

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, APRIL 11, 2023
Meeting Room A / B – 3rd Floor – Courthouse
MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Paul Krabbenhoft, Frank Gross, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, HR Director/Asst. Administrator Darren Brooke, 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 Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the agenda.

Tax Abatement for Moorhead City, Moorhead, Due to Reduction in Evaluation

By consent, the Board approved the \$100 tax abatement for the City of Moorhead due to a reduction in evaluation.

Tax Abatement - Hagen Township

By consent, the Board approved the \$1,188 tax abatement for Hagen Township.

Citizens to be Heard

There were no citizens to be heard.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the bills and vouchers totaling \$789,670 from 116 vendors. There

were 83 warrants issued under \$2,000 (\$35,193) and the following 33 were over \$2,000.

Connect Interiors LLC	\$ 184,578	Fargo Freightliner
US Bank Nation Association	\$ 147,124	Burlington Northern Santa Fe Railway C
High Point Networks, LLC	\$ 76,783	Rdo Truck Center Co.
Regents Of The Univ Of MN	\$ 72,745	Pete's Gas & Service
Moorhead Public Service	\$ 43,293	Express Lane - Hawley
Petro Serve Usa-Hwy	\$ 25,418	TILL360 LLC
M-R Sign Company Inc	\$ 24,916	R & R Petroleum Equipment Sales Inc.
Stein's Inc	\$ 20,632	C-W Valley Co-Op
Farmers Coop Oil Co	\$ 15,074	BDT Mechanical, LLc
Widseth Smith Nolting & Associates Inc.	\$ 13,147	RBS Activewear

Mn State Auditor	\$ 12,675	Dean's Bulk Service
Fargo Police Department	\$ 10,329	JT Lawn Service
Dakota Plains Mechanical, Inc.	\$ 10,250	Perley Community Co-op
ANJAAM HOLDINGS, LLC	\$ 9,187	Sanford Health
Nitzkowski, Inc.	\$ 9,156	Big Dog Autoglass LLC
MN County Attorneys Association	\$ 7,732	Chuck Anderson Custom Farms
Forum Communications Printing	\$ 7,265	

Approval of Minutes from March 28, 2023

On motion by Commissioner Krabbenhoft, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from March 28, 2023.

Annual update and Request Adoption of Resolution 2023-12 for Clay County to act as Legal Sponsor for DNR Funding for Snowmobile Trails Managed by Clay Trails Alliance

Greg Strommen with the Clay County Trailblazers Snowmobile Club presented an annual update and requested the adoption of Resolution 2023-12 for Clay County to act as the legal sponsor for DNR funding for the snowmobile trails managed by the Clay Trails Alliance. This year a total of 4,122 miles were groomed, 646 more miles than the pervious year, which was a total of 656 hours with 14 different drivers. Grooming lasted from December 15, 2022, through March 23, 2023.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to adopt Resolution 2023-12 for Clay County to act as the legal sponsor for DNR funding for the snowmobile trails managed by the Clay Trails Alliance.

RESOLUTION 2023-12

BE IT RESOLVED, that Clay County act as the legal sponsor for an application for funding from the State of Minnesota Department of Natural Resources for grooming and maintaining of two-way Snowmobile Trails managed by the Clay Trails Alliance.

BE IT FURTHER RESOLVED, that upon approval of its application by the State, Clay County may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED, that the County Administrator is authorized to sign such an agreement with the Department of Natural Resources.

BE IT FURTHER RESOLVED, that Clay County is hereby authorized to serve as the fiscal agenda for the above referenced project.

Adopted this 11th day of April 2023.

Presentation and Request for Letter of Support for Surface Water Intake Protection Plan

Moorhead Public Service (MPS) Water Plant Manager Marc Pritchard and MN Department of Health (MDH) SWP Planner Dan Disrud presented the Surface Water Intake Protection Plan and requested a letter of support from the Clay County Board of Commissioners. Mr. Pritchard discussed Phase 1: Moorhead Source Water Assessment, high priority issues, Phase 2: Surface Water Intake Protection Plan (SWIPP), SWIPP Sample Activities, and Moorhead SWIPP Local Collaboration.

Commissioner Ebinger asked if the diversion of the Red River during flooding was considered while completing the study for the Surface Water Intake Protection Plan. Mr. Pritchard stated that yes it has been implemented into the plan to an extent. Getting a copy of the watershed flow model for that channel is something that is being worked on. There is potential for turbidity levels at the intake to change, and the Moorhead Water Treatment Plant can handle that. This also helps with the softening process. The mitigation for the diversion doesn't pose many issues for this plan, it actually helps it.

Commissioner Campbell asked if the yellow area on the provided map is the defining area that is being considered and if overlay districts for wellhead protection will be proposed today as well. Mr. Pritchard stated that the overlay district is not included in this letter of support, but it could be considered. Commissioner Campbell asked who establishes the plan. Mr. Disrud further discussed the map and how it's already been approved. What's being requested today would be support for the measures and activities, making MPS eligible for grant dollars. Commissioner Campbell asked if there are any efforts being made by counterparts on the west side of the river. Mr. Pritchard stated that yes, the City of Fargo water treatment plant staff were a part of this process from the beginning. North Dakota follows different regulatory guidelines; therefore, they don't have a plan like this in place, but are interested.

Commissioner Gross asked about the buffer program and if Mr. Pritchard was against the program or drain tile and if those two things hurt the plan. Mr. Pritchard stated that it's not clear if it harms the plan and there haven't been any specific studies completed to see if there are chemical changes due to drain tile.

Commissioner Krabbenhoft asked how Moorhead works with other partners that were mentioned. Mr. Pritchard discussed that this type of Intake Protection Plan is an opportunity to funnel the focus for things that are mutually in each item. MPS plans on reaching out to those agencies to see if there is any interest in collaboration. Commissioner Krabbenhoft asked how often MPS draws water from the Moorhead and Buffalo Red aquifers. Mr. Pritchard stated its case dependent on the quality of the Red River. Depending on the day, about 20% of annual flow is being pumped through those aquifers. Part of the long-term strategy is to minimize the use of ground water and to save it as backup. Commissioner Krabbenhoft asked what Mr. Pritchard's thoughts were regarding the overall condition of the Red River. Mr. Pritchard stated with the most recent RAP reports from the MPCA, a lot of the upper Red River Watershed is considered impaired, due to turbidity, nutrient loading, or E. coli, that is naturally occurring. These can also be found in surrounding tributaries. The states strategy is to identify what those impairments are and what the long-term management strategies are to help mitigate or clean the impairments up.

Commissioner Campbell asked if there are particular types of contaminants that are being looked for more than others. Mr. Pritchard stated that yes, naturally occurring contaminants and other types are being monitored. Naturally occurring contaminants that can be effectively removed with the centralized softening portion of the plant, include heavy metals like mercury and arsenic. Other things that could be potential issues are total dissolved solids, which are salts that are dissolved in the water, which drives up treatment costs, because more chemicals are added to effectively remove them. Commissioner Campbell asked if PFAS was an issue for Moorhead. Mr. Pritchard stated that they've been working with the Minnesota Department of Health and Army Corps of Engineers for 6 years, regarding PFAS monitoring. At this time, with the new levels that just came out, Moorhead doesn't have anything that is above the limits. In the future, if it was introduced, with the recent filter upgrade, they would be able to effectively remove the contaminant.

Discussion ensued regarding the plan map and the aquifer arsenic levels.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved sending a letter of support for Surface Water Intake Protection Plan.

Request Approval to Reduce Retainage to 2% on SAP 014-594-001

County Engineer Justin Sorum requested to reduce retainage to 2% on SAP 014-594-001, which is an LRIP job in Dilworth, Minnesota. This was approved at Dilworth City Council, and the contractor has completed 98% of the contract value. By contract specifications, reduced retainage requests are eligible.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to reduce retainage to 2% on SAP 014-594-001.

Request Approval of Dust Control Quote

Mr. Sorum requested approval of the dust control quote from Glacier Dust Control, Inc. The price received is \$1.56 per gallon, which is up \$0.17 per gallon from last year. Therefore, the annual contract is 100,000 gallons between County spots. Through Glacier Dust Control, Inc. residents can apply for dust control, which would allow the County to create a map to identify the locations in need.

Commissioner Gross asked if Glacier Dust Control, Inc was the same company the County went through the previous year. Mr. Sorum stated that yes, the County has gone with Glacier Dust Control, Inc. for the last 4 years.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the 2023 dust control quote from Glacier Dust Control, Inc. at \$1.56 per gallon.

Request Approval of Response Letter to SAP 014-601-007 Claim

Mr. Sorum requested approval to send a response letter for the claim from Dennis Drewes regarding SAP 014-601-007. This would be the County's second response. Mr.

Sorum met with the County Attorney, Brian Melton and State Aid regarding the claim, and the biggest difference between the first and second response letter is the dollar amount and the amount of equipment that the contract is claiming was idle. Dennis Drewes initial claim was for \$391,000, and Mr. Sorum's response would be \$122,946.99.

Commissioner Campbell wanted to relay that this was due to delays that were caused by the inability to move some lines in a timely manner. This response letter was brought during highway tracking and will be asking County Attorney's to go after damages as a result. Mr. Sorum stated that he has been working with the state and has put them in contact with the County Attorney's Office. Commissioner Campbell clarified that this meets MnDOT rates. Mr. Sorum stated for both MnDOT rates and 8 hours per day, for the 24 days they were idle, which follows the contract specifications and the MnDOT specifications.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to send a response letter to Dennis Drewes, Inc. for SAP 014-601-007.

Spring Flood Update

Mr. Sorum and Lt. Gabe Tweten provided an update on Spring Flooding. Mr. Sorum stated there are 4 different crews clearing ditches near Glyndon, Fletton, Comstock and the Moorhead area. Commissioner Gross asked what the crews were using to clear the ditches and if the County had enough equipment. Mr. Sorum stated the Highway Department has one backhoe which is being used in Comstock. The other three locations have been contracted out.

Lt. Tweten discussed flood information that was put on the website including the flood hotline number for citizens to call if they have questions about materials, sandbags or contractors that can provide sand. The Highway Department also keeps a road closure map on the website. Townships received a letter last week stating that if they have township roads that flood over, to notify the Highway Department with updates. The map is also linked with the City of Moorhead traffic map, so when Moorhead starts closing streets, those closures will also appear on the County map. There is also information about Firstlink on the website which is an organization used to organize volunteers if anyone needs help with sandbagging efforts. The STS crew is working down at the south storage building to fill a small number of sandbags for the City of Moorhead and the County for reserves.

Last week Mr. Tweten and Mr. Sorum met with the Buffalo Red River Watershed District (BRRWD), and they will now be meeting regularly during flood season on Tuesday and Thursday mornings for briefing. Meetings will include the Sheriff's Office, Highway Department and both the BRRWD and the Wild Rice Watershed District (WRWD). As of April 10, 2023, The BRRWD had 5 crews clearing out watershed ditches. The BRRWD did inform that water is moving quickly in the Wilkin County area.

Mt. Tweten mentioned the National Weather Service gave a river prediction level update for the next 7 days based off flood gauges. By the weekend, the Buffalo River and Red River should enter moderate flood stage. The south branch of the Buffalo River at the Sabin gauge is projected to get to 15 feet, the main branch at the Dilworth gauge is projected to get to 22 feet, and the Red River is projected to get between 25 – 28 feet.

Commissioner Campbell asked what the quantity was that the County has for empty sandbags. Lt. Tweten wasn't sure on how the City of Moorhead was sitting, but the County has up to 100,000 sandbags, some of which have already been offered/provided to surrounding Townships.

Commissioner Gross and Commissioner Krabbenhoft thanked Mr. Sorum and Lt. Tweten for their efforts.

Annual Department Update - Social Services: Home and Community Based, Licensing and Disability Division

Social Services Director Rhonda Porter, Supervisor Jessica Mickelson, and Social Worker Hollie Wanner presented an annual department update for Social Services - Home and Community Based, Licensing, and Disability Division.

Ms. Mickelson discussed Licensing Updates including Adult Foster Care (AFC), Child Foster Care (CFC), and Family Childcare, Disability Updates including Adult & Disability Intake, Special Needs Basic Care (SNBC) and MnChoices.

Commissioner Campbell asked where the department is with the ARPA funds used for childcare and the areas that were focused on, along with what attracts people to stay in the business as well as recruitment. Ms. Mickelson stated recruitment was focused on once the funds were received and that was done through marketing. Free training and mentorship is provided and the outreach that licensures have with the providers explaining the need helps with recruitment as well.

Discussion ensued regarding childcare and MnChoices assessments.

Ms. Wanner discussed staffing, Minnesota Disability Waivers Eligibility, Brain Injury Waiver (BI), Community Alternative Care (CAC), Community Access for Disability Inclusion (CADi), Developmental Disabilities (DD), Rule 185 DD Case Management and Relocation Service Coordination in Nursing Home under 65.

Discussion ensued regarding case managers, and childcare variances.

Committee Reports/County Administrator Update/Discussions

- Commissioner Ebinger reported on meetings for Churches United with Pastor Sue Koesterman, Mayor Shelly Carlson, and Dan Mahli; meeting with Kris Bakkegard, Joel Paulson, Commissioner Campbell, and Steve Larson regarding the Diversion project; and attended Gov. Walz Press Conference with Lt. Tweten.
- Commissioner Krabbenhoft reported on meetings for Adult Mental Health LAC; Cass-Clay Food Commission; Gov. Walz roundtable discussion on childcare; and Buffalo Red River Watershed.
- Commissioner Campbell reported on meetings for Highway Tracking; meeting with Kris Bakkegard, Joel Paulson, Commissioner Ebinger, and Steve Larson regarding the Diversion project; and Building Committee.
- Commissioner Gross reported on meetings for Highway Tracking; meeting with City of Glyndon and Sen. Kupec; Building Committee; and City of Dilworth meeting.

- County Administrator Steve Larson reported on meetings for Highway Tracking; Substance Use Withdrawal Management; discussion with Sheriff Empting regarding road conditions & staffing; meeting with Kris Bakkegard, Joel Paulson, and Commissioners Ebinger & Campbell regarding the Diversion project; meeting with Joe Olson and Jenelle Cheney regarding space issues for Probation; Building Committee; and meeting with Sheriff Empting regarding spring flooding and Canine issues. The City of Georgetown and Norman County received notification they made the first cut of congressional funding through Congress Woman Fischbach's projects. Norman County would receive \$5.3 million and Felton would receive \$3.4 million. Roers has acknowledged the request to extend the DMV lease through November 30, 2025. The lease agreement of a one 2-year lease extension will remain and if the County finds an alternative location, that can be addressed with Roers at a later time. Lastly, please be aware, next Monday and Tuesday, April 17 and 18, the east parking lot and entrance of the FSC will not be available due to HVAC project. Please use doors 2, 11, and 23.

Adjourn

The meeting was adjourned at 10:41 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator