NORDAK NORTH, INC	COMMISSION MINUTES	1,160.30
	HELP WANTED ADS	2,135.40
	PARK BOARD MEETING, NOTICE	183.10
NORTHERN PLAINS HEATING & AIR, INC	INSTALLED CAP, REPLACED BELT, SERVICE	1,075.57
ADOBE.COM	MONTHLY SUBSCRIPTIONS FOR TWO USERS	29.98
MICROSOFT.COM	OFFICE 365 FOR WASHBURN, GARRISON SHOPS	17.66
WRT	PHONE LINES	94.52
QUADIENT LEASING USA LLC	POSTAGE METER RENTAL 09-30-22 TO 12-29-22	614.04
KRAUSE'S SUPERVALU	INMATE GROCERIES	76.86
VERIZON CONNECT	MONTHLY SERVICE	339.99
EBIX, INC.	DIGITAL TOPHEALTH NEWSLETTER THRU JANUARY 2024	411.84
BUTLER	HEATER FOR LEC GENERATOR	147.79
KXNET JOBS	JOB POSTING ADS	99.00
AMAZON	PAPER SHREDDER	98.41
PHARMCHEM INC	SWEAT PATCH ANALYSIS	471.75
SEACHANGE PRINTING & MARKETING	PRE PAID POSTAGE FOR MAILING APPLICATIONS	1,870.22
AMAZON	HANGING FILE FOLDERS	39.48
MCLEAN ELECTRIC	SPORTSMEN'S PARK	152.00
	CIVIL DEFENSE	85.00
	PARK BOARD	41.00
	SECURITY LIGHTS - COURTHOUSE	21.00
	SECURITY LIGHTS - SPORTSMEN'S	857.00
	CAMPER PADS	262.00
	CAMPER PADS	417.00
	CENTENNIAL PARK CAMPGROUND METER	253.00
MARK'S PLUMBING	SPRAYHEAD SPRAY WANDS	148.12
AMAZON	LABELS	124.75
BOB BARKER	TOOTHBRUSHES	45.15
MATTHEW BENDER	ND ADVANCE CODE SERVICE RENEWAL	78.43
ARMOR INTERACTIVE	DATTO UPGRADE TO 10TB	941.18
LEDLIGHTEXPERT.COM	LIGHT AND ADAPTER	273.97
DELL TECHNOLOGIES	DELL USB-C AC ADAPTER	71.68
AMAZON	WIRELESS MOUSE, HDMI ADAPTER, USB-C HUB	68.47
VISTA PRINT	SCHREINER AND PATTERSON BUSINESS CARDS	70.78
AMAZON	OFFICE SUPPLIES, TONER CARTRIDGE, ANTENNA, SD CARD	100.67
NDSU	PEST PRO	100.00
WEBROOT.COM	ANTIVIRUS FOR FIVE DEVICES	74.89

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

Chief Deputy Sheriff Richard Johnson joined the meeting.

Knutson presented the agreement letter from Eide Bailly LLP to preform the 2023 biennial audit of years 2021 and 2022.

Moved by Cottingham, seconded by Suydam, to authorize the Auditor's office to sign the agreement letter as presented. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Johnson requested permission to advertise for one or more Jailer-Dispatcher positions.

Moved by Suydam, seconded by Cottingham, to authorize advertising to fill one or more Jailer-Dispatcher positions. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Chris Friez and Adam Ourada from Falkirk Mining Company joined the meeting.

Knutson presented the Pledge of Securities received from TruCommunity Bank. The total public deposits were \$17,847,422.13 and the total pledged securities were \$19,851,067.00 on September 30, 2022.

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

Knutson presented final recommendations for minimum sale prices on real estate forfeited to the county. She stated that the price is the amount of taxes including specials, penalties, interest, and costs of serving notice plus the estimated taxes for 2022. The sale will be held on Tuesday, November 15, 2022, at 10:00 a.m. in the County Commission Chambers of the McLean County Courthouse. The minimum sale prices recommended by Knutson are as follows:

**Notice of Sale of Real Estate Forfeited to the County**  
**For Delinquent Taxes**  
**Chapter 57-28 N.D.C.C.**

Notice is hereby given that the following real estate has been forfeited to the County of McLean, State of North Dakota, for delinquent taxes that said county has taken tax deed for such property and will offer it for sale at public auction beginning at 10:00 a.m. on Tuesday, November 15, 2022, in the county commission chambers of the McLean County Courthouse.

Each parcel of real estate will be offered separately and sold to the highest bidder, but not for a sum less than the minimum sale price listed below. Payment must be made in cash. The sale shall continue until such time as all parcels forfeited to McLean County have been offered for sale and/or sold.

**Appraised Value of Property Taken for Delinquent 2019 Taxes**

<b>Legal Description</b>	<b>Minimum Sale Price</b>
<b><u>Garrison City</u></b>	
Lot 1 Blk 18 Original Townsite (75-0001-00174-000)	\$3,638.78
<b><u>Turtle Lake City</u></b>	
Lot 6 Blk 6 Original Townsite (79-0001-00026-000)	\$133.34
<b><u>Underwood City</u></b>	
Lot 5 Blk 12 Original Townsite (80-0001-00124-000)	\$3,109.86
Lots 23-24 Blk 2 Houser Addition (80-0801-00050-000)	\$2,342.06
<b><u>Washburn City</u></b>	
Lot 26 Rhude Addition (81-1802-00039-000)	\$6,535.52

Given pursuant to authority of law this 20<sup>th</sup> day of September, 2022 at Washburn, ND

\_\_\_\_\_  
 /S/ Beth A. Knutson  
 Beth A. Knutson  
 McLean County Auditor

Moved by Cottingham, seconded by Lee, to approve the appraised value of property taken for delinquent 2019 taxes. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Suydam, to set the Delinquent Properties Hearing for 9:30 a.m. during the regular commission meeting set for October 18, 2022. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Suydam, to accept the change in reimbursement for lodging increasing from \$86.40 to \$88.20 as instituted by the State of North Dakota with retroactive date of October 1, 2022. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Oberlander presented the Unclaimed Property Report which includes outstanding checks over one year old. The outstanding checks are to be sent to the North Dakota Unclaimed Property Division.

