

McLean County Commission Proceedings

Tuesday, July 7, 2026

The first regular July meeting of the Board of Commissioners was called to order at 8:30 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; Assistant Road Superintendent Travis Verke; Building and Maintenance Supervisor Curt Malo; and Falkirk Mining Company Representative Adam Ourada.

Grey presented an update on department operations reporting that blading and graveling continues throughout the county. He also stated mowing will start the first week in August. Discussion followed.

Grey requested approval for Jacob Behles to utilize forty hours of leave under McLean County's Policy 1300-Volunteer Fighter as he is a volunteer firefighter in Garrison.

Moved by Lee, seconded by Cottingham, to approve the request for Jacob Behles. Discussion followed. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Grey presented a list of equipment he would like to sell at auction with Steffes Group, Inc. in the fall. He stated that there would be additional items sold in the spring of 2027. Discussion followed.

Grey stated that he has spoken with other counties having success using Sourcewell and Minnesota Department of Administration State Procurement software for bid procurement. He also stated that we have memberships with both software platforms and feels it would save us money to start using them as they are set up through a government agency and fill all state requirements for advertising and availability. Discussion followed.

Moved by Lee, seconded by Cottingham, to authorize the Highway Department to use Sourcewell and Minnesota Department of Administration State Procurement software for future bidding of equipment. Discussion followed. Roll Call Vote: Aye: Lee, Cottingham, and Olson. Nay: None. Motion carried.

Malo presented a quote from C&H Glass in the amount of \$29,756.00 to remove eleven existing windows and install eleven new windows on the first floor of the courthouse. He stated the current windows leak water and dirt.

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

Chairperson Olson opened the public hearing for a temporary road closure at 9:02 a.m.

Ourada presented the resolution below for potential road closure at two locations. He explained that landowners will have access to their property at all times and large mining equipment will not be present on the road. Discussion followed.

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 road that interferes 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 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

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 7th day of July, 2026, 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 road interferes 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 road 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 road be temporarily closed until such time as Falkirk's surface coal mining operations which affect the use of said section line road by the general public are completed:
 - 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
2. That Falkirk provide farmers access to their lands for farming purposes during the time that said section line road is temporarily closed.
3. That within a reasonable period of time after completion of surface coal mining operations Falkirk shall restore said section line road 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 road is completed, at which time Falkirk shall tender said section line road 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 road and may request Falkirk to show cause why said section line road 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 7th day of July, 2026.

Attest:

McLean County Commission

Beth Knutson, County Auditor

By: _____

By: _____

By: _____

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

Chairperson Olson next opened the public hearing for permission to operate within 100' of right-of-way at 9:12 a.m.

Ourada presented the resolution below. Discussion followed.

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. 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

Whereas, a public hearing was held upon the Petition of Falkirk before the Commission on the 7th day of July, 2026, at 9:05 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. 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

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 7th day of July, 2026.

Attest:

McLean County Commission

Beth Knutson, County Auditor

By: _____

By: _____

By: _____

Moved by Lee, seconded by Cottingham, to approve the resolution as presented. Discussion followed. 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: Cottingham, Lee, 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.

Knutson presented the Pledge of Securities received from TruCommunity Bank for the period ending June 30, 2026. The total public deposits were \$23,522,552.74 and the total pledged securities were \$25,938,307.00 with an overage of \$2,415,754.26.

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

Moved by Cottingham, seconded by Lee, to appoint Rena Rustad to the McLean-Mercer Regional Library Board effective July 1, 2026. Roll Call Vote: Aye: Cottingham, Lee, and Olson. Nay: None. Motion carried.

Knutson presented the Police Contracts for the City of Washburn and the City of Garrison for signing.

Knutson presented the Joint Powers Agreement with Ward County for housing inmates for 2027. Discussion followed.

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

Received and ordered filed the fee collection report from the Recorder's Department for the month of June in the amount of \$11,754.70.

Received and ordered filed the fee collection report from the Sheriff's Department for the month of June in the amount of \$1,342.38.

Knutson presented a listing of delinquent taxpayers owing real estate taxes over \$4,000.00. Discussion followed. This listing is available in the McLean County Auditor's Office.

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

Chairperson Olson recessed the meeting at 9:30 a.m.

Chairperson Olson reconvened the meeting at 9:36 a.m.

Chairperson Olson presented retiring McLean County Equipment Operator III Carey Mautz with a distinguished service recognition certificate for fifteen years of service with the McLean County Highway Department.

There being no further business, the Chairperson declared the meeting adjourned at 9:44 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