

CLAY COUNTY BOARD OF COMMISSIONERS

5:00 p.m., TUESDAY, DECEMBER 13, 2022

Rooms A/B, 3rd Floor, Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Jenna Kahly, Frank Gross, Jenny Mongeau, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, HR Director Darren Brooke (via Microsoft Teams), and Communications Coordinator Jacqueline Finck.

CALL TO ORDER

Chair Mongeau called the meeting to order at 5:00 p.m.

APPROVAL OF AGENDA

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda.

DONATION FROM THE HITTERDAL AREA LIONS TO THE CLAY COUNTY SHERIFF'S OFFICE K-9 PROGRAM

By consent, the Board approved the donation in the amount of \$200 from the Hitterdal Area Lions to the Sheriff's Office K-9 Program.

DONATION FROM WESTERN STEAM THRESHERS REUNION

By consent, the Board approved the donations from the Western Steam Threshers Reunion in the amount of \$1,000 to the Clay County Sheriff's Posse and \$750 to the Clay County Jail Work Detail.

CITIZENS TO BE HEARD

There were no citizens to be heard.

County Administrator Steve Larson stated there has been correspondence with Holcim - MWR, Inc. (formerly known as Aggregate Industries) regarding a citizen's comments and concerns at the Public Hearing – Consider Adoption of Zoning Maps & Amendments Through the Passage of Ordinance 2022-5 to the Clay County Development Code and Zoning Map held on November 29, 2022.

Sheree Eilertson, Environmental & Land Manager for Holcim – MWR, Inc. stated that Holcim – MWR, Inc. wanted to provide the memo and information to the Board for review.

Commissioner Mongeau stated she attended a meeting with Holcim – MWR, Inc. staff members and Matthew Jacobson, Planning & Zoning Director, to discuss the questions and concerns following-up the citizen's concerns. Holcim MWR – Inc. also met with the concerned citizens giving them the opportunity to see the facility and the drainage system to help clarify any questions or concerns.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to receipt and file the information provided by Holcim MWR, Inc.

EMPLOYEE RECOGNITIONS

The Board recognized the following employees: Randy Carlson, 30 years, Highway Department; and Lori J. Johnson, 35 years, Auditor – Treasurer.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$2,018,723 from 275 vendors. There were 187 warrants issued under \$2,000 (\$78,744) and the following 88 were over \$2,000:

Gast Construction Co., Inc.	\$319,640	Knowink	\$9,000
Internal Revenue Serv	\$204,814	Clay County Attorney	\$8,892
MN PERA	\$137,341	City Of Barnesville	\$8,684
Klein Mccarthy & Co Ltd	\$ 95,710	H & R Construction Inc.	\$7,882
Lake Agassiz Regional Library	\$ 77,441	Nitzkowski, Inc.	\$7,516
Foltz Buildings Inc.	\$ 68,919	Sanford Health	\$7,507
West Central Regional Juvenile Center	\$ 66,693	Far-Moor Acoustics & Floors, LLC	\$7,381
J-Tech Mechanical, LLC	\$ 65,105	JT Lawn Service	\$7,176
Clay Co Public Health	\$ 63,427	Stantec Consulting Services, Inc.	\$6,437
McArthur Tile Co.	\$ 62,395	Fitzgerald Construction Inc.	\$6,427
Accel Mechanical, LLC	\$ 58,406	Sabin C Store	\$5,865
Moorhead Public Service	\$ 48,549	Town & Country Oil Inc.	\$5,846
ESRI, Inc.	\$ 38,500	NDSCS-Division for Workforce Affairs	\$5,545
Trinity Services Group, Inc.	\$ 26,699	Forum Communications Printing	\$5,519
Fidlar Technologies	\$ 26,184	Houston Engineering Inc	\$5,507
Mn Dept Of Revenue	\$ 25,708	City of Ulen	\$5,475
VEBA Select Account	\$ 25,496	Powerplan	\$5,458
Prairie Lakes Municipal Solid Waste Auth	\$ 24,124	Psychlogics	\$5,160
MN Counties Computer Coop	\$ 23,328	Farmers Coop Oil Co	\$5,015
Lakeland Mental Health Ctr, Inc	\$ 19,114	City Of Moorhead	\$4,978
Independent School Dist 152	\$ 18,736	City Of Fargo	\$4,851
Otter Tail Public Health	\$ 18,628	Uline	\$4,839
AIMM, LLC	\$ 17,388	LELS	\$4,443
City of Glyndon	\$ 16,974	Fuchs Sanitation Inc	\$4,325
Becker County Public Health	\$ 16,760	Stellar Services, LLC	\$4,243
Parsons Electric	\$ 16,712	The Retrofit Companies Inc.	\$4,145
C & S Lund Trucking	\$ 16,450	American Solutions For Business	\$4,080
R & R Petroleum Equipment Sales Inc.	\$ 13,510	Stein's Inc	\$3,755
Pemberton Law, P.L.L.P.	\$ 12,769	Marco Technologies LLC	\$3,681
Advanced Correctional Healthcare, Inc.	\$ 12,044	Delta Design & Construction Inc.	\$3,583
Petro Serve Usa-Hwy	\$ 11,971	Network Center Inc	\$3,500
City Of Dilworth	\$ 11,968	Vanguard Appraisals, Inc.	\$3,500
City Of Hawley	\$ 11,293	Interstate Power Systems, Inc.	\$3,409
NACO	\$ 11,119	Barnesville C-Store	\$3,367
Toshiba America Bus Solutions-T0BZ2GJ	\$ 10,296	Pro West & Associates Inc	\$3,335
City of Felton	\$ 9,697	Sanford Pharmacy Broadway	\$3,304

Nd State Tax Commissioner	\$3,304	Madison National Life	\$2,490
Hands Down Flooring and Tile	\$3,042	Dean's Bulk Service	\$2,485
Summit Fire Protection	\$2,979	John Henry Foster MN, Inc.	\$2,480
Enterprise FM Trust	\$2,942	WEX Bank	\$2,435
Colonial Life	\$2,935	Wilkin Co Public Health	\$2,424
Amazon Capital Services	\$2,899	Nancy Hein-Kolo, PsyD, LP	\$2,250
Rob Bentz Lock & Key, LLC	\$2,844	Thomson Reuters - West 549780	\$2,053
Acme Tools Inc.	\$2,820	City of Sabin	\$2,027

APPROVAL OF MINUTES FROM NOVEMBER 22, 2022 AND NOVEMBER 29, 2022

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved the minutes from November 22, 2022 pending additional information to be added in the discussion section with Representative Heather Keeler on the limitations of days that are allowed for Commissioners to miss Board of Commission meetings. The additional information to be added will discuss the limitations of days with regards to COVID allowances.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from November 29, 2022.

REQUEST FOR APPROVAL TO ADVERTISE FOR SAP 14-601-009

County Engineer Justin Sorum requested the approval to advertise for the removal of the North Broadway bridge on CSAH 1. This is the cooperative project we are working with the City of Fargo and MNDOT on. The proposed letting date will be January 24th, 2023.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved to advertise for SAP 14-601-009.

INFORMATION ON THE AMENDMENT TO THE COOPERATIVE CONSTRUCTION AGREEMENT WITH MNDOT AND CITY OF BARNESVILLE

Mr. Sorum stated that on September 6th, 2022, the Clay County Board of Commissioners adopted Resolution 2022-26 and MnDOT contract #1051249 for a project in the City of Barnesville. MnDOT was notified an ability to receive an additional \$115,736.00 in federal funds, reducing the city contribution to the project. Clay County is the fiscal agent to receive and disperse the Federal Aid Funds for this project.

REQUEST TO ACCEPT THE MINNESOTA DEPARTMENT OF HUMAN SERVICES COUNTY GRANT

Director - Juvenile James O'Donnell requested approval to accept the Minnesota Department of Human Services County Grant. The grant will pay for two full-time staff positions. These positions were added to the 2023 budget, while decreasing the variable hour budgeted hours, due to the increase in challenging cases at the WCRJC. These positions will also give these cases more consistent staffing. The grant will help with the placement crisis happening across the state for our youth with aggressive and mental health issues.

Commissioner Campbell stated how in the past there has been discussion regarding the placement needs and how some are best suited for a different type of facility. Commissioner Campbell asked if the grant would alter the ability for placement. Mr. O'Donnell stated that the grant would solidify our ability for the non-secure unit placement needs.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to accept the Minnesota Department of Human Services County Grant.

REQUEST TO APPROVE THE RESOURCE RECOVERY CENTER AMENED AGREEMENT

Solid Waste Director Corey Bang and Facilities Director Joe Olson presented and discussed the Resource Recovery Center Amended Agreement with the City of Moorhead for the operations of the Resource Recovery Center. Initially the building was supposed to have two meters, one on each side of the building, so each agency would be billed accordingly. Only one meter was installed so the amendment states that Clay County will pay for 43% of the utility bill and the City of Moorhead would pay for 57%. The amendment will also include Clay County's responsibility for the lawn and snow removal for the doors and sidewalks that are used by Clay County.

