

McLean County Commission Proceedings

Tuesday, June 4, 2024

The first regular June 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 Diane L. Blumhagen; Road Superintendent James Grey; Wanda Cleveland; and Dennis Cleveland.

Grey reported that overlay in the Butte area has started as well as graveling across the county. Discussion followed.

Grey discussed the door openers at the outshops as all need to be replaced. There are funds in the budget for this replacement.

Grey discussed area boat docks. Discussion followed regarding the contract with North Dakota Game and Fish.

Building Maintenance Supervisor Curt Malo joined the meeting.

Knutson stated that the Director of Emergency Service items are no longer on the agenda due to Kroll being absent.

Malo stated that swinging shower doors are a state mandate and eight need to be installed in the Law Enforcement Center (LEC). He requested approval to hire help to install the shower doors, which will be billed as time and material and will not exceed \$2,500.00.

Moved by Lee, seconded by Suydam, to approve hiring help to install eight swinging shower doors at the LEC with a cost not to exceed \$2,500.00. Discussion followed. Roll Call Vote: Aye: Lee, Suydam and Cottingham. Nay: None. Motion Carried.

Knutson requested approval to advertise for board appointments. Donna Sommer has served her maximum of two terms on the library board and her position will be open. The request included an appointment for an open board position on the Dakota Central Human Service Zone (DCHSZ Board). These positions will be appointed the first meeting in July retroactive to July 1, 2024.

Moved by Suydam, seconded by Lee, to advertise for open board positions for the Library and DCHSZ Boards. Discussion followed. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Knutson presented the Pledge of Securities received from TruCommunity Bank. Total public deposits were \$25,405,727.58 and total pledged securities were \$29,475,900.00 on May 31, 2024.

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

Moved by Suydam, seconded by Lee, to approve the DCHSZ Transfer of Funds Resolutions and the McLean County Auditor's Sweep Account Transfer of Funds Resolution. Discussion followed. 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.

Received and ordered filed the fee collection report from the Recorder's Department for the month of May in the amount of \$8,553.60.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of May in the amount of \$3,286.10.

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.

Tax Equalization Director Todd Schreiner and Assistant Director of Tax Equalization Elizabeth Patterson joined the meeting.

Chairperson Cottingham recessed the regular McLean County Commission meeting at 8:55 a.m. for the McLean County Tax Equalization meeting.

Property Assessor Ryan Oberg joined the meeting.

Schreiner discussed the most recent property assessment; 90-100% of the real estate market must be assessed. The department was in compliance with this requirement with 105 residential, 67 commercial, and vacant lots sales reviewed for the study. Commercial and residential overall sales ratio came in at 94.7%. Discussion followed.

Adam Ourada, representing Falkirk Mining Company, joined the meeting.

Schreiner asked for approval of agriculture real estate values, provided by the state and NDSU Extension, at a 2024 overall decrease of 3-5%. Discussion followed.

Moved by Lee, seconded by Suydam, to approve the values as presented at a decrease of 3-5%. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Schreiner stated the overall residential real estate sales ratio has increased 5+%.

Moved by Lee, seconded by Suydam, to approve the recommendation for a sales ratio of 94.7%. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Schreiner presented the overall commercial real estate value which has increased approximately 1% to 94.7%.

Moved by Lee, seconded by Suydam, to approve the recommendation for sales ratio of 94.7%. Roll Call Vote: Aye: Lee, Suydam, and Cottingham. Nay: None. Motion carried.

Cottingham adjourned the McLean County Tax Equalization meeting and reconvened the regular McLean County Commission meeting at 9:27 a.m.

Ourada requested approval of and to set a hearing date for a petition to operate within 100 feet of the outside right-of-way line of the two roads stated in the petition. No roads or section lines will be closed. Discussion followed.

Moved by Suydam, seconded by Lee, to approve the petition to operate within 100 feet of the outside right-of-way line of the two roads stated in the petition and set a hearing for 9:00 a.m. on July 2, 2024.

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. The west side of the section line trail between Section 1, Township 145 North, Range 84 West and Section 6, Township 145 North, 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

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 4th day of June, 2024.

The Falkirk Mining Company

By: _____
Jay H. Kost, its President

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

Ourada presented a petition for approval and to set up a hearing to temporarily close the section line road between the SW ¼ of Section 29 and the NW ¼ of Section 32, Township 145 North, Range 83 West. All mining will be on the east side of the road and the farmer can access property on the west side. Discussion followed.

Moved by Lee, seconded by Suydam, to approve the petition to temporarily close the section line road between the SW ¼ of Section 29 and the NW ¼ of Section 32, Township 145 North, Range 83 West and set a hearing for 9:10 a.m. on July 2, 2024.

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 map attached as Exhibit A, be temporarily closed to allow a safe and efficient means to conduct reconstruction of Petitioner's coal conveyance system and any support related services:
 - a. The section line road between the SW ¼ of Section 29 and the NW ¼ of Section 32, Township 145 North, Range 83 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 construction projects, 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 4th day of June, 2024

The Falkirk Mining Company

By: _____
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Knutson presented the budget narrative for period ending May 31, 2024. She presented data showing property tax collections are at 91% collected including 95% with discount for 2024 or \$19,878,843.81, government reimbursement revenues totaled \$1,095,903.26 compared to \$892,534.66 in 2023, fees and miscellaneous revenues totaled \$657,023.64 compared to \$754,906.02 in 2023, and expenditures were at 39.11% of total budget for 2024.

Knutson presented the Uncollected Tax List for years 2021-2023 showing a total of \$1,395,442.04.

There being no further business, the Chairperson declared the meeting adjourned at 9:48 a.m. The commission minutes and agenda can be found on the county website at <https://www.mcleancountynd.gov>.

Steve Cottingham, Chairperson

Diane Blumhagen, Deputy Auditor