CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, JUNE 25, 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 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 with the move of item 12 to item 2 and with the Agenda Addition: Request Permission to Partner with Clay Soil and Water Conversation District (SWCD) on Habitat Enhancement Landscape Pilot Grant.

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 $588,928 from 90 vendors. There were 71 warrants issued under $2,000 ($36,032) and the following 19 were over $2,000.

Internal Revenue Serv	$	245,977	Braun Intertec Corp	$ 6,573
Turner Sand & Gravel Inc.	$	65,447	ANJAAM HOLDINGS, LLC	$ 5,506
Treas Of Sabin City	$	33,633	LELS	$ 5,496
Mn Dept Of Revenue	$	32,755	FirstLink	$ 5,000
Clay Co Public Health	$	30,980	Sources of Strength, Inc.	$ 5,000
VEBA Select Account	$	29,846	Otis Elevator, Inc.	$ 3,600
Otter Tail Public Health	$	25,522	Green View Inc.	$ 2,530
Historical & Cultural Society Of Clay Co	$	22,518	Ehlers	$ 2,500
Becker County Public Health	$	15,640	Wilkin Co Public Health	$ 2,253
NACO	$	12,114		

Approval of Minutes from June 11, 2024.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the minutes from June 11, 2024.

Request Approval of Resolution 2024-19 for Performance Measurements Program

Human Resources Director, Darren Brooke, requested approval of Resolution 2024-19 to participate in the Performance Measurement Program for the State of Minnesota. If the decision is to participate, a resolution must be signed and forwarded to the State Auditor's office by July 1, 2025.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved Resolution 2024-19 to participate in the State Performance Measurement Program.

COUNTY BOARD OF COMMISSIONERS
Clay County, Minnesota 56560
Date June 25, 2024 Resolution No. 2024-19

WHEREAS, Benefits to Clay County for participation in the Minnesota Council on Local Results and Innovation's comprehensive performance measurement program are outlined in MS 6.91 and include eligibility for a reimbursement as set by State statute; and

WHEREAS, Any county participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, The Clay County Board has adopted and implemented at least 10 of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes; and

NOW THEREFORE LET IT BE RESOLVED THAT, Clay County will continue to report the results of the performance measures to its citizenry by the end of the year through publication, direct mailing, and posting on the county's website, or through a public hearing at which the budget and levy will be discussed and public input allowed.

BE IT FURTHER RESOLVED, Clay County will submit to the Office of the State Auditor the actual results of the performance measures adopted by the county.

Request Approval to Hire one FTE Cybersecurity Analyst

Technology Services Director, Rory Schmitz, requested approval to hire a full-time Cybersecurity Analyst and stated with cyber threats at an all-time high and recently having gone through a large-scale cyber incident, the need for a dedicated position of this skill set is critical to reduce organizational risk. This position would focus on cybersecurity, electronic compliance requirements for county departments, and data loss prevention. Due to reduced software costs, funds are available in the 2024 Technology Services budget for the remainder of this year.

Discussion ensued regarding staffing, cost of the product, and budget/funding.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved hiring a FTE Cybersecurity Analyst and to include backfill if there is any internal interest.

Request Approval to Hire one FTE Deputy due to Retirement

Sheriff Mark Empting requested approval to hire a FTE Deputy due to an upcoming retirement.

Commissioner Campbell asked if there will be any shifts would be made within the department after the hiring. Sheriff Empting stated it would all depend on who is interested in this particular role. There's always shifts like this, and generally, the new employee would be put on patrol and then a current employee would move into this role.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to hire one FTE Deputy for the Sheriff's Office.

Squad Car Update and Request Approval of Additional Vehicle for the Sheriff's Office Fleet

Sheriff Empting and Chief Deputy Chris Martin provided an update on squad cars and requested approval of an additional vehicle for the Sheriff's Office fleet.

Sheriff Empting provided a brief background regarding the squad car leasing issues and stated the idea is to replace Deputy Schroeder's car and use that vehicle as an additional spare vehicle.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and unanimously carried, the Board approved the purchase of an additional vehicle for the Sheriff's Office.

Agenda Addition: Request Permission to Partner with Clay Soil and Water Conservation District (SWCD) on Habitat Enhancement Landscape Pilot Grant

Planning & Zoning Director Matthew Jacobson stated this is a grant opportunity through the Board of Water and Soil Resources and it would be to provide funding to establish, restore, or enhance a pollinator habitat in the County. The SWCD is the lead and the fiscal agent for this. They will be providing a match in terms of funding along with technical assistance.

This grant opportunity would allow us to develop a number of our County flood buyout properties for pollinator habitats similar to Crestwood. The benefits of this include the enjoyment of native vegetation and a reduction in maintenance costs for mowing and spraying.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to partner with the Clay Soil and Water Conservation District for Habitat Enhancement Landscape Pilot Grant.

Request Approval of Memorial Forest Utility Easement

Mr. Jacobson stated Midco is requesting the easement to provide fiber optic internet service to the Buffalo River State Park. This easement has been recommended for approval by the Clay County Owned Lands Committee and has been reviewed by the Clay County Attorney's Office.

Commissioner Krabbenhoft asked why there are two separate easements. Mr. Jacobson stated so they can use existing right of way. These are just the areas where they would require some work to be done.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the utility easement with Midco for the Clay County Memorial Forest property.

BREAK
The Board took a break from 8:55 - 9:00 a.m.

PUBLIC HEARING: SPLONSKOWSKI HOLDINGS, LLC REQUEST FOR MAJOR PLATTED SUBDIVISION

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board opened the Public Hearing at 9:00 a.m.

Mr. Jacobson stated this is a request for a 7 lot residential subdivision on a 67.85-acre parcel. This is just south of Downer on the east side of Trunk Highway 9. The zoning of the parcel is Agricultural General and it's currently used for pasture, there are some wetlands on the property and there's also a history of gravel mining on the property.

Mr. Jacobson discussed the Comprehensive Plan Goals and Objectives, the Development Code, soils – land classification, National Wetland Inventory, improvement plans including number of lots, accesses, private sewer and water and restrictive covenants.

Commissioner Campbell asked if MnDOT would need to approve the accesses. Mr. Jacobson stated they have already been approved and the applicant did provide those approvals with his application.

Mr. Jacobson further discussed Planning Commission Public Hearing comments including Elkton Township concerns regarding no winter maintenance on 100th Ave. South. However, the Highway Department stated they will do winter maintenance on this road.

Commissioner Krabbenhoft asked what the setback was for a delineated wetland. Mr. Jacobson stated the setback is 50 feet.

Commissioner Krabbenhoft asked who pays for the maintenance of the Township road. Mr. Jacobson stated that would go into the contract with the Township. The Highway Department already does the summer maintenance and graveling, they would just pick up the plowing in the winter. Commissioner Campbell clarified the cost is on the Township and stated if that road is a no winter maintenance road, it's an hourly contract. If it gets taken off no winter maintenance, and becomes a regular contract, then they would get the annual rate, which in some ways is more affordable.

Commissioner Gross referenced the Hay Creek Meadows Restrictive Covenants number *7. Vehicles must be stored neatly and have current registration at all times* and asked if that was required even for antique vehicles. Mr. Jacobson stated the current code states residents can have 2 non-licensed/uninsured/non-road worthy vehicles per property. If there are more than that, they must be stored inside.

Applicant Leo Splonskowski/Splonskowski Holdings, LLC, of Ulen, approached the Board, discussed being at the Elkton Township the previous evening where they signed off on the plat, were in agreement to the winter maintenance on 100th Ave. South, and that they provided the permits for the accesses along the north side of the subdivision.

Commissioner Krabbenhoft asked if the area that was previously mined holds water. Mr. Splonskowski stated the area that was mined isn't the lowest area of the property, it's up in the North East corner of the property that gets seasonally wet.

Commissioner Campbell asked about the Restrictive Covenants and stated from a Government standpoint, we do not recognize Restrictive Covenants. That is something amongst landowners and if there becomes disputes, that would go to civil court, not through the County. The County has no jurisdiction over the Restrictive Covenants. Mr. Jacobson stated the residents of the subdivision have the privilege to enforce the covenants and it would all be done civilly. Mr. Splonskowski stated it was his understanding that it was a requirement to have Restrictive Covenants. Mr. Jacobson stated it's a requirement by the Development Code to have Restrictive Covenants, and what that does, it give the residents a legal mechanism to handle any issues.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board closed the Public Hearing at 9:18 a.m.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Gross, and unanimously carried, the Board approved the Hay Creek Meadows Final Plat based on the Planning Commission recommendations.

Withdrawal Management/Detox Facility Staffing Plan

Public Health Administrator, Kathy McKay, and Detox Director, Troy Amundsen, provided the Board with the staffing plan for the new Withdrawal Management/Detox Facility.

Ms. McKay in regards to the RN Supervisor, that is a required position. A Registered Nurse must oversee the Nurse Practice Act of all the LPN's and staff. Ms. McKay mentioned that she has been taking on that role as Detox cannot operate without the RN Supervisor. There hasn't been any success in recruitment for this position for almost 2 years. Commissioner Campbell asked what is making it so difficult to hire for this position. Ms. McKay stated the RN market is tight, and salaries are big factor.

Commissioner Krabbenhoft asked what the appeal has been that has brought the LPN's into the Detox Facility. Mr. Amundsen stated there's interest in nursing for Psych work. Ms. McKay stated LPN's have been easier to recruit.

Facilities Director, Joe Olson, discussed having a transition team for this department move. The team includes himself, Ms. McKay, Mr. Amundsen, GIS & Communications Director, Mark Sloan and Technology Services Director, Rory Schmitz. There are 4 categories to the transition plan which includes, inspections, operations, preliminary set up, and the final move. The goal is to bring forward the transition plan to the Board at the July 9, 2024 meeting.

Commissioner Campbell asked if there was plan in place to inform other agencies/entities of the new location. Mr. Olson stated the move to the new facility is being posted at the current facility and it will also be on the County website.

Request Approval to Advertise for a Full Time Custodial Position for the Withdrawal Management/Detox Facility

Mr. Olson requested approval to advertise for a full time custodian position for the new

Withdrawal Management/Detox Facility. This position was approved in 2024, but wasn't needed until the facility opened.

Commissioner Campbell asked if this full time position would be able to handle the DMV as well. Mr. Olson stated this is a full-time position that will be strictly for the Withdrawal Management/Detox Facility. There are currently DMV staff who will be transitioned to the new DMV once it opens.

Commissioner Krabbenhoft asked if there is an expectation to hire someone new or if there is the potential to hire from within. Mr. Olson stated, historically, we promote within.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to advertise the full time Custodial position with backfill for the Withdrawal Management/Detox Facility.

BREAK

The Board took a break from 9:35-9:41 a.m.

Dilworth Local Option Sales Tax Presentation

Dilworth City Manager, Peyton Mastera, and Mayor of Dilworth, Chad Olson, provided the Board a presentation on the consideration of a half-percent sales tax to help fund a new community center, in a new location, to serve their growing community. Mr. Olson discussed the challenges at the former community center, new community center amenities, future location, new growth and services, citizen involvement with the plan, the financial plan, reasons for the local sales tax, and tax exemptions.

Commissioner Campbell asked if the $7.2 million was the cost projection of the construction. Mr. Mastera stated that was correct and to keep in mind that number is also a 2022 estimate, and this number will evolve.

Commissioner Campbell asked if there was the opportunity for the tax collection to end once the bond payment is done, rather than when the $6.1 million is hit, because there will still be accumulated interest as part of the financial plan on the $6.1 million. Mayor Olson stated it was his understanding that it's whichever comes first. The point we want to make to the residents is once the bill is paid, the tax is done.

Request Approval for GIS & Communications Department Personnel Changes

County Administrator, Stephen Larson, and GIS & Communications Director, Mark Sloan, requested approval for personnel changes within his department, in consultation with the County Administrator, as we strive to make the most efficient use of existing staff.

GIS & Communications Director, Mark Sloan, requested approval to move the Communications Coordinator to the GIS & Communication department from the Administration Department. This would be effective immediately, there is no cost impact to this change, and the duties and responsibilities of this position will remain the same. If this were to be approved, it's requested to change the title of the GIS Specialist to GIS Coordinator.

Commissioner Campbell asked for more understanding of the hierarchy. Mr. Larson stated much like it is now, nothing is or will be put out or published without the approval of the

Administrator.

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to move the Communications Coordinator from the Administration Department into the GIS & Communications Department and change the title of the GIS Specialist to GIS Coordinator.

Committee Reports/County Administrator Update/Discussions

- Commissioner Gross reported on meetings for West Central Regional Water District; and PRTF Pre-Design meeting.
- Commissioner Krabbenhoft reported on meetings for Historical & Cultural Society; Clay County Substance Use Committee; Clay County HRA Liaison; Lakes & Prairies Community Action-CAPLP; and Cass-Clay Food Commission.
- Commissioner Campbell reported on meetings for West Central Regional Water District; Prairie Lakes Municipal Solid Waste Authority; and PRTF Pre-Design meeting.
- Commissioner Ebinger reported on meetings for the Clay County Substance Abuse Committee; met with Mr. Larson, James O'Donnell, Josh Swanson and Commissioner Campbell regarding Non-Secure program; Lake Agassiz Regional Library Board; and met with AMC Public Safety Coordinator Emilio Lamba regarding reviewing grants.
- County Administrator Stephen Larson reported on meetings for Department Head evaluation; MCCJPA prep-meeting; met with James O'Donnell, Josh Swanson, Commissioners Campbell and Ebinger regarding Non-Secure program; met with Dan Mahli and Derrick LaPoint on the Moorhead Center Mall Project; West Central Regional Water District; Pre-Budget meetings for HR, Planning & Zoning, and GIS/Communications; PRTF Pre-Design meeting; the Clay County Employee Appreciation Picnic will take place today from 11:30 a.m. – 1:00 p.m.; and the closing for the property on the north part of the campus will take place on Thursday.

Adjourn

The meeting was adjourned at 10:41 a.m.

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David Ebinger, Chair
County Board of Commissioners

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Stephen Larson, County Administrator