Commissioner Campbell asked for clarification if this is an entirely new document or if there are certain areas that are amended. Mr. Olson and Mr. Bang stated this is the original agreement and then referred to the sections that were amended in the agreement.

Commissioner Gross asked if the county would need any additional equipment for the lawn and snow removal. Mr. Olson stated there is discussion for the possibility of purchasing a skid-steer if funds allow. Mr. Bang added that the snow removal is minimal and can be done throughout the day by the tenants onsite with shovels.

Mr. Olson clarified that the utilities will be billed to Clay County and Clay County will then bill the City of Moorhead 57%.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the Resource Recovery Center Amended Agreement.

REQUEST TO APPOINT THE GREATER FARGO/MOORHEAD ECONOMIC DEVELOPMENT CORPORATION (GFMEDC) BOARD OF DIRECTORS – PRESIDENT AT-LARGE DESIGNEE

Mr. Larson requested to appoint the GFMEDC Board of Directors – President At-Large Designee. On November 22nd, 2022, the Clay County Board of Commissioners appointed Commissioner Ebinger as the Clay County GFMEDC Board Designee. Joe Raso, Executive Director, GFMEDC has extended the opportunity for Clay County to continue to have a second representative on the EDC Board of Directors through the President, at-large designee process.

Commissioner Kahly recommended that whoever gets appointed as the GFMEDC Board of Directors isn't on the same committee as the Clay County Substance Abuse Committee because of scheduling conflicts. There was continued discussion on the scheduling conflict and Commissioner Ebinger stated that because he too is on the Clay County Substance Abuse Committee, Commissioner Kahly would often cover for him while he attends the GFMEDC meeting.

Commissioner Campbell stated Commissioner-elect Krabbenhoft would serve well on the GFMEDC Board of Directors due to his background and that they figure out a different Commissioner to serve on the Clay County Substance Abuse Committee if needed.

Commissioner Ebinger stated that he would like to continue to be on the Clay County Substance Abuse Committee and moving forward potentially having the meetings be scheduled to a different time so there isn't a scheduling conflict.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the appointment of Commissioner-elect Krabbenhoft to the GFMEDC Board of Directors – President at-large designation.

INTERVIEWS FOR ONE APPOINTMENT TO THE BUFFALO-RED RIVER WATERSHED DISTRICT (BRRWD) BOARD

Commissioner Mongeau stated the Board will be interviewing two candidates for the BRRWD Board, William (Bill) Davis and Mark Anderson. The appointment would be from January 2023 through August 2024. Each candidate will be asked to respond to the same five questions.

Bill Davis introduced himself stating he lives in Dilworth and has lived in Clay County is whole life. He worked for Coca-Cola and has also retired here. Mr. Davis served on the Planning Commission Board for 9 years and is interested in the BRRWD board. He owns land in Riverton Township where his land is affected by drainage ditches and has seen the great work that the BRRWD does and would like the opportunity to serve on the Board. In response to the questions, Mr. Davis stated he has seen how the drainage ditches affect the land directly and indirectly and can bring landowner perspective to the BRRWD. The lay of the land has changed and the water doesn't flow like it used to and would like the BRRWD Board to take that into consideration. When asked why he wants to be a BRRWD Manager, Mr. Davis responded that he has enjoyed his time on the Planning Commission Board and the knowledge he has gained has been eye-opening. He has had conversation with Bruce Albright before he retired and stated that the information was very interesting. His philosophy on managing drainage is to manage it on what would be the most beneficial. The water has to go to the North and West and unfortunately is has to go from the east side of the county to the west. The Board has to consider everyone, but the water has to drain properly in a way that benefits the most. Mr. Davis doesn't have any experience with the BRRWD Board directly but has had many discussions with Bruce Albright in the past. He saw his perspective regarding water and drainage and gained knowledge on why and how the BRRWD make their decisions. When asked how he would support completion of the FM Diversion project, Mr. Davis stated that it is something that needs to be completed. He has seen firsthand the affects from the flood in Grand Forks and to see something like that happen in Fargo/Moorhead would be a disaster.

