

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 AM, TUESDAY, JULY 16, 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, Jenny Mongeau, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, HR Director/Asst. Administrator Darren Brooke, and Communications Coordinator Jacqueline Finck.

Call to Order

Commissioner Ebinger called the meeting to order at 8:31 a.m.

Approval of Agenda

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved the agenda with the Agenda Addition: Request Approval of Resolution 2024-23 Approving the Appointment of the Water Commission of the West Central Regional Water District - Clay County Representation.

Tax Abatement for A Saderson of Moorhead, Due to Reduction in Valuation

By consent, the Board approved the tax abatement for A Saderson of Moorhead, due to reduction in valuation.

Donation from Hawley Lions to Support the Clay County Sheriff's Office K9 Program

By consent, the Board approved the donation in the amount of \$2,000 from the Hawley Lions to support the Clay County Sheriff's Office K9 program.

Notice of Intent to Sell Fargo-Moorhead Area Diversion Project Excess Lands

By consent, the Board approved the notice of intent to sell Fargo-Moorhead Area Diversion Project Excess Lands.

Citizens to be Heard

There were no citizens to be heard. County Administrator, Stephen Larson, provided a follow up report on the citizen concern from last week regarding ruts on their property from someone mowing the ditch. The Highway Department did go out to examine the site and it was determined that the Highway Department didn't have anyone at that location, and it would appear to have been done possibly by a neighbor.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and unanimously carried, the Board approved the bills and vouchers totaling \$1,456,719 from 142 vendors. There were 100 warrants issued under \$2,000 (\$46,870) and the following 42 were over \$2,000.

All Finish Concrete, Inc.

\$ 234,317

Solutions Behavioral Health PC

\$ 14,715

West Central Regional Juvenile Center	\$ 137,121	MN Counties Computer Coop	\$ 13,797
Advanced Correctional Healthcare, Inc.	\$ 135,695	Becker County Public Health	\$ 13,120
Robert Gibb & Sons, Inc.	\$ 106,400	Mn Unemployment Insurance	\$ 10,930
Fargo Glass & Paint	\$ 70,775	Forum Communications Printing	\$ 8,759
Moorhead Public Service	\$ 66,544	Apollo Water Services, LLC	\$ 7,978
Fergus Drywall	\$ 66,500	Verizon-386550144	\$ 7,575
Hennen Lawn Care	\$ 61,801	Psychlogics	\$ 6,450
Turner Sand & Gravel Inc.	\$ 47,161	Magnum Contracting, Inc.	\$ 4,500
Trinity Services Group, Inc.	\$ 43,244	Elan Financial Services	\$ 4,330
Department Of Corrections	\$ 38,813	SeaChange Print Innovations	\$ 4,185
Gehrtz Construction Services, Inc	\$ 37,010	SRF Consulting Group Inc	\$ 4,159
Enterprise FM Trust	\$ 30,233	General Equipment & Supplies Inc.	\$ 4,088
State Of Mn	\$ 30,000	Ramsey County Med Exam	\$ 3,875
Otter Tail Public Health	\$ 29,907	Safe Restraints, Inc.	\$ 3,533
L & M Road Services LLC	\$ 29,515	MN Department of Transportation	\$ 3,115
Clay Co Public Health	\$ 27,940	Galls, LLC - 5287110	\$ 2,954
Creating Community Consulting	\$ 25,000	All Season's Lawncare	\$ 2,850
STC Flooring	\$ 24,271	Marco Technologies LLC	\$ 2,739
Nova Fire Protection Inc.	\$ 20,699	Mn Dept Of Revenue	\$ 2,343
Scott's Electric, Inc	\$ 18,753	Wilkin Co Public Health	\$ 2,140

Approval of Minutes from July 2, 2024

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the minutes from July 2, 2024.

Request Approval of MNDOT Grant Agreement and Resolution 2024-20 for SAP 014-598-078

County Engineer, Justin Sorum, stated that we have received bridge bonding for a bridge replacement on CR-115. As required by MNDOT for the use of Bridge Bond Funds, there is a MNDOT grant agreement and supporting Resolution 2024-20 that need to be approved.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the MNDOT Grant Agreement No. 1054408 and Resolution 2024-20 for SAP 014-598-078.

RESOLUTION 2024-20
For Agreement to State Transportation Fund
Local Bridge Replacement Program
Grant Terms and Conditions
SAP 014-598-078
July 16th, 2024

WHEREAS, Clay County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 14K64; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available; and

WHEREAS, the amount of the grant has been determined to be \$159,187.00 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Clay County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the project but not required. The proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

Request Approval of MNDOT Grant Agreement and Resolution 2024-21 for SAP 014-610-034

Mr. Sorum stated that we received bridge bonding for a bridge replacement on CSAH 10. As required by MNDOT for the use of Bridge Bond funds, we have a Grant Agreement and supporting Resolution 2024-21 that need to be approved.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved the MNDOT Grant Agreement No. 1054402 and Resolution 2024-21 for SAP 014-610-034.

**RESOLUTION 2024-21
For Agreement to State Transportation Fund
Local Bridge Replacement Program
Grant Terms and Conditions
SAP 014-610-034
July 16th, 2024**

WHEREAS, Clay County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 14K67; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available; and

WHEREAS, the amount of the grant has been determined to be \$194,040.00 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Clay County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the project but not required. The proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above- referenced grant.

Request Approval of MNDOT Grant Agreement and Resolution 2024-22 for SAP 014-637-004

Mr. Sorum stated that we received bridge bonding for a bridge replacement on CSAH 37. As required by MNDOT for the use of Bridge Bond Funds, we have a Grant Agreement and supporting Resolution 2024-22 that need to be approved.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved the MNDOT Grant Agreement No. 1055132 and Resolution 2024-22 for SAP 014-637-004.

RESOLUTION 2024-22
For Agreement to State Transportation Fund Local
Bridge Replacement Program
Grant Terms and Conditions SAP
014-637-004
July 16th, 2024

WHEREAS, Clay County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 14K63; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available; and

WHEREAS, the amount of the grant has been determined to be **\$141,510.00** by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Clay County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the project but not required. The proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

Request Approval for Out of State Travel for the Opioid Program Manager

Mr. Larson requested approval of out-of-state travel for the Opioid Program Manager to attend the National Opioid Crisis Management Conference in Nashville, TN. The trip will be funded by a grant that was received.

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the out-of-state travel for the Opioid Program Manager.

CLOSED SESSION for Board Discussion Re: Labor Negotiations Per Minn. Stat. 13D.03, Subd. Clay County Attorney Brian Melton

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to move into closed session for board discussion regarding labor negotiations per Minnesota Statute 13D.03 at 8:50 a.m.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to open the meeting at 10:21 a.m.

BREAK

The Board took a break from 10:21 a.m. to 10:25 a.m.

Budget Presentation - Soil & Water Conservation District

Soil & Water Conservation District (SWCD) Manager, Kevin Kassenborg presented the SWCD budget for 2025 and discussed expenses including soil health issues, salaries & benefits,

training & meeting expenses, vehicles & equipment. Revenues include state grants, County Feedlot Officer Program. This would be an overall increase of 3.2%.

Commissioner Mongeau discussed her appreciation for Clay County SWCD's ability to leverage grants and working with landowners, and thanked Mr. Kassenborg for his efforts and the efforts of his team.

Budget Presentation - Facilities Department

Facilities Director, Joe Olson, presented the Facilities Department budget for 2025, and stated his budget consists of the Courthouse budget which includes the Courthouse, Law Enforcement Center (LEC), Correctional Facility, Department of Motor Vehicle (DMV), Storage Facility, Detox, and Safety. And the Family Service Center (FSC) Operating budget, which includes the Central Services Mail Room, Building Manager, and Building & Grounds.

Mr. Olson discussed Courthouse budget including the Resource Recovery Center reimbursement, Withdrawal Management/Detox Facility reimbursement, Safety, and new requests. The first new request is for an additional 260 variable hours. There will be more work at the new DMV and Withdrawal Management/Detox Facility (WMDF). This position would work during the summer months doing outside work and would also help at the Government Center. The second new request is to add an additional \$7,800 to the budget for maintenance on call pay, as it hasn't been adjusted in 10 years. And the third new request is to purchase a lawn mower for the new facilities on 15th avenue.

The Family Service Center budget includes rent from external agencies and gas and maintenance from the Juvenile Center and Correctional Facility, and electricity.

Budget Presentation - Technology Services

Technology Services Director, Rory Schmitz presented the Technology Services Budget for 2025 and discussed CaseWorks, Cybersecurity Analyst position, internal services, other professional services, and software.

Request Approval to Accept Tax Forfeiture Settlement Obligations

Mr. Larson stated that in 2023, the United States Supreme Court held that Minnesota's property tax forfeiture law was unconstitutional to the extent it does not allow interested parties to claim "surplus" value in a property that forfeits. There were a total of three class actions that are being resolved through this settlement, which was funded in full by the Minnesota legislature this year. Pursuant to this settlement and the legislation, all 87 Minnesota counties are included in the settlement unless they opt out by August 1, 2024. While all counties were not named in these class actions, the settlement resolves claims on behalf of all counties that participate in the settlement.

Based on the information that County Auditor – Treasurer Lori Johnson shared with the state, we're looking at a settlement of \$601,582.00. There will be a Claims Administrator that will be set up that will work with the 87 counties and those impacted by this settlement.

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to Accept Tax Forfeiture Settlement Obligations established by the Minnesota Legislator and allow the Clay County Auditor to submit the Minnesota Property Tax Forfeiture Class Action Settlement - Attestation of Participating County.

2025 Clay County Budget Update

Mr. Larson stated the Clay County Board of Commissioners will be setting the 2025 Preliminary Levy on September 17, 2024.

Mr. Larson discussed the ½ cent sales tax for the LEC and Correctional Facility, the summary of revenues and expenditures by department, and the summary of 2025 tax levy by funds.

Mr. Larson stated the tax levy request is \$51,812,164.00, the new request amount is \$506,867.00, which brings the total levy request of \$52,319,031.00, for 2025. With the less County Program Aid of \$5,636,651.00, that brings the spread levy to \$46,682,380.00 which is a 9.88% increase from the previous year.

Agenda Addition: Request Approval of Resolution 2024-23 Approving the Appointment of the Water Commission of the West Central Regional Water District - Clay County Representation.

Mr. Larson stated as part of establishing Board members for the West Central Regional Water District through the courts, the courts are in need of identifying that there are a Board of Directors. Resolution 2024-23 identifies only the three Clay County representatives and the dollar amount of \$117,000.00 to move forward with the establishment of the water district.

Commissioner Campbell stated for the record that the \$117,00.00 that Clay County has committed to has come from special ARPA funding.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Mongeau, and unanimously carried, the Board approved Resolution 2024-23 approving the appointment of the Water Commission of the West Central Regional Water District – Clay County Representation.

CLAY COUNTY, MINNESOTA

RESOLUTION NO. 2024-23

RESOLUTION APPROVING THE APPOINTMENT OF THE WATER COMMISSION OF THE WEST CENTRAL REGIONAL WATER DISTRICT

WHEREAS, the County Board has authorized the formation of and formed a multi-county public water district entitled the West Central Regional Water District (the “WCRWD”) in collaboration with Norman and Polk Counties, pursuant to Minnesota Statutes section 116A.02, subd .4; and

WHEREAS, the County Board has authorized the initiation of proceedings to establish a multi-county public water system to be owned and operated by the WCRWD pursuant to Minnesota Statute 116A.01 to 116A.26; and

WHEREAS, the County Board, in collaboration with Norman and Polk Counties has initiated judicial proceedings in Clay County District Court for the establishment of a public water system to be owned and operated by the WCRWD; and

WHEREAS, Minnesota Statutes Chapter 116A.24 provides that the county boards or District Court may provide for the appointment of a water commission at any time after the formation of a district under Minnesota Statutes Chapter 116A.02, subdivision 4; and

WHEREAS, Minnesota Statutes 116A.24, subdivision 1 provides that the commission shall be

appointed before the final award of a contract for the construction of any system ordered by the district court, and a contract for construction has not been awarded by the district court; and

WHEREAS, pursuant to Minnesota Statutes 116A.24, subdivision 1, the County Board in collaboration with Norman and Polk counties have elected to establish a nine-member commission for the WCRWD, comprised of three commissioners from Clay County, four commissioners from Polk County and two commissioners from Norman County, which reflects proportional representation from each county based on the population of each county situated within the WCRWD; and

WHEREAS, pursuant to Minnesota Statutes 116A.24, subdivision 1, the commission members shall serve for a standard term of four years, unless the terms are renewed, or successors are appointed and the term of each member and the member's successors shall be fixed by order of the boards so that as nearly as possible an equal number of members will be replaced or reappointed each year; and

WHEREAS, it is the intent of the Clay County Board to establish a commission for the WCRWD that, subject to the approval or disapproval of the County Board, may do all things necessary to establish, construct, operate and maintain a public water system and otherwise exercise the powers enumerated in Minn. Stat. sec. 116A.24, subd. 2; and

WHEREAS, it is the intent of the Clay County Board to expressly authorize the WCRWD Commission and the specific representatives the County Board appoints to the WCRWD to make decisions and take actions in furtherance of the WCRWD that will incur costs attributable to Clay County in an amount not to exceed \$117,000 in the aggregate;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD THAT:

1. The Clay County Board hereby authorizes the formation of the WCRWD commission in collaboration with Norman and Polk Counties pursuant to Minnesota Statute 116A.24; and
2. The Clay County Board hereby appoints the following individuals to serve on the WCRWD Commission for a term of up to four years, unless the term is extended, renewed, or successors are appointed:
 - i. Mr. Frank Gross, Clay County Commissioner
 - ii. Mr. Kevin Campbell, Clay County Commissioner
 - iii. Mr. Don Martodam; and
3. The Clay County Board hereby authorizes the Commission of the WCRWD and the specific Commissioners named above to, subject to the approval or disapproval of the County Board, do all things necessary to establish, construct, operate, and maintain a public water system for the WCRWD and otherwise exercise the powers enumerated in Minn. Stat. sec. 116A.24, subd. 2; and

The Clay County Board hereby expressly authorizes (and limits) the WCRWD Commission and the specific representatives the County Board appoints to the WCRWD Commission to make decisions and take actions in furtherance of the WCRWD that will incur costs attributable to Clay County in an amount not to exceed \$117,000 in the aggregate. Any expenditures beyond that aggregate amount must receive prior authorization from the Board.

Committee Reports/County Administrator Update/Discussions

- Commissioner Campbell reported on meetings for Diversion Authority Planning Committee; MCCJPA Special Meeting; and MN Services Cooperative Annual Conference.
- Commissioner Krabbenhoft reported on meetings for Cass Clay Food Commission; Soil is Alive on Highway 75; Adult Mental Health LAC Executive Committee; Clay SWCD; Clay County Fair - County Government Day; Extension Awards program at the Clay County Fair.
- Commissioner Mongeau reported on meetings for MCCJPA Special Meeting; Chamber Public Policy Committee; and the Clay County Fair.
- Commissioner Ebinger reported on meetings for NW Emergency Communication Board; Grant Review for the AMC Public Safety Policy; and Clay County Fair - County Government Day.
- County Administrator Stephen Larson reported on meetings for pre-budget meeting for the Attorney's Office; Department Head Evaluation; met with Joe Olson on a series of County issues; Chamber Legislative update; met with Anna, Darren, and Tessia with David Drown Associates regarding the market study; pre-budget meetings with the Sheriff's Office and Extension; met the City of Moorhead and Drug Court Officials regarding JAG Grant Funds for Drug Court; with Anna and Darren again regarding the market study; and mentioned the Open House for the Heartland Trail Study in Clay County is in Glyndon this evening and MetroCOG will be at Board next week to present regarding the Heartland Trail Study in Clay County.
- Communications Coordinator Jacqueline Finck clarified that the Heartland Trail Study in Clay County will be taking place at the Glyndon Community Center.

Adjourn

The meeting was adjourned at 11:13 a.m.

David Ebinger, Chair
County Board of Commissioners

Stephen Larson, County Administrator