

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, FEBRUARY 27, 2024
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 Administrative Assistant Sarah Hellem.

Call to Order

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

Approval of Agenda

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

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 Krabbenhoft, and unanimously carried, the Board approved the bills and vouchers totaling \$558,510 from 160 vendors. There were 111 warrants issued under \$2,000 (\$44,136) and the following 49 were over \$2,000.

Buffalo-Red River Watershed	\$ 53,771	Treas Of Humboldt Twsp	\$ 6,114
Otter Tail Public Health	\$ 27,762	Air Mechanical, Inc	\$ 5,175
Trinity Services Group, Inc.	\$ 27,554	Wir3d Electric Inc.	\$ 4,487
Treas Of Hagen Twsp	\$ 26,655	The Retrofit Companies Inc.	\$ 4,406
Treas of Flowing Twsp	\$ 25,170	Meetings Northwest, Inc.	\$ 4,380
Treas Of Keene Twsp	\$ 24,423	Northwest Iron Fireman Inc	\$ 4,373
Treas Of Hawley Twsp	\$ 22,589	SRF Consulting Group Inc	\$ 4,193
Treas Of Spring Prairie Twsp	\$ 22,235	JT Lawn Service	\$ 3,870
Treas Of Riverton Twsp	\$ 21,901	Keller Diesel Service	\$ 3,727
ZOHO Corporation	\$ 20,748	Smith/Darby	\$ 3,430
Clay Co Public Health	\$ 16,471	Green View Inc.	\$ 3,395
Xcel Energy	\$ 15,770	Rick Electric Inc	\$ 3,192
Lutheran Social Service Of Mn	\$ 15,746	Wild Rice Electric Cooperative, Inc.	\$ 3,068
Treas Of Parke Twsp	\$ 14,286	Dacotah Paper-401516	\$ 3,036
Turnkey Corrections	\$ 10,262	Flaherty & Hood, P.A.	\$ 2,940
Becker County Public Health	\$ 10,233	FM Truck & Trailer Repair LLC	\$ 2,713
M-R Sign Company Inc	\$ 9,593	Treas Of Highland Grove Twsp.	\$ 2,661
MCM Development	\$ 9,533	Dacotah Paper-402756	\$ 2,652
The Hawley Herald, Inc.	\$ 9,394	Treas Of Glyndon Twsp	\$ 2,613
Treas Of Goose Prairie Twsp.	\$ 8,838	Psychologics	\$ 2,580
Sanford Health	\$ 8,602	Uline	\$ 2,411
Treas Of Tansem Twsp	\$ 8,331	Minneapolis Forensic Psych Services LLC	\$ 2,318
Elan Financial Services	\$ 8,323	Dakota Plains Mechanical, Inc.	\$ 2,138
Great Plains Flooring	\$ 7,989	High Point Networks, LLC	\$ 2,000

Diamond Drugs Inc.

\$ 6,302

Approval of Minutes from February 13, 2024

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from February 13, 2024.

2023 Annual Development Report Presentation

Downtown Moorhead Inc (DMI) President & CEO Derrick LaPoint and Moorhead Community Development Director Kristie Leshovsky presented their 2023 Annual Development Report, discussing the Camino online permit guide, downtown neighborhoods, 2023 neighborhoods, residential development, specialized housing, single-family and multi-family incentives, commercial development, industrial development, MCCARA Industrial Park expansion, 2023 projects-Education, 2023 projects-Government, 2023 Legislative outcomes – Moorhead's flood mitigation; 11th Street underpass; Moorhead Community Center Library, sustainability and resilience, plans and studies, permits and investments, art, culture, placemaking, community events, Legislative priorities, up and coming projects.

Commissioners Gross and Ebinger discussed being impressed with the growth of Moorhead and look forward to the continued partnership with Downtown Moorhead Inc. and the City of Moorhead.

Commissioner Mongeau thanked Mr. LaPoint and Ms. Leshovsky for their work and the presentation and discussed Legislation and the strength in collaboration.

Mr. LaPoint stated there could be value in looking at a collective Clay County presentation similar to this one, to show collective unity.

Commissioner Campbell asked if there can be better communication to the public regarding the construction timeline of the 11th street underpass, as there are a lot of unknowns at this time. Mr. LaPoint stated the contractor of the project will be required to bring on a Communications Specialist to convey information to the public. This was something that had been requested, so those tasks didn't fall onto local entities to communicate, and the hope is to be included in the selection process of that position.

Request Approval to Adjust a Variable-Hour Social Worker Position to Full-Time in the Social Services Department

Social Services Director Rhonda Porter and Social Services Supervisor Jessica Mickelson requested approval to adjust a variable-hour Social Worker position to a full-time Social Worker position in the Special Needs Basic Care (SNBC) program. This is a contract with a managed care organization called UCARE. This program underwent some contract changes which resulted in increased referrals and decreased revenue. However, the generated revenue with this work is sufficient to cover the cost.

Discussion ensued regarding the budget.

Ms. Mickelson discussed the details behind care coordination. what the population looks like, and the case load.

Commissioner Campbell asked how many other employees are in this area. Ms. Mickelson stated there is currently 1.0 FTE and 0.4 variable-hour within Social Services and Public Health has 2 employees. Each department does receive case-aide support.

Discussion ensued regarding the contract with UCARE, the revenue income, federal financial participation, adding positions this early in the year and the upcoming wage study.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved increasing the variable-hour social worker position from 0.4 to a full-time Social Worker position.

This item was revisited later in the agenda due to backfill not being included in the motion. Discussion ensued regarding if backfill was necessary based on position status.

A new motion was received.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft and unanimously carried, the Board approved increasing the variable-hour social worker position from 0.4 to a full-time Social Worker position and to include backfill should there be an internal appointment.

Bid Opening for SAP 014-601-008

County Engineer Jusin Sorum opened bids for the Bituminous Paving Project on CSAH 1 from SAP 014-601-008. The Engineers' estimate for this project was \$1,597,994.00.

The following 5 bids were received all with a bid bond in the amount of 5%. Central Specialties with a bid of \$1,679,953.80, Knife River Materials with a bid of \$1,474,120.22, Border States Paving with a bid of \$1,469,619.10, R.J. Zavoral and Sons with a bid of \$1,460,229.73, and Mark Sand & Gravel with a bid of \$1,557,481.70.

Mr. Sorum's recommendation is to approve the low bid from R.J. Zavoral and Sons in the amount of \$1,460,229.73.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the low bid from RJ Zavoral & Sons in the amount of \$1,460,229.73 for SAP 014-601-008.

Request Approval to Hire an Eligibility Worker and Case Aide with State Appropriation

Ms. Porter, Financial Assistance Supervisor Karen Syverson and Financial Assistance Supervisor Mikala Wodarek requested approval to hire an Eligibility Worker and Case Aide with State Appropriation. All counties received this appropriation by Minnesota Legislation and the Department of Human Services, to help with healthcare unwinding. Clay County is appropriated \$461,139 based on March 2023 enrollment. This amount is sitting in the Social Services budget.

Ms. Porter further discussed the budget and budget requests back in May of 2023, staffing & turnover, actual spent for staffing and cost projection through June 2026.

Ms. Wodarek discussed the volume of the workload in relation to the number of employees who are doing this work.

Ms. Syverson discussed the ratio between incoming applications to staff time.

Discussion ensued regarding residency requirements, revenue sources, the backlog, trends, new applications coming in, concerns of additional funding, turnover, and the appropriation being one-time

funds.

Ms. Porter asked to post these positions as full-time permanent positions instead of 'grant funded' positions that end in June 2026 and to have continued communication with the Board to identify keeping them on board if there is attrition. Commissioner Campbell stated his motion was for the two positions to be approved through June 2026 with the appropriated funds.

Ms. Porter asked if it would be acceptable to post and hire without the caveat of ending in June 2026, and as there is turnover in the unit, bring this back before the Board for review.

Commissioner Mongeau stated in terms of clarity and how things are evaluated during the budget process, there should be a way to communicate through the advertisement process that this is addressed through a funding stream, through a specific date.

Discussion ensued regarding adjusting the number of positions from 7 to 9, and the budgeting process for these positions, based on the June 2026 date.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried the Board approved the hiring of a full-time Eligibility Worker and Case Aide in the Financial Services Division and fund them with the appropriated dollars through June 2026 and backfill if necessary, increasing the number of personnel from 7 to 9 employees, through the period of June 2026, at which time, without further evidence, would revert back to 7 employees.

Discussion ensued.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved and confirmed their motion.

Request Approval of Memorandum of Understanding (MOU) to be Part of the Newly Formed Cass Clay Threat Assessment Threat Management Team

Sheriff Mark Empting discussed the newly formed Cass Clay Threat Assessment Threat Management Team ("CCTATMT") and that it's a multi-disciplinary team dedicated to the prevention of targeted acts of violence. Through the cooperative sharing of information, resources, and the knowledge gained through training with leading experts in the field of threat assessment, the team endeavors to identify, assess, and manage situations where the risk of violence is imminent and/or anticipated. No additional personnel is needed.

Commissioner Campbell asked how an individual report and incident. Sheriff Empting stated the call would go to dispatch where it would then get reported to patrol. From there that patrol deputy/officer would bring the report to investigations where they would then assign the incident to the proper person on the CCTATMT.

Discussion ensued regarding the School Resource Officers (SRO) and Rule 20.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the the Memorandum of Understanding to be a part of the newly formed Cass Clay Threat Assessment Threat Management Team.

Request Approval to Adjust the Emergency Preparedness Position from a .8 to a 1.0 FTE

Public Health Administrator Kathy McKay stated the Community Health Board (CHB) received a Response Sustainability Grant from the Minnesota Department of Health. This grant does come with additional requirements and is in addition to the Public Health Emergency Preparedness and City Readiness Initiative Grants. The additional requirements include workforce capacity, sustainability, health equity and communication.

Commissioner Mongeau asked if the funding needed to be spend on this particular item or if it could bolster what the current position can already do. Ms. McKay stated with the funding, there can either be an increase to the position or they can hire. Commissioner Mongeau discussed her struggles with increasing this position based on evidentiary support that this position has shown in the past, and asked if it makes sense for one person doing this work rather than possibly support staff to alleviate workload. Ms. McKay stated, at this time, adding an additional position for Clay County, wouldn't be affective.

Commissioner Gross asked why this position was originally hired at a .8 and not a 1.0 FTE. Ms. McKay stated because in the past, this position was also working with Becker County and Wilkin County and those counties funding supported the position.

Discussion ensued regarding how this position coincides with the Emergency Management Director, the supporting agency, the previous work that has been shown by this position, and the lack of information surrounding this request.

Commissioner Mongeau motioned to deny the request. Motion dies for lack of second.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Gross, and carried with two descending votes (Commissioner Mongeau and Commissioner Campbell), the Board approved the to adjust the Emergency Preparedness position from a 0.8 to a 1.0 FTE.

BREAK

The Board took a break from 10:22 a.m. to 10:27 a.m.

Annual Department Update - West Central Regional Juvenile Center

Juvenile Detention Director James O'Donnell provided an annual department update for the West Central Regional Juvenile Center (WCRJC) including what the WCRJC does, partners, staffing, primary units – Secure & Non-Secure, CLIPS program, member counties, Secure unit data, Out-of-Home Placement, and challenges.

County Administrator Stephen Larson asked what the Secure unit was licensed for and how many addition beds are not licensed. Mr. O'Donnell stated the WCRJC is licensed for 55 beds and there are currently 10 that are not licensed.

Discussion ensued regarding licensed beds in the Secure unit, if any individuals have been turned away from the facility, at what point would law enforcement put an individual in Non-Secure versus Secure, and the outcome of the individuals who exceed the 36- or 72-hour limit.

Commissioner Ebinger thanked Mr. O'Donnell and his staff for all they do.

Annual Department Update - Solid Waste Management

Solid Waste Director Corey Bang provided the Board with an annual department update for the Solid

Waste Management Department discussing Household Hazardous Waste, the Resource Recovery Center, recycling, trucking, staff, new equipment, cost saving measures, leachate, Becker County Load Sharing, public education campaign, and rechargeable battery disposal.

Commissioner Ebinger thanked Mr. Bang and his staff for their work.

Request Approval to Fill Open Landfill Manager Position

Mr. Bang requested approval to fill the open Landfill Manager position. The current Landfill Operations Manager has resigned after accepting a position in Florida. This position is vital for day to day activities as well as maintaining annual reporting to the MPCA.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to fill the Landfill Manager position with backfill.

Request Approval of the Re-Appointment of Tim Brendemuhl to a Second Term on the Board of Adjustment

Mr. Larson requested approval to re-appoint Tim Brendemuhl to a second term on the Board of Adjustment. At the February 20th, 2024 Board of Adjustment meeting, there was a unanimous recommended to the County Board of Commissioners to re-appoint Mr. Brendemuhl to serve a second term. Tim has previously served on the Planning Commission for nine years, and brings a wealth of knowledge and experience to the Board of Adjustment.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved to re-appoint Tim Brendemuhl to a second term on the Board of Adjustment.

Request Approval to Change Leave Donation Policy

Human Resources Director Darren Brooke requested approval to change the Leave Donation Policy. Currently, employees can only request leave donations due to a “serious medical emergency or condition that causes a severe impact to them resulting in a need for additional time off in excess of their available sick and vacation time.” There have been requests by some employees that this policy should include maternity/paternity leave in that definition.

For new employees, they would have to work for the County for 2.5 years, and never take a sick or vacation day in order to have all 12 weeks paid. This could be temporary, as the Paid Family Medical Leave will begin in 2026.

This issue was discussed at the PIC meeting on 2/20/2024, and it was decided to move the issue to the full Board for consideration and final decision.

Discussion ensued regarding FMLA, revisiting this policy in 2026, criteria of leave donations, and negative impacts.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to add language in the Personnel Policy to include maternity/paternity leave when requesting leave donations.

Request Approval of Resolution 2024-09 Establishment of the West Central Regional Water District & Commencement of Water System Establishment Proceedings

Mr. Larson stated on April 23rd, 2023, the Board unanimously approved Resolution 2023-13

establishing Clay County as a member of the West Central Regional Water District (WCRWD). This project will provide a new potable water source for cities and rural residents of Polk, Norman, and Clay Counties. The initial resolution included a footprint that included the cities of Georgetown and Felton and all or parts of 15 townships in northern Clay County. On August 8th, 2023, the Board voted to expand the footprint of the WCRWD to include all of Clay County, excluding the areas serviced by Moorhead Public Service. Resolution 2024-09 will address the amended district boundary, authorize filing the legal pleading in Clay County District Court, and formally authorize Flaherty & Hood, P.A. to serve as legal counsel for that process in Clay County District Court.

Discussion ensued regarding the timeline of the project, annexation, the future of Moorhead Public Service, and percentages and population.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved Resolution 2024-09 Establishment of the West Central Regional Water District, Commencement of Water System Establishment Proceedings.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Gross, and unanimously carried, the Board approved to authorize filing the legal pleading in Clay County District Court, and formally authorize Flaherty & Hood, P.A. to serve as legal counsel for that process in Clay County.

Committee Reports/County Administrator Update/Discussions

- Commissioner Mongeau reported on meetings for Planning Commission; AMC Legislative Conference; AMC Extension; AMC Public Safety; Lakeland Mental Health Center Annual Board meeting; and Metro COG Policy Board.
- Commissioner Campbell reported on meetings for AMC Legislative Conference; FM Diversion Land Management meeting; FM Diversion Authority; Highway Tracking; and West Central Regional Water District. Commissioner Campbell stated that he wanted the 2024 Clay County Legislative Priorities handouts to be added to the minutes for the record.
- Commissioner Gross reported on meetings for Personnel Issues Committee; MN Rural Counties Caucus; AMC Legislative Conference; Highway Tracking; and West Central Regional Water District.
- Commissioner Krabbenhoft reported on meetings for AMC Legislative Conference; Lakeland Mental Health Center Annual Board meeting; and Cass Clay Food Commission.
- Commissioner Ebinger reported on meetings for Personnel Issues Committee; FM Diversion Authority Finance meeting; and FM Diversion Board of Authority.
- County Administrator Stephen Larson reported on meetings for PIC; MACA; AMC Legislative Conference; met with Ryan Weber, Troy Amundsen and B3 Representatives regarding variances for the WM/DF; Highway Tracking; met with Sherri Larson MBA about the WM/DF project and DMV project; West Central Regional Water District pre meeting; next week a proclamation request from the City of Fargo will be brought forward regarding governmental communications day; reminder there is an opening for the Wild Rice Watershed District Manager and application will be accepted until March 6, 2024.

Adjourn

The meeting was adjourned at 11:58 a.m.

David Ebinger, Chair
County Board of Commissioners

Stephen Larson, County Administrator

911 EMERGENCY RESPONSE FUNDS

911 FEES

Per Minnesota Statute § 403.11 Subd. 1 Emergency telecommunications service fee; account: (a) Each customer of a wireless or wire-line switched or packet-based telecommunications service provider connected to the public switched telephone network that furnishes service capable of originating a 911 emergency telephone call is assessed a fee based upon the number of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunications service, to offset administrative and staffing costs of the commissioner related to managing the 911 emergency telecommunications service program, to make distributions provided for in section 403.113 , and to offset the costs, including administrative and staffing costs, incurred by the State Patrol Division of the Department of Public Safety in handling 911 emergency calls made from wireless phones.



CLAY COUNTY FEES

A fee of \$0.80 per month is collected from every device that is used by Clay County residents. The fees that are collected go into Emergency Communication funds. Clay County receives a portion of the fees back and the rest is distributed to maintain a special revenue account, the Allied Radio Matrix for Emergency Response (ARMER) system, and unallocated funds.

Having access to the remaining unallocated funds would give Clay County the opportunity to address the emergency response needs in our communities.



CLAY COUNTY REQUEST

Clay County is requesting access to the unallocated funds remaining from the 911 fees collected from Clay County residents.



MENTAL HEALTH ACUITY

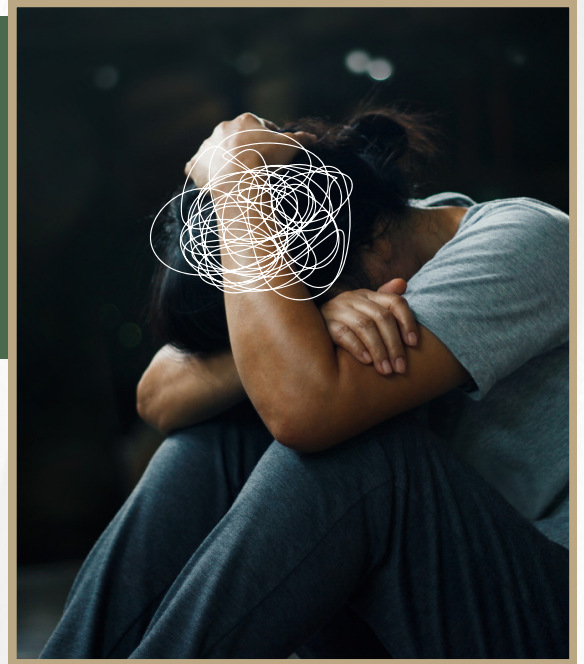
PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES (PRTF)

WHAT IS A PRTF?

Psychiatric Residential Treatment Facilities (PRTF) provide active treatment to children and youth under age 21 with complex mental health conditions. This is an inpatient level of care provided in a residential facility rather than a hospital. Minnesota has struggled to meet the needs of children, youth, and young adults with complex mental health conditions and PRTFs are and have been instrumental in the continuum of care. As of January 16, 2024, there are four PRTFs currently operating in Minnesota with one facility in development. Waiting lists range from months to one year with the closest facility to Clay County being two hours.

WHY WE NEED ADDITIONAL PRTFS

Throughout Minnesota there is inadequate capacity in the continuum of care to support children with high acuity, complex and/or co-occurring conditions that include violent or sexually inappropriate behavior, and/or physical health challenges.



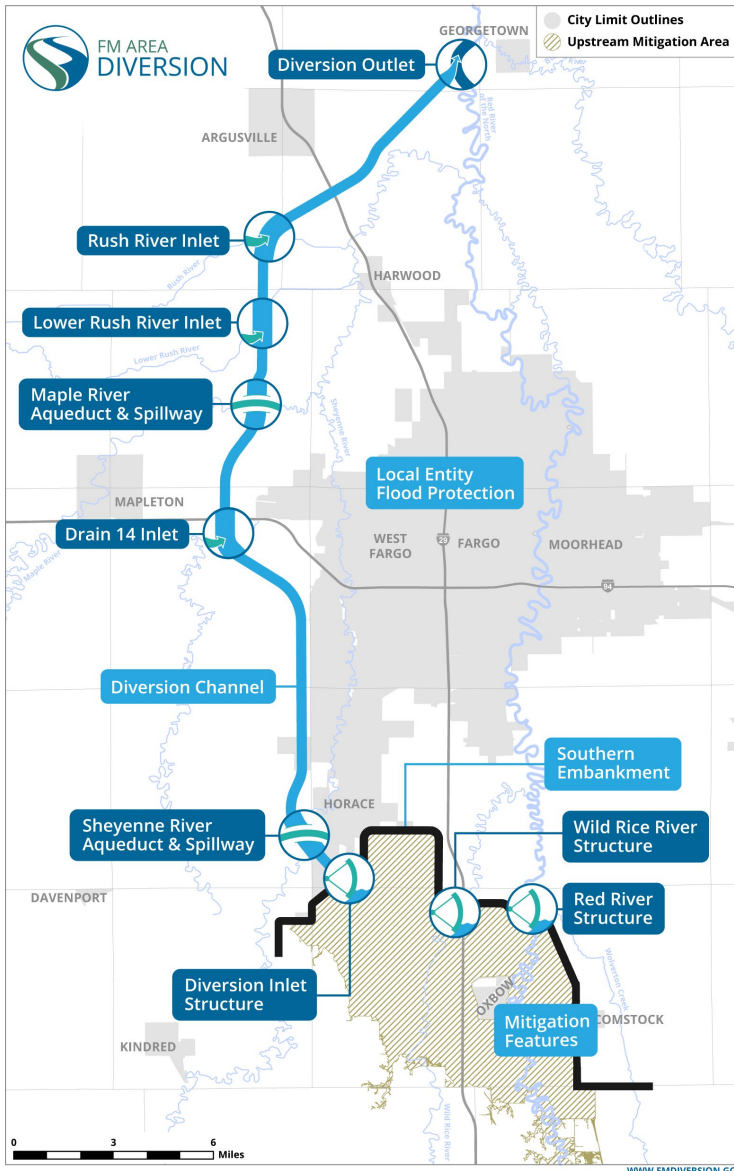
Children are being boarded in acute care emergency departments, juvenile detention settings, and even county office spaces and hotels, while agencies work to locate appropriate providers to meet their needs. Much of the time, specialized resources are not available in local communities or even within the State.

A March 2021 article in the Minnesota Physicians Journal indicated “Minnesota ranks 50 out of all states on having the fewest number of psychiatric beds per capita (3.5 beds per 100,000). The recommendation by health policy experts is 40-60 mental health beds for every 100,000. Most psychiatric units are at max capacity, most of the time- especially child and adolescent units.”

CLAY COUNTY REQUEST

Clay County is requesting funding (\$15 million) for a PRTF facility to serve youth from the West Central and Northwest regions of Minnesota.





Project Overview



Water flows downstream, passing through the natural riverbed, which is bordered by in-town levees and floodwalls. If the flood level will exceed 37 feet, the MFDA will prepare to operate the FM Area Diversion.



Radial-arm flood gates on the Red River Structure and Wild Rice River Structure are lowered to limit the amount of floodwater that enters the metro area.



A portion of floodwater moves into the upstream mitigation area, where it is temporarily stored within the southern embankment.



Gates open on the Diversion Inlet Structure, allowing floodwater to enter the stormwater diversion channel and safely pass around the metro area.



Once project operations end, the MFDA will remove flood-related debris from the upstream mitigation area.

Project Status

CONSTRUCTION

After breaking ground on the **stormwater diversion channel** in August 2022, the Red River Valley Alliance has excavated millions of cubic yards of material.

As 2023 came to an end, the **Diversion Inlet Structure** and **Wild Rice River Structure** were nearly complete while the **Red River Structure** was 47% done.

The **road-raise project** on a 4.2-mile stretch of I-29 wrapped up in 2023.

Work began on the **diversion outlet** and numerous **inlets** in 2023. Construction on the **Maple River Aqueduct** also is underway, and the U.S. Army Corps of Engineers worked on the second reach of the 22-mile **southern embankment**.

FINANCIAL

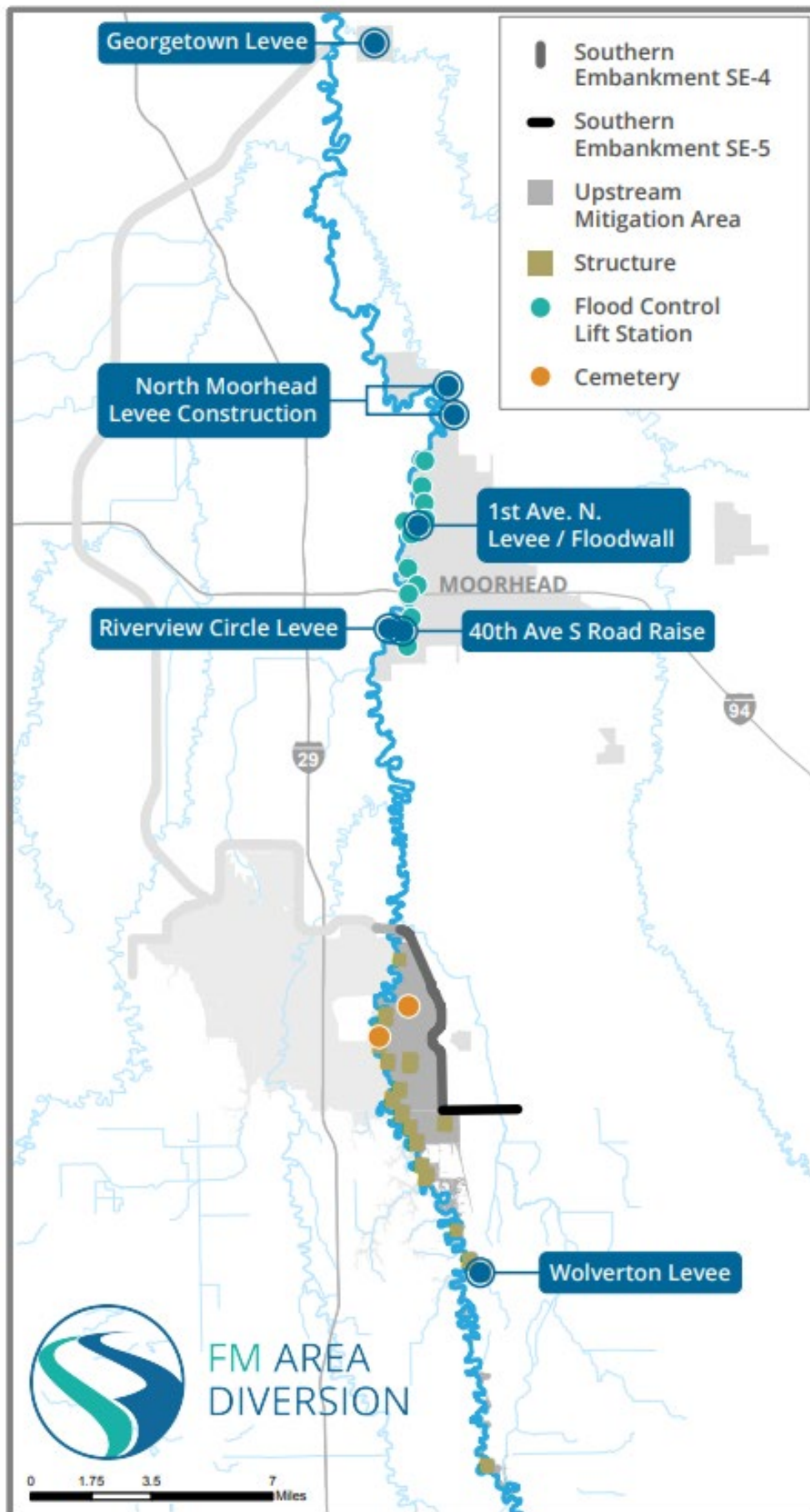
The requested **federal funding** of \$750 million for the project has been secured.

State funding of \$850 million from North Dakota has been secured. Minnesota has spent/allocated \$125 million to date.

Several sales tax initiatives in Fargo and Cass County, North Dakota, continue to provide a strong share of **local funding**.

LAND

Nearly 43% of the **property acquisitions and flowage easements** needed by the Moorhead-Clay County Joint Powers Authority have been obtained as of December 2023.



Bonding Requests

To construct the remaining flood mitigation infrastructure in Minnesota, the City of Moorhead and Clay County request funding from the DNR's Flood Damage Reduction Program. The funding requests would be used to complete the remaining components within the City of Moorhead first.



Minnesota Diversion Members
City of Moorhead | Clay County



11 Flood control lift station improvements	\$12.45 million
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Riverview Circle Levee/ 40th Ave. S. Road Raise	\$2.26 million
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HB —	Total: \$14.71 million
SB —	



Upstream mitigation area property and relocations	\$15 million
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Southern Embankment Reach SE-4 property acquisition	\$4 million
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Southern Embankment Reach SE-5 property acquisition	\$200,000
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Cemetery mitigation	\$5 million
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Georgetown levee*	\$3.5 million
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Wolverton project*	\$10 million
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HB —	Total: \$37.7 million
SB —	

Total Diversion Project Cost:
\$52.42 million

** Led by the Buffalo-Red River Watershed District
Prices are in 2023 U.S. dollars*

Clay County

218-299-5012

<https://claycountymn.gov>

City of Moorhead

218-299-5166

www.moorheadmn.gov