

**McLean County Commission Proceedings**  
**Tuesday, September 16, 2025**

The second regular September 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 Curt Olson. Also present were Auditor Beth A. Knutson; Deputy Auditor Lynda Snyder; Road Superintendent James Grey; Clerk of Court Gwyn Bosch; Chief Deputy Auditor Lori Foss; NDSU Extension Agent Kamile Moderegger; Falkirk Mining Company (Falkirk) Representatives Brad Erickson and Adam Ourada; John Fransen; Amanda and Wade Haseleu; Tania Eichhorst; Wold Engineering Representatives Michael Rivinius and Jon Martin; Paul Anderson; Don Paulsen; Steven Heger; James Coutts; and Duane Beck.

Foss presented an updated NDSU Extension Administrative Assistant job description. Discussion followed.

Moved by Olson, seconded by Cottingham, to approve the job description as presented and advertise the position with a target start date of November 3, 2025. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Knutson presented the 2025 and 2026 Police Contracts for Riverdale and the 2025 Police Contracts for Wilton, Washburn, and Turtle Lake.

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

Grey presented an update on the department stating that mowing, graveling, and blading continues although rain has caused some delays.

Grey stated the train bridge east of Max recently burned. He also stated that permanent barricades have been installed and an investigation is being completed by the Fire Marshall and the McLean County Sheriff's Department. Knutson stated that it does not appear that insurance funds will be received to cover replacing the bridge but this bridge was included in the Flex Funds applied for with the North Dakota Department of Transportation (NDDOT). Discussion followed.

Grey reported that he had contacted the NDDOT regarding County Road (CR) 24 being turned into a state-maintained roadway. He was informed that the County Board of Commissioners must send a letter with their request and the reasons supporting the change. The engineers at the state will review the request. He also stated it will be a long process but he will put together a list of items to consider going forward and return to a later meeting with those items. Discussion followed.

Grey presented a boring permit request from Phil Sand of Bismarck, ND, to install a 1.25" water line.

Moved by Cottingham, seconded by Olson, to approve the boring permit to install a 1.25" water line for Phil Sand. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Grey presented requests to install overhead transmission lines from Eric Popinga at Central Power Electric Cooperative to provide power to Sheridan County in Section 21, Township 149 North, Range 79 West; Section 22, Township 149 North, Range 79 West; Section 27, Township 149 North, Range 79 West; Section 36, Township 149 North, Range 79 West; Section 32, Township 149 North, Range 78 West; Section 33, Township 149 North, Range 78 West; and Section 33, Township 149 North, Range 78 West. Discussion followed.

Moved by Cottingham, seconded by Olson, to approve all seven of the line crossing permit requests for Central Power Electric Cooperative. Discussion followed. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Assistant Director of Tax Equalization Elizabeth Patterson joined the meeting presenting four applications from the Planning and Zoning Commission meeting held on September 15, 2025.

Moved by Olson, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the application by Hasco, LLC, whose post office address is Ruso, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 1, Heidrich's 2<sup>nd</sup> Addition, Horseshoe Valley Township. The above-named applicant seeks a variance to allow the construction of a structure closer than 15 feet from the side lot lines, as proclaimed in Subsection 6 of Section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Olson, to concur with the Planning and Zoning Commission and approve the application submitted by Dallas and Vicki Benzmilller, requesting approval of a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 85, Snake Creek Cottage Site, Malcolm Township, to allow the construction of a structure closer than 15 feet from the side lot line and 30 feet from the rear lot line, as proclaimed in Subsection 6 of Section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Moved by Cottingham, seconded by Olson, to concur with the Planning and Zoning Commission and approve the application submitted by Fisher Sand & Gravel Co., Dickinson, North Dakota, on behalf of landowners Sharon and Harold J. Neurohr, requesting approval of a Conditional Use Permit involving the SW1/4 of Section 16, Horseshoe Valley Township. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Moved by Olson, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the application submitted by Don L. Miller of Selah, Washington for a subdivision plat involving land located in the S½SE¼SE¼ of Section 30, Township 148 North, Range 84 West. The above-named applicant seeks approval of a subdivision plat to develop a 10-lot rural residential subdivision to be known as Lots 1 through 10 of Miller's First Subdivision. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Patterson reported that there are currently 78 unsold lots in previously approved subdivisions. Discussion followed.

Chairperson Lee recessed the meeting at 9:02 a.m.

Chairperson Lee reconvened the meeting at 9:03 a.m. for the McLean County Budget Hearing

Knutson presented the budget for January 1 to December 31, 2026. Discussion followed. Commissioner Cottingham requested time to look over the budget.

Chairperson Lee recessed the budget hearing until October 7, 2025, at 9:00 a.m.

State's Attorney Ladd Erickson joined the meeting via telephone.

Chairperson Lee reconvened the public hearing on the below petition filed with the McLean County Board of Commissioners:

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 located between the E½ of Section 8 and the W½ of Section 9, Township 146 North, Range 82 WestThe section line road between the SE¼ of Section 5 and the SW¼ of Section 4, Township 146 North, Range 82 West
  - b. Petitioner asserts that the closing of the above-described section line roads will not deprive adjacent landowners access to their property.
3. After the completion of mining 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 16th day of September, 2025

THE FALKIRK MINING COMPANY

By: \_\_\_\_\_  
Jay H. Kost, its President

Commissioner Cottingham recused himself from voting and discussion as he is an employee of Falkirk and is involved with the project for which the road closure is being requested.

Erickson presented his recommendations and concerns with the proposed closure and median expansion. Discussion followed.

Ourada stated that Old Highway 83 will be maintained to county standards as necessary for farm traffic and all other traffic. Discussion followed.

Moved by Olson, seconded by Lee, to approve temporary closure of 28<sup>th</sup> Avenue NW contingent upon the relocated route being completed, median widened, Old Highway 83 being made passable as a minimum maintenance plus roadway and once mining is complete the road will be returned to its original placement and the land will be reclaimed in the area of the alternate route. In addition, the county will do a traffic study once in place in order to request speed limit reductions from NDDOT and Falkirk must consult with the McLean County Highway Department on the construction and maintenance of roads. Discussion followed. Roll Call Vote: Aye: Olson, and Lee. Nay: None. Abstained: Cottingham. Motion carried.

Chairperson Lee adjourned the public hearing at 10:33 a.m.

Chairperson Lee reconvened the McLean County Board of Commissioners meeting at 10:36 a.m.

Knutson stated that because the White Shield Ambulance District is not Tribally owned, as previously thought, an organizational meeting must be held as they do not fall under any of the other exemptions. Discussion followed.

Moved by Olson, seconded by Cottingham, to authorize the Auditor's Office to set up an organizational meeting for the White Shield Ambulance District. Discussion followed. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Knutson presented a Memorandum of Understanding (MOU) between McLean County and the Secretary of State for all election equipment used by McLean County but owned by the state.

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

Building and Maintenance Supervisor Curt Malo joined the meeting to present two bids from C & H Glass for six new windows on the second floor of the courthouse building on the north side. The first bid was in the amount of \$17,786.00 to replace six windows with fixed windows. The second bid was in the amount of \$22,478.00 to replace six windows with non-fixed windows. Discussion followed.

Moved by Olson, seconded by Cottingham, to approve the bid in the amount of \$17,786.00 to replace six windows with fixed windows. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Disaster Emergency Services Director Noelle Kroll joined the meeting and presented that Douglas Township would like to apply for a Flexible Transportation Fund Program and needs a letter of support from McLean County stating that they are aware of the intended use of the funds. The funds would be used for culvert and grade raising along Douglas Creek due to water going over the road during heavy rain events and spring melt. The first project has an estimated cost of \$21,300, the

township will commit \$1,000.00 and is asking for \$20,130.00 in flex funding. The second project has an estimated cost of \$32,520.00, the township will commit \$1,000.00 and is asking for \$31,520.00 in flex funding. Discussion followed.

Moved by Cottingham, seconded by Olson, to approve Kroll drafting a letter to the State of North Dakota Department of Transportation supporting the intended use of Flex Funds by Douglas Township. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

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

VOUCHER/ CHECK	REMIT NAME	DESCRIPTION	AMOUNT
<b>UNPAID VOUCHERS</b>			
1340	CENTRAL DAKOTA FRONTIER COOP	HERBICIDE, DEFOAMER, ETC.	3,818.75
1340	CHASE DRUG STORE	INMATE MEDS	207.14
1340	CITY OF WASHBURN	WATER	71.11
1340	DACOTAH PAPER COMPANY	TP	95.78
1340	DIFFELY'S REPAIR, LLC	OIL CHANGES, TIRE SWAP AND DISPOSAL	716.80
1340	GARRISON FARMERS UNION OIL CO	LABOR- REPAIRS, OIL CHANGES, RAIN X	21,041.00
1340	GERARD GOVEN	AUGUST WATER BOARD AND MILEAGE	1,305.22
1340	GUARDIAN LOCK AND SECURITY	SERVICE - CLEAN INSTITUTIONAL LOCK	370.00
1340	HIWAY 83 EXPRESS	GAS-MOTOR POOL	31.83
1340	INFORMATION TECHNOLOGY DEPT	FIRST DISTRICT HEALTH WAN	58.80
1340	INFORMATION TECHNOLOGY DEPT	WAN	470.40
1340	INFORMATION TECHNOLOGY DEPT	ADOBE ACROBAT-AUD	33.00
1340	INFORMATION TECHNOLOGY DEPT	VESTA & SIRS	2,649.20
1340	INFORMATION TECHNOLOGY DEPT	DES WAN	58.80
1340	INFORMATION TECHNOLOGY DEPT	AZURE AD	7.85
1340	INFORMATION TECHNOLOGY DEPT	INTUNE	6.60
1340	INFORMATION TECHNOLOGY DEPT	INTUNE	6.60
1340	INFORMATION TECHNOLOGY DEPT	OFFICE 365 BASIC	506.35
1340	INFORMATION TECHNOLOGY DEPT	WAN, OFFICE 365, ADOBE, NETMOTION	1,687.10
1340	KENS BODY SHOP	IMPOUNDS	3,150.00
1340	LANGUAGE LINK	PHONE INCREMENTAL BILLING	70.18
1340	LIGNITE TIRE	TIRES	1,288.00
1340	LYNN OBERG	AUG WATER BOARD MEETINGS AND MILEAGE	1,728.15
1340	MAIN STREET MARKET	AUGUST GROCERIES	3,781.01
1340	MARKS PLUMBING PARTSCOMMERC	3/4" COUPLING, VACUUM BREAKER ASSEMBLY	241.18
1340	MCLEAN COUNTY AUDITOR	AUGUST POSTAGE	3.77
1340	MCLEAN COUNTY IMPLEMENT LLC	PEAK 30 ALL IN ONE, ANTIFREEZE, BOTTLE JACK	303.86
1340	MDU	GAS-COURTHOUSE	77.55
1340	MIDCONTINENT CABLE CO	CABLE TV	152.27
1340	MORROW LAW FIRM	J.H. 28-08-R-3	8,279.42
1340	NORTHERN PLAINS EQUIPMENT CO	GRASSHOPPER PURCHASE AND BLADES	16,329.00
1340	PRESORT PLUS, LLC	PICKUP FEE/COURIER SERVICE	52.50
1340	PRESORT PLUS, LLC	BUDGET HEARING NOTICES	5,892.51
1340	QUADIENT FINANCE USA INC	POSTAGE MACHINE REFILL	2,000.00
1340	QUADIENT LEASING	LEASE PAYMENT 9-30-25 TO 12-29-25	614.04
1340	S AND J HARDWARE	TAPE STRIPS, BUG SPRAY, GFCI OUTLET, ETC	133.34
1340	SHANNON JEFFERS	AUG WATER BOARD MEETINGS AND MILEAGE	1,133.65
