

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, MARCH 7, 2023
Meeting Room A / B – 3rd Floor – Courthouse
MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Frank Gross, Jenny Mongeau, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, and Communications Coordinator Jacqueline Finck.

Call to Order

Commissioner Gross called the meeting to order at 8:30 a.m.

Approval of Agenda

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

**Minnesota Lawful Gambling LG220 Application for Exempt Permit -
Barnesville Thursday Nite Lions**

By consent, the Board approved the Minnesota Lawful Gambling LG220
Application for Exempt Permit - Barnesville Thursday Nite.

Citizens to be Heard

County Administrator Stephen Larson stated that there are four testimonies, one that intends on speaking at the meeting and three that are written testimony.

Mr. Larson read the three written testimonies regarding the closing of the Youth Education Service (YES) program located in Moorhead at MSUM. The written testimonies were from Karen Anderson, Eric & Trisha Issendorf, and Sharon Walker.

Commissioner Mongeau asked if Clay County helped fund the YES program. Mr. Larson stated that Clay County does not. Commissioner Campbell is part of the Lakes Country Service Coop Board and provided background on the program and the situation. He stated that the letters of support have good and accurate information. There are still efforts being made to provide the needs of these students and that this Board doesn't make decisions for this program.

Commissioner Mongeau stated that with Commissioner Campbell being on vacation for the March 9th meeting, forwarding the testimonies to Jeremy Kovash would be helpful.

Commissioner Gross asked if the families and employees were aware of the program closing and wondered where their funding comes from. Commissioner Campbell stated the discussion about closing the program has been going on for some time, and the program is no longer sustainable. The Director was able to reach out to teachers and employees, prior to the meeting that will be held on March 9th. Funding comes from the school districts of which the students are from.

The fourth individual, Eric Issendorf, did not attend during Citizens to be Heard to present their

testimony.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved the payment of Bills & Vouchers totaling \$1,078,796 from 133 vendors. There were 80 warrants issued under \$2,000 (\$37,195) and the following 53 were over \$2,000.

R J Zavoral & Sons, Inc.	\$	112,244	Treas Of Barnesville Twsp	\$	18,123
Magic Fund	\$	86,153	Treas Of Moland Twsp	\$	17,829
Randall's Excavating, Inc.	\$	75,913	Treas of Flowing Twsp	\$	16,895
City Of Moorhead	\$	37,545	Treas Of Keene Twsp	\$	16,430
Treas Of Eglon Twsp	\$	32,854	Treas Of Holy Cross Twsp	\$	15,668
Treas Of Elkton Twsp	\$	27,881	Treas Of Glyndon Twsp	\$	15,549
Treas Of Hawley Twsp	\$	25,805	Treas Of Hagen Twsp	\$	15,280
Treas Of Morken Twsp	\$	25,374	JT Lawn Service	\$	12,527
Treas Of Parke Twsp	\$	25,216	Treas Of Moorhead Twsp	\$	11,835
Treas Of Cromwell Twsp	\$	25,210	Widseth Smith Nolting & Associates Inc.	\$	11,627
Treas Of Highland Grove Twsp.	\$	24,199	Ott's Quality Painting Inc.	\$	8,472
Treas Of Oakport Twsp	\$	24,089	Rick Electric Inc	\$	7,298
Treas Of Kurtz Twsp	\$	23,872	New Horizons MN	\$	6,620
Treas Of Kragnes Twsp	\$	22,900	MN Life	\$	6,047
Treas Of Viding Twsp	\$	22,586	R Travelmart	\$	5,142
Treas Of Georgetown Twsp	\$	21,981	Horsley Specialties Inc	\$	4,975
Treas Of Spring Prairie Twsp	\$	21,448	Diamond Drugs Inc.	\$	4,566
Treas Of Elmwood Twsp	\$	21,400	Dakota Plains Mechanical, Inc.	\$	4,286
Treas Of Tansem Twsp	\$	21,352	Bee Seen Gear	\$	3,763
Treas Of Humboldt Twsp	\$	20,554	Moorhead Public Service	\$	3,750
Treas Of Ulen Twsp	\$	20,385	Colonial Life	\$	3,308
Treas Of Felton Twsp	\$	19,870	Braun Intertec Corp	\$	3,268
Treas Of Riverton Twsp	\$	19,817	Dean's Bulk Service	\$	2,685
Treas Of Skree Twsp	\$	19,508	Rdo Truck Center Co.	\$	2,624
Treas Of Goose Prairie Twsp.	\$	19,384	Stellar Services, LLC	\$	2,549
Treas Of Alliance Twsp	\$	18,542	The Groundsman Inc.	\$	2,205
			Butler Machinery Co	\$	2,175

Approval of Minutes from February 21, 2023

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from February 21, 2023.

Annual Department Update - Planning & Zoning

Planning & Zoning Director Matthew Jacobson presented an annual update to the Board. Planning and Zoning covers Planning, Permitting, Staffing, Investigations/Enforcement, Floodplain Administration and Shoreland Program. Further discussion was presented on the Board of Adjustment and Planning Commission.

Commissioner Campbell stated the idea was to have Townships involved in the Planning Commission. Oakport Township and Moorhead Township no longer have the population or size as it used to. Moving forward, it's suggested to include a Township supervisor from the West and the East of the County, rather than designating that it must come from Oakport and Moorhead Township. Mr. Jacobson stated that's a great idea and worth looking into. Commissioner Gross asked if it's a requirement that those members be from Oakport and Moorhead Townships. Mr. Jacobson stated that it is currently in the bylaws that the members come from those two Townships. However, if that were to change, it would be a process of amending the bylaws. Commissioner Mongeau stated, as openings have come up, there has been deliberate assurance to geographically represent the County as a whole. Mr. Jacobson stated that he will bring this topic up at the next Planning Commission meeting.

Mr. Jacobson discussed statistics related to building permits, valuation, subdivisions, use trends, use permits by type, variances, zoning violations, gravel tax and a 2023 plan.

Commissioner Gross asked if there was still a limit of 39 acres for a gravel mine. Mr. Jacobson stated, that comes from the Minnesota Environmental Rules. For different types of projects, there are different mandatory thresholds for when an environmental assessment worksheet or environmental impact statement would be required by the state. For sand and gravel mining, the threshold is 40 acres to a mean depth of 10 feet or more.

Commissioner Gross asked who monitors the gravel tax. Mr. Jacobson stated that the gravel tax is self-reported. The companies will report their taxes to the Planning and Zoning office who will then work with the Auditors Office. Commissioner Mongeau discussed the report and how it shows that in 2022, 1 million less tons than in 2020. With large projects coming up on County roads due to increased travel of gravel trucks, there is a disconnect in the findings. Commissioner Ebinger stated that maybe having an audit would be the best route to consider. Commissioner Mongeau suggested discussing with the Townships in regards to if they're noticing an increase in truck traffic.

Mr. Jacobson extended thanks to the Planning Commission, MetroCOG, the Study Review Committee and the Board of Commissioners for authorizing and providing oversight for the 2045 Clay County Comprehensive Plan.

Commissioner Gross thanked Mr. Jacobson on his work and presentation. Mr. Jacobson further extended the thanks to his team as well.

Annual Department Update - Attorney's Office

County Attorney Brian Melton presented a department update and Chief Assistant County Attorney - Criminal Pam Foss, and Chief Assistant County Attorney - Civil Katie Stock presented on their divisions. Mr. Melton discussed the budget, clearance rates, staff, case totals, going paperless, office space, crime, grand jury, CHIPS, mental health, civil work, trial prep, subpoenas, disclosure, administrative subpoenas, and detainees/Government warrants.

Ms. Foss discussed criminal jury trials, appeals, convictions, grand jury, drug court, veteran's court, domestic violence court, and DWI court. Statistics were provided on property crimes, personal crimes, DWI crimes, drug crimes and drug crimes.

Ms. Stock discussed civil issues including CHIPS/permanency, probate, adoption, juvenile crime/traffic, forfeitures, guardianships, child support and commitments, with supporting statistics.

Commissioner Mongeau stated it's important to note, the expedited process of finding a permanent home for child doesn't eliminate the process for finding a home with a family member, in regard to adoption. Mr. Melton discussed that the expedited process is in terms of making sure the court process does not slow down the adoption process as a whole. Additional discussion ensued regarding medical assistance and probate claims.

Mr. Melton further discussed the Victim/Witness Services unit including victim outreach, Affidavits of Loss, committee work, referrals, and recidivism rates.

Commissioner Ebinger praised the County Attorney's office for their work and discussed Clay County's specialty Courts and how they are essential. Commissioner Gross thanked the Attorney's office for their work and their presentation.

Request Approval to Purchase Two Snowmobiles for the Sheriff's Office

Sheriff Mark Empting requested to purchase new snowmobiles to replace the current outdated ones. Sheriff Empting stated that the current snowmobiles are 2014 Yamaha Trail models which are decent on trails, but if they need to be used in remote areas, they're not reliable and have reached the end of their lifespan.

Emergency Management Director Gave Tweten stated through internal service there is a total of \$15,132 available per snowmobile, as of January 2023. The current snowmobiles would then either be traded in or sold at auction. Much like vehicles now, the snowmobiles would be pre-ordered and would be ready for pick up in the fall of 2023. With having the desired features, both Polaris and Ski-Doo were both looked into. Polaris provided a quote of \$15,158.93 and the Ski-Doo quote comes to \$15,653.95. With pre-ordering, the manufacturers do require a deposit at the time of order.

Commissioner Gross asked how often the snowmobiles are used. Mr. Tweten stated the Sheriff's department does receive a grant from the DNR to patrol the snowmobile trails. They are also available for Youth Safety Courses through public outreach. Youth who are below a certain age are require to have a practical test and actually ride a snowmobile. Lastly, they are used for emergency rescues when needed.

Commissioner Ebinger asked if there would be additional cost for radio. Sheriff Empting stated that they're currently using portable radios and it would be minimal cost to add a light and a switch, estimating less than \$500 per sled.

Commissioner Mongeau asked to discuss the models in more detail. Mr. Tweten stated The County currently has force truck motors, which are dependable, but only have electric start, and that can sometime pose issues. The Ski-Doo is a 650 engine and a 2 stroke motor with a pull start backup. Both models would handle more agilely compared to the old models.

Commissioner Campbell asked for clarification on what the needs were. That being, to work

with both manufacturers to determine which one can deliver in the timeframe needed. Mr. Tweten confirmed.

Commissioner Mongeau asked for clarification on the old model, if they will be trade ins, or put up at auction. Mr. Tweten stated that he's contacted a dealer who is interested in taking the old sleds as trade ins. Sheriff Emptying stated that the funds received from the trade in would go back into internal service.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the replacement of two snowmobiles in the amount of \$31,307.90.

Request Approval for Department of Motor Vehicle - Pre-Design Architectural Services

County Administrator Stephen Larson stated there has been some ongoing discussions about the re-development of the Moorhead Center Mall and how that will affect the Motor Vehicle Department. There has been mention to exploring potential options and what would be the best option moving forward, The Building Committee's suggestion would be to enter into a pre-design agreement for architectural services with Klein McCarthy. Whether that be a build or a move, pre-design study from Klein McCarthy would be a lump sum of \$22,500 with reimbursement expenses \$1,250.

Commissioner Gross asked if Minnesota State Driver's License Testing will be involved. Mr. Larsons stated that will be discussed to determine if they would want to come back.

Commissioner Campbell stated the Building Committee has had several conversations about the current DMV and development of the Moorhead Center Mall and being that there is a time issue, an alternative site is needed. With that the Building Committee recommends moving forward with this process.

Mr. Larson added, through the contract this does provide the opportunity of the \$22,500 for two sites. One site is identified up on 15th Avenue North Moorhead, and the other is to be determined, with the intent to get the best price. Commissioner Campbell clarified it wouldn't prevent us to use that information if an existing facility became available, the study would still help us determine if that would be an appropriate option. Mr. Larson confirmed that is correct.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the Contract from Klein McCarthy Architects to provide Pre-Design Architectural Services for a Department of Motor Vehicle Building Project in the amount of \$23,750.00.

Request Approval to Submit Congressionally Directed Spending (CDS) Application

Mr. Larson, Public Health Administrator Kathy McKay, and Detox Director Troy Amundsen requested approval to submit the Congressionally Directed Spending (CDS) Application. The Senate Appropriations Committee is accepting requests for CDS application for the fiscal year 2024. The application aims to identify high-impact projects in Minnesota that can be completed with the assistance from the federal government. The Detox/Withdrawal Management facility will qualify under the Labor, Health and Human Services, and Education subcommittee. Ms. McKay stated there is no limit on how much can be requested, therefore the request was put in for \$10 million, \$5 million has already been secured through a grant for the project.

Commissioner Mongeau stated that she hopes that the mental health component is added in the application and that there is future desire to address mental health within expansion to the facility as well. She further states that Senator Klobuchar's office encouraged Clay County to submit this request. Ms. McKay discussed there were qualifying parameters for the application and this project falls under the Labor, Health and Human Services, and Education subcommittee. It didn't speak specifically to mental health but that could certainly be added. Commissioner Campbell stated there is a financial plan in place for the Substance Use Crisis Facility project. The concern being with the current narrative of the request. There should be something incorporated about the mental health piece in the event that if it's not mentioned in the request, it could exclude the County from using those funds for that purpose.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to submit the CDS Application to provide funding for the new Detox/Withdrawal Management Facility.

Request Approval of the 2023-2024 Township Maintenance Contract

County Engineer Justin Sorum stated that the 2022 Township Maintenance costs have been calculated and the new contract rate has been discussed at Highway Tracking Committee and shared with the Township Officers on March 2nd. The contract will run from July 1, 2023 through June 30, 2024. The proposed rate is \$973 per mile and is an increase of \$121 from last year. This number is calculated through actual cost from 2022 and that number is plugged into a 5-year rolling average. If the rolling average was not used, the actual cost for 2022 would be \$12.65 per mile. Part of the increase was due to fuel cost and compared to 2021 there was an additional 1,973 hours spent on snow removal.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the 2023-2024 Township Maintenance Contract at \$973/mile for Full-Time Maintenance.

Committee Reports/County Administrator Update/Discussions

- Commissioner Campbell reported on meetings for Highway Tracking; Prairie Lakes Solid Waste; MCCJPA; Clay County Intergovernmental Committee; Highway Tracking with Townships; and meeting with MnDOT and Commissioner Mongeau regarding soil contamination on 11th Street project.
- Commissioner Ebinger reported on meetings (week of February 21st - 27th) for AMC Conference; AMC Public Safety; AMC Board of Directors; and FM Diversion Authority.
- Commissioner Mongeau reported on meetings for MCCJPA; MRC; Clay County Contaminated Material meeting; and MetroCOG Executive Committee.
- Commissioner Gross reported on meetings for Highway Tracking; and MRC.
- County Administrator Stephen Larson reported on meetings for MCCJPA Funding Request; Highway Tracking; met with Sheriff Emptying and two Chief Deputies regarding department funding; meeting with Representative Joy and Executive Director Joe Paulson of the Diversion regarding the funding request for the Diversion; meeting with Taracon, Justin Sorum, Matthew Jacobson and Senator Kupec's office regarding bonding dollars, Senate File 1188 and House File 892 for reconstruction of the Spring Prairie Township roads; Intergovernmental Committee meeting; Two Department Head updates; Maintenance Contract; Contaminated Soil Discussion; schedule meeting for

County Rural Cities Meeting on March 30th 4-6 p.m. in Barnesville, MN.; Drug Court graduation on Wednesday, March 8, 2023; Veteran's Court; Gov Walz will be signing a bill today (3/7/2023) expand access to license drivers regardless of immigration status. In speaking to our DMV, they have not been provided the information yet.

Mr. Larson also provided an update for the West Central Regional Water District (WCRWD) Project. There was an update last November (2022) with representatives from AE2S and Keith Burnt, the Highway Engineer in Norman County. There were concerns about information being shared with the citizens in that area. Polk and Norman County have both passed a resolution in support of the WCRWD. There is also 10 partner cities that have signed the resolution including both Felton and Georgetown. There is now a website <https://wcrwd-ae2s.hub.arcgis.com/>, which provides information about the project. There is a link where citizens can take a survey. There is a meeting for this today 3/7/2023. There are two bills SF 1331 co-authored by Senator Kupec and Senator Johnson and a companion bill in the house with Representatives Kiel and Joy, HF 832. The hope would be that this Board would consider signing the resolution. One of the pages of SF 1331 asks for the issuing of bonds of 8.3 million up to 64 million for that project.

Adjourn

The meeting was adjourned at 10:56 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator