

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, MARCH 18, 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, Kevin Campbell, and David Ebinger. Others present: County Attorney Brian Melton, Assistant County Administrator Darren Brooke (via interactive technology), and Communications Coordinator Jacqueline Finck. Commissioner Mongeau joined the meeting at 10:24 a.m. via interactive technology at the following address: 125 Charles Ave St. Paul, MN 55103.

Call to Order

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

Approval of Agenda

Planning & Zoning Director Matt Jacobson stated he was informed that there was an issue with the notifications, therefore, the public hearing for Red River Valley Co-op Power Petition for Rezoning will be postponed to a later date.

On motion by Commissioner Baer, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the agenda with the postponement of Item #2 - Public Hearing: Red River Valley Co-op Power Petition for Rezoning.

Amend Purchase Price for Unit 142- John Deere Motor Grader

By consent, the Board approved the amended purchase price for Unit 142- John Deere Motor Grader in the amount of \$337,969.01.

Citizens to be Heard

There were no citizens to be heard.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Ebinger, seconded by Commissioner Baer, and unanimously carried, the Board approved the bills and vouchers totaling \$1,294,655 from 177 vendors. There were 115 warrants issued under \$2,000 (\$49,058) and the following 62 were over \$2,000.

Internal Revenue Serv	\$ 261,151	Verizon-386550144	\$ 7,732
Lakeland Mental Health Center, Inc.	\$ 75,929	Rob Bentz Lock & Key, LLC	\$ 7,604
Lakes & Prairies CAP, Inc.	\$ 72,214	Dakota Fence, Inc.	\$ 7,493
CRAFCO, Inc.	\$ 58,269	Gehrtz Construction Services, Inc	\$ 7,287
		Valley Mortuary Transportation	
S & S Landscaping Co Inc.	\$ 53,180	Services	\$ 7,218
Moorhead Public Service	\$ 52,375	Flaherty & Hood, P.A.	\$ 6,337
NetCenter Technologies	\$ 44,827	REACH	\$ 6,248
Cass County Finance	\$ 43,293	Code 4 Services, Inc	\$ 5,848
Xcel Energy	\$ 42,800	Becker County Public Health	\$ 5,746
Trinity Services Group, Inc.	\$ 41,157	LELS	\$ 5,715
Dirt Dynamics	\$ 40,658	Nova Fire Protection Inc.	\$ 5,197
Enterprise FM Trust	\$ 37,922	Petro Serve Usa-Hwy	\$ 5,022

Mn Dept Of Revenue	\$ 35,893	Pomp's Tire Service, Inc.	\$ 4,825
VEBA Select Account	\$ 32,635	Apollo Water Services, LLC	\$ 4,494
Clay Co Public Health	\$ 30,901	Uline	\$ 4,074
Otter Tail Public Health	\$ 28,149	Amazon Capital Services	\$ 4,072
Guardian RFID	\$ 17,426	Solutions Behavioral Health PC	\$ 3,817
Turnkey Corrections	\$ 14,589	Elan Financial Services	\$ 3,152
Klein Mccarthy & Co Ltd	\$ 13,200	Thomson Reuters - West 590031	\$ 2,934
NACO	\$ 13,173	Association Of Minnesota Counties	\$ 2,800
Primadata LLC	\$ 12,300	Best Buy Business Advantage Account	\$ 2,637
CB & Sons Electric, Inc.	\$ 11,793	Bob Barker (Wcrjc)	\$ 2,580
Advanced Engineering & Environmental	\$ 11,755	Halstad Municipal Utilities	\$ 2,508
Nitzkowski, Inc.	\$ 8,840	Nancy Hein-Kolo, PsyD, LP	\$ 2,500
City Of Fargo	\$ 8,820	General Parts LLC	\$ 2,446
Ellenson Caulking LLC	\$ 8,690	Fuchs Sanitation Inc	\$ 2,325
Wilkin Co Public Health	\$ 8,377	State of MN Health Care Savings Plan	\$ 2,322
Slumberland	\$ 8,244	MN Department of Transportation	\$ 2,203
Orbis Partners LLC	\$ 7,950	Wex Bank (fleet)	\$ 2,146
True North Surveys, P.A.	\$ 7,890	Rick Electric Inc	\$ 2,026
Marco Technologies LLC	\$ 7,843	Menards - 32290254	\$ 2,025

Approval of Minutes from March 4, 2025

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from March 4, 2025.

Request Approval to Advertise for SAP 014-594-002

County Engineer Justin Sorum requested approval to advertise for the grading, and bituminous project in Hawley on 15th Street. Hawley received an LRIP grant to construct this project. The County is required by State Aid to sponsor the project. The proposed letting date is April 22, 2025.

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the advertisement for the project on 15th Ave in Hawley SAP 014-594-002, with a letting date of April 22, 2025.

Annual Department Update - Highway

Mr. Sorum presented the annual department update for the Highway Department including the Mission Statement, the Highway Department organizational chart, maintenance, shop, engineering, administration, Sign Department, roadway network, 2024 maintenance highlights, 2024 construction highlights, 2024 project highlights for CSAH 1, and CSAH 26, 2024 new shop, Historical State Aid construction allotment, additional funding awarded, and future 2024 projects.

Commissioner Baer asked Mr. Sorum to discuss what classifies a bridge to be a bridge. Mr. Sorum stated a box culvert over 10 feet is considered a bridge.

Commissioner Baer asked what the difference between a county road and a CSAH road is. Mr. Sorum stated gas tax dollars are not allowed to be used on county roads. Commissioner Campbell discussed how counties are only allowed to have a certain number of County State Aid Highway (CSAH) roads. Discussion ensued regarding CSAH roads.

Commissioner Krabbenhoft asked if there was a requirement rotation for inspections. Mr. Sorum indicated that there is and stated when a bridge is first built it's on a 48-month cycle, as different elements start to deteriorate, a lot of times, it will go to a 24-month cycle, and then when they need to be looked at more frequently, they're on a 12-month cycle. Therefore, at a minimum they are inspected every 4 years.

Discussion ensued regarding the State Aid Construction Allotment.

Commissioner Campbell asked who on Mr. Sorum's team handles going out and acquiring easements. Mr. Sorum stated this falls under the engineering side of the team and generally he and Assistant County Engineer, Alex Soyering, are involved in those conversations, along with one of the Engineering Tech's who is also a notary.

Commissioner Campbell discussed the Comstock project and asked if the Metro Flood Diversion Authority (MFDA) Executive Director, Jason Benson had reached out regarding the bid letting for that project. Mr. Sorum stated he has a meeting next Monday, March 31, 2025, with Mr. Benson, MFDA Director of Engineering, Kris Bakkegard, Jacobs Program Management Consultant, Pegger Harter, and the Buffalo Red River Watershed District (BRRWD).

Request Approval to Fill Assistant County Attorney Position Vacancy

County Attorney Brian Melton requested approval to fill an Assistant County Attorney position due to an upcoming resignation.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to fill the Assistant County Attorney position.

BREAK

The Board took a break from 9:01 a.m. – 9:05 a.m.

Bid Opening for SAP 014-634-031

Mr. Sorum opened bids for the Mill and Overlay Project on CSAH 34 from East City limits of Ulen to the East County line SAP 014-634-031. The Engineer's estimate is \$963,381.80. Four bids were received all with a bid bond of 5% and all applicable documents have been signed. The first bid received was from Mark Sand & Gravel in the amount of \$946,929.09, the second bid received was from Knife River Materials in the amount of \$891,048.36, the third bid received was from R.J. Zavoral & Sons in the amount of \$854,908.89, and the last bid received was from Central Specialties in the amount of \$728,374.61

On motion by Commissioner Krabbenhoft, seconded by Commissioner Baer, and unanimously carried, the Board approved the low bid from Central Specialties in the amount \$728,374.61 contingent upon no errors in the bids, for SAP 014-634-031.

Bid Opening for SAP 014-611-055

Mr. Sorum opened bids for the Concrete Pavement Rehabilitation (CPR) project on CSAH 11 from CSAH 18 to CSAH 26. The Engineer's estimate was \$1,028,892.10. Two bids were received, the first bid being from Interstate Improvement Inc. in the amount of \$1,093,240.45, and the second bid was from Diamond Surface Inc. in the amount of \$1,063,772.98.

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the low bid from Diamond Surface Inc. in the amount of \$1,063,772.98 contingent upon no errors in the bids and approval from State Aid for SAP 014-611-055.

Annual Department Update - Facilities

Facilities Director Joe Olson presented the annual department update for the Facilities Department including the mission statement, facilities staff and team, 23 Clay County facilities, Family Service Center update, Fleet Management update, Risk Management, and Capital Improvement update.

Discussion ensued regarding the revenue/rent of the Family Service Center, the check-out of fleet vehicle, and the Capital Improvement bond and projects.

Public Hearing: Clay County Tobacco Ordinance

On motion by Commissioner Ebinger, seconded by Commissioner Baer, and unanimously carried, the Board approved to go into Public Hearing at 9:34 a.m.

Commissioner Campbell noted that Commissioner Mongeau is in St. Paul testifying on county projects and was hoping to attend the public hearing but is unable to at this time. Commissioner Campbell stated the Board wants to hear testimony and feedback regarding the tobacco ordinance and stated that there won't be a decision made today. Commissioner Campbell asked those that wish to speak to keep their comments brief for time restriction and scheduling purposes. The letters that were submitted for written testimony are in the packet for the record and those that would prefer to submit a letter instead of speaking have that opportunity as well. The following also provided written testimony: Olivia Lebrija, Kessa Thompson, Ayana Blythe, Jacob Forseen, Faith Lyberg, Torie Andrews, Ariel Johnson, Kaitlin Munoz, Courtney Rich, Idman Abdi, Carmen Steinert, Ayan Abdi, Zoe Brown, Tayler Zingelman, Joslynn Judd, Loreen Maii, Onyedika Okoye, Ashley Enge, Alexis Meyer-Crossley, Caitlin Staebner, Madisyn James, Massa Kaneah, and Amie Freeman. The written testimonies are part of the agenda packet record and can be viewed at the Clay County Government Center.

Public Health Grant Program Coordinator, Jason McCoy referenced the document that was in the Commissioner's packets that shows the products on what Public Health is asking for restrictions on with the products being organized by levels of nicotine. Mr. McCoy stated that vapes have 40-400 mg of nicotine which equates to two packs to two cartons (20 packs) of cigarettes. In the Minnesota schools there is an 18% use rate of vapes. Mr. McCoy stated at the last public hearing, Zyn was referenced often so he wanted the board to be aware that Public Health is talking about the flavored version of these products and that there are nicotine pouches that are unflavored. The use rate in Minnesota schools is 10% and is growing very quickly. The nicotine in these pouches range from 3-8 mg which equates to 3-8 cigarettes. Mr. McCoy further explained the document that was provided and that the products are broken down by usage rate in Minnesota schools as well as by how much nicotine each contains.

Testimonies were provided by Shannon Hunstad – DGF Superintendent, Dilworth; Makayla Bjelland – senior at DGF High School, Glyndon; Larry Seljevold, resident in Moorhead and was on the City Council when Moorhead passed the ban on flavored tobacco; Keith Hartleben,

student counselor at Moorhead High School, Fargo; Jill Roaldson, school nurse at Moorhead High School and Career Academy, Moorhead; Brandon Lunak, Superintendent of Moorhead Area Public Schools; Grace Halvorson, Senior at Concordia College and Student Body President, Moorhead; Daniel Davice, Vice-President of Student Government at Concordia College, Moorhead; Khrystal Janshen, Juvenile Probation Agent in Clay County, Moorhead; Alexander Hagen, Junior at Moorhead High School, Moorhead; Sarah Dixon-Hackey, Clay County Public Health Community Outreach Liaison and College Instructor, Fargo; Becky Anderson, Retired Registered Respiratory Therapist at Sanford and was the Organizational Expert on Tobacco Prevention and Control Policy, Fargo; Cani Adan, Community Leader, Moorhead; Matuor Alier, Executive Director at the Community Connect Center, Fargo; Michelle Draxton, Public Health Professional, Health Promotion Coordinator at Concordia College, and a mother & resident of Moorhead; Steve Laqua, Head Football Coach for MSUM, Fargo; and Garrick Larson, Head Track & Field Coach at Concordia College, Moorhead.

Commissioner Ebinger stated that the testimonies given today were valuable and that the Board needs to hear from the people that they serve. We need to understand where the problems are and address them as best as we can. Commissioner Ebinger stated his experience as Moorhead Police Chief and how things being sold in Minnesota would make young people felons if they walked over the bridge with it – synthetic marijuana and drug paraphernalia. We enforced the state laws when they passed them and passed an ordinance banning drug paraphernalia. Did it solve the problem, no, but we did what we could do. Commissioner Ebinger stated he was grateful for those that came to testify and have their voices heard and thanked the students that came to testify. It restores a lot of the faith we need to have in the next generation behind us.

Commissioner Krabbenhoft thanked those that came in to speak and stated he took it to heart and is proud of those that spoke. He hopes the Board will be making a good decision for the community.

Commissioner Baer thanked everyone for coming to testify and stated that it was very informative.

Commissioner Campbell thanked everyone for coming and hopes to schedule further discussion from the Board at a future meeting date. The current ordinance has a June deadline, so there is time in this process. Commissioner Campbell recommended this being an agenda item on the April 8th Board meeting agenda for further discussion.

There was further discussion regarding closing the public hearing and receiving further written comments moving forward.

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the to close the public hearing at 10:22 a.m.

Annual Department Update - Assessor's Office

County Assessor Jill Murray presented the annual department update for the Assessor's Office including staff within the Assessor's Office, the Local Assessors - City of Moorhead, total parcel count, assessor duties, programs that are administered, sales, land records, sales ratio study, 2025 Assessment, current projects, and 2026 Assessments.

Discussion ensued regarding the process of applying for the Homestead Exclusion for Veteran with Disability, the City of Moorhead being a local assessor under the County Assessor, and how the quintile area is determined and the 5-year rotation.

Commissioner Krabbenhoft asked for more information regarding soil ratings. Ms. Murray stated she could provide him with that information at a later date.

CLOSED SESSION for Board Discussion Re: Pending Litigation Per Minn. Stat. 13D.05, Subd. 3(b) Attorney/Client Privilege: Stephen Larson, County Administrator, and Brian Melton, County Attorney

On motion by Commissioner Mongeau, seconded by Commissioner Baer, and unanimously carried, the Board approved to go into closed session at 10:42 a.m. for Pending Litigation Per Minn. Stat. 13D.05, Subd. 3(b)

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the to open the meeting at 11:18 a.m.

Committee Reports/County Administrator Update/Discussions

- Commissioner Mongeau reported on meetings for SWAC subcommittee, AMC Legislative Conference; AMC Extension Committee; AMC Environment & Natural Resources Policy; AMC Board of Directors meeting; Flood Mitigation check-in meeting with the City of Moorhead and Diversion Authority; PRTF Legislative meeting; Metro COG Executive Committee; Moorhead Day at the Capital; Highway Tracking; SWAC; MCCJPA; Township annual maintenance contract review; ongoing Flood mitigation check in meeting; meeting with Ben Griffin from Metro COG regarding HR performance review; Spring Township Officer's Meeting; Testifying at the capital today and will be testifying on flood mitigation on Thursday.
- Commissioner Krabbenhoft reported on meetings for AMC Legislative Conference; Moorhead City Planning Commission; Moorhead Day at the Capital; Clay County Intergovernmental Committee meeting; was in Washington DC for the National Convention with CAPLP and CCHRA; and Spring Township Officers meeting.
- Commissioner Baer reported on meetings for Northwest Emergency Communications Board meeting; SWCD; and Spring Township Officers meeting.
- Commissioner Ebinger reported on meetings for meeting with Jason McCoy and Rory Beil regarding the Tobacco Ordinance; Northwest Emergency Communications Board; Beyond the Yellow Ribbon; Beam Signing for the Lake Agassiz Regional Library; Spring Township Officers Meeting; and Dancing Sky Area Agency on Aging.
- Commissioner Campbell reported on meetings for Insurance Committee; Diversion Authority Planning Committee; Lakes Country Community Co-op; and Prairie Lakes Municipal Solid Waste Authority.
- Communications Coordinator Jacqueline Finck reported on meetings for Spring Township Officers Meeting.
- Assistant County Administrator Darren Brooke reported on meeting for Insurance Committee; met with Anna Moore regarding personnel issues; County Management; Testified regarding the Paid Family Leave Act; met with Kimberly Savageau regarding changes within the Recorder's Office; meeting with Brian Melton and Mark Sloan regarding the County Code; met with Stephen Larson and Anna Moore regarding personnel changes; and MACA weekly update.

Commissioner Campbell stated he suggested discussing the Tobacco Ordinance at the April 8th Board meeting, however, Mr. McCoy stated he would be gone that day. Therefore, it's suggested to move that discussion to the April 15th Board meeting.

Adjourn

The meeting was adjourned at 11:57 a.m.

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator