

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, FEBRUARY 11, 2025
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, Ezra Baer, Jenny Mongeau, Kevin Campbell, and David Ebinger. Others present: County Attorney Brian Melton, Assistant County Administrator Darren Brooke, and Communications Coordinator Jacqueline Finck.

Call to Order

Commissioner Campbell called the meeting to order at 8:30 a.m.

Approval of Agenda

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the agenda.

Minnesota Lawful Gambling LG220 Application for Exempt Permit - Barnesville Lions Club - Raffle

By consent, the Board approved Minnesota Lawful Gambling LG220 Application for Exempt Permit - Barnesville Lions Club - Raffle.

Citizens to be Heard

There were no citizens to be heard.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Baer, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the bills and vouchers totaling \$877,695 from 150 vendors. There were 113 warrants issued under \$2,000 (\$49,237) and the following 37 were over \$2,000.

City Of Moorhead	\$ 398,607	Petro Serve Usa-Hwy	\$ 5,948
Advanced Correctional Healthcare, Inc.	\$ 63,204	JT Lawn Service	\$ 5,721
MN Counties Computer Coop	\$ 43,588	Treas Of Ulen City	\$ 5,149
Clay Co Public Health	\$ 43,322	Fargo Cass Public Health	\$ 5,000
Treas Of Dilworth City	\$ 37,351	Wilkin Co Public Health	\$ 4,200
Code 4 Services, Inc	\$ 28,348	Cass County Government	\$ 3,924
Otter Tail Public Health	\$ 21,606	Treas Of Sabin City	\$ 3,825
Treas Of Barnesville City	\$ 16,984	Clay County Public Health Dept (Jail)	\$ 3,674
Treas Of Hawley City	\$ 16,109	Little Falls Machine, Inc.	\$ 3,591
Sanford Health	\$ 12,352	Rob Bentz Lock & Key, LLC	\$ 3,569
Bolton & Menk, Inc.	\$ 11,879	M-R Sign Company Inc	\$ 3,172
ConvergeOne, Inc.	\$ 11,607	Advance Garage Door Inc.	\$ 3,143
Becker County Public Health	\$ 11,390	FleetPride	\$ 3,129
Treas Of Glyndon City	\$ 9,475	North Central International, LLC	\$ 2,639
Orbis Partners LLC	\$ 7,950	Farmers Coop Oil Co	\$ 2,591
Nitzkowski, Inc.	\$ 7,676	Lakes Area Jetting, LLC	\$ 2,525
Verizon-386550144	\$ 7,523	River Valley Forensic Services, PA	\$ 2,500
Menards - 32290254	\$ 6,417	Amazon Capital Services	\$ 2,401
Dean's Bulk Service	\$ 6,354		

Approval of Minutes from January 28, 2025

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the minutes from January 28, 2025.

Annual Department Update - Soil & Water Conservation District

Clay Soil & Water Conservation District (SWCD) Manager, Kevin Kassenborg, and Natural Resources Management Technician, Tony Nelson, presented the Clay SWCD annual update including the Tree Program, Conservation Reserve Enhancement programs, Walk-in Access program, County Agriculture Inspector update, Aquatic Invasive Species grant, Wetland Conservation Act, No-Till Drill Rental Program, Ag BMP Low Interest Loan Program, Clay County Pollinator Habitat Project, One Watershed-One Plan update with example practices, and the Soil Health Program.

Commissioner Ebinger discussed the correlation between cover crops and aviation fuel.

Discussion ensued regarding the septic system program.

5 Year Plan Update

County Engineer Justin Sorum stated due to receiving a lower bid than anticipated on the CSAH 34 Mill and Overlay project, it allows the County to advance a project from 2026 to be completed in 2025. At this time any no additional construction will be added to future years, that will be done with the update of the entire 5 year plan.

Commissioner Mongeau stated that this was discussed at Highway Tracking and it's not often we get a bid that is significantly less than the engineer's estimate.

Commissioner Campbell stated this would technically free up money in 2026 and through discussion at Highway Tracking, it was suggested to not fill that gap in the event that something else comes up.

On motion by Commissioner Baer, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the amended 2025 Construction Program.

Request Approval to Advertise for SP 014-611-055

Mr. Sorum requested approval to advertise for the Concrete Pavement Rehabilitation (CPR) and concrete grinding project on CSAH 11. Federal funds were received to assist with this project. This project is on CSAH 11 from CSAH 18 to CSAH 26. The proposed letting date is March 18, 2025.

Commissioner Campbell asked Justin to explain Concrete Pavement Rehabilitation. Mr. Sorum stated the County doesn't have many concrete roads, and on this specific stretch of road, there is a lot of "chatter" or frequent bumps. Therefore, the broken panels will be fixed and replaced, and the concrete will be diamond grinded.

Commissioner Baer asked if the road will be closed. Mr. Sorum stated at certain points there will be closures, but as part of the contract, access needs to be maintained for everyone who lives on that road. Commissioner Campbell asked how long the project will take. Mr. Sorum stated it could take between 2 to 3 weeks.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously

carried, the Board approved to advertise for the Concrete Pavement Rehabilitation and concrete grinding project on CSAH 11 SP 014-611-055 with a letting date of March 18, 2025.

Request Approval to Advertise for SAP 014-634-031

Mr. Sorum requested approval to advertise for the Mill and Overlay project on CSAH 34 from the East City Limits of Ulen to the East County Line. The proposed letting date is March 18, 2025.

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to advertise the Mill and Overlay project on CSAH 24 SAP 014-634-031 with a letting date of March 18, 2025.

Annual Department Update - GIS & Communications

GIS & Communications Director Mark Sloan presented the annual update for the GIS & Communications Department including staffing, Geographic Information Systems (GIS), Section Corner Remonumentation, development of the Public Land Survey System (PLSS), Parcel Data, Aerial Imagery, Addressing, Sign Inventory, Communications, Process Automation & Digital Services, County Code Online, Economic Development Authority (EDA)/Economic Development Committee (EDC) Website, Bits of Clay Newsletter, Digital Signage, and Branding.

Request Approval of Resolution 2025-11 Supporting a Legislative Appropriation of \$60.4 Million Dollars to Complete the Minnesota Financial Commitment for the Construction Improvements and Land Acquisition Necessary for the Fargo-Moorhead Diversion Project in Minnesota

Assistant County Administrator Darren Brooke stated on November 19, 2024, the Clay County Board of Commissioners identified their 2025 legislative priorities to include advocating for an appropriation of bonding proceeds funds from the Commissioner of Natural Resources for flood hazard mitigation grants which would provide the necessary funding to the Moorhead-Clay County Joint Powers Authority to construct improvements and secure land acquisitions necessary for the Fargo-Moorhead Area Diversion Project in Clay County. The project cost for 2025, including inflation, is \$60.4 million dollars.

Commissioner Mongeau stated these funds are something that we've been advocating for, for a long time, and it's good to have a resolution speaking to what that need is. Commissioner Mongeau discussed her recent visit to the capital where this was discussed with 6 representatives, 2 senators, the Governor and Board chairs of several committees on what this need is and \$60.4 is all encompassing and stated as we go down to the capital again, it will be helpful to have this resolution as part of the packet. This ask includes the City of Moorhead's needs for 7 flood control lift station improvements, The County's projects including the upstream mitigation area property and relocations; Holy Cross Access Road; SE-4 and SE-5 property acquisition; and the Clara Cemetery Mitigation, and the Buffalo Red River Watershed District (BRRWD) projects including the Georgetown Levee, and the Wolverton Project.

Commissioner Ebinger stated being at the capital was a great opportunity and having the new Executive Director of the Metro Flood Diversion Authority (MFDA) Jason Benson in attendance was helpful and beneficial.

Commissioner Campbell stated when the original Joint Powers Authority (JPA) was formed between Fargo, Moorhead, Cass and Clay counties, one of the responsibilities of Clay County was to do everything we could to obtain state funding for this project for the work that is done on the Minnesota side. And this is another example of us maintaining our commitment through the

original JPA.

Commissioner Mongeau discussed the potential for Minnesota project construction to be held up contingent on Minnesota funding and how that's concerning, especially since the avenue for funding between Minnesota and North Dakota are vastly different. Clay County is working very hard to secure that funding but it's challenging. Commissioner Campbell discussed areas of the project that could be held off until later on in the project but to have those things not done when the project becomes operational would be unacceptable. Commissioner Ebinger stated that until this project is certified there's not going to be a movement through FEMA to get us out of the flood plain and there is going to be plenty of people in both North Dakota and Minnesota who are paying insurance for flood protection or lack thereof, that are not going to be getting any relief until the project is certified. But this is something that isn't strictly a benefit to the Minnesota side, they are essential for the completion, certification and relief from flood insurance.

Commissioner Mongeau discussed revisiting the historical component of the original agreement between former ND Governor Burgum and former MN Governor Dayton, and stated that the MFDA Board Chair Commissioner Grindberg and MFDA Executive Director Jason Benson will be requesting an appointment with ND Governor Armstrong to update him on the status of this, and the hope is to have Governor Walz included as well.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the Resolution 2025-11 Supporting a Legislative Appropriation of \$60.4 Million Dollars to Complete the Minnesota Financial Commitment for the Construction Improvements and Land Acquisition Necessary for the Fargo-Moorhead Diversion Project in Minnesota.

RESOLUTION OF THE CLAY COUNTY BOARD OF COMMISSIONERS

Resolution in Support of Legislative Appropriation of \$60.4 Million Dollars to Complete the Minnesota Financial Commitment for the Construct Improvements and Land Acquisitions Necessary for Fargo-Moorhead Area Diversion Project

RESOLUTION 2025-11

WHEREAS, the Clay County Board of Commissioners recognizes the critical importance of the Fargo-Moorhead Area Diversion Project in protecting communities from the devastating impacts of flooding; and

WHEREAS, flooding poses significant threats to public safety, property, and local economies, including extensive damage to businesses, substantial repair costs for homeowners, and burdensome recovery efforts for communities; and

WHEREAS, the Fargo-Moorhead Area Diversion Project is a vital infrastructure initiative designed to address these challenges and ensure a more resilient future for the region; and

WHEREAS, on November 19th, 2024, the Clay County Board of Commissioners identified their 2025 legislative priorities to include the advocating for an appropriation of bonding proceeds funds from the commissioner of natural resources for flood hazard mitigation grants which would provide the necessary funding to the Moorhead-Clay County Joint Powers Authority to construct improvements and secure land acquisitions necessary for the Fargo-Moorhead Area Diversion Project in Clay County; and

WHEREAS, the Clay County Board of Commissioners reaffirms its support for advocating for a legislative appropriation of 60.4 million dollars to fund the necessary improvements and land acquisitions for the Fargo-Moorhead Area Diversion Project in Clay County;

NOW THEREFORE BE IT RESOLVED by the Clay County Board of Commissioners:

1. Continued Advocacy for Legislative Appropriation: The Board of Commissioners reiterates its support for advocating for a legislative appropriation of 60.4 million dollars to fund the necessary improvements and land acquisitions for the Fargo-Moorhead Area Diversion Project in Clay County.
2. Allocation for City of Moorhead Projects: The Board acknowledges that 16 million dollars of this appropriation are designated for projects within the City of Moorhead, the completion of remaining components and addressing flood mitigation needs consistent with the Fargo-Moorhead Area Diversion Project.
3. Importance of Fargo-Moorhead Area Diversion Project: The Board emphasizes the vital role of the Fargo-Moorhead Area Diversion Project in protecting lives, property, and economic prosperity in the region, and underscores the need for continued support and funding allocation for its completion.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

Annual Department Update - Technology Services

Technology Services Director Rory Schmitz presented the annual update for the Technology Services Department including staffing, active assets, help desk service requests, cybersecurity, account management, shipping savings, system testing & backups, vendor negotiations, night/weekend work, schedule adjustments, project management, training, onboarding costs, annual expenses, and recent and upcoming projects.

Commissioner Campbell asked if there were any concerns with the City of Moorhead conducting parcel information through the County's GIS software, in terms of security. Mr. Schmitz stated after the cyber event that took place in late 2023, every connection coming in is reviewed, and there are additional rules and security reviews in place for situations like that.

BREAK

The Board took a break from 9:52 a.m. to 9:55 a.m.

Request Approval to set a Public Hearing to Consider Amending the Clay County Tobacco Ordinance

Mr. Brooke stated on December 17, 2024, the Clay County Board of Commissioners approved the Tobacco Ordinance 2024-04, which contained updated verbiage to match state statutes, and to prohibit the sale of flavored tobacco products, with exceptions for menthol cigarettes and flavored chewing tobacco. On January 14, 2025, the Board discussed the tobacco ordinance and on February 4, 2025, a work group session was held to further discuss the ordinance and its implications. At the work group session, discussion also occurred regarding potentially setting a Public Hearing to consider amending the Clay County Tobacco Ordinance.

Commissioner Campbell clarified that there was no decision made to have a public hearing during the work group session and that is what will be considered and decided on today.

Commissioner Campbell asked if the Board does decide to move forward with a public hearing, would there need to be language in the notice regarding what amendments will be considered. Mr. Brooke believed that to be correct. Public Health Administrator Kathy McKay provided the Board with proposed language that could be updated.

Discussion ensued regarding what date would work best for the full Board to be in attendance, and what the notice needs to contain.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Baer, and unanimously carried, the Board approved to hold a Public Hearing on March 18, 2025, at 9:30 a.m. to consider amending the Clay County Tobacco Ordinance.

Commissioner Campbell clarified that any entity within Clay County can adopt their own ordinance, however, it cannot be less restrictive than an ordinance that has already been passed by the County Board.

Committee Reports/County Administrator Update/Discussions

- Commissioner Ebinger reported on meetings for Clay County Board of Commissioners Work Group Session; NW Emergency Communication Board; Diversion Authority Special Meeting; and Legislative meeting in St. Paul.
- Commissioner Krabbenhoft reported on meetings for Clay County Board of Commissioners Work Group Session; Clay County Collaborative; Children's Mental Health LAC; PRTF meeting with Representative Keeler, Commissioner Mongeau, Stephen Larson, and Steve Summers; and Buffalo Red River Watershed District.
- Commissioner Mongeau reported on meetings for Highway Tracking; Clay County Board of Commissioners Work Group Session; Flood Mitigation Legislative planning session with the Chamber of Commerce and the City of Moorhead; Non-Secure Facility and PRTF strategy meeting with the work group and Representative Keeler; Legislative meetings in St. Paul; and watched the Buffalo Red River Watershed District.
- Commissioner Baer reported on meetings for tour of the Correctional Facility; Clay County Board of Commissioners Work Group Session; Building Committee; Clay County Collaborative; and County Owned Property.
- Commissioner Campbell reported on meetings for Highway Tracking; Clay County Board of Commissioners Work Group Session; Building Committee; Diversion Authority Special Meeting; and publicly thanked Mangos for choosing Moorhead and Clay County for their new place of business.
- Assistant County Administrator Darren Brooke reported on meetings for Clay County Board of Commissioners Work Group Session; County Management; Building Committee; Civic Forms meeting; met with Kimberly to discuss legislative priorities of the state Recorders; UKG Onboarding training; Dog Encounter Training; met with Kirsten Anderson from Aspire regarding the PRTF; County Owned Property; and tomorrow afternoon will be attending the MPELRA conference.
- Communications Coordinator Jacqueline Finck reminded the public that County offices will be closed on Monday, February 17, 2025, for President's Day.

Adjourn

The meeting was adjourned at 10:38 a.m.

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator