

McLean County Commission Proceedings

Tuesday, June 2, 2026

The first regular June meeting of the Board of Commissioners was called to order at 8:33 a.m. by Chairperson Curt Olson. Present were Commissioners Olson, Steve Cottingham, and Steve Lee. Also present were Auditor Beth A. Knutson; Deputy Auditor Lynda Snyder; Road Superintendent Jim Grey; Rainbow Energy Director of Projects Jon Price; Lee Shattuck; Steve Seidler; Norm Huber; Leon and Darlene Philbrick, and Adam Ourada.

Moved by Cottingham, seconded by Lee, to approve the minutes of the meetings held on April 7, 2026; April 21, 2026; May 5, 2026; and May 19, 2026 as submitted. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Grey stated that Load Restrictions were lifted as of June 1, 2026 at 7:00 a.m. Discussion followed.

Grey requested two dumpsters be replaced at the Washburn and Garrison shop locations as they are rusted out and beyond further repair. He suggested renting new ones similar to those rented for other locations. Knutson stated that rates will be obtained for the local options. Discussion followed.

Grey requested an increase in the current blading rates. Current rates are \$140 for regular maintenance on gravel roads and snow removal is \$160. He suggested a \$10 increase to both rates. Discussion followed.

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

Grey stated that he has researched the best option for asphalt binder to be used in road maintenance. He recommended Bitumen MC 3000. Discussion followed.

Grey requested authorization to purchase two 2021 Chevy two half-ton crew cab pickups at the North Dakota Department of Transportation state fleet auction to replace pickups that are no longer reliable or working properly. Discussion followed.

Moved by Lee, seconded by Cottingham, to authorize Grey to purchase two pickups with a cost not to exceed \$22,000 each. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

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

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

Land Use Administrator Todd Schreiner, Assistant Director of Tax Equalization Elizabeth Patterson, and Property Assessor Ryan Oberg joined the meeting.

Knutson presented the Pledge of Securities received from TruCommunity Bank. The total public deposits were \$22,420,846.30 and the total pledged securities were \$25,964,306.00 on May 31, 2025.

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

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

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

Knutson presented a Gaming Site Authorization Application submitted by Garrison Area Improvement Inc. for bingo, raffles, pull tab jar, pull tab dispensing device, electronic pull tab device, twenty-one, poker, and Calcutta activities at the Garrison Golf Club from July 1, 2026 to June 30, 2027.

Moved by Lee, seconded by Cottingham, to approve the Gaming Site Authorization Application as submitted by Garrison Area Improvement Inc., pending receipt of fee payment. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Received and ordered filed the fee collection report from the Recorder's Office for the month of May in the amount of \$7,934.30.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of May in the amount of \$1,639.70.

States Attorney Ladd Erickson joined the meeting.

Chairperson Olson recessed the regular McLean County Commission meeting at 9:00 a.m. and called the McLean County Tax Equalization Meeting to order.

Schreiner discussed the most recent property assessment showing 90-100% of the real estate market being assessed as required. He explained that with new construction throughout the county and an increase of 3% for residential structure values and 5% for commercial structure values the department was in compliance with the sales ratio study done for 2026. Schreiner also stated that agriculture real estate values decreased 4.8% as presented by the state and NDSU Extension. Discussion followed.

Moved by Lee, seconded by Cottingham, to approve the recommendation for a residential real estate sales ratio of 96.8%. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Moved by Lee, seconded by Cottingham, to approve the recommendation for a commercial real estate sales ratio of 94.3%. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Moved by Lee, seconded by Cottingham, to approve the recommendation for agriculture real estate values as presented. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Schattuck, Huber, and Philbricks were present to express their concerns with increases to their assessed value. Discussion followed.

Chairperson Olson recessed the Equalization meeting at 9:50 a.m. and reconvened the McLean County Commission meeting.

Ourada requested a public hearing be set for the temporary closure according to the petition below:

Before the Board of
McLean County Commissioners

In the matter of the application of	)	
The Falkirk Mining Company for an	)	Petition for Closing
Order temporarily closing certain	)	of Section Line Roads
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, North Dakota Century 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 following described section line roads, as shown on the maps attached as Exhibits A & B, be temporarily closed due to the fact that such roads interfere with the Petitioner's conduct of surface coal mining and reclamation operations:
 - a. The section line trail located between Lots 1, 2 and the easternmost 570' of Lot 3 of Section 2, Township

144 North, Range 84 West and the westernmost 3,220' of Section 32, Township 145 North, Range 83 West

- b. The section line trail located between the SE4 of Section 5 and the NE4 of Section 8, Township 146 North, Range 82 West
3. Petitioner asserts that the closing of the above-described section line roads will not deprive adjacent landowners access to their property.
4. After the completion of surface coal mining and reclamation operations, the Petitioner will restore the closed section line roads to as good a condition as existed prior to the closing of such roads to the extent required by the Board of McLean County Commissioners.

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 2nd day of June, 2026

The Falkirk Mining Company

By: _____
Jay H. Kost, its President

Moved by Lee, seconded by Cottingham, to schedule the public hearing on the presented petition for road closures for July 7, 2026 at 9:00 a.m. in the McLean County Commission Room. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Ourada requested a public hearing be set for the temporary closure according to the petition below:

Before the Board of
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. Both sides of the relocated 28th Ave NW located in the N2 of Section 8, Township 146 North, Range 82 West
 - b. The north and south sides of the section line trail located between the S2 of Section 30 and the N2 of Section 31, Township 146 North, Range 82 West
 - c. The north and south sides of the section line trail located between the SW4 of Section 29 and the NW4 of Section 32, Township 146 North, Range 82 West

- d. The east side of the section line trail located between the W2 of Section 32 and the E2 of Section 31, Township 145 North, Range 83 West
 - e. The north side of the section line trail located between the SW4 of Section 32, Township 145 North, Range 83 West and Lots 2 & 3 in Section 2, Township 144 North, Range 84 West
 - f. The south side of the section line trail located between the SW4 of Section 32, Township 145 North, Range 83 West and Lot 2 in Section 2, Township 144 North, Range 84 West
 - g. Both sides of the relocated portion of County Road 17 running diagonally through the SW4 of Section 12, Township 144 North, Range 84 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 2nd day of June, 2026.

The Falkirk Mining Company

By: _____
Jay H. Kost, its President

Moved by Lee, seconded by Cottingham, to schedule the public hearing on operations within 100 feet of the outside right-of-way line for July 7, 2026 at 9:05 a.m. in the McLean County Commission Room. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Knutson presented a payment plan for the loan through Bank of North Dakota that she feels will fit best how payments will be structured.

Moved by Cottingham, seconded by Lee, to accept the payment plan as recommended for the paving improvement in District 2026-01. Discussion followed. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Knutson presented the Resolution Accepting Petitions below:

McLean County, North Dakota

Resolution Accepting Petitions

Paving Improvement District 2026-01

(Rainbow Energy Center, LLC – 29TH Avenue SW Project)

Be it Resolved by the Board of Commissioners of McLean County, North Dakota (the "County"), as follows:

1. The County has received written petitions for improvements within the captioned improvement district, attached hereto as Attachment 1, and pursuant to North Dakota Century Code ("N.D.C.C.") Sections 11-11-55.1 and 40-22-15 the County is authorized to proceed with an improvement without adoption of a resolution of necessity or a protest period thereon if the governing body determines by resolution that written petitions for the improvement, signed by sixty percent of the landowners in the improvement district, has been received. The written petitions received by the County Auditor and attached hereto are hereby determined to satisfy the requirements of N.D.C.C. Sections 11-11-55.1 and 40-22-15.

Dated June ___, 2026.

McLean County, North Dakota

Attest:

Chairman, Board of County Commissioners

County Auditor

The governing body of the County acted on the foregoing resolution at a properly noticed meeting held in Washburn, North Dakota, on June ___, 2026, with the motion for adoption made by _____ and seconded by _____, and the roll call vote on the motion was as follows:

"Aye" _____

"Nay" _____

Absent _____

Abstain _____

Moved by Cottingham, seconded by Lee, to approve the Resolution Accepting Petitions as presented. Discussion followed. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Knutson presented the Resolution Approving Engineers Report Paving Improvement District 2026-01 below:

McLean County, North Dakota

Resolution Approving Engineer's Report
Paving Improvement District 2026-01
(Rainbow Energy Center, LLC – 29th Avenue SW Project)

Be it Resolved by the Board of Commissioners of McLean County, North Dakota (the "County"), as follows:

1. This governing body having received the engineer's report as to the general nature, purpose and feasibility of the proposed additional improvements in and for Paving Improvement District 2026-01 (Rainbow Energy Center, LLC – 29th Avenue SW Project), the report is hereby approved and the same shall be forthwith filed in the office of the County Auditor and shall remain on file with the County Auditor subject to inspection by anyone interested therein.
2. The engineers report as to the general nature, purpose and feasibility of the proposed improvement contains as required by statute (i) a separate statement of the estimated cost of the work for which proposals must be advertised and (ii) a separate statement of all other items of estimated cost not included under (i) which are anticipated to be included in the cost of the improvement to be specially assessed against benefited property.
3. The engineers report further contains as required by N.D.C.C. Section 40-22-10(2) information describing how the special assessment district was created including any considerations as to which properties are determined to receive a benefit from the proposed improvement.
4. Wold Engineering, P.C. is hereby authorized and directed to prepare detailed plans and specifications for construction of the improvement.

Dated June ___, 2026.

MCLEAN COUNTY, NORTH DAKOTA

Attest:

Chairman, Board of County Commissioners

County Auditor

The governing body of the County acted on the foregoing resolution at a properly noticed meeting held in Washburn, North Dakota, on June ___, 2026, with the motion for adoption made by _____ and seconded by _____, and the roll call vote on the motion was as follows:

"Aye" _____

"Nay" _____

Absent _____

Abstain _____

Moved by Lee, seconded by Cottingham, to accept the Resolution Approving Engineer's Report as presented. Discussion followed. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Knutson stated that loan underwriting and the application for these funds must be submitted by June 18, 2026. She stated that a letter of credit from Rainbow Energy was a stipulation in the original motion made by the Board when accepting the project.

Price stated that the application needs to be approved and terms established before a letter of credit will be issued. Knutson stated her concern with this considering this was the only stipulation on Rainbow Energy Center when the Commissioners approved applying for the loan. She also stated that there has been no communication to the County that Rainbow would not be providing a letter of credit until now, two weeks prior to the application due date.

Moved by Lee, seconded by Cottingham, to move forward with the application process but for the County's protection, funds will not be disbursed until a letter of credit is in place and if the letter of credit is not received as stated, the county will have the option to immediately pay off the loan with the funds received. Discussion followed. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

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

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>.

Curt Olson, Chairperson

Lynda Snyder, Deputy Auditor