

## McLean County Commission Proceedings

Tuesday, October 21, 2025

The second regular 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 Curt Olson. Also present were Auditor Beth A. Knutson; Deputy Auditor Lynda Snyder; Kyle Dworshak; Derick Johnson; Gus and Sharon Rud; Mike Green; Edna Green; Joe Retterath; Rainbow Energy Director of Projects Jon Price; and McLean County Water Resource Board Member Lynn Oberg.

Moved by Olson, seconded by Cottingham, to approve the minutes of the meeting held on October 7, 2025, as submitted. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Knutson presented a letter and bill from Dana Peterson for gravel placed in low spots on County Road (CR) 2. She also stated that Highway Superintendent Jim Grey informed her that Peterson did not ask permission to have the gravel delivered and he recommends that the county does not pay the bill. Discussion followed.

Moved by Cottingham, seconded by Olson, to deny payment of the bill submitted by Dana Peterson for gravel. Roll Call Vote: Aye: Cottingham, Olson and Lee. Nay: None. Motion carried.

Knutson presented a permit from Falkirk Mining Company to install a 100-foot finished width mining haul road and a 200-foot finished width dragline at-grade crossing with concrete foundation piers for traffic control gates and electrical bore under CR 17. Discussion followed.

Moved by Olson, seconded by Cottingham, to approve the permit to install a mining haul road and dragline at-grade crossing. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Knutson presented a permit from West River Telecommunications Cooperative (WRT) to install fiber cable telecommunications facilities to provide diversity to Rainbow Energy facilities by boring multiple roads and plowing in county right-of-way in two locations. Discussion followed.

Moved by Cottingham, seconded by Olson, to approve the permit for WRT to install fiber cable telecommunications facilities for Rainbow Energy facilities contingent upon Road Superintendent Jim Grey's review and approval. Discussion followed. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Commissioners discussed calls from McLean County residents regarding the bridge that burned down in Max and the obstructed view at the intersection of CR 15. Discussion followed.

Knutson reported that we previously received property in Max on a tax deed due to delinquent taxes in 1995 and a resident of McLean County has asked to purchase the property. She went on to state that once the county has held the property for sixty days, the county is able to sell the property without adding it to the annual delinquent tax sale. Discussion followed.

Moved by Olson, seconded by Cottingham, to approve the sale price of \$500 for property in Max as presented. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Knutson reported that Assistant Jail Administrator Casey Howe applied for the Back the Blue Grant in September and the funds were received in the amount of \$5,287.60 to put towards hiring and retention bonuses, training, and continuing education. Discussion followed.

Moved by Olson, seconded by Cottingham, to approve accepting funds received from the Back the Blue Grant. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

Knutson presented a 25-year lease with the Army Corps of Engineers for the West Totten Trail Recreational Area. She stated that the terms have not changed and would be for a term from September 1, 2025 through September 31, 2050. Discussion followed.

Moved by Olson, seconded by Cottingham, to approve the 25-year lease with the Army Corps of Engineers as presented. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Knutson further stated that a \$900 fee for administrative expenses associated with the 25-year lease is due upon acceptance of the lease. Discussion followed.

Moved by Cottingham, seconded by Olson, to approve payment to the Army Corps of Engineers for administrative expenses. Roll Call Vote: Aye: Olson, Cottingham, and Lee. Nay: None. Motion carried.

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

States Attorney Ladd Erickson joined the meeting.

Moved by Olson, seconded by Cottingham, to concur with the Planning and Zoning Commission and approve the request submitted by Otto W. Kinn of Garrison, North Dakota requesting approval of a Conditional Use Permit to construct a non-farm structure on agricultural land described as the NW¼NW¼NW¼ of Section 27, Township 150 North, Range 82 West. 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 request submitted by Rainbow Energy Center requesting a zoning change on land described as N½N½SE¼ and N½N½S½N½SE¼ of Section 18, Township 145 North, Range 82 West (50.35 acres). Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Patterson presented a request for a zoning change submitted by Rud Propane, LLP, d/b/a Rud Oil & Gas, whose post office address is Center, North Dakota, involving land described as Lots 1-8 Block 10, Village of Falkirk, Township 145 North, Range 82 West, to install a 30,000-gallon propane storage facility.

Dworshak and Oberg presented their opposition to the storage facility being placed in a residential area. Discussion followed.

Moved by Cottingham, seconded by Olson, to deny the request for a zoning change submitted by Rud Propane, LLP, d/b/a Rud Oil & Gas, involving land described as Lots 1-8 Block 10, Village of Falkirk, Township 145 North, Range 82 West, to install a 30,000-gallon propane storage facility. Discussion followed. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Price presented a copy of the Bank of North Dakota (BND) loan application that he and Erickson are proposing for submittal. Discussion followed.

Erickson stated that the application is for \$10.2 million at an interest rate of 2% for a 20-year loan term. The funds will be used to build up and pave the road leading to the Rainbow Energy Data Center. Discussion followed.

Moved by Cottingham, seconded by Olson, to authorize submitting the loan application to BND. Discussion followed. Roll Call Vote: Aye: Cottingham, Olson, and Lee. Nay: None. Motion carried.

Chairperson Lee recessed the regular McLean County Commission meeting at 9:15 for the hearing on minimum sale prices for delinquent properties.

Knutson presented the minimum sale prices for delinquent properties that were taken by McLean County for non-payment of 2022 taxes and will be sold at public auction on the November 18, 2025. She stated the applicable cities have not contested the prices prior to the hearing and were not present at the hearing.

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

Chairperson Lee adjourned the hearing on minimum sale prices and reconvened the regular McLean County Commission Meeting at 9:16 a.m.

Price rejoined meeting to discuss the BND loan application, the special assessment district that may be created, and the funds used for repayment of the loan. Discussion followed.

Price stated he will complete application and pass on to the Auditor for final approval.

There being no further business, the Chairperson declared the meeting adjourned at 9:38 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