Treasurer Checks

42372	12/30/2020	\$9.00	Susan Davis	Overpayment on taxes
42392	01/25/2021	\$4.14	Max Sanford	Overpayment on Dental Premium

Warrant Checks

302955	07/07/2020	\$13.00	James Morgan	Refund for 24/7 Sobriety Program
303115	07/15/2020	\$227.13	Jolene Haux	Travel
303129	07/15/2020	\$426.67	Verizon Wireless	Cell Phone Charges

Moved by Cottingham, seconded by Suydam, to approve the Unclaimed Property Report. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

Glenda and Sara Scholl, of Washburn, ND, joined the meeting.

Chairperson Lee recessed the meeting at 9:25 a.m.

Chairperson Lee opened a public hearing at 9:30 a.m. for Falkirk Mining Company's temporary closure of section line roads request.

Joe La Duke, Beverly and Neal Peterson, Mary Riem, Jane Miller, Sandra La Duke, and Dean Swanson joined the meeting.

Moved by Suydam, seconded by Cottingham, to approve the following resolution of 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 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 between the SE4 of Section 1 and the NE4 of Section 12, Township 144 North, Range 84 West
- b. The section line between the SW4 of Section 6 and the NW4 of Section 7, Township 144 North, Range 83 West

WHEREAS, a public hearing was held upon the Petition of Falkirk before the Commission on the 6th day of October, 2022, at 9:30 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 land owners 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 between the SE4 of Section 1 and the NE4 of Section 12, Township 144 North, Range 84 West
  - b. The section line between the SW4 of Section 6 and the NW4 of Section 7, Township 144 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 6<sup>th</sup> day of October, 2022.

ATTEST:

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

McLEAN COUNTY COMMISSION

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Discussion followed which resulted in closure expiring December 31, 2029. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

With no additional attendees from the public and no discussion, Chairperson Lee closed the hearing at 10:22 a.m. and immediately opened the next Falkirk Mining Company hearing for Closing of Section Line Roads.

Chairperson Lee opened a public hearing at 10:22 a.m. for Falkirk Mining Company's temporary closure of section line roads request.

Moved by Suydam, seconded by Cottingham, to approve the following resolution of 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 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:

- c. The section line between the SE4 of Section 32 and the SW4 of Section 33, Township 145 North, Range 83 West
- d. The correction line road in Lots 2 and 3 of Section 1, Township 144 North, Range 84 West
- e. The quarter line between the SW4 and the SE4 of Section 1, Township 144 North, Range 84 West

WHEREAS, a public hearing was held upon the Petition of Falkirk before the Commission on the 6th day of October, 2022, at 9:40 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 land owner's 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 between the SE4 of Section 32 and the SW4 of Section 33, Township 145 North, Range 83 West
  - b. The correction line road in Lots 2 and 3 of Section 1, Township 144 North, Range 84 West
  - c. The quarter line between the SW4 and the SE4 of Section 1, Township 144 North, Range 84 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 6<sup>th</sup> day of October, 2022.

ATTEST:

McLEAN COUNTY COMMISSION

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

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Discussion followed which resulted in the closure expiring December 31, 2029, and to provide alternate access to land owners. Roll Call Vote: Aye: Suydam, Cottingham, and Lee. Nay: None. Motion carried.

With no additional attendees from the public and no discussion, Chairperson Lee closed the hearing at 10:39 a.m. and immediately reconvened the commission meeting.

Received and ordered filed the fee collection report from the Recorder's Department for the month of September in the amount of \$9,958.30.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of September in the amount of \$1,796.78.

States Attorney Ladd Erickson and Water Resource Board member Lynn Oberg joined the meeting,

Knutson presented the current list of delinquent tax payers owing more than \$4,000.00 showing 28 taxpayers owing \$263,443.06 in back taxes.



Knutson presented the Uncollected Tax List for years 2019-2021 showing a total of \$677,775.68.

Knutson presented the budget narrative for period ending September 30, 2022. She presented data showing property tax collections are at 95% collected including 99% with discount for 2022 or \$18,760,363.35; government reimbursement revenues totaled \$2,071,206.62 compared to \$2,129,526.42 in 2021; fees and miscellaneous revenues totaled \$1,251,708.45 compared to \$1,534,221.65 in 2021; and expenditures were at 71.95% of total budget for 2022.

Knutson informed the board that she will be requesting Local Assistance and Tribal Consistency Funds in the amount of \$262,813.06. The funds can be used for any county activities.

There being no further business, the chairperson declared the meeting adjourned at 10:52 a.m. until the next regularly scheduled meeting on Tuesday, October 18, 2022. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

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Steve Lee, Chairperson

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Diane L Blumhagen, Deputy Auditor