1340	THE SIDWELL COMPANY	WEB HOSTING ANNUAL FEE 11/1/25-10/31/26	5,624.68
1340	ULTEIG ENGINEERS INC	KATZ DAM FINAL INSPECTION	4,075.00
1340	UNICOM	LIGHT BAR REPAIRS	260.70
1340	WATER PURITY INC	WATER	104.00
1340	WEX HEALTH	MONTHLY ADMIN FEE	110.00
1340	WILTON FARMERS UNION OIL CO	OIL CHANGES, WIPERS, MOUNT AND BALANCE	736.36
<b>HIGHWAY DEPARTMENT</b>			
1341	BUTLER MACHINERY COMPANY	PARTS AND CUTTING EDGES	4,445.19
1341	CHS INC	OIL FOR CRACK SEALING	29,953.50
1341	DEERE CREDIT, INC.	LEASE PMNT ON TRACTORS FOR MOWING	2,812.52
1341	GARRISON CITY	WASTE/SEWER/GARBAGE	53.20
1341	HIGHWAY 83 LAWN LEISURE INC	FVP PREDILUTED ANTIFREEZE/COOLANT	41.28
1341	JOHN DEERE FINANCIAL	PARTS AND OIL	23,616.62
1341	MCLEAN COUNTY IMPLEMENT LLC	PARTS	562.22
1341	MCLEAN COUNTY IMPLEMENT LLC	FUEL/OIL/GREASE, CUTTING EDGES	212.26
1341	ND ASSOCIATION OF COUNTIES	RETURN TO DUTY DRUG TEST	63.00
1341	NORTHERN PLAINS EQUIP CO-MANDAN	REPAIRS	3,281.15
1341	NW TIRE	TIRES	1,884.59
1341	WILTON FARMERS UNION OIL CO	DEF	1,301.46
<b>DIRECT DEPOSIT</b>			
1342	ANNA SIX	REIMB FOR CHICKEN, PREP WIPES AND LOTION	39.25
1342	ARLAN SWANSON	TRAVEL AND MEALS FOR TRAINING	639.60
1342	HEIDI ANDERSON	MILEAGE REIMB	98.70
1342	KAMILE MODEREGGER	MILEAGE AND MEAL REIMB	45.03
1342	LORI A FOSS	SEPT TRAVEL, REIMB FACEBOOK JOB AD BOOST	73.36
1342	NOELLE KROLL	MILEAGE REIMB	130.20
<b>PAYROLL</b>			
1327	NDPERS HEALTH & LIFE INS	AUGUST 2025 PAYROLL	238,486.04
1328	NDPERS/DEFERRED COMPENSATION	AUGUST 2025 PAYROLL	7,857.50
1329	NDPERS RETIREMENT	AUGUST 2025 PAYROLL	96,055.54

1332	NDPERS HEALTH & LIFE INS	JULY-AUG ADJUSTMENT	2,759.88
<b>ON DEMAND/MANUAL CHECKS</b>			
401616	MIDWEST CANINE ALTERNATIVE	CANINE RECERTIFICATION	1,250.00
1335	WEX BANK	FLEET CARD GASOLINE	15,455.34
401617	DACOTAH PAPER	FACIAL TISSUE	33.84
401618	ELECTRONIC COMMUNICATIONS	REMOVE FAULTY UPS, DXSUS SOFTWARE	1,650.00
401621	WASTE MANAGEMENT	PARK 6YD DUMPSTER SERVICE	150.84
401622	NATHAN STRECKER	REISSUE LOST CHECK	16,127.50
1337	ASHLEY DEHAVEN	NURSING HOURS - AUGUST	2,520.00
401623	MCLEAN COUNTY AUDITOR	DISB 2025 COUNTY EQUALIZATION TO SCHOOLS	599.00

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

There being no further business, the Chairperson declared the meeting adjourned at 10:51 a.m. 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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Lynda Snyder, Deputy Auditor