

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, MARCH 5, 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, 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 Ebinger called the meeting to order at 8:30 a.m.

Approval of Agenda

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the agenda with moving the 2024 Squad Car Update consent agenda item to the regular agenda.

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

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

Employee Recognitions

The Board recognized the following employees; Karen Hagen for 30 years with Public Health and Coreen Arias for 20 years with Social Services.

Citizens to be Heard

There were no citizens to be heard.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the bills and vouchers totaling \$1,319,346 from 155 vendors. There were 98 warrants issued under \$2,000 (\$44,652) and the following 57 were over \$2,000.

Internal Revenue Serv	\$ 239,263	Treas of Flowing Twsp	\$ 19,003
West Central Regional Juvenile Center	\$ 68,279	Treas Of Keene Twsp	\$ 18,295
Treas Of Eglon Twsp	\$ 36,844	Treas Of Glyndon Twsp	\$ 17,449
Mn Dept Of Revenue	\$ 32,030	Treas Of Holy Cross Twsp	\$ 17,410
Treas Of Elkton Twsp	\$ 31,273	Treas Of Hagen Twsp	\$ 17,139
VEBA Select Account	\$ 30,159	Historical & Cultural Society Of Clay Co	\$ 16,781
Treas Of Hawley Twsp	\$ 29,127	Veolia North America	\$ 16,210
Treas Of Morken Twsp	\$ 28,511	WEX Bank - Sheriff	\$ 13,689
Treas Of Parke Twsp	\$ 28,396	JT Lawn Service	\$ 13,311
Treas Of Cromwell Twsp	\$ 28,385	Treas Of Moorhead Twsp	\$ 13,220
Prairie Lakes Municipal Solid Waste Auth	\$ 27,168	NACO	\$ 12,949
Treas Of Highland Grove Twsp.	\$ 27,074	Sanford Health	\$ 8,281
Treas Of Oakport Twsp	\$ 27,073	Advanced Business Methods	\$ 7,627

Treas Of Kurtz Twsp	\$	26,715	Medical Pharmacy (WCRJC)	\$	7,420
Treas Of Kragnes Twsp	\$	25,688	Stantec Consulting Services, Inc.	\$	6,844
Treas Of Viding Twsp	\$	25,486	Moorhead Public Service	\$	6,808
Treas Of Georgetown Twsp	\$	24,650	Klein McCarthy & Co Ltd	\$	6,764
Treas Of Elmwood Twsp	\$	24,192	Cultural Diversity Resources	\$	6,503
Treas Of Spring Prairie Twsp	\$	24,115	Schmidt/Shawn	\$	6,000
Treas Of Tansem Twsp	\$	23,990	Wold Johnson, P.C.	\$	6,000
Treas Of Humboldt Twsp	\$	22,879	Magic Fund	\$	5,678
Treas Of Ulen Twsp	\$	22,849	Axon Enterprises, Inc.	\$	4,830
Treas Of Felton Twsp	\$	22,275	Ramsey County Med Exam	\$	4,543
Treas Of Riverton Twsp	\$	22,052	Code 4 Services, Inc	\$	4,344
Treas Of Skree Twsp	\$	21,927	Madlom/Alexis	\$	4,000
Treas Of Goose Prairie Twsp.	\$	21,740	Johnson's Auto Repair LLC	\$	3,738
Treas Of Alliance Twsp	\$	20,627	City of Pelican Rapids	\$	3,430
Treas Of Barnesville Twsp	\$	20,332	Team Laboratory Chemical LLC	\$	3,300
Treas Of Moland Twp	\$	20,003			

Approval of Minutes from February 20, 2024

On motion by Commissioner Krabbenhoft, seconded by Commissioner Gross, and unanimously carried, the Board approved the minutes from February 20, 2024.

2024 Squad Car Update

Sheriff Mark Empting provided an update on the 2024 squad cars and stated last year, six Tahoes were ordered to take delivery in 2024. Enterprise has since reached out informing the Sheriff's Office that only two of the six orders were accepted and were unsure what would happen with the other four orders. They were able to find an additional Tahoe, but it needs a spotlight and there would be additional delivery fees which brings the price to roughly \$46,000 versus the original request of \$42,004. But with that additional vehicle, there would only be a need for three more, rather than four. Enterprise is still looking for additional Tahoe's as it's best to transition to a vehicle of the same make and model, to keep cost down. Enterprise did state that in May of 2024, Chevy was going to open up their order process for 2025 vehicles, therefore, it might be beneficial to hold off until then.

Discussion ensued regarding the monthly payment for these vehicles, if there will be any savings if we wait until 2025, and if there are any other options.

County Administrator Stephen Larson stated, the reason this was brought forward was a certain dollar amount was approved at a previous meeting, therefore a motion is needed to accept the \$1,330.13 monthly rate for this vehicle. This is a three year lease.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the 2024 squad car update with the monthly lease payment for this vehicle in the amount of \$1,330.13.

Sheriff Empting provided an update on the School Resource Officer (SRO) and stated that this bill was voted on in the House yesterday and was passed, now it will be going to the Senate and if it gets passed, then it will make its way to the Governor's desk where it will go into law. Once that happens, it will go into effect immediately.

Commissioner Ebinger asked if the Deputies that will be going back into the schools will have the

necessary and adequate trainings to be back in the schools immediately after of the implementation of the new legislation. Sheriff Empting stated they will be able to go back into the schools right away, and that a certain amount of time was given, within the law, to complete the necessary training requirements.

Discussion ensued regarding the change in the law, what that entails, and the DARE program.

Annual Department Update - Planning & Zoning

Planning & Zoning Director Matthew Jacobson presented an annual update for the Planning & Zoning department discussing comprehensive plan, development code, building permits, development valuation, major and minor subdivisions single lot subdivision, boundary line adjustments, plats, staffing, investigations/enforcement, floodplain administration, shoreland program, use trends, use permits by type, variances, zoning violations, gravel tax, and the 2024 plan.

Commissioner Gross asked how the Planning & Zoning office is notified of any zoning violations. Mr. Jacobson stated they're notified through the Assessor's Office, Environmental Health, the Sheriff's Office, and even citizen complaints.

Discussion ensued regarding types of violations and if certain violations occur more than others.

Commissioner Campbell made note for viewers that the statistics being presented are all for rural areas of the County, outside of incorporated cities.

Discussion ensued regarding how gravel tax is distributed, the condition to maintaining haul roads, and sending letters to all the gravel pit operators reminding them of their responsibilities and obligation.

Mr. Larson stated that due to recent legislative change, only the counties that have the active pits will receive gravel tax.

Discussion ensued regarding permit and penalty fees.

Commissioner Campbell recognized the Planning Commission Chairman Ezra Baer, who is in attendance today, and thanked him for his efforts.

Bid Opening for SAP 014-626-032

County Engineer Justin Sorum opened bids for the CSAH 26 Mill and Overlay Project from CSAH 19 to Trunk Highway 75. There was one addendum on this which is to push the start date back to June 3, 2024, in case the County is successful in receiving the grant that's available. The Engineers' estimate for this project was \$4,346,805.00.

Commissioner Campbell asked how many miles of road this project would be. Mr. Sorum stated it's 9.5 miles.

The following five bids were received all with a bid bond in the amount of 5%, and they all acknowledged the addendum. Mark Sand and Gravel with a bid of \$4,693,022.35, Central Specialties with a bid of \$4,017,047.50, Border States Paving with a bid of \$3,956,146.95, R.J. Zavoral and Sons with a bid of \$3,889,047.10, and Knife River Materials with a bid of \$3,672,363.40.

Mr. Sorum stated he was very conservative on his estimate because this project has 47,000 tons of asphalt on it, and the mix being used is expensive and has only been used once before. He has no reservations about awarding this project to Knife River, as they have completed projects for the County in the past.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the low bid from Knife River Materials in the amount of \$3,672,363.40 for SAP 014-626-032.

Request Approval of Resolution 2024-10 for Public Land Survey System (PLSS) Preservation Grant

GIS & Communications Director Mark Sloan provided some history on the Public Land Survey System (PLSS) and stated the State of Minnesota is accepting applications for a PLSS Monument Grant which will allow additional section corner re-monumentation and preservation efforts. The grant will be used to address all the PLSS corners in Highland Grove Township along with the adjoining six sections in Cromwell Township to the west and the adjacent six sections in Goose Prairie Township to the north. The project area abuts the County line to the east and encompasses an adjustment line to the north, which significantly increases the number of section corners involved. A total of 48 sections with 186 section corners are included in the project area. Clay County has a contracted land surveyor who will be conducting the re-monumentation work, staff from the County Highway Department will assist with any needed excavation, the County Recorder's Office will accept and scan all completed section corner certificates, and County staff will update the PLSS control corner information within the County's Geographic Information System (GIS). The goal of this project is to have all the corners in the project area re-monumented and available for use by other surveyors.

The grant will also be used to develop an interactive web application for sharing PLSS records on the County's web site. It is expected that a private consulting firm will be contracted to create and deploy the PLSS web application. Besides creating the web application, the contractor will be tasked with accessing scanned corner certificates that currently exist within the County's electronic records management system. Data from the County's existing GIS will be utilized in the interactive web application. It is hoped that the online web application will be available early in the project, allowing online public access to PLSS corner information hosted by Clay County.

Clay County expects that having quality PLSS corner data will significantly reduce the cost of surveys to landowners which will allow them to sub-divide their properties and ensure boundary lines are preserved. The project will provide information on PLSS corners in an area of our county where little development has taken place and many corners are unknown. With the updated PLSS corner locations, the County will, through a process outside this grant, improve the accuracy of parcel boundaries. Highly accurate parcel boundaries will then be available to provide better information for decision makers. The project area also encompasses a small city, which will greatly benefit from having accurate parcel maps making future growth easier to depict.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the Resolution 2024-10 for Public Land Survey System (PLSS) Preservation Grant in the amount of \$300,000 and authorize expenditure of grant funds for PLSS preservation, if received.

**RESOLUTION OF THE CLAY COUNTY BOARD
OF COMMISSIONERS**

**Authorization to submit an application for a PLSS Preservation Grant and
approving the ability of Clay County
to receive grant funds for the purpose of PLSS preservation.**

RESOLUTION 2024-10

WHEREAS, Clay County desires to maintain the Public Land Survey System Monuments which are essential for all property descriptions, location of infrastructure, and are the basis for accurate digital geospatial data.; and

WHEREAS, Clay County has the opportunity to apply for a Public Land Survey System (PLSS) Monument Grant from the State of Minnesota; and

WHEREAS, Clay County will comply with all applicable laws and regulations as stated in the grant contract agreement, and by all applicable federal and state laws and regulations; and

WHEREAS, Clay County recognizes and assigns Clay County Auditor/Treasurer Lori J. Johnson, who has reviewed and will comply with the grant assurances, to act as a fiscal agent on behalf of Clay County; and

WHEREAS, Clay County will ensure that the PLSS corner certificates and associated geospatial data will be accessible through an interactive web application shared on the County's web site.

NOW THEREFORE BE IT RESOLVED that the Clay County Board of Commissioners authorizes the GIS & Communications Director to submit an application for a Public Land Survey System (PLSS) Monument Grant in the amount of \$300,000.

BE IT FURTHER RESOLVED, that Clay County Board of Commissioners authorizes the Clay County Auditor/Treasurer to act as fiscal agent if funding is awarded for the Public Land Survey System (PLSS) Monument Grant and approves the expenditure of grant funds for the purpose of PLSS Preservation.

Adopted this 5th day of March, 2024.

Website Redesign Update

Mr. Sloan discussed at the beginning of last summer, Clay County staff have been working with the website hosting company to update the look of the County's website to ensure the site remains easily accessible to all users.

On Tuesday March 5th, 2024, the change will take place and will launch later this morning.

Mr. Sloan wanted to thank the Website Redesign Committee members for their help guiding the process.

Request Approval of Appointment to the Extension Committee

Extension Regional Director Cecilia Amadou requested approval to appoint Siham Amedy for a three-year term on the Extension Committee.

Ms. Amedy introduced herself to the Board and provided information on her background.

Discussion ensued regarding number of committee members, rural representation, current committee vacancies, and recruitment efforts.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Gross, and unanimously carried, the Board approved to appoint Siham Amedy to a 3-year term on the Extension Committee.

Request Approval to Publish a Request for Bids on Landfill Hay Land Lease

Solid Waste Manager Corey Bank stated by rule, the landfill grass areas need to be mowed annually. By leasing the acreage out, the landfill would save the cost of mowing as well as giving a local farmer/rancher the opportunity to harvest the resource for use. This has been done over the last several years without a signed contract. By opening it for bids, it creates a fair process as well as giving the landfill assurance that the mowing will take place.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved to publish a request for bids for the Landfill Hay Land Lease of three years.

Request Approval to Purchase a Second Tanker for Leachate Hauling

Mr. Bang stated the current tanker for leachate hauling is showing its age and will soon require some downtime to be refurbished. By purchasing a second trailer, it would cover the downtime as well as be used in times of heavy flow to help maintain level restrictions. The expected lifespan of these trailers is 10 years and with the seemingly steady growth of leachate being created in our landfill, the second tanker will be used regularly to maintain the permitted levels. In the past, outside contractors have been hired to help, which results in a weekly cost between \$3,000 to \$4,000. By having a second trailer, the current staff could help cover times of heavy flow, potentially paying for itself in less than 1 year.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to purchase a tanker for leachate hauling in the amount of \$20,000.

Annual Department Update - Attorney's Office

County Attorney Brian Melton presented the Attorney's Office annual update discussing his team, budget, clearance rates, staff, case totals, trial prep, subpoenas, disclosure, administrative subpoenas, detainers/Government warrants, criminal issues, jury trials, appeals, convictions, drug seizure, specialty courts, drug court, veteran's court, domestic violence court, DWI court, property crimes, personal crimes, DWI crimes, traffic crimes, civil issues, child in need of protection services/permanency, probate, adoption, juvenile crime, forfeiture, guardianship, child support, commitments, victim/witness services, victim outreach, affidavit of loss, committee work, referrals, 2023 school-based restorative practices, and recidivism rate.

Discussion ensued regarding age range of truancy, permanency, public safety funds, attorney vacancies, and back log in the courts.

Commissioner Ebinger thanked Mr. Melton and his team for all that they do.

Mr. Larson mentioned the work that Mr. Melton and his staff do for all other Clay County departments/offices and thanked him for his efforts.

Request Approval for an Additional Clay County 2024 Legislative Priority

Mr. Larson stated on December 19th, 2023, the Board approved Clay County's 2024 Legislative Priorities to include Flood Diversion Funding, 911 Emergency Response Funds, and Mental Health Acuity - Psychiatric Residential Treatment Facility (PRFT) HF 4204/SF4265.

Mr. Sorum stated the original CSAH 26 project was intended to be a thin mill & overlay and cost roughly \$150,000 per mile. However, due to the build of the new Amazon facility in North Fargo, this road had begun to see additional stressors, rutting, and pavement distress, which caused an increase in the cost of the project.

The Clay County Board of Commissioners and the Clay County Engineer have since been working with legislators with regard to funding for the predesign, design, engineering, construction, and reconstruction of Clay County State-Aid Highway 26. Representative Keeler has authored HF 4205 and Senator Kupec has authored SF 4257, for a total amount of \$4.5 million dollars.

Discussion ensued regarding the addendum, the reason for pushing back the start date, additional details on HF 4205, and the total mileage of each section of the project.

It's requested that this item be added as the fourth legislative priority for Clay County.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the funding for pre-design, design, Engineering, construction, and reconstruction of Clay County State-Aid Highway 26 as an additional Clay County Legislative Priority for 2024.

Committee Reports/County Administrator Update/Discussions

- Commissioner Campbell reported on meetings for MCCJPA Special Meeting; Building Committee Meeting; Prairie Lakes Municipal Solid Waste Authority; Solid Waste Advisory Committee (SWAC); and DMV & Withdrawal Management/Detox Facility Finance Committee.
- Commissioner Gross reported on meetings for Building Committee; MN Rural Counties Caucus; Discussion with Wild Rice Watershed District Administrator Tara Jensen regarding applications for the manager position.
- Commissioner Krabbenhoft reported on meetings for Moorhead City Planning Commission.
- Commissioner Ebinger reported on meetings with RRRDC Personnel Director Jill Minette regarding hiring for the RRRDC Director position.
- County Administrator Stephen Larson reported on meetings for MCCJPA Special Meeting; met with Joe Olson on facility issues; met with Dara Lee with Clay County HRA; Lisa Bode regarding legislative priorities; building committee; met with Brian Melton; SWAC; met with Darren Brooke on County matter; met with Mike Leaser and Gabe Tweten regarding an oil spill in Comstock; MACA call; met with Sheriff Empting on a series of issues; DMV & Withdrawal Management/Detox Facility Finance Committee; and a reminder that today is the Presidential Primary election, voting will be open from 7 a.m. to 8 p.m. and our website has further details on voting locations; starting March 6, 2024 spring road restrictions will take place north of highway 10 and will run for up to 8 weeks; discussed Social Service Director applications/interviews; and followed up on the extension committee items, MN State Statute 38.36 subdivision 1 indicates that the Board will appoint 3-year terms for the extension

committee.

- Communications Coordinator Jacqueline Finck reported on the election information and stated the election information link can also be found on Clay County social media.

Adjourn

The meeting was adjourned at 10:50 a.m.

David Ebinger, Chair
County Board of Commissioners

Stephen Larson, County Administrator