

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, MARCH 12, 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 Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the agenda.

Donation from Johnson's Auto Repair to Support the Clay County Sheriff's Office K9 Program

By consent, the Board approved the donation from Johnson's Auto Repair to support the Clay County Sheriff's Office K9 Program in the amount of \$40.00.

Commissioner Ebinger recognized Johnson's Auto Repair for their donation and is appreciative of their support.

Notice of Intent to Sell Fargo-Moorhead Area Diversion Project Excess Lands

By consent, the Board approved to notify the Metro Flood Diversion Authority (MFDA) that Clay County does not intend to purchase any excess land listed in the inventory.

Liquor License Approval for Rustic Oaks

By consent, the Board approved the liquor license for Rustic Oaks.

Citizens to be Heard

There were no citizens to be heard.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Krabbenhoft, seconded by Commissioner Gross, and unanimously carried, the Board approved the bills and vouchers totaling \$461,979 from 143 vendors. There were 111 warrants issued under \$2,000 (\$52,848) and the following 32 were over \$2,000.

Advanced Correctional Healthcare, Inc.	\$ 60,173	Braun Intertec Corp	\$ 6,698
Houle Excavating, LLC	\$ 52,010	Forum Communications Printing	\$ 5,752
Moorhead Public Service	\$ 41,639	Marco Technologies LLC	\$ 5,304
ZOHO Corporation	\$ 33,413	REACH	\$ 4,920
Trinity Services Group, Inc.	\$ 22,081	Petro Serve Usa-Hwy	\$ 3,540
Advanced Engineering & Environmental	\$ 20,108	Copy Kat Printing, Inc.	\$ 3,500
Anderson/Chuck	\$ 20,000	Menards - 32290274	\$ 3,463
Clay Trail Alliance	\$ 16,915	City of Felton	\$ 3,365

Otter Tail Public Health	\$ 16,867	River Valley Forensic Services, PA	\$ 3,000
MN Life	\$ 13,649	Wilkin Co Public Health	\$ 2,997
ConvergeOne, Inc.	\$ 11,306	Madison National Life	\$ 2,819
MN Department of Transportation	\$ 11,146	Valley Mortuary Services	\$ 2,679
Nitzkowski, Inc.	\$ 9,395	Network Cabling Services, Inc.	\$ 2,351
Verizon-386550144	\$ 8,256	Rob Bentz Lock & Key, LLC	\$ 2,341
Lloyd's Auto Body Inc.	\$ 7,842	Galls, LLC - 5287110	\$ 2,081
MN Counties Intergovernmental Trust	\$ 7,491	Barnesville Record-Review	\$ 2,018

Approval of Minutes from February 27, 2024

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the minutes from February 27, 2024.

Request Approval to Deposit Appraised Values for the Fargo Moorhead Area Diversion Project Acquisitions

AE2S Program Manager Eric Dodds provided the Board with a brief history and overview of the recent FM Diversion project events pertaining to buying property rights in Minnesota. The last appraisals for Minnesota property rights were approved in August 2023. Purchase offers were made to the property owners based on the appraised values. Communications and negotiations with property owners have been occurring for several months and in many cases the communications began well over a year ago. To maintain the Project construction schedule, the MCCJPA, along with the City of Moorhead and Clay County, will need to complete the acquisition of necessary property rights for the Southern Embankment by March 2024. As such, on September 28, 2023, the MCCJPA unanimously passed a resolution requesting the Clay County engage in the property acquisition process by sending Last Written Offer letters and authorizing the use of eminent domain. On October 17, 2023, Clay County passed a resolution authorizing the use of eminent domain. Subsequently, Last Written Offer letters were sent to all affected property owners with an acceptance deadline of November 14, 2023. Legal counsel then filed the necessary eminent domain actions for property rights necessary for the Southern Embankment in Minnesota, along with flowage easements encumbering any other land owned by the same owners as the southern embankment property.

The next step in the eminent domain process is a necessity hearing. Necessity hearings are scheduled for late March 2024. Following a ruling on necessity, the next step is depositing the amount of the appraised value of the property rights being acquired with the court. In anticipation of the need to certify real estate to USACE to allow for bidding and construction of the Southern Embankment by April 1, 2024, it is necessary to obtain authorization from Clay County now to deposit the appraised values with the court immediately after the ruling on necessity is made. Mr. Dodds referenced the tables outlining the deposit amounts (appraised values) for the property rights associated with the first round of necessity hearings in Clay County, for which Clay County is the condemning authority.

Commissioner Krabbenhoft asked for clarification on the process. Mr. Dodds stated all the listed properties are within the eminent domain process, and the first trial is called a necessity trial, after that, a Commissioners hearing will take place. The Commissioners will consist of three members who have some understanding of real estate values within the area. Commissioner Krabbenhoft asked when any appeals to these amounts could occur. Katie Schmidt, Lawyer with Ohnstad Twichell P.C., stated if there is a question about value, it will come after the Commissioners Hearing.

Commissioner Campbell expressed his concern with the reimbursement of the funds. Ms. Schmidt stated the intent is that the funds will be transferred on March 20, 2024, the hearings are on March 25, 2024 and March 27, 2024. Therefore, the County will hold it for about a week and hopefully we'll get a favorable order and then the Judge will direct Court Administration to set up an account and then the money will be transferred from Clay County to Court Administration.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to deposit appraised values for the Fargo Moorhead Area Diversion Project Acquisitions in the amount of \$8,076,239.

Annual Department Update - Facilities Department

Facilities Director Joe Olson, presented the annual department update for the Facilities Department discussing staff, department title change, 22 Clay County facilities, Family Service Center update, Fleet Management update, Risk Management, and Capital Improvement update.

Commissioner Campbell discussed the fleet management update and asked that a column be included in the spreadsheet that references what the purchased price of a vehicle would have been, in order to compare that with the three-year lease value and return value.

Commissioner Ebinger asked if Mr. Olson was running into similar obstacles as the Sheriff with not being able to get vehicles in. Mr. Olson stated he was not having any difficulty.

Discussion ensued regarding the difference between Fund-19 and Fund-13

Mr. Olson thanked his team for all their great work and for the support of the Clay County Board of Commissioners.

Strive for Excellence Leadership Training Proposal

GIS & Communications Director Mark Sloan stated the Strive for Excellence Committee recommends that instead of the annual retreat that is held each year, that several tiers of leadership training be offered. The Leadership Training Program proposal includes sending ten individuals to NACo High Performance Leadership Training, hosting quarterly Leadership Workshops, and creating Supervisor Basics training videos. At the end of this year, the Strive for Excellence Committee will review and evaluate this proposed leadership training program to determine what parts of it should be continued.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the leadership training program recommended by the Strive for Excellence Committee.

Bid Opening for SP 014-614-001

County Engineer Justin Sorum stated this bid opening is for a bridge replacement on CSAH 14, just west of Glyndon. One bid came in but it was not approved as the bidder did not push the finish button for submittal.

Mr. Sorum stated he discussed with State Aid this morning in case this did happen and it's not uncommon to be bidding a bridge project this time of year, but \$100 million dollars was approved during the last legislative session for bridge bonding. What that means is there was several different projects on the bridge bond approval that didn't have to go through the same

environmental process that this specific project did, which could be the reason why no other bids came in.

Mr. Sorum stated there is \$736,000 of federal funds and \$610,000 of bridge bond funds, which are obligated to Clay County, therefore, we will not lose those. Therefore, it's recommended to move the project/bidding to the fall of 2024.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved to move the bidding for SP 014-614-001 to the fall of 2024 due to not having any qualified bids.

Request Approval of the 2024-2025 Township Maintenance Contract

Mr. Sorum stated the 2023 Township Maintenance costs have been calculated and the new contract rate has been discussed at Highway Tracking Committee and shared with the Township Officers on March 7th. The new proposed rate is \$1,040.00 per mile using the 5 year rolling average. This is a \$67.00 increase from last year (6.88%). This contract runs from July 1st, 2024-June 30th, 2025.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the 2024-2025 Township Maintenance Contract at \$1,040.00 per mile.

Request Approval to Advertise for Yearly Supply Bids

Mr. Sorum requested approval to advertise for Yearly Supply Bids, including gravel, bituminous mixture, culverts, and construction equipment rental. The bids will be opened April 25th at the Highway Department and brought forward at the May 7th Board Meeting.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved to advertise for Yearly Supply Bids.

Interviews and Appointments/Reappointments to Wild Rice Watershed District Board of Managers

The terms of Wild Rice Watershed District (WRWD) Managers Mark Harless and Duane Erickson will expire on April 25th, 2024. Mark Harless sent a letter stating he has enjoyed his time on the Board but will not be seeking reappointment. Duane Erickson has sent a letter of interest stating he would like to be considered for reappointment on the WRWD Board of Managers. Others who have sent a letter of interest are Russ Colson and Matt Borgen.

At their January 16, 2024 Board of Commissioner's meeting, the Becker County Board of Commissioners approved Duane Erickson as their candidate for reappointment to the WRWD Board of Managers.

Commissioner Ebinger asked the candidates a series of questions including the experience they would bring, reason for wanting to be a manager, philosophy on managing drainage, and if there as been any personal experience with Watershed Boards in the past.

Mr. Erickson discussed being on the WRWD for the past 12 years and wishes to continue to serve his community and see the farm land preserved and cared for, for the future. His philosophy is to keep erosion at a minimum to ensure preservation for future generations. Mr. Erickson stated his 12 years of experience on this Board has been a positive one and that he has enjoyed his time

getting to know a variety of individuals. He hopes to continue his work and be the messenger to the community so citizens are aware of the projects that are taking place within the area.

Mr. Colson stated he is a retired Geology Professor and would bring his Geology expertise to this Board. He understands water and the movement of water, which would be helpful. The interest in this position comes from being a new retiree and being able to have the opportunity to continue to serve and contribute to the community would be fulfilling. His philosophy for managing drainage comes from the balance and preservation of the land. Mr. Colson has not had experience with the Watershed Board, but has been involved with watershed districts in regards to his role as a professor and conducting research with students on various things such as water chemistry, water quality and water flow in the area.

Mr. Borgen stated he would bring his knowledge of farming and interest in water management to this Board, and is interested in being more involved with his community. His philosophy for managing drainage is knowing that water moves downhill, but is also needed in different directions and the importance of keeping soil in the fields but also to understand that waterflow needs to be controlled. Mr. Borgen has not served on a watershed board but has worked with the watershed district in the past and is excited to hopefully contribute to this board from an agriculture perspective.

Commissioner Campbell asked for more information regarding what the current WRWD Board looks like and where those individuals represent a broad area. WRWD Administrator Tara Jensen stated 3 appointees are from Norman County, 2 of which are from the southern part of the county and the other one is in the beach ridge area. Mahanomen County has 2 appointees both who are located above the beach ridge. From there, Clay County gets to decide where the other two come from.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved to reappoint Duane Erickson to the Wild Rice Watershed District (WRWD) Board of Managers for a three-year term.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved to appoint Matthew Borgen to the Wild Rice Watershed District (WRWD) Board of Managers for a three-year term.

BREAK

The Board took a break from 9:37 a.m. to 9:44 a.m.

Annual Department Update - Assessor's Office

County Assessor Jill Murray presented the annual department update for the Assessor's Office including the new Assessor appointment process, 2023 Legislative session, Ag homestead 1-tier limit, homestead market value exclusion, class 4d(1), class 4d(2), 2024 assessment, sales ratio study, notice of valuation, Board of Appeal & Equalization, quintile area, computer aided mass appraisal conversion, start and end ratios for residential, apartment, commercial, ag land, rural vacant land, the city of Moorhead, 2024 projects, 2025 budget pictometry, and 2025 quintile area.

Discussion ensued regarding the six plus sales and how that would look in a larger community like the city of Moorhead, a small sample report, and the acceptable ratio range.

Commissioner Ebinger thanked Ms. Murray for her report.

Annual Department Update - Department of Corrections / Probation

Janelle Cheney, District Supervisors for the Department of Corrections / Probation, presented the annual department update for the Department of Corrections / Probation discussing the different offices and staff, parole and probation in Clay County, extended juvenile jurisdiction reports, certification reports, predisposition reports, ongoing supervision to adults and juveniles, public safety, enhanced supervision, medium supervision, low risk supervision, gross misdemeanor/misdemeanor juvenile case load, juvenile case load, specialty courts, domestic violence court, DWI court, victim impact panel, free trial support program, STS program, intensive supervised release unit, cognitive programming, homelessness, and office space.

Commissioner Ebinger and County Administrator Stephen Larson thanked Ms. Cheney for all her work through her time with Clay County.

Withdrawal Management Detox Facility Staffing Update

Detox Director Troy Amundsen, and Public Health Administrator Kathy McKay presented an updated plan and timeline for the recruitment of staff for the new Withdrawal Management/Detox Facility.

Discussion ensued regarding the timeline of filing open positions, date of occupancy for the new building, on-call provider through Sanford, the budget – revenues/expense, reimbursements, and daily cost per day.

Commissioner Campbell asked if Clay County citizens have priority to this facility over others. Mr. Amundsen confirmed that was correct and that can be managed,

Discussion ensued regarding the turnover rate, length of stay in the withdrawal management program, potential sources of entry, and billing for medication.

Committee Reports/County Administrator Update/Discussions

- Commissioner Campbell reported on meetings for Highway Tracking; Clay County Intergovernmental Committee; County Highway meeting with Township Officers; and a meet and greet for the Red River Regional Dispatch Center.
- Commissioner Gross reported on meetings for Highway Tracking; County Highway meeting with Township Officers; and election canvassing.
- Commissioner Krabbenhoft reported on meetings for Law Library; Clay County Intergovernmental Committee; Children's Mental Health LAC; Clay County Collaborative; follow-up meeting of with staff for Children's Mental Health regarding PRTF; Adult Mental Health LAC; and Buffalo Red River Watershed District.
- Commissioner Ebinger reported on meetings for NW Emergency Communication Board; meet and greet for the Red River Regional Dispatch Center.
- County Administrator Stephen Larson reported on meetings for Highway Tracking; website redesign celebration; STRIVE for Excellence; Department Head Eval; David Drown Associates regarding the Market Study; Clay County Intergovernmental Committee; AMC Futures Meeting; call with Tom Steinolfson from Red River Communications regarding the Border-to-Border grants; talked with Rhonda Porter and Commissioner Mongeau regarding the PRTF; Talked with Brian Melton on a series of issues; Norman County and the City of

Felton will receive \$1.75 million for the Water District; VSO office has moved to the third floor of the Courthouse from the FSC for at least six weeks; reminder - Township Officers meeting is on Monday, March 18, 2024 at the Dilworth Community Center; and Social Services Director Interviews to begin on Friday, March 22, 2024 from 9:00 a.m. – 1:00 p.m.

Adjourn

The meeting was adjourned at 11:22 a.m.

David Ebinger, Chair
County Board of Commissioners

Stephen Larson, County Administrator