

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 AM, TUESDAY, MAY 28, 2024

Meeting Room A / B – 3rd Floor – Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Frank Gross, Jenny Mongeau, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, Assistant County Attorney Michael Leeser, 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 with the removal of item #2: Request approval to Re-Hire an Open Overnight Juvenile Detention Worker position in the Non-Secure Unit.

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 Gross, and unanimously carried, the Board approved the bills and vouchers totaling \$642,918 from 101 vendors. There were 79 warrants issued under \$2,000 (\$32,244) and the following 22 were over \$2,000.

MN Counties Computer Coop	\$ 246,960	Otter Tail Public Health	\$ 5,706
Joseph & Judith Tembrock	\$ 111,897	Larry's Auto Body Shop, Inc.	\$ 4,930
Downtown Moorhead Inc.	\$ 50,000	Wir3d Electric Inc.	\$ 4,843
Gehrtz Construction Services, Inc	\$ 46,563	Northland & Companies	\$ 4,756
City Of Moorhead	\$ 37,545	New Roots Midwest	\$ 4,485
NetCenter Technologies	\$ 21,836	Johnson Concrete & Masonry Construction	\$ 3,750
Clay Co Public Health	\$ 14,808	Column Software, PBC	\$ 3,676
CB & Sons Electric, Inc.	\$ 13,816	Commissioner of Transportation	\$ 3,565
Code 4 Services, Inc	\$ 9,158	ConvergeOne, Inc.	\$ 2,400
Eckberg Lammers, P.C.	\$ 8,000	Wilkin Co Public Health	\$ 2,237
Wegner Psychological & Therapeutic Svc	\$ 7,500	Ramsey County Med Exam	\$ 2,236

Commissioner Mongeau mentioned that the per diem sheet was not included within the bills and vouchers. County Administrator Stephen Larson stated he did touch base with Accounting Tech Mike Clark who informed him that since there are three payrolls in the month of May, the per diem sheet wouldn't be included until next week. However, the County Auditor did give approval to include that, so that will be coming for signatures shortly.

Approval of Minutes from May 14, 2024

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from May 14, 2024.

Request Approval to Advertise for SAP 014-597-003, SAP 014-597-004, HEI 1915-0083

County Engineer, Justin Sorum, requested to advertise for SAP 014-597-003, SAP 014-597-004, and HEI 1915-0083, with a proposed letting date of July 2, 2024. The City of Dilworth received bridge bonding to replace two structures in Dilworth crossing Ditch 50. As required by State Aid the County must act as the sponsor. There is no financial implication to the County.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved to advertise for SAP 014-597-003, SAP 014-597-004, and HEI 1915-0083.

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

Mr. Sorum and Metro Flood Diversion Authority (MFDA), Director of Engineering, Kris Bakkegard requested approval of the Memorandum of Understanding (MOU) that identifies the roles and responsibilities of Clay County and the Diversion Authority with respects to the 37' Road Raise projects that will be constructed north of Moorhead, MN. The MOU has gone through Highway Tracking and has been approved by the Attorney's Office as well.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the Memorandum of Understanding between the Metro Flood Diversion Authority and Clay County.

Request Approval to Appoint Three (3) Members to the West Central Regional Water District Board of Directors

Mr. Larson stated on January 2, 2024, the Clay County Board of Commissioners appointed two commissioners to the West Central Regional Water District Steering Committee. These committee members were selected to provide guidance and direction on behalf of Clay, Norman and Polk Counties for the development stages of the water district. The district formation has progressed to the point that a Board of Director format needs to be established. The steering committee has proposed that the makeup of the Board of Directors be based on a population, totaling 9 board members. Clay County would have three (3) members on the board. It is recommended at this time that Commissioner Campbell and Commission Gross to be appointed and a citizen representative will be recruited to fill the third position.

Commissioner Campbell asked if a request for interest had been published. Mr. Larson stated it will be published based on today's board action.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to direct staff to advertise for the recruitment of citizen members to the West Central Regional Water District Board of Directors.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to appoint Commissioner Gross and Commissioner Campbell to the West Central Regional Water District Board of Directors.

Public Hearing for Cannabis Zoning Ordinance

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board opened the Public Hearing at 9:01 a.m.

Assistant County Attorney Michael Leeser, Planning & Zoning Technician Erika Franck and Solid Waste Manager Corey Bang presented the proposed Cannabis Zoning Ordinance.

A Cannabis Zoning Ordinance is necessary as the State of Minnesota will begin issuing licenses to cannabis businesses as early as the summer of 2024. The zoning ordinance would provide license holders with regulatory certainty and promote the public health, safety and general welfare of county citizens through the reasonable regulation of the time, place and manner of cannabis business operations.

Mr. Leeson and Ms. Franck discussed the Background, Comprehensive Plan Goals and Objectives, Cannabis Uses: Cultivation, Manufacture, Retail, and Micro and Mezzo businesses, Business Tax Classification, Cannabis Uses by Zoning District, Cultivation as Agricultural, Cultivation as Industrial, Proposed General Standards for Cannabis Businesses, Proposed Performance Standards for Cultivation of Cannabis, Proposed Performance Standards for Manufacture and Wholesale, and Proposed Performance Standards for Retail Sale of Cannabis.

Commissioner Ebinger asked if there was any indication as to where the cannabis would be grown, if it would be inside, in an interior grow house, or like a crop outside in the fields. Mr. Leeson stated that is still unknown.

Discussion ensued regarding the Planning Commission feedback, concerns for cannabis being an agriculture crop and grow operations, and permit components.

Commissioner Gross asked if the cannabis ordinance has to be approved. Mr. Leeson stated it doesn't have to be approved, but if not, you will lose some ability to regulate it at a local level.

Discussion ensued regarding the zoning districts for cannabis use, and conditional use permits.

Mr. Bang stated in terms of disposal, there are no rules and that the MPCA has indicated that they would write their rules/regulations once the states portion was complete. Mr. Bang stated in terms of Solid Waste, within the ordinance, they've included that the product needs to be secured and deemed unusable before it's brought to the landfill. This has been intentionally left vague as there's little guidance from the state at this point.

Ken Lucier, of Moorhead, approached the Board and discussed his concerns with the black market and being careful and cautious with the ordinance. If there are too many regulations, people will go back to the black market. Mr. Lucier suggest taking this ordinance slow and thoroughly exploring all avenues.

Health Promotion Director, Rory Beil, expressed the concerns with the use of cannabis and would prefer that it was in a more restrictive manner to start.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board closed the Public Hearing at 9:41 a.m.

Discussion ensued regarding the recommendations from the Board, the Planning Commission recommendations, other restricted agricultural products, and the tax classification.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved to table the decision to enact the Cannabis Zoning Ordinance until Tuesday, June 4, 2024.

BREAK

The Board took a break from 9:54 to 9:59 a.m.

Public Hearing for Cannabis Public Use Ordinance

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board opened the Public Hearing at 10:00 a.m.

Public Health Grant Program Coordinator, Jason McCoy, stated the draft cannabis public use ordinance came from the Association of Minnesota Counties (AMC). In August of 2023, the state passed the ability to use cannabis and cannabis flower, and this ordinance is the attempt to move forward with controlling where use can and cannot occur. According to state statute, use cannot happen in areas where the Minnesota Clean Indoor Air Act covers, for example, schools, restaurants or public buildings.

Mr. McCoy further discussed the ordinance including the Purpose and Intent, Definitions, Prohibited Acts, Penalty, Severability, and Effective Date.

Discussion ensued parking lots, and set back length.

Mr. Larson asked how this would impact other municipalities if the Board were to move forward with this ordinance today. Mr. McCoy stated this would cover unincorporated areas that Clay County covers, so each city would have to pass this if they want this inside their municipality. Each city was very interested and the City of Barnesville has already passed the ordinance.

Ken Lucier, of Moorhead, approached the Board and discussed his concerns with youth and the public use and the importance of restrictions. Mr. Lucier asked if the unincorporated areas can create an ordinance that is less restrictive than the County. Commissioner Mongeau stated they can make an ordinance that's more restricted but not less restrictive than the County. Mr. Leeser confirmed that was generally correct, but we don't want to be in a position to give legal advice to the cities.

Commissioner Mongeau thanked Mr. Lucier for his perspective and concerns regarding the youth. And stated it's important to inform young people about these components and this ordinance does a good job at capturing the concerns.

Commissioner Campbell appreciates the concerns regarding the youth and thinks the education process is important, but at the same time, it's important to establish boundaries.

Mr. Lucier asked if it would be possible for the County to have a set back distance incorporated into the ordinance. Mr. McCoy stated it's possible. The City of Moorhead has 20 foot set back on cigarette smoking, but it's unknown if that includes THC products at this time. Commissioner Mongeau asked what the standardized set back was. Mr. McCoy stated 20 feet. Commissioner Campbell asked in terms of a private business, does the County have authority to say smoking cannot occur within 20 feet of a bar/restaurant doorway. Mr. McCoy confirmed that the County could enforce that. For example, the state of North Dakota has this written in their Century Code, which the City of Moorhead adopted.

Discussion ensued regarding designated outdoor smoking areas, and the 20 foot set back issue and how the \$300 fine will be defined.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board closed the Public Hearing at 10:32 a.m.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved the Cannabis Public Use Ordinance 2024-1.

Request Approval to Replace an Office Support Specialist Due to Resignation.

Social Services Director, Quinn Jaeger, stated an Office Support Specialist position will be vacated in the Financial Services Division effective June 28, 2024, due to a resignation. This division has multiple Office Support needs, and it is critical to maintain this position to meet the agency and community demands. The responsibilities for this position include direct face-to-face contact with the public and is often the first point of contact between citizens and Clay County Social Services. This position is responsible for providing initial information, directing inquiries, and offering a welcoming environment.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to replace the Office Support Specialist within the Financial Services Division.

On motion by Commissioner Mongeau, seconded by Campbell, and unanimously carried, the Board approved to include backfill for the Office Support Specialist position within the Financial Services Division, should there be an internal appointment.

Request Approval to Appoint a Temporary Lead Eligibility Worker in the Financial Services Division

Mr. Jaeger requested approval to appoint a temporary Lead Eligibility Worker in the Financial Services Division and stated the healthcare team is currently down 4 full-time staff, but the selection of their replacements has already occurred, and the onboarding process will begin in June. The current lead worker is anticipated to be out for 6 weeks, effective the same time as when the new staff will start. Adequate training for the new staff will take a minimum of 6 months and the time demands for training 4 new staff would be difficult for any one person to complete successfully.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the appointment of a temporary Lead Eligibility Worker in the Financial Services Division.

Committee Reports/County Administrator Update/Discussions

- Commissioner Gross reported on meetings for Personnel Issues Committee; HSEM Senior Officials Training Module 3-Communicating with the Public; Dilworth Fire Hall Groundbreaking Ceremony Fire & EMS Press Conference; Highway Tracking; Glyndon City Council meeting; and meeting on the Heartland Trail.
- Commissioner Mongeau reported on meetings for Planning Commission; Prairie Lakes Municipal Solid Waste; SWAC; MCCJPA; and Metro COG Policy Board.
- Commissioner Campbell reported on meetings for Highway Tracking; Prairie Lakes Municipal Solid Waste; SWAC; MCCJPA; and FM Diversion Authority.
- Commissioner Ebinger reported on meetings for Personnel Issues Committee; Greater FM Economic Development Corporation; Cannabis Ordinance update; NW Emergency Communication Board; HSEM Senior Officials Training Module 3-Communicating with the Public; FM Diversion Finance committee; Heartland Trail; and FM Diversion Authority.
- County Administrator Stephen Larson reported on meetings for Personnel Issues Committee; Highway Tracking; Cannabis Ordinance discussion; HSEM Senior Officials Training Module 3-Communicating with the Public; Dilworth Fire Hall Groundbreaking Ceremony Fire & EMS Press

Conference; SWAC; MCCJPA; MACA Legislative call; and meeting with concerned citizen regarding an issue with the DMV.

Adjourn

The meeting was adjourned at 10:48 a.m.

David Ebinger, Chair
County Board of Commissioners

Stephen Larson, County Administrator