

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, NOVEMBER 14, 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, Jenny Mongeau, 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 Krabbenhoft, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda.

2024-2025 MPCA County Feedlot Program Delegation Agreement Work Plan

By consent, the Board approved the 2024-2025 MPCA County Feedlot Program Delegation Agreement Work Plan

Minnesota Lawful Gambling LG220 Application for Exempt Permit - Trojan Takedown Club

By consent, the Board approved the Minnesota Lawful Gambling LG220 Application for exempt permit for the Trojan Takedown Club.

Citizens to be Heard

Samantha Boucher addressed the board to ask for help in filing a protection order against the father of her child. Currently her son is in the custody of his father and according to Ms. Boucher her rights have been violated through the process she has taken to acquire a protection order and to get her son back.

Commissioner Ebinger stated the Board doesn't have any authority over the court system and that if there are issues with the court system, that would need to be addressed through the Attorney General's Office.

County Attorney Brian Melton explained that the Clay County Courts is aware of Ms. Boucher and that she has been involved with the courts and there is currently an order of protection against her, she's been charged, and she was found to be incompetent due to mental illness. The process was explained to her that she could attempt to get an order for protection for herself and the attempt to apply for one is unknown. She has been advised to work with Social Services but any type of family plan or case that's working its way through the courts would warrant her to hire her own defense counsel which has also been advised. Whether or not she has taken advantage of that advice is unknown.

Commissioner Ebinger stated since the custody of the child is not a criminal matter, Clay County

prosecution resources wouldn't be able to handle that case and it would be in her best interest to get private counsel and listen to what they advise.

Commissioner Mongeau congratulated Ms. Boucher on her pregnancy and appreciated her addressing the Board and she's hopeful that the County Attorney has offered her an avenue for the next steps. Commissioner Mongeau referred Ms. Boucher to The Rape and Abuse Crisis Center as they offer counseling for the situations that were described. However, as the other Commissioners have alluded to, the Board doesn't have any control of the court systems and hopes she can find an avenue for support.

County Administrator Steve Larson read a testimony from Roger and Margaret Heglund regarding the North Broadway bridge and how they think it would be beneficial for the bridge to be rebuilt as it provides direct access to North Fargo, where many north Moorhead and Oakport residents shop. As the development in this area increases so will the traffic. The detour through the residential area is not a solution as it makes for a longer commute and is unfair for those residents to have the increased traffic.

Commissioner Mongeau stated there have been several presentations on this subject, however, this Board hasn't specifically talked about the different options for this project, but whenever the timing makes sense, that would be a helpful presentation to see.

Commissioner Campbell stated the options that were discussed in the testimony were the most recent proposed options by the City of Fargo engineers to the Fargo City Council. This Board and the Highway Tracking Committee have not formally seen these options, however, it is known that there were four potential options, one being to do nothing. This Board would need to determine which option would be supported but also need to know which option MnDOT would support because the bridge bonding dollars come from MnDOT, not the County.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the bills and vouchers totaling \$1,138,935 from 105 vendors. There were 69 warrants issued under \$2,000 (\$36,729) and the following 36 were over \$2,000.

Blue Cross Blue Shield Minnesota	\$ 632,551	River Valley Forensic Services, PA	\$ 4,500
R J Zavoral & Sons, Inc.	\$ 176,739	High Point Networks, LLC	\$ 4,326
Moorhead Public Service	\$ 58,397	CB & Sons Electric, Inc.	\$ 4,037
City Of Fargo	\$ 36,813	Marco Technologies LLC	\$ 3,971
Road Machinery & Supplies Co.	\$ 30,666	Petro Serve USA-SW	\$ 3,868
Trinity Services Group, Inc.	\$ 24,673	Phoenix Supply	\$ 3,060
Enterprise FM Trust	\$ 12,623	City Of Moorhead	\$ 3,037
Petro Serve Usa-Hwy	\$ 9,759	Wex Bank (fleet)	\$ 3,028
Rdo Truck Center Co.	\$ 9,729	Pomp's Tire Service, Inc.	\$ 2,743
TBS Express Repair & Rental Inc.	\$ 9,295	Fuchs Sanitation Inc	\$ 2,633
Klein Mccarthy & Co Ltd	\$ 8,411	Madison National Life	\$ 2,615
Colonial Life	\$ 7,031	Barnesville C-Store	\$ 2,580
Sabin C Store	\$ 6,332	Mn Dept Of Revenue	\$ 2,386
MN Life	\$ 5,809	MidStates Wireless, Inc.	\$ 2,362

SRF Consulting Group Inc	\$	5,468	Fargo Tire Service	\$	2,351
ANJAAM HOLDINGS, LLC	\$	4,868	WEX Bank	\$	2,297
Ramsey County Med Exam	\$	4,629	Pete's Gas & Service	\$	2,072
Nancy Hein-Kolo, PsyD, LP	\$	4,500	Valley Mortuary Services	\$	2,032

Request to Approve Resolution 2023-25 for Setting a Date and Terms for Tax Forfeit Property Sale

Deputy Auditor Real Estate Jacque Dudgeon requested approval of Resolution 2023-25 to set December 13, 2023, at 10:30 a.m. as the tax forfeit sale. There are five items for sale, three are new this year and went to tax forfeit last year. The City of Hawley was going to purchase them but backed out. The other two are currently on the Clay County website and because their property value dropped, they need to be on this list again.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved Resolution 2023-25 for setting December 13th, 2023, at 10:30 a.m. for the tax forfeit sale.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved the tax forfeit list.

RESOLUTION 2023-25

BE IT RESOLVED, by the Board of Commissioners of Clay County, Minnesota this 14th day of November, 2023, pursuant to provisions of Chapter 282, Minnesota Statutes; the County Auditor of Clay County is hereby directed to sell parcels of land that have been forfeited to the State of Minnesota for delinquent taxes and certified by the County Auditor and recorded in the Office of the County Recorder; which lands have been classified and appraised as provided by law;

BE IT FURTHER RESOLVED, **that the terms of the sale shall be cash only on all parcels.** Pursuant to MN Statute 282.241, a previous owner may not purchase a parcel of land for less than the delinquent amount, assessments, penalties, interest and costs against it.

In addition to the total sales price, there shall also be an amount added equal to 3 percent of such total sales price. Said 3 percent to be certified to the Tax Assurance Account as required under Minnesota Statute 284.28 Subd 6. A \$25.00 state deed fee and a \$46.00 recording fee must also be collected for each parcel sold. Each parcel is subject to a state deed tax of \$1.65 per each \$500.00 of sales price. There will also be an additional \$50.00 well certificate for any property that contains a well.

Purchasers of property at this sale will receive a State Deed. **CLAY COUNTY DOES NOT GUARANTEE CLEAR TITLE ON PURCHASES OF TAX FORFEIT LAND. IT IS THE RESPONSIBILITY OF THE PURCHASER TO TAKE WHATEVER ACTION NECESSARY TO**

ASSURE CLEAR TITLE.

The tax forfeit sale will be held December 13, 2023, at 10:30 a.m. at the Clay County Government Center, 3510 12th Ave S, Moorhead MN.

Request Approval to Issue Request for Proposal for Distribution of the Statewide Local Affordable Housing Aid

Social Services Director Rhonda Porter requested approval to issue request for proposal (RFP) for distribution of the Statewide Local Affordable Housing Aid. Ms. Porter further explained this is a new aid program from the omnibus tax bill from this last legislative session. These funds are to develop and preserve affordable housing within our County and City jurisdictions to keep families from losing their housing or to help those who are experiencing homelessness find housing.

Ms. Porter referenced the packet and discussed Clay County receiving appropriations of \$160,402 for both 2023 and 2024. The 2023 funds will be received in December of this year and the 2024 funds will be spread out over two payments, one in July of 2024 and the other in December of 2024. The thought was to handle this similar to the Family Preservation funds, where an RFP was issued, list what the intended purpose of funds are, and the scope of the project. Then it would be recommended to develop a review panel to review the proposals and make a recommended selection. Then come back to the Board for final approval of utilization of the funds.

Commissioner Campbell asked if December 1, 2023 was the desired date for RFP submissions. Ms. Porter stated that date was listed however, that can be discussed. If the Board approved issuing an RFP today, that could go out this week, if that was an adequate amount of time. Commissioner Campbell stated there has been some discussion regarding these funds and what might be a useful source for them and he's more interested in the timeline due to needing to decide on the funding for the Clay County HRA. Mr. Larson stated the timeline of December 1, 2023, would allow for receiving of proposals, evaluation, and scoring. The intent would then be to come for proposal on December 12, 2023, which would allow a decision to be made prior to the finalization the following week.

Discussion ensued regarding timeline and levy options.

Ms. Porter asked if the Board would like to allocate both the 2023 and 2024 funds or just the 2023 funds at this time. Commissioner Campbell stated it would be recommended for both and to make it aware in the RFP of when funds will be available.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to issue the request for proposal (RFP) for distribution of the Statewide Local Affordable Housing Aid for 2023 and 2024.

Commissioner Campbell asked if there was any information that talks about what funding comes through Social Services, that is already used for the purpose of keeping individuals in their homes. Ms. Porter stated there are funds that help with that, one being the Emergency Assistance Program, which is available for people to apply for, for things such as utility shut off or eviction notices and other qualifying events. The other is the Family Homeless Prevention Funds that were distributed to CAPLP. There are features within those funds for people to

remain in their homes.

Commissioner Campbell stated it would be helpful to see that breakdown and the explanations of the different options in case the Board were to receive any questions. Ms. Ported stated she will provide that list to the Board.

Request Approval of Letter of Support – Red River Communication – Border-to-Border Grant

Tom Steinolfson, General Manager/CEO for Red River Communications introduced himself and Marketing Specialist Kari Kleingartner.

Mr. Steinolfson discussed coming before the Board in the past regarding this topic and how previously, they had applied for federal funding to bring broadband to the rural area. Red River Communications applied for this funding twice, under the USDA Reconnect Program, for the southern Clay County area including south of Moorhead, rural Sabin area and rural Comstock area. And each time, the application was denied. Red River Communications has worked under the Border-to-Border program in other counties in Minnesota and had success. It's a well structured program that's been around for roughly a decade and utilizes both state and federal funds to focus on fiber to the home.

Mr. Steinolfson referenced the handout regarding the three areas where they are looking to apply for grant dollars to build broadband to. Those areas include portions of rural Hawley, rural Sabin, and rural Comstock. The broadband that would be built would be fiber to the home, which is the preferred technology. However, be aware, these applications won't completely fix the broadband issues in all parts of rural Clay County. Ms. Kleingartner further discussed the project boundaries and how the boundaries are placed in a way due to state guidelines and landline exchanges.

Mr. Steinolfson stated this round of funding has an availability of \$50 million dollars. These two projects are over \$7 million, heading for \$8 million. In order for Clay County to qualify, the application needs to be well put together, especially after being denied twice on the federal level.

Discussion ensued regarding the needs of broadband, letters of support, Memorandum of Understanding between Clay County and Red River Communications, and application scoring.

Commissioner Krabbenhoft asked how this would align with Midco and AT&T in the area south of Sabin on County Road 11. Mr. Steinolfson stated these grants will not fund competition and further discussed the primary providers in that area along with broadband statistics.

Commissioner Mongeau discussed living in one of these areas and the difficulties surrounding adequate internet service. It's not acceptable for these residents nor is it acceptable for the ability to draw economic development. She is in support of these applications and appreciates that time spent by Red River Communications and their attention to detail regarding city jurisdictions, the infrastructure of southern embankment for the Diversion project and recognizing the districts that will most likely secure a grant. Commissioner Mongeau discussed talking about what monetary amount Clay County could offer in help to support this and recognized that it's going to be tricky, as we're outside of the budgeting process, but that there is still a small amount of ARPA dollars. Other options such as leveraging funds was also discussed.

Commissioner Mongeau asked for more information on what the cost per mile was for the

service. Mr. Steinolfson stated he didn't have the exact number but stated the rural Hawley project would affect approximately 63 locations and would take 35.5 fiber miles to serve those for \$1.86 million. And the south Moorhead project would affect 202 locations and would take 106 miles of fiber for \$6.2 million.

On motion by Commissioner Ebinger, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to provide a letter to Red River Communications in support of the two Border-to-Border grant applications.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Memorandum of Understanding (MOU) with Red River Communications contingent on legal review from the County Attorney.

Mr. Steinolfson asked for departing advice as to who he should work with going forward. Mr. Larson stated he would discuss this with Mr. Steinolfson after the meeting.

Request Approval of the Millz House Bid to Replace the WCRJC Gym Floor

Juvenile Detention Director James Odonnell requested approval of the Millz House Bid to replace the West Central Regional Juvenile Center gym floor.

Commissioner Campbell stated that this was discussed and supported at the WCRJC Advisory Board and that \$40,000 was already set aside from the 2022 revenues over expenditures.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and unanimously carried, the Board approved the low bid from Millz House to replace the West Central Regional Juvenile Center gym floor in the amount of \$12,976.

Discussion on Food, Pool, and Lodging Fees for 2024

Public Health Administrator Kathy McKay, Director of Environmental Health Kent Severson, and Public Health Financial Director Carmen Barth presented and discussed the food, pool, and lodging fees for 2024.

Ms. McKay stated the fees that will be presented are to request a recommendation for the Community Health Board (CHB). The delegated agreement for food, pool and lodging inspections comes to the CHB which includes Becker, Clay, Otter Tail and Wilkin counties. These are being brought forth because Clay County and Otter Tail County are at an impasse about the recommendations.

Mr. Severson is proposing an increase of \$25 for the base fees for licensing. This would affect anyone that has a food, hotel and/or swimming pool license. Along with that, there is a proposed increase of \$1 for camping fees. And the MN Department of Health is looking at fee adjustments as well.

Commissioner Gross referenced the packet and made it aware that the last three listings are for vacation homes and are primarily for Otter Tail County and that they would not affect Clay County.

Ms. McKay stated that Clay County hasn't had a fee increase in five years. MN Department of Health (MDH) does Becker County's inspections, so they're not covered by this delegation

agreement. Clay does both Clay and Wilkin counties. And the two entities that have the staff are Clay and Otter Tail, but the whole CHB needs to vote on this.

Commissioner Mongeau asked how they came up with each of the individual fee increases. Mr. Severson further explained that the last time fees were increased was in 2018. At that time, we were looking at the MDH fee structure and Clay County was \$25 below their base fees, which warranted an increase. That is essentially what is being done now. The adjustment of the camping fees by a dollar is exactly what it sounds like and it's not a huge impact. Ms. McKay also stated that they plan on reviewing this annually at the Community Health Board meeting.

Commissioner Campbell stated fees should be set to cover the cost the actual process and the time it takes, they shouldn't be set to gain a profit in any way. And we need to make sure that we're monitoring that and doing it based on recovering our costs. Ms. McKay stated that is what's being done and discussed some past history and stated needing revenues to meet expenses. Right now, they are being raised to meet the expenses.

Discussion ensued regarding expenses, licensing and time spent.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to recommend the fee increases to the Community Health Board.

Commissioner Mongeau questioned the timing of the CHB meeting and how the preliminary budget has already been set and if they choose to not increase the fees, that will affect the overall 2024 budget. Mr. Severson stated this topic has been in conversation since March of 2023. Ms. McKay stated it's been a long conversation and that it's been a struggle to move the CHB along to change the fees.

Commissioner Campbell asked for clarification on who does the inspections. Ms. McKay stated Mr. Severson does inspections for Clay and Wilkin County, Otter Tail County does their own inspections, however, Mr. Severson oversees those inspectors. And MDH does inspections for Becker County. Ms. Barth does all the fiscal responsibility. And the license fees that are obtained by Otter Tail County go back to pay for their staff and expenses. Commissioner Campbell asked if the fees are being increased to maintain the cost of doing the inspections. Ms. Barth confirmed that was correct. Commissioner Campbell stated that information needs to be clearly stated to the full Board.

Commissioner Campbell asked if there is the option to have fees based on the size of the County rather than it be the same. Mr. Severson stated that has been a topic of discussion over the last few weeks and technically, there is a delegation agreement between Clay, Otter Tail and Wilkin Counties and we are held to make sure those fees are the same throughout. The fee structure has never been brought up as far as if it needs to match across the board, and that question can be raised.

Commissioner Ebinger asked if there is an MOU or JPA that defines if Clay County is locked into the same fees. Ms. McKay stated the CHB is the JPA that is able to make that decision. It does not spell out that separate fees can be done, and therefore, if that's the route that was chosen, the state would need to be involved.

Ms. Barth stated that this discussion took place in June of 2023, and there was no indication, at that time, that there would be this impasse. Therefore, these fees were included in the 2024

budget. If the fees are not agreed upon, then we'll go down in revenue by about \$7,000.

Request Approval to Hire a FT Deputy Auditor - Motor Vehicle

County Auditor-Treasurer Lori Johnson requested approval to hire a full-time Deputy Auditor for Motor Vehicle due to an upcoming retirement and asked that there be backfill if necessary.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the to hire a full-time Deputy Auditor - Motor Vehicle with backfill if necessary.

Request Approval to Re-Allocate the Remaining Premium Dollars from the Jail/Law Enforcement Constructions Project to the Withdrawal Management/Detox Project

Mr. Larson stated on November 7th, 2023 the Board approved the commitment of the remaining unrestricted project funds for the Jail /Law Enforcement Construction Project to the DMV Project. A separate portion of the project funds remaining were restricted and required to be utilized to either pay down the bond for the project or be utilized for an additional Jail/Law Enforcement Construction Project. After consulting the Ehlers Bond Council, it was determined that if Clay County amended its Capital Improvement Plan to include the Withdrawal Management/Detox Project, the remaining funds of \$959,130.23, could be utilized for the Withdrawal Management/Detox project. The action the Board took last week will be amended based on the new information from Ehlers.

Based on the new information, the total remaining available dollars are \$2,506,082. The recommendation would be to fund the full gap of \$1,927,906 for the Withdrawal Management/Detox Facility. Of the remaining funds, \$448,880 would be put towards the DMV project, paying down the cost of the potential project. This leaves \$129,296 left over.

Commissioner Campbell asked with this new information, is that suggesting we'll now have a \$6 million dollar bond. Ms. Johnson stated that was correct and that it will be slightly more when you include the fees associated with it.

Discussion ensued regarding the bond.

Commissioner Campbell asked if these funds needed to be transferred to the general fund first. Ms. Johnson stated the \$959,130 are premium dollars which will stay in the construction fund.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to utilize remaining project dollars from the Jail/Law Enforcement constructions project totaling \$2,506,082 and put towards the Withdrawal Management/Detox Project funding gap of \$1,927,906, to utilize \$448,880 for the DMV Project and to utilize the remaining \$129,296 at a later date.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to allow the Auditor/Treasures Office to rename the Jail/Law Enforcement Construction Project Financial Documents to the DMV Fund.

BREAK

The Board took a break from 9:48 a.m. to 9:55 a.m.

Request Approval of Resolution 2023-26 Providing for the Sale of \$6,450,000 General Obligation Capital Improvement Plan Bonds, Series 2024A

Mr. Larson stated with the Board's actions on November 7th in regards to requesting potential bonds to pay for the DMV project, Ms. Johnson reached out to Ehlers, and Mr. Hagen who is here today, is going to discuss some of the pre-sale information which is being requested through resolution 2023-26.

Todd Hagen Senior Municipal Advisor for Ehlers discussed the pre-sale report that was provided in the packet which includes terms and conditions and the process that will be taken to finance what's left over for the DMV project. The unspent 2017B bond proceeds of \$506,082.19 will be put towards the project. To do this, a Public Hearing must be held on a Capital Improvement Plan. The Public Hearing will take place on December 12th, 2023. Mr. Hagen stated he will draft the new plan that will include this new project and the repurposing of the existing bond proceeds that weren't spent on the Jail/Law Enforcement project in 2017. There is a lot to do, but the bond is easily understandable. It's a \$6,450,000 General Obligation Capital Improvement Plan Bond, it doesn't require voter approval, but a capital improvement plan does have a reverse referendum period of 30 days after the December 12th hearing, and will be paid back by property tax, not sales tax.

Discussion ensued regarding selling the bond to the public market, interest rates and the preliminary schedule.

Mr. Hagen reiterated that the Public Hearing will be on December 12th, bids will be taken on January 22nd, those bids will then be presented on January 23rd, and closing of the bond issue will be on February 8th.

Commissioner Campbell asked for clarification on the bond being \$6,450,000 when originally it was discussed only being \$6 million and assumes its due to the first year's interest and associated fees. Ms. Johnson stated it's to cover capitalized interest as well as the fees.

Discussion ensued regarding sales tax collections.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved Resolution 2023-26 providing for the sale of \$6,450,000 General Obligation Capital Improvement Plan Bonds, series 2024A.

Resolution No. 2023-26

**Resolution Providing for the Sale of
\$6,450,000 General Obligation Capital Improvement Plan Bonds, Series 2024A**

- A. WHEREAS, the Board of Commissioners of Clay County, Minnesota has heretofore determined that it is necessary and expedient to issue the County's \$6,450,000 General Obligation Capital Improvement Plan Bonds, Series 2024A (the "Bonds"), to finance improvements to various County facilities identified in the County's Capital Improvement Plan; and
- B. WHEREAS, the County has retained Ehlers & Associates, Inc., in Roseville, Minnesota

("Ehlers"), as its independent municipal advisor for the Bonds in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Clay County, Minnesota, as follows:

1. Authorization; Findings. The Board of Commissioners hereby authorizes Ehlers to assist the County with the sale of the Bonds.
2. Meeting; Proposal Opening. The Board of Commissioners shall meet at 8:30 a.m. on January 23, 2024, for the purpose of considering proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the County are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the County upon its completion.

Request Approval of Resolution 2023-27 Calling for a Public Hearing on the 5-year Capital Improvement Plan and Authorize the Issuance and Sale and Use of General Obligated Capital Improvement Plans Bonds

Mr. Hagen discussed the Public Hearing details during the previous agenda item and requested to have that set on December 12th, 2023.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved Resolution 2023-27 calling for a public hearing on the 5-year Capital Improvement Plan and Authorize the Issuance and Sale and Use of General Obligated Capital Improvement Plans Bonds.

RESOLUTION NO. 2023-27

**RESOLUTION CALLING FOR A PUBLIC HEARING ON THE 5-YEAR
CAPITAL IMPROVEMENT PLAN AND AUTHORIZING THE ISSUANCE
AND SALE AND USE OF GENERAL OBLIGATION CAPITAL
IMPROVEMENT PLAN BONDS**

BE IT RESOLVED by the Clay County (the "County") Board of Commissioners (the "Board") as follows:

1. Adoption of Capital Improvement Plan. The Capital Improvement Plan (the "CIP") has been prepared pursuant to Minnesota Statutes, Section 373.40 (the "Act"). The CIP covers a five-year period beginning with the date of its adoption; sets forth the estimated schedule, timing, and details of specific capital improvements by year, together with the estimated costs, the need for the improvements, and sources of revenue to pay for the improvements. The CIP must be approved by the County Board following published notice and a public hearing.
2. Approval of the Issuance of Capital Improvement Plan Bonds, Series 2024A. The County intends to issue its capital improvement plan bonds (the "Bonds")

in an amount not to exceed \$6,450,000 to finance various capital improvements, as described in the CIP, pursuant to Minnesota Statutes, Section 373.40. Accordingly, it has been proposed that the County publish notice and hold a public hearing on December 12, 2023, in order to approve the issuance of its capital improvement bonds.

3. Approval of the Use of Proceeds of Capital Improvement Plan Bonds, Series 2017B. The County proposes to apply unused proceeds of its Capital Improvement Plan Bonds, Series 2017B (the "Prior Bonds") in the amount of approximately \$959,130 to projects described in the CIP.

4. Public Hearing. A public hearing is hereby scheduled to be held on the approval of the CIP, the issuance of the Bonds and the use of proceeds of the Prior Bonds at 5:00 p.m. on December 12, 2023, at the County Courthouse in Moorhead, Minnesota. The County Auditor is hereby authorized and directed to cause notice of such public hearing in substantially the form of Exhibit A attached hereto to be published in the official newspaper of the County not less than fourteen (14) days nor more than twenty-eight (28) days prior to the date of the hearing.

Request Approval of Resolution 2023-28 - Declaring the Official Intent of Clay County to Reimburse Certain Expenditures from the Proceeds of Bonds Issued by the County

The Clay County Board of Commissioners will be utilizing bonding dollars for the Department of Motor Vehicle Project. Resolution 2023-28 preserves the right of the County to receive reimbursements for certain expenditures that may be financed temporarily from other sources other than bonds, and reimbursed from the proceeds of a tax-exempt bond.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger and unanimously carried, the Board approved Resolution 2023-28, declaring the official intent of Clay County to reimburse certain expenditures from the proceeds of bonds issued by the County.

CLAY COUNTY, MINNESOTA

RESOLUTION NO. 2023-28

DECLARING THE OFFICIAL INTENT OF CLAY COUNTY TO REIMBURSE
CERTAIN EXPENDITURES FROM THE PROCEEDS
OF BONDS TO BE ISSUED BY THE COUNTY

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the "Reimbursement Regulations") providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, the County expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of a tax-exempt bond;

WHEREAS, the County has determined to make this declaration of official intent ("Declaration") to reimburse certain costs from proceeds of bonds in accordance with the

Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF CLAY COUNTY AS FOLLOWS:

1. The County proposes to undertake the construction of a Department of Motor Vehicle Building in 2023 (the "Project").

2. The County reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of bonds in an estimated maximum principal amount of \$6,450,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an amount not in excess of \$100,000 or 5 percent of the proceeds of an issue; or (c) "preliminary expenditures" up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the County to finance the project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

4. This Declaration is an expression of the reasonable expectations of the County based on the facts and circumstances known to the County as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the bonds described in paragraph 2 are consistent with the County's budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the County are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the County's budget or financial policies to pay such Project expenditures.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

Request Approval of Resolution 2023-29 to be the Sponsoring Agency for LRIP Grant

County Engineer Justin Sorum stated resolution 2023-29 is to be the project sponsor for the 7th street extension in Glyndon.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved Resolution 2023-29 to be the sponsoring agency for the LRIP application for the 7th street extension in Glyndon.

Clay County Board of Commissioners

RESOLUTION 2023-29

RESOLUTION OF SUPPORT FROM SPONSORING AGENCY

WHEREAS: Local Road Improvement Program (LRIP) funds are available for local agency projects meeting Routes of Regional Significance or Rural Road Safety criteria; and

WHEREAS: Non-state aid cities and townships must have a county sponsor to apply for LRIP funding; and

WHEREAS: City of Glyndon has requested that Clay County sponsor its application for the construction of a new segment of 7th St SW starting at the western boundary of the Dilworth-Glyndon-Felton School (DGF) west to CSAH 17; and

WHEREAS: City of Glyndon understands that it will be responsible for all costs not covered by LRIP funding including engineering and right of way costs and any construction costs over the funding cap; and

WHEREAS: The City of Glyndon will maintain the road for the lifetime of improvements.

NOW, THEREFORE, BE IT RESOLVED: that the County of Clay hereby agrees to act as sponsoring agency for the application for LRIP funding for the Construction of a new segment of 7th St SW starting at the western boundary of the Dilworth-Glyndon-Felton School (DGF) west to CSAH 17. Sponsorship includes the responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

Committee Reports/County Administrator Update/Discussions

- Commissioner Campbell reported on meetings for Diversion Authority Planning Committee; Lakes Country Service Coop; and Red River Dispatch Board of Authority.
- Commissioner Ebinger reported on meetings for Red River Dispatch Board of Authority; and Ending Homeless Task Force.
- Commissioner Krabbenhoft reported on meetings for Cass Clay Food Commission; and Clay Soil & Water Conservation.
- Commissioner Mongeau reported on meetings for round table of the Clay County leaders hosted by the Chamber; and Buffalo Red River Watershed.
- Commissioner Gross reported on meetings for Partnership4Health CHB; and Beyond the Yellow Ribbon.
- County Administrator Stephen Larson reported on meetings for Department Head evaluation; met with representatives from Starns County regarding the work Clay County has done with Klein McCarthy; met with Robert Wilson and Mike Redlinger as part of the Administrative group; and on November 16th and 17th will be at the AMC Futures meeting.

On motion by Commissioner Ebinger, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to appoint Commissioner Krabbenhoft to the RFP review committee for the distribution of the statewide local affordable housing aid and for it to be added to his

committee reports with per diem.

Discussion ensued regarding the BRRWD Truth in Taxation.

Adjourn

The meeting was adjourned at 10:35 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator