

CLAY COUNTY BOARD OF COMMISSIONERS

5:00 PM, TUESDAY, JUNE 18, 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, HR Director/Asst. Administrator Darren Brooke, and Administrative Assistant Sarah Hellem.

Call to Order

Commissioner Ebinger called the meeting to order at 5:00 p.m.

Approval of Agenda

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the agenda.

Approval of Liquor Licenses for Mainline Bar & Grill and Pitchfork

By consent, the Board approved the liquor licenses for Mainline Bar & Grill and the Pitchfork.

Citizens to be Heard

There were no citizens to be heard.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the bills and vouchers totaling \$1,676,308 from 166 vendors. There were 113 warrants issued under \$2,000 (\$55,920) and the following 53 were over \$2,000.

Air Mechanical, Inc	\$ 283,392	Xcel Energy	\$ 9,495
Fergus Drywall	\$ 169,079	MFL, Inc.	\$ 8,598
Robert Gibb & Sons, Inc.	\$ 149,625	SRF Consulting Group Inc	\$ 8,073
Grotberg Electric Inc	\$ 134,399	Network Center Inc	\$ 6,044
Scott's Electric, Inc	\$ 97,821	Ledgestone Inc.	\$ 5,647
Turner Sand & Gravel Inc.	\$ 71,310	Flaherty & Hood, P.A.	\$ 5,476
Gehrtz Construction Services, Inc	\$ 67,444	Advanced Engineering & Environmental	\$ 5,466
Advanced Correctional Healthcare, Inc.	\$ 60,173	Valley Mortuary Services	\$ 4,982
MN-KOTA Concrete, Inc.	\$ 58,795	City of Hitterdal	\$ 4,751
Northland Glass and Glazing, LLC	\$ 42,940	Best Buy Business Advantage Account	\$ 4,190
Johnson & Schock Excavation LLC	\$ 38,498	WEX Bank	\$ 4,128
Red River Regional Dispatch Center	\$ 37,508	M-R Sign Company Inc	\$ 3,835
City Of Dilworth	\$ 35,202	Johnson Hydraulic Service Inc.	\$ 3,691
Enterprise FM Trust	\$ 33,386	Moorhead Public Service	\$ 3,499
Tony Eckert & Sons	\$ 28,281	Dakota Plains Mechanical, Inc.	\$ 3,360
Clay Co Public Health	\$ 27,050	RnC Consulting P.A.	\$ 3,030
City Of Barnesville	\$ 26,283	Wex Bank (fleet)	\$ 2,833

Trinity Services Group, Inc.	\$ 25,225	Minnkota EnviroServices, Inc.	\$ 2,723
MinKo Construction, Inc.	\$ 20,039	MN Counties Intergovernmental Trust	\$ 2,500
Klein McCarthy & Co Ltd	\$ 18,335	Northern Star Customs LLC	\$ 2,500
Pace Analytical Services, Inc.	\$ 14,749	Fidelity Security Life	\$ 2,447
Ellenson Caulking LLC	\$ 14,250	Rick Electric Inc	\$ 2,261
Stantec Consulting Services, Inc.	\$ 13,650	Minneapolis Forensic Psych Services LLC	\$ 2,231
Specialty Systems	\$ 12,597	Office of MNIT Services	\$ 2,162
Elan Financial Services	\$ 11,302	MidStates Wireless, Inc.	\$ 2,124
City Of Hawley	\$ 10,819	Pomp's Tire Service, Inc.	\$ 2,000
Turnkey Corrections	\$ 10,170		

Approval of Minutes from June 4, 2024

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from June 4, 2024.

Request Approval to Fill Public Health Finance Manager Position

Public Health Administrator, Kathy McKay, requested approval to fill the Public Health Finance Manager position. This position is responsible for preparing, coordinating, analyzing and reporting all Public Health financial systems and activities, including preparation of the annual Department Budget. The employee in this position also prepares, coordinates and provides reports for the four County Community Health Board, provides monthly budget updates to the Public Health Directors, coordinates with the County Auditor's Office, and the State and Federal agencies.

Commissioner Campbell asked if there was a backup plan during the interim period. Ms. McKay discussed not currently having a backup plan. There two assistants, in this area, however, neither of them are interested in the position.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved to advertise and hire for the Public Health Finance Manager position.

Public Hearing: Petition for Text Amendment to the Clay County Development Code

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board opened the Public Hearing at 5:05 p.m.

Planning & Zoning Director, Matthew Jacobson, stated in the current Development Code, Storage units are included with wholesale business and warehousing as a conditional use in the Agricultural General, Limited Highway Commercial Zoning Districts and Urban Expansion District Tier 2 Overlay Zoning District and a permitted use in the Agricultural Service Center and Highway Commercial Zoning Districts. It is not permitted in any other zoning district. The applicant would like to develop a commercial storage business on property located near Sabin within the Resource Protection – Wellhead Protection Zoning District.

Commercial storage units are an increasingly popular use in Clay County. Despite this, the County Code does not have specific use standards, nor a definition of commercial storage. The proposed amendment addresses these discrepancies by providing a definition and set of standards intended to allow for commercial storage development and mitigate land use conflicts and meet the goals and objectives of the Comprehensive Plan.

Mr. Jacobson discussed Comprehensive Plan Goals and Objectives, current code: Wholesale Business, warehousing and Storage Units, definition of Storage Units, Standards for Specific Land Uses, Resource Protection – Wellhead Protection (RP – WHP) Zoning District, additional standards for storage units in the RP – WHP Zoning District, public comments, and the Planning Commission's recommendation.

Commissioner Campbell asked if there was a definition as to what hazardous materials were, or if that's up to the discretion of the individual. Mr. Jacobson stated it's not a clear definition within the code.

Discussion ensued regarding hazardous materials, the performance standards in the RP – WHP Zoning District, and performance standards in the Agricultural General Zoning District.

Commissioner Campbell asked what the process was like in terms of inspection. Mr. Jacobson stated he would have the ability to request an inspection. Commissioner Campbell asked if the Attorney's Office was involved in the conversation regarding the ordinance. Mr. Jacobson confirmed that the Attorney's Office has been involved.

Commissioner Gross asked why outside storage is not permitted. Mr. Jacobson stated when commercial storage was being discussed, that was a concern that was brought forward by Moorhead Public Service (MPS) with respect to anything leaking into the aquifer, such as if someone were to have a number of vehicles or boats.

Commissioner Mongeau discussed her concerns with outside parking and that there are ways to mitigate those issues. She stated that this proposal is a great way for Clay County to be flexible in allowing individuals the ability to store their vehicles/equipment in an organized manner.

Discussion ensued regarding amending the ordinance, the conditional use permit process, and the design of the storage units in the Agricultural General Zoning District.

Aaron Stenerson of Sabin, Minnesota approached the Board and discussed his appreciation for the Board's thoughts on considering the outdoor storage issue. Mr. Stenerson mentioned possibly including non-motorized equipment to the ordinance. In regards to hazardous materials, Mr. Stenerson mentioned working with the Department of Health to determine a list of hazardous materials, and to then have that list posted on the property and included within the lease.

Commissioner Campbell asked if more roof space plus concrete had an influence on when a retention pond is required. Mr. Jacobson stated that was correct. Mr. Stenerson discussed ways around a retention pond, including different types of drainage.

Discussion ensued regarding drainage and retention ponds.

Commissioner Campbell stated the Chair of the Planning Commission is here and asked if he had any comments on the matter. Planning Commission Chair, Ezra Baer stated he wasn't at the meeting where this took place, but thought that the Board did a great job at working together to cover all the bases within the ordinance, and it looks great the way it's sitting right now.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously

carried, the Board closed the Public Hearing at 5:45 p.m.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to enact Ordinance 2024-3 to classify storage units as a separate commercial conditional use from warehousing and wholesale business, add a storage unit definition, and a set of use standards to the Clay County Land Development Code, and to include the following verbiage; Outdoor Storage must meet the standards of Section 8-6-29: Standards for Storage Yards for Equipment, Machinery or Materials Accessory to Commercial Uses and items containing fuel tanks must be stored on an impervious surface. The Planning Commission may place additional conditions on the number of items stored outdoors.

Request Approval to Sign Property Purchase Agreement

County Administrator Stephen Larson stated after being contacted by one of the property owners on the 900 block N, Moorhead, about their willingness to sell their property, a purchase agreement has been drawn up. The homeowner was given the opportunity to either take the taxable value of the property or have an independent assessor come in to assess the property. In this case, the estate chose to take the taxable value in the amount of \$146,300.00. The County has agreed to pay closing costs and the remaining 2024 taxes in the amount of \$3,234.29. Which results in a total purchase cost of \$149,534.29.

Discussion ensued regarding title insurance and title opinion.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved the purchase agreement on the 918 9th St N, Moorhead, MN property, in the amount of \$149,534.29.

Committee Reports/County Administrator Update/Discussions

- Commissioner Campbell reported on meetings for the Diversion Authority Planning Committee; Red River Regional Dispatch Budget & Finance; Red River Regional Dispatch Board of Authority; Lakes Country Service Coop; and Insurance Committee.
- Commissioner Gross reported on meetings for Highland Grove Township meeting; Georgetown Township meeting; and PIC.
- Commissioner Krabbenhoft reported on meetings for Extension Committee; SWCD; Insurance Committee; and Adult Mental Health LAC.
- Commissioner Mongeau reported on meetings for Extension Committee; meeting regarding local interest for Clay County property land use; and Metro COG Policy Board.
- Commissioner Ebinger reported on meetings with Public Health regarding naloxone issues; Red River Regional Dispatch Center Board Authority; Dancing Sky Area Agency on Aging; and PIC.
- County Administrator Stephen Larson reported on meetings for fleet discussion with Joe Olson; County Management; Department Head Evaluation; met with Joe Olson regarding signage for the DMV and WMDF; Red River Regional Dispatch Center Board of Authority; met with Mark Sloan regarding GIS & Communication reorganization; We have yet to determine an at large member for the WCRWD therefore discussed with a couple citizens to share information; met with Rhonda Porter and Quinn Jaeger regarding their budget; PIC; Insurance Committee; Citizen group interest in County owned land; and County offices will be closed tomorrow, June 19, 2024, in observance

of Juneteenth.

Adjourn

The meeting was adjourned at 6:20 p.m.

Board of Appeal and Equalization

David Ebinger, Chair
County Board of Commissioners

Stephen Larson, County Administrator