

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, MARCH 26, 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 (8:32 a.m.), Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, 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 Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the agenda.

Vegetation Management Lease for Clay County Property in Elkton Township

By consent, the Board approved the Vegetation Management Lease for Clay County Property in Elkton Township.

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 Krabbenhoft, and unanimously carried, the Board approved the bills and vouchers totaling \$1,359,682 from 110 vendors. There were 76 warrants issued under \$2,000 (\$34,890) and the following 34 were over \$2,000.

Air Mechanical, Inc	\$ 299,684	MCM Development	\$ 9,826
Mortenson Masonry, Inc.	\$ 239,499	Xcel Energy	\$ 8,208
Fergus Drywall	\$ 161,500	Apollo Water Services, LLC	\$ 7,775
Gehrtz Construction Services, Inc	\$ 91,693	Interstate Power Systems, Inc.	\$ 7,307
Grotberg Electric Inc	\$ 90,797	Lloyd's Auto Body Inc.	\$ 6,672
Lakeland Mental Health Center, Inc.	\$ 80,605	Town & Country Oil Inc.	\$ 6,512
Nova Fire Protection Inc.	\$ 44,972	TK Elevator Corporation	\$ 6,316
NetCenter Technologies	\$ 42,787	Dakota Plains Mechanical, Inc.	\$ 6,151
Department Of Corrections	\$ 38,813	New Roots Midwest	\$ 4,690
MinKo Construction, Inc.	\$ 37,553	Diamond Drugs Inc.	\$ 3,984
MCI Carpet One	\$ 25,490	Minnkota EnviroServices, Inc.	\$ 2,472
Central Door & Hardware Inc.	\$ 21,790	Olson/Amanda	\$ 2,430
Professional Development Academy	\$ 15,000	Green View Inc.	\$ 2,404
Ellenson Caulking LLC	\$ 14,250	Reliance Telephone	\$ 2,240
Lutheran Social Service Of Mn	\$ 13,842	City of Pelican Rapids	\$ 2,182
Turnkey Corrections	\$ 11,854	Dacotah Paper-401509	\$ 2,127
Stantec Consulting Services, Inc.	\$ 11,353	Aline Muhimpundu	\$ 2,000

Request Approval to Rehire an Open Juvenile Worker Position in the Non-Secure Unit

Facility Director for the West Central Regional Juvenile Center Facility Director, Josh Swanson, requested approval to rehire for the open Juvenile Detention Worker position in the Non-Secure unit. The position is critical for staffing ratios and is in the 2024 budget.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to rehire for the open Juvenile Detention Worker position in the Non-Secure unit.

Request Approval in the Hiring of the Clay County Social Services Director Position

County Administrator Stephen Larson requested approval of the hiring for the Clay County Social Service Director position and stated on March 22, 2024, interviews were held for the open position. The interview committee has reviewed the candidates and recommends hiring Quinn Jaeger for the position at grade 28 step 1 with an adjustment after 6 months and then again after one year of employment.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to hire Quinn Jaeger for the Clay County Social Service Director position.

Request Approval to Advertise for a Social Service Supervisor Position

Mr. Larson stated with the hiring of Mr. Jaeger for the Director position it's requested to fill his position as a Social Service Supervisor, with backfill.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved to advertise for the Social Services Supervisor position with backfill.

Request Approval to Replace a County Agency Social Worker Position in Disability Services Due to Resignation

Social Services Director Rhonda Porter stated a County Agency Social Worker position will be vacated in the disability services program area due to a resignation effective April 12, 2024. The caseload activities for this position include the provision of case management services to approximately 60 individuals with disabilities. Distribution of the caseload to existing workers would not be feasible due to the overall workload demands in the unit. This position does generate revenue based on the work, which helps to support the position.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the replacement of a County Agency Social Worker position with backfill should there be an internal appointment.

Request Approval to Fill Assistant County Attorney Position Vacancy

County Attorney Brian Melton requested approval to rehire an employee who had previously separated from employment, to fill the vacated Assistant County Attorney position. Had this individual not resigned she would have been on grade 23, step 8 and moving to a step 9, come October 2024. It's requested to rehire this individual at grade 23 step 8 and allow for a promotion to step 9 within six months of employment, and to frontload 40 hours of sick and vacation time.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to rehire the Assistant County Attorney position at grade 23 step 8 and to allow for a promotion to grade 9 after six months of employment including a frontload of 40 hours of sick and vacation time.

Request Approval of Proposal for Pavement Testing

County Engineer Justin Sorum requested approval of the proposal from Braun Intertec to provide pavement testing services on CSAH 9, CSAH 21, and CSAH 34, in the amount of \$33,880.00.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the proposal from Braun Intertec to provide pavement testing in the amount of \$33,880.

Request Approval of Proposal for Soil Borings

Mr. Sorum requested approval of the proposal from Braun Intertec to provide geotechnical services on CSAH 11, and getting soil boring on CSAH 11 to prepare for future design of this roadway.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved the proposal from Braun Intertec to provide geotechnical services on CSAH 11, in the amount of \$11,777.00.

Request Approval of Resolution 2024-11 for Department of Natural Resource Funding

Mr. Sorum requested approval of Resolution 2024-11 for Department of Natural Resources (DNR) funding. This is the annual resolution for DNR Funding for the Agassiz Recreational Trail that runs from Ulen 5 miles north to the north county line.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved Resolution 2024-11 for DNR funding for the Agassiz Recreational Trail.

RESOLUTION OF THE CLAY COUNTY

BOARD OF COMMISSIONERS

Approving Clay County as Legal Sponsor for Application for DNR Trail Assistance Programs Effective Fiscal Year 2025

RESOLUTION 2024 - 11

WHEREAS, Clay County desires to maintain trails for the enjoyment of the public and will act as legal sponsor for an application for the DNR Trails Assistance Program, the MN DNR Grant-in-aid Trail Permit; and

WHEREAS, Clay County may enter into agreement with the State of Minnesota for the Polk-

Norman-Clay Agassiz Recreational Trail, heretofore known as the Agassiz Recreational Trail, for the portion of the trail existing in Clay County; and

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

WHEREAS, Clay County recognizes and assigns Clay County Administrator Stephen Larson who will act as a fiscal agent on behalf of Clay County; and

WHEREAS, Clay County approves this resolution to be effective for acting as the legal sponsor for trail administration annually for future grant applications and permits.

NOW THEREFORE BE IT RESOLVED that Clay County agrees to continue to act as legal sponsor for the above applications and agreements of the DNR Trails Assistance Program until such time that Clay County rescinds this sponsorship beginning Fiscal Year 2025.

Request Approval of Resolution 2024-12 Support of Legislative Appropriation of 52.42 Million Dollars to Complete the Minnesota Financial Commitment for the Construct Improvements and Land Acquisitions Necessary for Fargo-Moorhead Area Diversion Project

Mr. Larson stated on December 19, 2023, the Board of Commissioners identified priorities for the 2024 Minnesota Legislative session. One of the priorities was the advocating for an appropriation of 52.42 million dollars in bonding proceeds funds from the commissioner of natural resources for flood hazard mitigation grants which would provide the necessary funding to the Moorhead-Clay County Joint Powers Authority to construct improvements and secure land acquisitions necessary for the Fargo-Moorhead Area Diversion Project in Clay County. It was recommended that a resolution be drafted to address this funding request.

Commissioner Ebinger asked if the resolution would be sent to both the Legislators and to the City of Moorhead. Mr. Larson stated if that was the Boards wishes, it could be sent to the City of Moorhead as well. Commissioner Krabbenhoft mentioned it being important to send the resolution onto our partners with the City of Moorhead.

Commissioner Mongeau stated the importance of sharing the resolution with the Diversion Authority as well and to keep them informed of the continued dialog that's being had in St. Paul, to secure the dollars needed for Minnesota mitigation.

Commissioner Campbell asked that the FM Diversion Legislative Priority handout be included as an attachment to the resolution.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved Resolution 2024-12 to support Legislative appropriation of \$52.42 million dollars to complete the Minnesota financial commitment for the construct improvements and land acquisitions necessary for the Fargo-Moorhead Area Diversion Project.

Mr. Larson stated he did have a discussion with City Manager Dan Mahli requesting that the

City of Moorhead take action on this and Mr. Mahli did share that this would be brought to their policy committee with the intent to bring it to their full council at a later date.

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

**Resolution in Support of Legislative Appropriation of 52.42
Million Dollars to Complete the Minnesota Financial Commitment
for the Construct Improvements and Land Acquisitions
Necessary for Fargo-Moorhead Area Diversion Project**

RESOLUTION 2024-12

WHEREAS, the Clay County Board of Commissioners recognizes the critical importance of the Fargo-Moorhead Area Diversion Project in protecting communities from the devastating impacts of flooding; and

WHEREAS, flooding poses significant threats to public safety, property, and local economies, including extensive damage to businesses, substantial repair costs for homeowners, and burdensome recovery efforts for communities; and

WHEREAS, the Fargo-Moorhead Area Diversion Project is a vital infrastructure initiative designed to address these challenges and ensure a more resilient future for the region; and

WHEREAS, on December 19th, 2023, the Clay County Board of Commissioners identified as a legislative priority the advocating for an appropriation of 52.42 million dollars in bonding proceeds funds from the commissioner of natural resources for flood hazard mitigation grants which would provide the necessary funding to the Moorhead-Clay County Joint Powers Authority to construct improvements and secure land acquisitions necessary for the Fargo-Moorhead Area Diversion Project in Clay County; and

WHEREAS, the Clay County Board of Commissioners reaffirms its support for advocating for a legislative appropriation of 52.42 million dollars to fund the necessary improvements and land acquisitions for the Fargo-Moorhead Area Diversion Project in Clay County;

NOW THEREFORE BE IT RESOLVED by the Clay County Board of Commissioners:

1. Continued Advocacy for Legislative Appropriation: The Board of Commissioners reiterates its support for advocating for a legislative appropriation of 52.42 million dollars to fund the necessary improvements and land acquisitions for the Fargo-Moorhead Area Diversion Project in Clay County.
2. Allocation for City of Moorhead Projects: The Board acknowledges that 14.71 million dollars of this appropriation are designated for projects within the City of Moorhead, the completion of remaining components and addressing flood mitigation needs consistent with the Fargo-Moorhead Area Diversion Project.
3. Importance of Fargo-Moorhead Area Diversion Project: The Board emphasizes the vital role of the Fargo-Moorhead Area Diversion Project in protecting lives, property, and economic prosperity in the region, and underscores the need for continued support and

funding allocation for its completion.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

BREAK

The Board took a break from 8:52 a.m. to 8:59 a.m.

PUBLIC HEARING - Consider Marilyn J Fuchs RLT Petition for Rezoning

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board opened the public hearing at 9:00 a.m.

Planning & Zoning Director Matthew Jacobson stated at their February 20, 2024 meeting, the Planning Commission made a unanimous recommendation to the County Board of Commissioners to approve Marilyn J Fuchs RLT petition to rezone Parcel ID: 26.008.3000, the SW1/4 of Section 8, Township 138N, Range 45W from Agricultural General; Resource Protection – Aggregate Overlay; Resource Protection – Biological Overlay to Agricultural General; Resource Protection Aggregate Overlay.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board closed the public hearing at 9:08 a.m.

Commissioner Campbell asked if there was a restoration plan in place for the process of when a gravel pit is expanded or established. Mr. Jacobson stated the Planning Commissioner will put a condition on the permit for reclamation, and then a reclamation bond would be required.

Commissioner Campbell asked how this will impact the roads and affect traffic. Mr. Jacobson stated there is an existing gravel mine in that area that is closing and with that, traffic shouldn't increase in that area at all. The Planning Commissioner will also consider traffic as part of the permitting process.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to rezone the SW1/4 of section 8, Township 138N, Range 45W from Agricultural General; Resource Protection - Aggregate Overlay; Resource Protection - Biological Overlay to Agricultural General; Resource Protection Aggregate Overlay based on the Planning Commission recommendation to approve.

Bid Opening for SAP 014-610-034, SAP 014-637-004, SAP 014-598-078

Mr. Sorum opened bids for the bridge replacements on CSAH 10, CSAH 37, and CR 115. The Engineer's estimate for this project was \$1,160,535.00.

The following 8 bids were received, all with a bid bond in the amount of 5%. Tunheim Construction, LLC with a bid of \$1,250,302.79, Sellin Brothers, Inc. with a bid of \$1,198,766.00, Dennis Drewes, Inc. with a bid of \$1,143,535.00, Gladen Construction, Inc. with a bid of \$1,099,059.45, Midwest Contracting LLC with a bid of \$1,079,369.00, Central Specialties Inc. with a bid of \$1,021,004.50, John Riley Construction, Inc. with a bid of \$989,427.50, and Houle Excavating LLC with a bid of \$936,261.00.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the low bid from Houle Excavating LLC in the amount of \$936,261.00, contingent upon approval from State Aid.

BREAK

The Board took a break from 9:32 a.m. to 9:36 a.m.

Annual Department Update - Social Services: Child & Family Services and Behavioral Health & Adult Protection Divisions

Social Services Supervisors Amy Amundsen, Quinn Jaeger, Michelle Thordal, and Kristin LePard provided an annual department update for the Child & Family Services and Behavior Health & Adult Protection Divisions for Social Services and discussed the 9 divisions, staff, services provided, 2023 data, total intakes, total child protection intakes, total cases opened, intake allegations, state and federal measurements, prevention resources, challenges in child protection, adult mental health, adult mental health committees & partnerships, chemical health, chemical health committees & partnerships, adult protection, adult protection committees & partnerships, and behavioral health & adult protection division.

County Attorney Brian Melton discussed his appreciation for the collaboration between the Social Services Department and the County Attorney's Office.

Commissioner Ebinger thanked the Social Services staff for their work and their presentation.

Committee Reports/County Administrator Update/Discussions

- Commissioner Mongeau reported on meetings for Metro COG emergency meeting with ND DOT; Pre-meeting with the City of Moorhead and Clay County regarding Flood Mitigation funding; Metro COG Policy Board; Lakes & Prairies Community Action-CAPLP; Social Service Director Interviews; met with staff, Commissioner Krabbenhoft, Representer Keeler and Senator Kupec regarding the hearing for the PRTF; met with staff, Commissioner Krabbenhoft and Mr. Larson regarding the PRTF hearing; Lakeland Mental Health Center; HRA work group session; and Planning Commission.
- Commissioner Krabbenhoft reported on meetings for Adult Mental Health LAC; Lakes & Prairies Community Action-CAPLP Finance; Historical & Cultural Society; Lakes & Prairies Community Action-CAPLP; Social Service Director Interviews; and Testifying for the PRTF Hearing on Wednesday this week.
- Commissioner Campbell reported on meetings for joint meeting with HRA work group session; Red River Regional Dispatch Center - Budget & Finance; Lakes Country Service Coop; Eminent Domain Hearing; and Social Service Director Interviews.
- Commissioner Gross reported on meetings for PIC; HRA work group session; Social Service Director Interviews; and 11th Street Underpass Groundbreaking Ceremony.
- Commissioner Ebinger reported on meetings for PIC; HRA work group session; Greater FM EDC Board; Red River Regional Dispatch Center Board of Authority; Lake Agassiz Regional Library Board; Social Service Director Interviews; and 11th Street Underpass Groundbreaking Ceremony.
- County Administrator Stephen Larson reported on meetings for PIC; HRA work group session; met with Dan Mahli regarding Flood Mitigation funding; met with representatives ACH the Juvenile Center and Correctional Facilities medical provider; met with Matt Jacobson for follow up on Planning Commissioner agenda items; met with Commissioner

Ebinger regarding the work group session for today; met with Jill Murry; met with Representative Keeler's office and the County in regards to Flood Mitigation funds; MCCJPA pre-meeting; Social Service Director Interviews; phone conversation with Red River Communications regarding border-to-border grants; 11th Street Underpass Groundbreaking Ceremony; Representative Keeler testimony discussion; spoke with Karen Lauer on Economic Development opportunities; Flaherty & Hood did submit West Central Water District to clay county courts, the case number is CV-240-1052.

Adjourn

The meeting was adjourned at 10:37 a.m.

David Ebinger, Chair
County Board of Commissioners

Stephen Larson, County Administrator