

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 AM, TUESDAY, JUNE 4, 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, 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 Campbell, and unanimously carried, the Board approved the agenda.

Tax Abatement for State of MN DOT due to Reduction in Valuation for Payable Year 2023

By consent, the Board approved the tax abatement for the State of Minnesota Department of Transportation due to a reduction in valuation for payable year 2023.

Tax Abatement for M Astrup, Dilworth City

By consent, the Board approved the tax abatement for M Astrup, Dilworth City.

Tax Abatement for Northern States Power Co, Barnesville Township

By consent, the Board approved the tax abatement for Northern States Power Co., Barnesville Township.

Tax Abatement for Northern States Power Co, Glyndon Township

By consent, the Board approved the tax abatement for Northern States Power Co., Glyndon Township.

Approval of Liquor Licenses for J&M Bar Services, Buffalo River Speedway, Willow Creek Golf Course & Rustic Oaks

By consent, the Board approved the liquor licenses for J&M Bar Services, Buffalo River Speedway, Willow Creek Golf Course, and Rustic Oaks.

Employee Recognitions

The Board recognized Karen Jenkins for 25 years with Probation.

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 \$6,852,526 from 106 vendors. There were 84 warrants issued under \$2,000 (\$36,032) and the following 22 were over \$2,000.

Independent School Dist 152	\$ 4,462,985	SeaChange Print Innovations	\$ 9,151
Independent School Dist 150	\$ 875,159	Independent School Dist Otc 548	\$ 7,861
Independent School Dist 2164	\$ 659,024	Verizon-386550144	\$ 7,535
Independent School District 146	\$ 482,282	The Retrofit Companies Inc.	\$ 6,179
Independent School Dist 914	\$ 167,734	Hands Down Flooring and Tile	\$ 5,693
Turner Sand & Gravel Inc.	\$ 35,042	Moorhead Public Service	\$ 5,080
Ada-Borup-West ISD 2910	\$ 18,795	CB & Sons Electric, Inc.	\$ 4,075
Historical & Cultural Society Of Clay Co	\$ 16,781	Stantec Consulting Services, Inc.	\$ 3,438
Town & Country Oil Inc.	\$ 14,808	Sanford Health	\$ 3,191
WEX Bank - Sheriff	\$ 14,207	Disposal Services Inc	\$ 3,045
Independent School Dist Bc 2889	\$ 12,087	Streicher's	\$ 2,336

Approval of Minutes from May 21, 2024

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from May 21, 2024.

Request Approval of Resolution 2024-18 to support the Minnesota Emergency Communication Network (ECN) Grant Application

Emergency Management Director, Lieutenant Gabe Tweten, requested approval of Resolution 2024-18 to support the Minnesota Emergency Communication Network (ECN) Grant Application.

Lt. Tweten stated to stay in compliance with future Federal and State radio encryption standards, all law enforcement radios operating on the Allied Radio Matrix for Emergency Radio (ARMER) network in MN will need to be able to transmit/receive radio traffic at a higher level of encryption than our radios currently have. This standard is set to go into effect within the next several years and our radio system administrator, Brian Zastoupil, recommends that any new radio purchases should include programming for this higher level of encryption. At this time, the Sheriff's Office ARMER radios do not have this higher level of encryption and our partners in Cass County ND, Fargo and West Fargo currently have radios equipped with this higher level of encryption and, for some operations, use this encryption already. This grant would provide the opportunity to upgrade several portable radios, a mobile radio, and a key loader (programming tool) and issue these radios to the deputies that frequently operate with our partners across the river, such as task force and SWAT members. The grant application is due on June 28, 2024.

Discussion ensued regarding the old radios and warranty.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved Resolution 2024-18 to support the Minnesota Emergency Communication Network (ECN) Grant Application.

RESOLUTION NO. 2024-18

WHEREAS, The Clay County Sheriff's Office plans to apply for a Minnesota Emergency Communications Network (ECN) ARMER radio and radio equipment grant.

WHEREAS, The ARMER radio's in the Sheriff's Office inventory do not have the capability to operate to the federal standard level of encryption know as AES. AES encryption is a newly adopted

standard that is being mandated for all Law Enforcement radios operating on the ARMER network. The total mandate is expected to go into effect within the next several years.

WHEREAS, Sheriff's Office deputies participating in special assignments with agencies already equipped with AES capable radios are not able to communicate via radio if the assignment dictates operating on a AES talk group.

WHEREAS, Minnesota ECN is offering a statewide 2024-2026 ARMER Equipment Grant with a 5% agency match.

WHEREAS, The Sheriff's Office received a request for pricing from Midstates Communications for six AES capable portable radio, one AES capable mobile radio, and one key loader, with AES programming capabilities for the amount of \$48,798.48. \$46,358.56 covered by grant and \$2,439.92 Sheriff's Office 5% match.

NOW THEREFORE, be it resolved that Clay County agrees to support the Sheriff's Office in applying for the ECN ARMER Equipment Grant with the 5% match being supplied from the Sheriff's Office existing equipment budget.

Adopted this 4th day of June 2024.

Request Approval of the Mutual Aid Agreement

Lt. Tweten stated this agreement was originally signed in 2011 with Otter Tail County and the intent of this agreement is to make equipment, personnel, and other resources available to political subdivisions from other political subdivisions in the event of a disaster. The Sheriff and the Attorney's Office did approve the agreement.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the Mutual Aid Agreement between Clay County and Otter Tail County.

Request Approval to use Public Safety Funds for Deputy Sheriff Hiring Bonuses

Sheriff, Mark Empting, requested approval to utilize Public Safety funds for Deputy Sheriff Hiring Bonuses. This was presented at both the Personnel Issues Committee (PIC) and the Public Safety Committee and it was recommended to the full Board for final approval.

Chief Deputy, Chris Martin, stated in an effort to try and recruit people to work for the Sheriff's Office, we would be requesting to use Public Safety Funds to offer hiring bonuses to newly hired staff. This would be another tool that we would use to attract people to work for the Sheriff's Office and attempt to get up to full staffing levels. Chief Deputy Martin further discussed local hiring incentives, number of Deputy hired by years, and the requests.

Commissioner Gross asked if there were still vacancies after the hiring bonuses were established with the other agencies. Chief Deputy Martin stated the State Patrol, Fargo/Moorhead Police Departments all still have vacancies.

Discussion ensued regarding lateral moves.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved to utilize Public Safety funds for Deputy Sheriff hiring bonuses and to

provide the second half of the stipend to the three Deputies that were hired in late 2023.

Request Approval to Hire an Administrative Assistant for the Highway Department

County Engineer, Justin Sorum, requested approval to hire an Administrative Assistant due to a recent resignation. The last working day for the current employee will be June 14, 2024.

Commissioner Campbell asked if exit interviews are conducted when someone resigns. Mr. Sorum confirmed.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and unanimously carried, the Board approved the hiring of an Administrative Assistant for the Highway Department.

BREAK

The Board took a break between 8:52 – 9:00 a.m.

Request Approval to Enact Cannabis Zoning Ordinance 2024-2

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved to take Cannabis Zoning Ordinance 2024-2 off the table for approval.

Assistant County Attorney, Michael Leaser, Planning & Zoning Technician, Erika Franck, and Solid Waste Manager, Corey Bang, requested approval to enact Cannabis Zoning Ordinance 2024-2.

Ms. Franck discussed the Cannabis Business Tax Classification and read a letter from the County Assessor, Cannabis Uses by Zoning District, Cultivation as Agricultural.

Commissioner Mongeau asked if there will only be a certain number of facilities allowed based on population, regardless of how it's classified. Ms. Franck stated that only pertains to retail, that limit does not apply to cultivation, manufacturing or wholesale. Commissioner Mongeau stated this doesn't limit the ability for an applicant to request a rezone on parcels. Ms. Franck, confirmed that was correct. An applicant can come in and plat/re-plat a property and request to rezone a property to Highway Commercial or Limited Highway Commercial. The applicant would need to take the request to the Planning Commission, the Planning Commission would make a recommendation to the County Board, and then the County Board would receive the request. It would then go back to the Planning Commission for a Conditional Use permit to allow for cannabis use on the property.

Commissioner Campbell discussed how the state has identified this as not agricultural, for tax purposes and asked if Highway Commercial and Limited Highway Commercial were deemed the most appropriate, in order to limit the conflict regarding how the Assessors' Office is supposed to tax it. Mr. Leaser stated he believes that to be true. Commissioner Campbell asked if the Board were to establish this as Highway Commercial/Limited Highway Commercial, that does not limit someone who might be an agricultural producer, to come before the Planning Commission and request to rezone. Ms. Franck stated that was correct, they can come and re-plat and then request a rezoning of that portion of the property.

Discussion ensued regarding number of grow facilities within the County.

Ms. Franck discussed the topic of rezoning and stated with the rezoning of Highway Commercial and Limited Highway Commercial, individuals would have to meet the standards that are set in code. Therefore, if someone came to rezone, there are guidelines that need to be met.

Commissioner Mongeau discussed spot zoning and stated it seems like a delicate line. Mr. Leaser agreed with Commissioner Mongeau and stated there needs to be some balance and delicacy when it comes to rezoning and spot zoning.

Discussion ensued regarding industrial hemp.

Commissioner Krabbenhoft referenced the maps within in the presentation and asked for more clarification on cultivation as industrial. Ms. Franck stated there are 8 sites within the County that are zoned just Highway Commercial or Limited Highway Commercial where the wholesale, manufacturing, and retail would be proposed. If the Board would like to limit cultivation as well, these 8 sites are where it would be proposed.

Commissioner Ebinger asked if there will be limits to ensure the premises are secure, including fencing, lights and security, whether that's for industrial or agricultural. Ms. Franck confirmed and stated there will be standards set in place within the proposed ordinance for security purposes. Ms. Franck further stated, for cultivation and operation plans, there needs to be a site plan, security, wastewater/waste disposal, utilities, water usage/recycling, solid waste, and pest management. These are all the standards that would be looked at during a conditional use permit hearing.

Commissioner Campbell discussed the potential of rezoning property to Highway Commercial, and how that would potentially change the look of the map. Ms. Franck stated there are many highways across the county, so there could be plenty of areas for anyone to do a new subdivision for Highway Commercial re-zoning.

Sheriff Empting stated based on past experience with illegal grow operations, it would be suggested that this be limited to Highway Commercial and Limited Highway Commercial, which would make it easier for the Sheriff's Office.

Ms. Franck stated the staff recommendation is to be more conservative in the approach, as the rules are still being drawn out and worked on at the state level. The County is in the midst of doing a Development Code update that's slated to be looked at in November 2024, and that might be the perfect time to touch base on this again, to review and decide if any changes need to be made.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and carried with one descending vote (Commissioner Mongeau), the Board approved the Cannabis Zoning Ordinance 2024-2 and to include: In Tabel 5-1 of the Development Code, the cultivation, manufacturing, wholesale, and sale of cannabis and cannabis related products shall be permitted as a Conditional Use in the Highway Commercial and Limited Highway Commercial Zoning Districts.

Request Approval for Department Position Requests to be Placed on Consent Agenda

County Administrator, Stephen Larson, requested approval for department position requests be placed on consent agenda and stated at almost every Board meeting there is normally a Department Head coming to ask for a replacement for an existing, budgeted position. Normally there is little discussion required and very rarely has the request ever been denied by the Board. At the May PIC meeting, the conversation continued, discussing why there is a need to bring requests for budgeted positions back to the Board every time a position opens due to a resignation/termination. The PIC Chair and Vice Chair directed that the request be moved to the full Board. Along with the request, the Chair and Vice Chair requested that the full Board consider

modifying the procedures for Department Heads when requesting to fill a budgeted position that has been vacated due to termination/resignation. This would also include when a temporary promotion is required that is budget neutral and required for efficient department operations and business needs. There are times when Department Heads show up for their scheduled item, and don't get to present in a timely fashion, due to the previous agenda items going longer than expected

Commissioner Campbell discussed how he opposed this request and stated having Department Heads or other leadership come before the Board, keeps the Board involved. It allows the Board to ask necessary questions to figure out why individuals are leaving Clay County.

Commissioner Krabbenhoft stated, as a newer Commissioner, having Department Heads and Supervisors come before the Board allows him to get to know the employees on a deeper level.

Commissioner Mongeau asked for more information on what was discussed at the PIC meeting. Commissioner Gross stated yes, it's nice to see management and supervisors come before the board, but the supervisors have already taken into consideration that they want to re-hire and we, as a Board, need to put some confidence in them. A request to hire has rarely been denied. Commissioner Ebinger stated his perspective was from a Department Head and the amount of time being spent coming before the Board. If there are concerns, the option to pull the item off consent for discussion can take place.

Commissioner Mongeau discussed a previous incident with a Department Head which made the Board realize that a wage study needed to be conducted. The frustration that comes with not presenting at your scheduled time is understandable. From a meeting management perspective, the Board needs to do better at managing how much time is being spent on certain items. Commissioner Mongeau stated in order to mitigate what we're hearing from staff, she thinks it would be good to put new hire requests at the beginning of the meetings. Having these employees come to the meetings allows for the Board to make connections with those staff. There is also the ability for people to attend the meetings virtually, if they choose.

Commissioner Campbell stated his opposition is not to micromanage the supervisors, it's simply to interact with our staff and understand what's going on. We, as a Board, all have a fiduciary responsibility to the public, we also have to understand when problems may arise, and we all may have our own ways of seeing red flags.

Mr. Larson discussed complying with the needs and demands of the Board. However, the challenging piece is when there are special guests or outside entities who request to present as early as possible. But we can certainly try this process.

A motion was made by Commissioner Gross, and seconded by Commissioner Ebinger to approve Department Head position requests be placed on the Consent Agenda as long as it is budget neutral and a budgeted position. Motion failed with a vote of two ayes (Commissioners Gross and Ebinger) and three nays (Commissioners Mongeau, Campbell, and Krabbenhoft).

Committee Reports/County Administrator Update/Discussions

- Commissioner Krabbenhoft reported on meetings for Adult Mental Health LAC; Planning Commission; Cannabis Public Use Ordinance update with Public Health and Michael Leaser; HSEM Senior Officials Training Module 3-Communicating with the Public; and Creating

Community Consulting meeting.

- Commissioner Mongeau reported on meetings for Metro COG Policy Board.
- Commissioner Campbell reported on meetings for Public Safety Committee; and Red River Regional Dispatch Center Special Meeting.
- Commissioner Gross reported on meetings for Dilworth City Council meeting; PRTF Planning; met with a citizen who is concerned about abortion; Breakfast on the Farm; and Georgetown City Council.
- Commissioner Ebinger reported on meetings for Public Safety Committee; met with RRRDC Executive Director Amanda Glasoe, Chad Bormann with SHE Architects, Cass County Administrator Robert Wilson, RRRDC Legal Counsel Erik Johnson regarding bids and financing of the project; and RRRDC Special meeting.
- County Administrator Stephen Larson reported on meetings for Public Safety Committee; PRTF Planning meeting; mediation process with Michael Leeser regarding the oil spill in Comstock, MN from 2023; met with Ezra Baer a potential candidate in District 2; AMC task force for long term sustainable housing; the Moorhead Center Mall only has one entrance due to construction, it's on the NW corner; had correspondence with the Capital Budget Coordinator from MN Management and Budget and discussed getting on their Capital Planning Bonding for the potential PRTF; the District 4 meeting will be this Friday from 8 a.m.–12 p.m. and the final HSEM Training this Wednesday from 1-3 p.m. and the Moorhead Community Center-Library Groundbreaking this Wednesday at 3 p.m.
- County Attorney Brian Melton recognized Assistant County Attorney Caitlin Hurlock for receiving the Drug Prosecutor of the Year award from the State of Minnesota and discussed some of the highlights of Ms. Hurlock's career.

Commissioner Ebinger thanked Ms. Hurlock for all her hard work.

Commissioner Campbell thanked Ms. Hurlock for the work that she does and stated it's really nice to hear that someone from Clay County received this state award.

Ms. Hurlock stated it was the local detectives that nominated her for the award and thanked them for making her job easier.

Adjourn

The meeting was adjourned at 10:14 a.m.

David Ebinger, Chair
County Board of Commissioners

Stephen Larson, County Administrator