

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, OCTOBER 8, 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, Assistant County Attorney Kathleen Stock, HR Director/Asst. Administrator Darren Brooke, and Communications Coordinator Jacqueline Finck.

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.

Minnesota Lawful Gambling LG220 Application for Exempt Permit - Trojan Takedown Club

By consent, the Board approved Minnesota Lawful Gambling LG220 Application for Exempt Permit - Trojan Takedown Club (bingo).

Minnesota Lawful Gambling LG220 Application for Exempt Permit - Trojan Takedown Club

By consent, the Board approved Minnesota Lawful Gambling LG220 Application for Exempt Permit - Trojan Takedown Club (raffle).

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 \$1,544,710 from 111 vendors. There were 81 warrants issued under \$2,000 (\$33,070) and the following 30 were over \$2,000.

Butler Machinery Co	\$ 1,203,870	City of Pelican Rapids	\$ 5,925
Clay Soil & Water Cons Dept	\$ 72,367	Apollo Water Services, LLC	\$ 5,460
Advanced Correctional Healthcare, Inc.	\$ 39,776	Amazon Capital Services	\$ 4,996
Prairie Lakes Municipal Solid Waste Auth	\$ 27,168	Mattson Excavating, Inc.	\$ 4,500
Trinity Services Group, Inc.	\$ 19,282	Fidlar Technologies	\$ 3,500
Information Systems Corp	\$ 17,019	TrueNorth Steel	\$ 3,266
Vanguard Appraisals, Inc.	\$ 15,812	Pete's Gas & Service	\$ 2,788
Petro Serve Usa-Hwy	\$ 10,389	Lereta, LLC	\$ 2,755
City of Breckenridge	\$ 10,000	Bungum Olson/Sharon	\$ 2,700
New Roots Midwest	\$ 9,571	Powerplan	\$ 2,401
Town & Country Oil Inc.	\$ 8,818	Stein's Inc	\$ 2,373
Verizon-386550144	\$ 7,573	Sanitation Products Inc.	\$ 2,318
Bytespeed, LLC	\$ 7,490	Wex Bank (fleet)	\$ 2,307

Klein McCarthy & Co Ltd	\$	6,747	Green Pro Solutions	\$	2,063
Barnesville C-Store	\$	6,370	Dakota Plains Mechanical, Inc.	\$	2,027

Approval of Minutes from September 24, 2024

On motion by Commissioner Gross, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the minutes from September 24, 2024.

Request Approval to Hire Full-Time Assistant Clay County Administrator

County Administrator, Stephen Larson, requested approval to hire a full-time Assistant County Administrator, and stated the current Clay County organizational structure has Darren Brooke carrying out the duties of both the Human Resources Director and Assistant County Administrator. Clay County has experienced continual growth. It was asked that the need for this position be reviewed and if so, to explore options to add this position without impacting the 2025 levy. There were two revenues that were higher than anticipated. One was the police state aid which was \$70,000.00, higher than what was budgeted in 2024 and anticipated for 2025. There was also state funding that now covers the benefit packages for disabled law enforcement personnel that the County is currently paying. This year, that amount was \$65,166.00. This was a new policy from the state that was not anticipated to be received. The cost impact for this request would be \$130,320.00, which could be covered by these two revenue sources.

Commissioner Ebinger stated after good discussion the Personnel Issues Committee (PIC) did forward this to be presented to the full Board, as this position is needed.

Commissioners Campbell discussed how the two revenues that are being discussed here, seem to be specified for a different purpose. Mr. Larson stated the police state aid shows up as revenue in the Sheriff's Department. Again, for this year, it wasn't anticipated to receive the funding that they have. Therefore, the \$70,000.00 is above what was budgeted. Mr. Larson stated that he did speak with the Sheriff, and he was supportive in providing these dollars to this piece. It was not anticipated that the County would receive the state funding, but this year, the legislation set aside funding moving forward to take this cost off of counties.

Commissioner Krabbenhoft expressed his concerns with the funds from the Sheriff's budget, and asked for more clarification regarding the state funding. Mr. Larson stated the County pays for the benefit packages for the several Law Enforcement individuals and/or families who became disabled while on duty. The County is currently paying this and it's an expense in our budget, but until this year, we weren't seeing any revenues to offset that cost. Due to legislative changes, we'll be receiving \$65,166.00 that was not anticipated.

Discussion ensued regarding available funds and that the position, with backfill, wouldn't start until January 1, 2025.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved establishing a Full-Time Assistant Administrator Position with supporting funds to come from reserves.

On motion by Commissioner Krabbenhoft, seconded by Gross, and unanimously carried, the Board approved to designate Darren Brooke as the Full-Time Role of Assistant County Administrator, with backfill should there be internal interest.

Request Approval for the City of Hawley to Receive Tax Forfeit Parcel for Authorized Public Use

City of Hawley Clerk Treasurer, Erica Polley, stated the City of Hawley has requested that parcel # 56.685.0990 (2200 Westgate Drive Hawley, MN) be withheld from the tax forfeit roll so they may acquire it for public use. Due to the wetland on this property, it's not a viable location to build. Therefore, the City is exploring the idea of a community garden or similar community amenity. The City is requesting that they receive the property free of charge.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to withhold parcel 56.685.0990 from the tax forfeit roll and be transferred from Clay County to the City of Hawley for public use.

Request Approval to Fill Vacant FTE Deputy Position Due to Resignation

Sheriff, Mark Empting, requested approval to fill a vacant full time Deputy position due to recent resignation effective October 18, 2024. This would be a budget neutral.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to fill the vacant FTE Deputy position.

Request Approval to Hire a Recycling Educator and Landfill Office Clerk in Lieu of a Recycling Manager

Solid Waste Manager, Corey Bang, Requested approval to hire a recycling educator and landfill office clerk in lieu of a recycling manager and stated the department would be better suited with the two positions, to better fill the current gaps. It's suggested to hire a recycling educator to take care of all education and oversee the recycling program but would not have manager duties. This position would help educate citizens, attend group functions, along with helping in the public drop area. The landfill office clerk would oversee the landfill office. Hiring these two positions would allow current employees to focus on their assigned tasks.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the hiring of a Recycling Educator at grade 12, and a Landfill Clerk at grade 8, in lieu of a recycling manager.

Request Approval to Add a Fee to the Clay County Hauler Licensing Application

Mr. Bang stated in past years, the MPCA has requested help in encouraging haulers to report their volumes annually. The percentage of haulers reporting is very low. These reporting numbers are used for various data-driven decisions, including how SCORE funding is distributed. It's suggested to add a \$50.00 fee to the hauler's application in an effort to encourage all haulers to report. In addition, if the applicant did report in the previous calendar year, that fee would be waived.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and unanimously carried, the Board approved adding a \$50.00 fee for non-reporting to the Hauler license application.

2024 Clay County Employee United Way Campaign Presentation

United Way Employee Campaign Coordinator, Rita Rueckert, Clay County Staff, James O'Donnell, Kirstin LePard, LaRae Goeden, and United Way Staff, Valarie Meis and Sarah Master discussed the United Way 2023 & 2024 Campaigns with the 2024 campaign beginning on October 14, 2024, and closes on October 31, 2024. Ms. Mastera and Ms. Meis both discussed the goals of United Way and where the funds go.

Discussion ensued regarding leveraging funds and Giving Hearts Day.

Request from the Metro Flood Diversion Authority to Acquire and Obstruct Road Right-of-Way and Set a Public Hearing

County Engineer, Justin Sorum, stated Clay County entered into a Memorandum of Understanding (the "MOU") with the Metro Flood Diversion Authority (the "Authority") for the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (the "Comprehensive Project"). As part of the MOU, the Authority can request that Clay County take over and obstruct road right-of-way that will be impacted by the Comprehensive Project. The Authority has identified that Reach SE-4 of the Comprehensive Project will cross 170th Avenue South, prompting its request to Clay County. The MOU sets forth that Clay County will hold a public hearing on the Authority's request prior to considering a resolution to grant the request.

Commissioner Campbell provided some background stating there is small portion of 170th Avenue South that will be permanently closed and part of this process will require the County to be involved, from a legality standpoint. Therefore, the public hearing will be held before the County will take action. Ohnstad Twichell Attorney, Katie Schmidt, confirmed that was correct.

Commissioner Campbell asked if there was an MOU established with Holy Cross Township. Metro Flood Diversion Authority Director of Engineering, Kris Bakkegard stated that was correct, and they have reached an agreement with Holy Cross Township, the final details are being put together, and anticipate this will be on the October FM Diversion Authority Board agenda. Commissioner Campbell asked if Holy Cross Township was aware that the County does need to be a part of that process. Mr. Bakkegard confirmed that was correct and stated the same language exists in the Holy Cross Township MOU, acknowledging that the County will take that segment over and close that road officially.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to set a public hearing on November 19, 2024 at 9:00 AM, to consider the Metro Flood Diversion Authority's request to take over 170th Avenue South in the location identified in its request and obstruct the same with Reach SE-4 of the Comprehensive Project.

Request Approval to Purchase a Trailer and Tanker from MNDOT

Mr. Sorum stated that the Highway Department has the opportunity to purchase a 2001 Tanker and 2011 Tiltbed trailer from MNDOT. These are two items would be beneficial to the County. Funds would come from internal service funds from the lowboy trailer for this purchase.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved to purchase a 2001 Walker Tanker Trailer in the amount of \$20,000.00 and a 2011 Trail-Eze Trailer in the amount of \$30,000.00 from MNDOT.

BREAK

The Board took a break from 9:32 a.m. to 9:38 a.m.

Request Approval of Resolutions 2024-28 and 2024-29 to Support Petitions for the Buffalo-Red River Watershed District to Utilize Taxing Authority

Buffalo Red River Watershed District (BRRWD) Administrator Kristine Goeden and BRRWD Board Manager Bill Davis stated the Buffalo-Red River Watershed District is proposing to utilize taxing

authority under MN Statute 103D.905, Subd. 3, in 2025. Per statute, a political subdivision must petition on our behalf to utilize this option. Ms. Goeden gave a brief overview stating the first petition is for an assessment in the amount of \$795,000.00 and these funds will be used for contributions to the four Solid & Water Conservation District partners, Education & Outreach, Programs & Watershed-wide Activities, and construction & maintenance. The second petition is in the amount of \$800,000.00 and these funds will contribute to project design and construction. What this means for tax purposes is that in 2025 the approximate amount per \$100,000.00 of property value is \$16.62.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved Resolution 2024-28 to Support Petitions for the Buffalo-Red River Watershed District to Utilize Taxing Authority.

Resolution 2024-28

**APPROVING 2025 GENERAL TAX LEVY PETITION #1-
BUFFALO-RED RIVER WATERSHED DISTRICT**

WHEREAS, pursuant to Minnesota Statute Annotated (M.S.A.) 103D.905, Subd. 3, and any other applicable statutes, the Clay County Board of Commissioners hereby petitions for a one-year (2025) annual tax levy in an amount not to exceed 0.00798 percent of the taxable market value (\$977,862.58) to pay the costs attributable to the basic water management features of projects and programs within the Buffalo- Red River Watershed District (BRRWD);

WHEREAS, the BRRWD Board of Managers have set the 2025 assessment for the basic water management features of projects and programs #1 under M.S.A 103D.905, Subd. 3 at \$795,000.00 during their Budget Hearing held August 12, 2024; and

WHEREAS, the BRRWD per M.S.A 103D.905, Subd. 3, will use these funds to provide financial support for projects and programs including: the Red River Basin Commission, River Keepers, Soil and Water Conservation Districts, water quality monitoring, log jam removal, stream channel restoration projects, flood damage reduction (fdr) projects, natural resource enhancement (nre) projects, and other watershed- wide activities.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners that the Board does hereby petition for the use of said levy by the Board of Managers, BRRWD, in 2025, as discussed at the BRRWD annual budget hearing, August 12, 2024.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved Resolution 2024-29 to Support Petitions for the Buffalo-Red River Watershed District to Utilize Taxing Authority.

Resolution 2024-29

**APPROVING 2025 GENERAL TAX LEVY PETITION #2-
BUFFALO-RED RIVER WATERSHED DISTRICT**

WHEREAS, pursuant to Minnesota Statute Annotated (M.S.A.) 103D.905, Subd. 3, and any other applicable statutes, the Clay County Board of Commissioners hereby petitions for a one-year (2025) annual tax levy in an amount not to exceed 0.00798 percent of the taxable market value (\$977,862.58) to pay the costs attributable to the basic water management features of projects and programs within the Buffalo- Red River

Watershed District (BRRWD);

WHEREAS, the BRRWD Board of Managers have set the 2025 assessment for the basic water management features of projects and programs #2 under M.S.A 103D.905, Subd. 3 at \$800,000.00 during their Budget Hearing held August 12, 2024; and

WHEREAS, the BRRWD per M.S.A 103D.905, Subd. 3, will use these funds as funding sources and grant match for project such as the South Branch Buffalo River Restoration, Stony Creek Water Resource Management, Lower Otter Tail River Restoration, Whiskey Creek Enhancement, and Upper Buffalo River Restoration.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Board of Commissioners that the Board does hereby petition for the use of said levy by the Board of Managers, BRRWD, in 2025, as discussed at the BRRWD annual budget hearing, August 12, 2024.

Clay County Extension National 4-H Week Presentation & Proclamation

Clay County Extension Educators Minday Grant and Monique Stelzer presented on National 4-H week, October 7-12, 2024, with the theme being "Beyond Ready". 4-H youth Madeline Brendemuhl spoke about her experience being in 4-H and the amazing opportunities she has had.

The Board of Commissioners read the Proclamation for National 4-H week.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board read and adopted the Proclamation for National 4-H Week October 7 – 12, 2024.

Request Approval of Changes to Clay County Benefits

HR Director/Assistant County Administrator, Darren Brooke, and Human Resources Coordinator, Anna Moore stated the first change to the County benefits would be to increase the County Contribution to the Single Non-Grandfathered plan by \$4.88 per month. The minimum requirement for Clay County health benefits for each employee is single health, single dental and basic life. In 2020, the single non-grandfathered county contribution covered all four plans' premiums to include dental and life. If this change was made, 2 of the 4 single non-grandfathered plans would be fully covered.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to increase the single non-grandfathered county contribution by \$4.88 per month.

Mr. Brooke & Ms. Moore stated Clay County currently has 7 married couples (14 individuals) who both work for Clay County. According to the personnel policy, each employee must carry a minimum of single health, single dental and basic life. If these couples have children that must be covered under their health plans, then most likely one parent must take a family plan while the other parent takes a single plan. This means double premiums and double deductibles for those couples. The recommendation is for one spouse, of the married employees, to opt out of health insurance and the family would only be required to maintain one family plan. This would be completely voluntary based on the individual needs of the family. Each employee would receive the equivalent of the single county contribution based on their hire date (grandfathered vs. non-grandfathered).

Ms. Moore stated there are married couples who currently don't carry a family plan, but do carry two

individual single plans, which would remain as is, this would just be an alternative option if they so choose. Commissioner Campbell stated for the record, this shows they could have both options.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to give the option to married employees who both work for Clay County to elect only a family plan instead of carrying a family and a single plan.

Mr. Brooke stated this proposal is just for discussion and will require more research, but a suggestion has been made to allow employees who are Medicare eligible (age 65) to be able to opt out of Clay County insurance in order to enroll into Medicare. The county contribution would still be given to those employees in order to pay for Medicare Part B and C if desired.

Discussion ensued regarding the this option, the concerns around not having enough information about the rules and regulations about Medicare, and Medicare election being considered a life event.

2024 Budget and 1/2 Cent Sales Tax Update

Mr. Larson and County Auditor/Treasurer, Lori Johnson, presented an update of the 2024 budget based on activities through September showing the summary of revenues and expenditures by department and a review of the 1/2 cent sales tax was also presented.

Committee Reports/County Administrator Update/Discussions

- Commissioner Gross reported on meetings for PIC; Highway Tracking; Heart of Clay fundraiser; and Open House for the Armory.
- Commissioner Krabbenhoft reported on meetings for Adult Mental Health LAC; Open House & Ribbon Cutting Event for the Withdrawal Management/Detox Facility & DMV; and Children's Mental Health LAC;
- Commissioner Mongeau reported on meetings for media tours for the open house; Open House & Ribbon Cutting Event for the Withdrawal Management/Detox Facility & DMV; Sweet Freedom Fundraiser; Metro COG Policy Board; Finance Committee for the Withdrawal Management/Detox Facility & DMV.
- Commissioner Campbell reported on meetings for Highway Tracking; FM Diversion Authority Planning Committee; and Finance Committee for the Withdrawal Management/Detox Facility & DMV.
- Commissioner Ebinger reported on meetings for Open House & Ribbon Cutting Event for the Withdrawal Management/Detox Facility & DMV; Chamber of Commerce Candidate Forum; and NW Emergency Communication Board.
- County Administrator Stephen Larson reported on meetings for PIC; Open House & Ribbon Cutting Event for the Withdrawal Management/Detox Facility & DMV; Highway Tracking; Heart of Clay fundraiser; MACA/MCHRMA Conference; NACO Leadership; met with Darren Brooke on legal issues; Finance Committee for the Withdrawal Management/Detox Facility & DMV; reminder to the Clay County Employees, there will be a fire drill on Wednesday, October 9, 2024, at 11:00 a.m.; The City of Moorhead Cyber Tabletop Exercise will be held at the Hjerkomst Center on Wednesday, October 23, 2024 from 8:30 a.m. – 12:30 p.m.

Mr. Larson stated last year, a work group session was conducted to address a series of different ideas for Legislative Priorities. As a result of that work group, three legislative priorities were chosen. Although progress was made on those priorities, they didn't quite make it to the finish line. Mr. Larson stated as we move closer to the 2025 Legislative Session, if there was interest in bringing those

topics back up in a regular Board meeting for additional discussion, or if a Work Group Session would be more ideal to further discuss those areas and/or bring forward some an additional ideas.

Commissioner Ebinger stated it may be worth a work group session as there are several issues that should be looked at in depth, and this would allow the Board the opportunity to do that with focus.

Commissioner Krabbenhoft stated he would prefer a work group session.

Mr. Larson stated he will look to schedule a Work Group Session and provide some potential dates.

Adjourn

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

David Ebinger, Chair
County Board of Commissioners

Stephen Larson, County Administrator