Mark Anderson introduced himself stating he lives just out of Comstock and has been a life-long resident of Clay County. In response to the questions, Mr. Anderson stated his family has lived and farmed here for over 100 years. He was a Manager for the BRRWD for 6 years prior and feels he can hit the ground running. He has met most of the agencies and has knowledge from his previous experience. When asked why he wants to be on the BRRWD Board, he stated that some members on the BRRWD Board had contacted him about applying for the position. Mr. Anderson stated many farmers had contacted him about applying as well because they feel there should be at least one farmer representative on the BRRWD Board. When it comes to managing drainage, Mr. Anderson stated that it has to be a system-wide process. The drainage of water can't be discarded on a property without having a plan to get rid of it. With knowing many landowners in Clay County, Mr. Anderson feels he can help make the drainage in Clay County work if he was appointed to the BRRWD Board. The plan has to work for everybody otherwise it's not a good plan. Mr. Anderson stated that Bruce Albright was the BRRWD but now we have to move on. He has met with Kristine with the BRRWD and says there is a lot of potential and now we have to build and make it better. When asked how he would support completion of the FM Diversion project, he stated that Fargo and Moorhead are important, but he got into

some trouble because he asked a lot to the Diversion Authority. He doesn't have a problem with the diversion project but Fargo/Moorhead had thousands of people advocating for them and the people that were sacrificing didn't have many people advocating for them. Mr. Anderson wanted to be sure the Diversion Authority was doing it right and those who were losing their homes and land were getting compensated. It may have taken more time and costed more money but in the long run it's going to be a better project. With a project this big, it has to be done right. Mr. Anderson stated he did not vote regarding the FM Diversion because he was advised not to by the Board attorney.

Commissioner Mongeau discussed her experience serving with Mr. Anderson on the Governor's Task Force for mitigating the FM Diversion and had the privilege serving with Mr. Davis on the Planning Commission. She thanked them for showing interest in the BRRWD Board position.

Mr. Larson clarified the advertisement was for the interviews and the Board could make a decision to appoint at a later meeting date.

Commissioner Campbell thanked Mr. Davis for showing interest in watershed issues in Clay County. He stated both Mr. Davis and Mr. Anderson spoke of the importance of watershed management. Within the watershed, Clay County is the recipient of all the water. We need to be sure we advocate for Clay County since Clay County is close to 80% of the population base and close to 80% of the funding source for the projects that are completed by the BRRWD. Regarding the question on the FM Diversion project, it's now a matter of finishing up the project and how to best complete it. Commissioner Campbell thanked both candidates for showing interest in the position and stated he would like more time before making a decision.

Commissioner Mongeau referred to being the only Board of Commissioners that lives in the country and stated she advocates for our municipal areas but advocates for rural areas not only as a Clay County Commissioner but from her knowledge living in on a farm in rural Clay County. Having a variety of voices on the BRRWD Board is very important, including rural Clay County.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Kahly reported on meetings with Rhonda Porter and Creative Community Consultants; Children's Mental Health LAC; Clay County Collaborative; CAPLP Board & Shared Governance; Cass-Clay Food Commission; and AMC Annual Conference.
- Commissioner Gross reported on meetings for AMC Annual Conference; Highway Tracking; and attended Paul Krabbenhoft's retirement from the SWCD.
- Commissioner Campbell reported on meetings for Personnel Issues Committee; AMC Annual Conference; MCIT Annual meeting; SUCF Finance Construction Committee; Resource Recovery Center; and Highway Tracking.
- Commissioner Ebinger reported on meetings for Criminal Justice Advisory Board; and attended the Clay County Christmas Party.
- Commissioner Mongeau reported on meetings for Personnel Issues Committee; Pit 21 meeting with Aggregate and Matthew Jacobson; AMC Annual Conference; Metro COG Executive Committee; SUCF Finance Construction Committee; Resource Recovery Center.
- Mr. Larson attended meetings for Personnel Issues Committee; County Management; multiple conversation with Corey Bang & Darren Brooke regarding the Resource Recovery Center; meetings with Joe Olson & Corey Bang regarding Resource Recovery Center Ribbon Cutting; MACA; AMC Annual

Conference; Clay County Christmas Party; SUCF Finance Construction Committee; Resource Recovery Center; and STRIVE Committee.

Mr. Larson requested approval from the board to participate in the AMC FUTURES Task Force. Commissioner Mongeau stated that she appreciates Mr. Larson's willingness to participate and thinks it would be beneficial for Clay County.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Mr. Larson to participate in the AMC FUTURES Task Force and all expenses that it would entail.

Mr. Larson received information from Robert Wilson regarding the Red River Dispatch JPA. Once the JPA is fully executed, Clay County would have two delegates to appoint. Commissioners Campbell and Ebinger are currently on the Dispatch Committee and requests they get appointed to the delegate positions for the Red River Dispatch JPA.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved Commissioner Campbell and Commissioner Ebinger to continue their appointments to the Red River Dispatch JPA.

TRUTH IN TAXATION
Clay County Budget and Tax Levy Highlights for 2023 Operating Budget
Public Comment and Questions

County Administrator Mr. Larson stated that the budget process started back in May with the department heads presenting their proposed budgets to the Administrator and Auditor and then to the County Board. Following directives and adjustments, the Board signed Resolution 2022-28 on September 27, 2022, setting the preliminary levy. Truth in Taxation documents were available as handouts for the Board of Commissioners and citizens.

Mr. Larson covered the contents of the public information document with Clay County revenues, expenditures, budget, and market values. The proposed 2023 spread levy is \$40,539,278. The General Revenue fund consists of 61.46% of the budget; Social Services 27.31%; Road and Bridge 9.90%; Debt Retirement 1.22%; and Building Improvements 0.11%. The projected expenditures for 2023 are split into seven categories and total \$104,810,030. The majority of the costs are fixed costs with a large portion of them for employees. A 10-year levy history was provided with a low of 3.53% in 2014 and a high of 7.09% in 2020. New construction at 1.2% lowers the spread levy to 3.99%.

The examples for real estate tax projections are based on Moorhead homes assuming there was no change in market value. For a taxpayer in Moorhead with a \$250,000 home, the County tax would decrease by \$75.92 for 2023. The other taxes are for Schools (decrease of 5.94%), City/Township (increase of 2.83%), Economic Development Authority (increase of 21.32%), and Watershed (decrease of 8.74%). Overall, there is a decrease of 3.16% for residents of Moorhead in a \$250,000 home, with no change in market value. Commissioner Mongeau noted that the City of Moorhead is always used for these projections, but that is not necessarily the norm for the rest of the County.

A Summary of Estimated Market Values and Tax Capacity was provided for 2023 and 19 previous years. The estimated market value of Clay County for 2022 is \$8,030,385,250. Tillable land and residential land remain fairly consistent and consist of roughly 79.8% of our estimated market value within the county with the remaining 22% attributed to commercial property.

Mr. Larson commented that the number one goal of this Board has been responsible spending and making sure the County is establishing a fair and equitable levy. The State Auditor's office has Clay County ranked as 80 of 86 Counties for their taxes; 86 of 86 for charges for service; and 81 of 86 for total expenditures.

Jerry Zimmerman discussed the proposed tax sheet that he received for one of quarters of land he owns is up 48%. In the past this has been of the first 300 acres that gets taxed at the lower rate. Commissioner Mongeau asked if Nancy Gunderson, County Assessor could speak with Mr. Zimmerman regarding this. She also thanked him for coming and discussing his concerns and asked if he had any comments regarding the Budget, to which he said no.

Mike Cook lives in Highland Grove township and owns Highland Hideaway. Mr. Cook voiced his concerns regarding his increase in taxes. He stated when property value goes up the taxes go up. Mr. Cook asked how the property value can increase dramatically when he has made no improvements to the property since it opened five years ago. After three years of COVID and one year of forced shut down, how can you expect businesses to survive. He feels he will go out of business or be forced to sell because the taxes continually increase. Commissioner Mongeau asked the percentage increase he is being taxed. Mr. Cook stated that it's 13.6%. He stated two years ago the assessor was out and his increase was over 300% with the reason being that the building wasn't completely done when they were out previously. How can his property go up \$192,000 in value when he has made no improvements. Commissioner Mongeau stated that Ms. Gunderson will be able to help with these questions. Commissioner Campbell stated that his comments regarding Clay County raising property value to more tax is now how it works. The raising of taxes would mean that Clay County is spending more money. If other property owner's values also went up and the County didn't spend more money, the taxes wouldn't go up. Commissioner Mongeau asked if the property classification changed when there was a dramatic increase 3 years ago. Mr. Cook stated that there was a change from homestead to commercial. He also stated that his homestead exclusion dropped as well. Commissioner Mongeau stated that the homestead portion dropped due to a legislative approved amount. She mentioned that Ms. Gunderson can help him with his questions regarding the commercial valuation. Commissioner Campbell discussed how the increase could be due to the market condition. Commissioner Mongeau thanked Mr. Cook for being a business owner in Clay County and for coming to the Board to address his concerns.

Commissioner Mongeau stated that due to the weather conditions, Clay County Board of Commissioners gave the public opportunity to address the board via Microsoft Teams and asked Ms. Finck if there has been any correspondence from citizens. Ms. Finck stated that there had not been any.

Mr. Larson requested the Board's approval of the budget so a Resolution can be presented at the December 20, 2022 Board meeting. The Board approved of the budget.

Commissioner Mongeau thanked the staff and members of the public for coming to the Truth in Taxation meeting.

The meeting was adjourned at 7:01 p.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator