

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, NOVEMBER 21, 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 Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the agenda.

County Administrator Stephen Larson introduced Jill Murray as the new Clay County Assessor.

Lakes Country Service Cooperative - Board Election

By consent, the Clay County Board of Commissioners each voted and approved no more than three (3) candidates to serve four-year terms on the Lakes Country Service Cooperative Board of Directors.

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 \$1,040,541 from 123 vendors. There were 95 warrants issued under \$2,000 (\$33,089) and the following 28 were over \$2,000.

Otter Tail Public Health	\$ 221,508	Treas Of Hawley City	\$ 10,300
Clay Co Public Health	\$ 172,327	Treas Of Barnesville City	\$ 9,354
Becker County Public Health	\$ 113,129	Dakota Plains Mechanical, Inc.	\$ 9,311
Treas Of Glyndon City	\$ 104,936	Verizon-386550144	\$ 7,046
Treas Of Dilworth City	\$ 92,265	Elan Financial Services	\$ 5,452
Lakeland Mental Health Ctr, Inc	\$ 60,672	Creating Community Consulting	\$ 3,937
Xcel Energy	\$ 36,188	Moorhead Public Service	\$ 3,589
Wilkin Co Public Health	\$ 35,100	Clay County Social Services	\$ 3,500
Klein McCarthy & Co Ltd	\$ 34,008	Express Lane - Hawley	\$ 2,654
Lloyd's Auto Body Inc.	\$ 17,184	Green View Inc.	\$ 2,530
Code 4 Services, Inc	\$ 15,375	Trinity Services Group, Inc.	\$ 2,332
Lutheran Social Service Of Mn	\$ 13,966	RnC Consulting P.A.	\$ 2,242
Turnkey Corrections	\$ 13,312	Hood Cleaners	\$ 2,100

Approval of Minutes from November 7, 2023

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from November 7, 2023.

North Broadway Bridge Presentation

County Engineer Justin Sorum introduced Houston Engineering and stated the North Broadway Bridge was closed in February 2021 due to structural concerns, and removed in 2023.

Houston Engineering Project Manager Jeremy McLaughlin presented and discussed the North Broadway Bridge replacement options, which include 1) replace the bridge at approximately the same elevation and 2) no bridge replacement and to detour the traffic permanently. Mr. McLaughlin also discussed bridge typical sections, revised conditions for traffic, the benefit cost analysis (BCA), and alternative comparison.

Commissioner Mongeau asked if the diversion project was in mind when putting together the BCA and if there would potentially be an increase in usage if it was replaced. Houston Engineering Professional Traffic Engineer Steve Strack stated regarding the BCA, they worked with the Fargo Moorhead Metropolitan Planning Organization (MPO) and used their 2045 travel demand model, which predicts traffic volume in the future. Therefore, it does include those future considerations of the diversion project. Mr. McLaughlin asked if those volumes would be similar in the future to what they are today. Mr. Strack stated traffic is generally going to increase in that area but the traffic moving across the bridge will remain fairly consistent.

Commissioner Ebinger asked how the Board's decisions impact the City of Fargo's decisions. Mr. Sorum stated with being a 50% partner, it would be important to make our stance on this decision is known, as the City of Fargo will be bringing this presentation with final recommendation to their City Council meeting on Monday, November 27, 2023. Commissioner Ebinger asked where the estimated \$7.8-\$8.8 million would come from for Clay County's portion of the project. Mr. Sorum stated being that it is a County State Aid Highway (CSAH), about \$2.5 million would come from bridge bonding, if available. And then Clay County's portion would be about \$5.6 million which would have to come from a local share or CSAH Regular dollars. In a typical year, \$3.9 million in CSAH is budgeted for, therefore, \$5.6 million would set the 5-year plan back by roughly 1.5 years.

Discussion ensued regarding how this could impact citizens in Clay County.

Commissioner Campbell stated that this was discussed at Highway Tracking and briefly spoke about past thoughts and options for this bridge and wanted it to be known that the bridge is a convenience bridge and the more expensive it gets, the more difficult it is to build. Commissioner Campbell further discussed the current projections and how it would negatively impact the Clay County Highway Department budget and that he wasn't sure if this should be supported as \$7.8-\$8.8 million is too expensive.

Commissioner Krabbenhoft asked about the river bank stabilization after the bridge is removed and if there are additional things being done to support it. Mr. McLaughlin stated as part of the analysis for option three, the existing roadway to the south of the new bridge would be removed and at the north end a cul-de-sac or radial-T would be put in, which would allow for emergency turn around. Specifically, regarding the river. There is significant slope failure on the north bank and to improve

that would be a large cost, especially if option three is decided upon, unless there was significant environmental impact. Therefore, costs regarding the riverbank were not included and if that is desired, a separate study would need to be conducted.

Further discussion ensued regarding the funding and bonding for option one of the project and the traffic patterns and daily volume counts.

Commissioner Ebinger discussed how the bridge isn't of necessity as there are alternatives and rebuilding would have a negative financial impact on the County and the taxpayers, therefore, he was in support of the no build option.

Commissioner Campbell opposed the no build motion and stated we need to let the City of Fargo know what Clay County can afford and that there is value in investing in the rebuild, opposed to doing nothing. And instead, state that due to the current financing of the rebuild, Clay County cannot support that option but to leave it open to see what the City of Fargo decides in terms of what they're willing to do.

Discussion ensued regarding the budget and special assessments.

Commissioner Mongeau discussed struggling with not only the finance piece but also the closing of bridges in the metro area and chose to oppose the motion. She thinks it needs to be a recommendation instead of a priority. She further stated that at this time, she believes the no build option is the priority and the rebuild would be the second.

A motion was made by Commissioner Ebinger and seconded by Commissioner Krabbenhoft to approve the no-build option for the North Broadway Bridge. Motion failed with a vote of two ayes (Commissioners Ebinger and Krabbenhoft) and three nays (Commissioners Campbell, Gross, and Mongeau).

Discussion ensued regarding bridge bonding dollars, local funding, County State Aid Highway dollars, legislative bills, levy dollars, erosion, and funding through the Lessard-Sams Outdoor Heritage.

Request Approval of the Memorandum of Understanding (MOU) Between the Metro Flood Diversion Authority and Clay County

Mr. Sorum stated the MOU identifies the roles and responsibilities of Clay County and the Diversion Authority with respects to the features that will be constructed as part of the Diversion project.

Chris Bakkegard, Diversion Authority, gave a brief overview of the MOU.

Commissioner Mongeau stated that due to the project, the County Road 2 bridge will be under more water than previously and asked if the Diversion would cover those costs if the bridge was negatively impacted. Mr. Bakkegard stated that there is a Property Rights and Mitigation (PRAM) in place that would cover road damage due to the project.

Discussion ensued regarding the process if issues occur to the County's property, MOUs with Townships, County Road 2 and the scope of anticipated flood, assets and liability.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously

carried, the Board approved the Memorandum of Understanding between the Metro Flood Diversion Authority and Clay County contingent upon revision of article 9 section 9.01 in reference to roads to include 'and structures periodically'.

Request Approval of Resolution 2023-30 for Clay County's LRIP Application

Mr. Sorum requested approval of Resolution 2023-30 and stated CSAH 12/52 has been identified as an intersection in need of safety improvements. There have been many accidents at this intersection, and it has been identified as a good candidate for LRIP Safety funds.

Commissioner Mongeau stated there isn't enough space in the right of way and asked what was determined regarding easements if this application was approved. Mr. Sorum stated that issue was taken into consideration for both the realignment and roundabout options and discussed that the roundabout option has the least amount of impact.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved Resolution 2023-30 for Clay County's LRIP application for CSAH 12/52.

RESOLUTION 2023-30

RESOLUTION AUTHORIZING THE PURSUIT OF 2023 LOCAL ROAD IMPROVEMENT PROGRAM FUNDING FOR THE HIGHWAY 12 & 52 IMPROVEMENT PROJECT

WHEREAS, County State Aid Highway 12 & 52 Improvements project includes the reconstruction of the intersection of CSAH's 12 and 52 to reconfigure the intersection as a roundabout, and

WHEREAS, County State Aid Highway 12 & 52 Improvements project provides the opportunity for improved safety at a high-risk crash intersection and improved capacity at a key junction which serves as an alternative route to I-94, and

WHEREAS, the Local Road Improvement Program (LRIP) administered by the Minnesota Department of Transportation makes available up to \$1,500,000 to apply towards projects on local roads that are regionally significant, result in safety improvements, address transportation deficiencies, and contribute to economic development, and

WHEREAS, the proposed year for project construction is 2026.

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

1. The County Board hereby supports the reconstruction of the intersection of CSAH's 12 and 52 to reconfigure the intersection as a roundabout, and
2. The County Board hereby supports the County's pursuit of Local Road Improvement Program (LRIP) funding and authorizes staff to prepare and submit such application, and The County Board hereby commits to funding project elements not eligible for LRIP funding, ensuring the project will comply with all LRIP funding requirements, and following the project schedule as presented in the application.

Request Approval of Resolution 2023-31 for Clay County's LRIP Application

Mr. Sorum requested approval of Resolution 2023-31 and stated CSAH 11 from Trunk Highway 336 to Sabin has been identified as a Route of Regional Significance for Clay County's LRIP Application. Currently this route is too narrow for the traffic that it sees and needs a grading project to get the road to current State Aid Standards.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved Resolution 2023-31 for Clay County's LRIP application from CSAH 11 from Trunk Highway 336 to Sabin.

RESOLUTION 2023-31

RESOLUTION AUTHORIZING THE PURSUIT OF 2023 LOCAL ROAD IMPROVEMENT PROGRAM FUNDING FOR THE HIGHWAY 12 & 52 IMPROVEMENT PROJECT

WHEREAS, 4.5 miles of Clay County State Aid Highway 11 has created a safety hazard for the traveling public; and

WHEREAS, Clay County State Aid Highway 11 connects southern Clay County to I-94 and directly connects to Trunk Highway 336; and

WHEREAS, CSAH 11 is an important route for farm to market and access to previously mentioned thoroughfares

WHEREAS, the Local Road Improvement Program (LRIP) administered by the Minnesota Department of Transportation makes available up to \$1,500,000 to apply towards projects on local roads that are regionally significant, result in safety improvements, address transportation deficiencies, and contribute to economic development, and

WHEREAS, the proposed year for project construction is 2026.

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

1. The County Board hereby supports the reconstruction of CSAH 11 to meet current State Aid Standards; and
2. The County Board hereby supports the County's pursuit of Local Road Improvement Program (LRIP) funding and authorizes staff to prepare and submit such application, and
3. The County Board hereby commits to funding project elements not eligible for LRIP funding, ensuring the project will comply with all LRIP funding requirements, and following the project schedule as presented in the application.

Request Approval of the Memorandum of Understanding Between Becker County and Clay County Regarding the Transfer of Municipal Solid Waste and Related Waste Commodities

Solid Waste Manager Corey Bang stated by signing this MOU it will allow both Clay and Becker Counties the ability to back haul each other's solid waste. This would all but eliminate deadheading and eliminate one trip per day to Perham. This will potentially save Clay County dollars in

transportation costs as well as wear and tear on equipment.

Discussion ensued regarding receiving credit for the waste, coding, and billing.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the Memorandum of Understanding between Becker County and Clay County subject to changes to the explanation of deliveries to each facility and how it's going to be accounted for.

Request Approval of Risk Management Policy

Mr. Larson stated the County has multiple policies and procedures in place to identify and mitigate risks. It was suggested, through the process and work of the risk management committee, to bring those policies together to ensure they're followed and reviewed on a consistent basis.

Facilities Director Joe Olson presented and discussed the Risk Management policy which included the purpose, history, categories, MCIT Administrators group, central file u-drive, and quarterly risk assessments.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Risk Management Policy.

Request Approval to Utilize American Rescue Plan Act Funds - Broadband Funding Border to Border Grant Application

Mr. Larson stated on November 14th, 2023, representatives from Red River Communications shared two grant proposals which would provide fiber broadband to two rural areas in Clay County. The applications will be submitted through the State of Minnesota Border to Border program. Red River Communication personnel shared that previous successful grant applications had the county providing a contribution towards the project and asked the Clay County Board of Commissioners to consider providing funding along with the letter of support.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to utilize \$10,000 (\$5,000 per application) in American Rescue Plan Act (ARPA) funds for a successful Broadband funding Border-to-Border grant application.

Request Approval of the Memorandum of Understanding (MOU) in Establishing the Judicial Formation of the West Central Regional Water District

Mr. Larson stated on April 25th, 2023 the Clay County Board of Commissioners approved Resolution 2023-13 agreeing to collaborate with Norman and Polk County in establishing the West Central Regional Water District (WCRWD) & Commencement of Water System Establishment Proceedings. Commissioner Gross and Campbell were appointed to be on the West Central Regional Water District Steering Committee to direct the member counties' activities and develop an initial proposal to establish a public water system. Minnesota State Statute requires that District Court conduct the establishment of the water district. This MOU also requests that Clay County acts as the fiscal host for the formation phase of the project.

The estimate to establish the WCRWD through the judicial process is \$300,000. The breakdown of the costs shall be divided proportionately to district area populations: Polk County: 45%, not to exceed \$135,000 without the approval of the Polk County Commission Clay County: 39% (excludes the population of the City of Moorhead and City of Dilworth) not to exceed \$117,000 without the

approval of the Clay County Board of Commissioners. Norman County: 16% not to exceed \$48,000 without the approval of the Norman County Commission. The Clay County Board of Commissioners had previously allocated \$100,000 of the funds received through the Local Assistance and Tribal Consistency Fund (LATCF)-American Rescue Plan Act of 2021. The remaining \$17,000 would come from county fund balance.

Commissioner Krabbenhoft asked if there was flexibility in the event that the City of Moorhead grows. Commissioner Campbell stated the intent was to be flexible in regards to the city's growth and further explained that it's going to be a work in progress. Mr. Larson discussed meeting with AE2S and Moorhead Public Service (MPS) to let them know that this is happening and additional meetings will take place regarding the growth of the city.

Discussion ensued regarding the fiscal agent.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the Memorandum of Understanding establishing the judicial formation of the West Central Regional Water District, to include Clay County as the fiscal host through the formation phase.

Committee Reports/County Administrator Update/Discussions

- Commissioner Ebinger reported on meetings for the Clay County Board of Commissioners Work Group; Prairie Lakes Municipal Solid Waste Authority; FM Diversion Finance Committee; Clay County Substance Abuse and Suicide Coalition; CAPLP Council on Aging; FM Diversion Authority; Lake Agassiz Regional Library Finance Committee; Lake Agassiz Regional Library Board; Partnership4Health CHB; Township Officers; and GFMEDC Board.
- Commissioner Krabbenhoft reported on meetings for the Clay County Board of Commissioners Work Group; Historical and Cultural Society; Clay County Substance Abuse and Suicide Coalition; and Township Officers.
- Commissioner Mongeau reported on meetings for Prairie Lakes Municipal Solid Waste Authority; Red River Basin Committee; ARPA Committee; Retirement Party for Nancy Gunderson; MCCJPA; and Township Officers.
- Commissioner Campbell reported on meetings for the Clay County Board of Commissioners Work Group; Highway Tracking; ARPA Committee; Building Committee; Prairie Lakes Municipal Solid Waste Authority; MCCJPA; FM Diversion Authority; Retirement Party for Nancy Gunderson; and Township Officers.
- Commissioner Gross reported on meetings for Highway Tracking; Clay County Board of Commissioners Work Group; Building Committee; Retirement Party for Nancy Gunderson; Partnership4Health CHB; Township Officers; and Keene Township.
- County Administrator Stephen Larson reported on meetings for Highway Tracking; Clay County Board of Commissioners Work Group; Clay County Management; met with attorney's and administrators from Counties regarding the MOU for establishing West Central Regional Water District ; met with Red River Communication; Building Committee; ARPA committee; Retirement Party for Nancy Gunderson; met with Derrick LaPoint regarding economic development issues; AMC Futures Task Force; Township Officers meeting; reminder that County offices will be closed on Thursday and Friday this week in observance of Thanksgiving.

Adjourn

The meeting was adjourned at 10:53 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator