

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 AM, TUESDAY, APRIL 15, 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 Administrator Stephen Larson, 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 Krabbenhoft, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda.

Donation from Sabin Fire Fighters Association to Support the Clay County Sheriff's Office Work Crew

By consent, the Board approved the donation from Sabin Fire Fighters Association to support the Clay County Sheriff's Office work crew in the amount of \$1,000.

Tax Abatement for Abbott/Bosek due to Change in Status for 2025

By consent, the Board approved the tax abatement for Abbott/Bosek due to change in status for 2025 in the amount of \$460.00.

Tax Abatement for Paulson/Bosek due to Change in Status for 2024 & 2025

By consent, the Board approved the tax abatement for Paulson/Bosek due to change in status for 2024 in the amount of \$292.00 and \$422.00 for 2025.

Tax Abatement for Lamb/Bosek due to Change in Status for 2025

By consent, the Board approved the tax abatement for Lamb/Bosek due to change in status for 2025 in the amount of \$428.00.

State Auditor Engagement Letter

By consent, the Board approved the State Auditor Engagement Letter.

Annual Report for the County Feedlot Program for 2024

By consent, the Board approved the Annual Report for the County Feedlot Program for 2024.

Citizens to be Heard

County Administrator Stephen Larson stated as he shared last week, there was a gentleman who wished to speak to the Board, and he believed that individual is now present. Julian Gilbert of Glyndon, MN approached the Board and discussed his concern with the land that was purchased by the White Earth Tribal Nation, and their plan to put that property into a land trust to be exempt from paying property tax.

Mr. Gilbert stated this will be a business and should be treated as such, and there should be direct economic impact to the community if they wish to build there. Mr. Gilbert requested that an environmental impact study and a traffic study be conducted before supporting any tax exemptions.

Commissioner Campbell thanked Mr. Gilbert and stated Officials from White Earth are planning on presenting at the April 22, 2025, Board meeting.

Commissioner Mongeau stated the ability to place the land in a trust does not fall under the County Commissions purview.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Mongeau, seconded by Commissioner Baer, and unanimously carried, the Board approved the bills and vouchers totaling \$982,472 from 142 vendors. There were 105 warrants issued under \$2,000 (\$57,078) and the following 37 were over \$2,000.

Internal Revenue Serv	\$ 272,422	Butler Machinery Co	\$6,393
West Central Regional Juvenile Center	\$ 139,116	Forum Communications Printing	\$5,930
Randall's Excavating, Inc.	\$ 51,373	NDSCS-Division for Workforce Affairs	\$5,825
Moorhead Public Service	\$ 50,891	LELS	\$5,521
Red River Regional Dispatch Center	\$ 43,293	Far-Moor Acoustics & Floors, LLC	\$4,103
Enterprise FM Trust	\$ 40,735	STEAMATIC of the Red River Valley	\$3,900
Mn Dept Of Revenue	\$ 37,608	Pelican Rapids Public Schools	\$3,829
VEBA Select Account	\$ 31,341	BDT Mechanical, LLC	\$3,426
Trinity Services Group, Inc.	\$ 31,030	City Of Moorhead	\$2,993
Clay County Union	\$ 27,943	Guardian RFID	\$2,986
North Dakota Housing	\$ 26,872	Menards - 32290254	\$2,975
NetCenter Technologies	\$ 25,792	General Parts LLC	\$2,785
Clay County Auditor-Treasurer	\$ 19,930	Johnson's Auto Repair LLC	\$2,696
JT Lawn Service	\$ 13,985	Petro Serve Usa-Hwy	\$2,603
NACO	\$ 13,348	Farm In The Dell	\$2,600
Nitzkowski, Inc.	\$ 9,515	Galls, LLC - 5287110	\$2,538
Verizon-386550144	\$ 8,503	State of MN Health Care Savings Plan	\$2,317
Pomp's Tire Service, Inc.	\$ 8,414	Fargo Glass & Paint	\$2,020
Elan Financial Services	\$ 7,832		

Approval of Minutes from April 1, 2025

On motion by Commissioner Krabbenhoft, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from April 1, 2025.

Clay County Tobacco Ordinance Discussion

Mr. Larson stated on March 18, 2025, the Board of Commissioners held a public hearing regarding the Clay County Tobacco Ordinance and to consider an amendment. The Board had the opportunity to hear both in person and written testimony. Based on the amount of information that was shared the Commissioners requested a delay in making a decision at a later date.

Mr. Larson stated he had a conversation with County Attorney Brain Melton, and any decision made today would be a final decision if accepted, based on the public hearing that was previously held. If no action is taken, the current ordinance would remain intact and would follow the current implementation of June 1, 2025.

Commissioner Campbell stated there is a Tobacco Ordinance that was passed in December of

2024. A request was made to have an additional public hearing, which has been held, and at this point in time, today's agenda is a discussion amongst the Board to determine if the current ordinance will remain as is, or if there are wishes to make amendments. Commissioner Campbell stated that the Board took separate action after that, that delayed the implementation of the current ordinance until June 1, 2025.

Commissioner Campbell stated if amendments are made today, and if an implementation date is not chosen, then the ordinance would be effective today. County Attorney Brian Melton confirmed that was correct.

A motion was made by Commissioner Krabbenhoft, and seconded by Commissioner Ebinger, to uphold the current Tobacco Ordinance 2024-04. Motion failed with a vote of two ayes (Commissioners Krabbenhoft and Ebinger) and three nays (Commissioners Mongeau, Campbell, and Baer).

A motion was made by Commissioner Baer to abolish the whole Tobacco Ordinance 2024-04. Motion died due to the lack of a second.

Commissioner Krabbenhoft stated taking out 7C would remove all flavored products. The issue is about flavors, and products geared toward youth. Commissioner Krabbenhoft further discussed the testimonies that were heard at the last public hearing and the problems that flavored products and nicotine pouches make.

Commissioner Ebinger concurred with what Commissioner Krabbenhoft stated and discussed how the tobacco companies are programing adolescents to addiction with these products, and these products are being specifically marketed toward youth, to get them addicted. Commissioner Ebinger discussed how Ordinance 2024-04 is a reasonable one, and how the City of Moorhead has had a similar ordinance in place for some time and no merchants came to the public hearing to discuss losing any business.

Commissioner Baer discussed how individuals must be 21 years of age to purchase these products, how these products are legal in the State of Minnesota, and that he believes they should be legal to be sold in Clay County.

Commissioner Mongeau discussed the public hearing and how the loudest and consistent concerns revolved around vaping, the liquid components being far more potent, and the ability for other substance or illicit drugs to be dissolved into that liquid. Vaping seems to be the trend which poses the most health concerns, in regard to addictions. Commissioner Mongeau further discussed her frustrations and stated that she doesn't believe that this will make a difference because we are a border city and the products are accessible and less expensive on the North Dakota side. Unless this is a targeted effort between both communities, the results that are being wanted is not a guarantee. Commissioner Mongeau stated these are legal products and if adults who can legally purchase these items don't step up and quit providing them to underage youth, there will be no change.

Commissioner Campbell discussed the testimonies and how the main concern was vaping, and how it's concerning that these vaping products can be accessible and purchased online. Commissioner Campbell also discussed his concern with Clay County banning a legal product when those standards are set by the State of Minnesota. Furthermore, these are not the only

products that are marketed a certain way and that can cause addiction.

Commissioner Ebinger asked if removing Section 7C would mean that flavored vapes would be legal. Commissioner Campbell stated, no, vapes are included in 7D. Commissioner Ebinger stated 7C doesn't define what flavored products are, and wants to be sure there is no conflict. Commissioner Campbell stated his understanding is that 7D discusses vapes, and asked if liquid means vapes. Public Health Grant Program Coordinator, Jason McCoy, stated liquid is what is used to refill a vape, and further down in section 7D it states '*unless it's in a child resistance packaging*', which is part of the state law that was passed specifically to make sure that vaping products would be in a childproof package, it would not actually remove flavored vapes from the market. Mr. McCoy stated an amendment could be made to 7C to state '*no person shall sell or offer sale of any flavored electronic delivery devices*', which would take care of the flavored vapes, according to the definitions in the ordinance.

Commissioner Baer asked if the Electronic Delivery Device definition within the ordinance includes electronic THC vapes. Mr. McCoy stated it could be argued for THC to be included. However, there is a separate ordinance for THC products, which could be used to combine with the Tobacco Ordinance, if that was the intent. Commissioner Ebinger stated there is going to be a separate ordinance that's being worked on right now for cannabis. Commissioner Mongeau stated cannabis was not part of the testimony for either public hearing so that's not something we can adlib into this ordinance since it wasn't advertised. Commissioner Campbell stated when the cannabis ordinance regarding retail gets brought forward, the Board can address that during that time, and make sure there is no conflicting language between the tobacco and cannabis ordinances.

Mr. Larson asked Commissioner Ebinger if they anticipate bringing the cannabis ordinance before the full Board before the June 1, 2025 deadline. Commissioner Ebinger stated that's the hope. Commissioner Campbell discussed the June 1, 2025 deadline and stated it doesn't pertain to cannabis as it does tobacco. Commissioner Ebinger stated licensing for cannabis comes out in May, so we'll need to have that ordinance prepared, which has been discussed with Public Health. Commissioner Krabbenhoft discussed keeping cannabis and tobacco separate.

A motion was made by Commissioner Baer, seconded by Commissioner Mongeau, to amend the Tobacco Ordinance 2024-04 by removing the language in Section 7C, with an effective date of June 1, 2025. Commissioner Baer withdrew this motion.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Ebinger, and carried, with one descending vote (Commissioner Baer) the Board approved to replace section 7C of Ordinance 2024-04 to state no person shall sell or offer for sale in person or by delivery, any electronic delivery devices. With an effective date of June 1, 2025.

Request Approval of Two (2) Public Health Grant Applications

Public Health Administrator Kathy McKay and Health Promotion Director Rory Beil requested approval to submit two grant applications from the Minnesota Department of Health (MDH).

The First grant is Substance Use Prevention Education, and the funding is focused on improving substance-use prevention, treatment and recovery services for youth and families. Public Health will be partnering with a treatment facility and schools to improve the capacity for youth outpatient substance-use treatment. The second grant is Communities that Care. This grant will help fund prevention efforts for cannabis, alcohol, commercial tobacco and other substances among youth in

Moorhead and Dilworth/Glyndon/Felton (DGF) schools. If the two grants are received and fully funded, it would require Public Health to hire one (1) full-time employee to manage both grants.

Commissioner Mongeau asked if the hire of a grant manager would only facilitate these two grants. Ms. McKay stated that that was correct. Commissioner Mongeau asked if it was in statute that these grants require their own grant manager, or could a general grant manager who is already employed oversee multiple grants. Ms. McKay stated each grant has full time employees to cover those specific grants, so they would not have the capacity to cover these new grants.

Commissioner Baer asked if these grants have been secured. Ms. McKay stated this request is to apply for the grants. Mr. Beil stated we would know by the end of April if we're awarded the Substance Use Prevention Education grant, and by the middle of May for the Communities that Care grant. Both with a start date of June 1, 2025.

Commissioner Mongeau asked if we're sure that these funds have been allocated and what happens at the end of May if the funds are cut. Ms. McKay stated the state has confirmed they don't anticipate these funds being cut otherwise they would not be offered. Discussion ensued regarding funding, and the deadline for the applications.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and carried with one descending vote (Commissioner Mongeau), the Board approved to submit the grant applications for Substance Use Prevention Education and Communities that Care and to fund 0.5 FTE grant managers for each grant, contingent upon grant awarding, with backfill should there be any internal interest.

Request Approval to Sign Letter of Support for Red River Communication Federal Broadband Equity Access and Deployment (BEAD) Grant Application and Provide \$5,000 of ARPA Funds

Red River Communications CEO Tom Steinolfson requested a letter of support and \$5,000 of previously approved ARPA funds to enhance the Federal Broadband Equity Access and Deployment (BEAD) grant application.

Mr. Steinolfson discussed having an existing project going on north of Hawley, MN and this grant application would encompass approximately 17 additional locations north of Hawley, following some traditional telephone exchange boundaries.

Commissioner Baer asked if Red River Communications has discussed this project with any of the residents in the area that this would affect. Mr. Steinolfson stated he has not, but typically we do look for letters of support. Red River Communications is in the process of selling the other grant and we have 50% of those people already subscribed and waiting for service. We know that the only broadband service that people really have access to is a cellular network called 5G, or another provider has a point to multipoint option, which would be Midcontinent Communications. Some of those services work well some people, but not for others. Red River Communications perspective is, in order to thrive as a family, whether that be remote work, remote education etc., a fiberoptic connection is what will be needed in the future. Commissioner Baer stated there is also Starlink in this area.

Discussion ensued regarding ARPA funds and pervious grant applications.

Commissioner Mongeau mentioned that residents are not required to sign onto these projects, and that she's excited for the economic opportunities that a project like this will create.

On motion by Commissioner Mongeau, seconded by Commissioner Baer, and unanimously carried, the Board approved the letter of support for Red River Communications Federal Broadband Equity Access and Deployment (BEAD) grant application and provide \$5,000 of ARPA funding, if the grant is accepted.

BREAK

The Board took a from 9:43 a.m. to 9:45 a.m.

Annual Department Update - Social Services: Financial and Child Support Fraud & Collections Division

Social Services Director Quinn Jaeger and Social Services Supervisors Mikala Wodarek, Karen Syverson, and Sandy Thorne provided an annual department update for the Financial and Child Support Fraud & Collections Division.

Ms. Wodarek and Ms. Syverson discussed State and Federal Programs Administered, Income Maintenance Unit, 2024 Federal Poverty Guidelines, MFIP- Minnesota Family Investment Program, DWP- Diversionary Work Program, Child Care- MFIP and Basic Sliding Fee, Family Emergency Assistance, General Assistance, MSA- Minnesota Supplemental Assistance, HS- Housing Support- formerly GRH, Emergency General Assistance, SNAP- Supplemental Nutrition Assistance Program, SNAP Benefits our Economy, Minnesota Health Care Programs, Long Term Care Program, County Burials, Total Forms Processed by Eligibility Workers in 2024, A day in the Life of an Eligibility Worker.

Ms. Thorne discussed Welfare Fraud, Statistics, Funding and Statutory Requirements, Clay County Collections, Collection Duties, Collection Statistics, Funding and Statutory Requirements, Child Support Services, Funding, FFY 2024 Statistics, Federal Performance Measures, Funding and Statutory Requirements, and Changes and Challenges.

Request Approval of the Riparian Aid Fund Distribution Plan

Assistant County Administrator Darren Brooke stated after several Buffer Committee meetings, a recommendation was made to develop a plan for utilizing the remaining allocated Riparian Aid funds in the amount of \$832,771.75, to benefit the citizens of Clay County. Five areas where these funds could be used were proposed and include:

1. Allocate \$150,000.00 to the Soil & Water Conservation District for the continuation of monitoring erosion control.
2. To keep \$100,000.00 in the reserve fund for any legal requirements that may arise.
3. Allocate \$300,000.00 to County Owned Land maintenance for future projects and contingencies. The County owns approximately 260 acres of riparian land, so these funds would go towards weed control, seeding, mowing and any potential needs that are tied to the Metro Flood Diversion project.
4. Allocate \$150,000.00 to the West Central Regional Water District project.
5. Allocate \$133,000.00 for imagery and mapping.

Commissioner Campbell asked if these allocations would need to come before the Board, prior to

the funds being spent. Mr. Brooke stated that is the intent.

On motion by Commissioner Mongeau, seconded by Commissioner Baer, and unanimously carried, the Board approved the Riparian Aid Fund Distribution Plan as presented.

Committee Reports/County Administrator Update/Discussions

- Commissioner Baer reported on meetings for Buffer Program Committee; Wild Rice Watershed District; and Clay Soil & Water Conservation District.
- Commissioner Ebinger reported on meetings for NW Emergency Communication Board; Beyond the Yellow Ribbon; Lake Agassiz Regional Library; Treatment Court Initiative Advisory Committee; United Way Joint Mayoral and County Proclamation to End Homelessness; Senator Klobuchar press conference regarding tariff executive orders; and met with Commissioner Krabbenhoft and Public Health staff regarding the tobacco ordinance and establishing a cannabis ordinance.
- Commissioner Krabbenhoft reported on meetings for Clay Soil & Water Conservation District; small group PRTF update meeting; meeting with Quinn to learn more about the Social Services Department; met with Commissioner Ebinger and Public Health staff regarding the tobacco ordinance and establishing a cannabis ordinance; and BRRWD.
- Commissioner Mongeau reported on meetings with Steve Larson and Commissioner Campbell regarding legislative finance; Buffer Program Committee; provided testimony in St. Paul in the House Human Finance Committee; had conversations with legislators regarding strategies to move our asks forward; Flood Mitigation check in with The Chamber and the City of Moorhead; PRTF & Non-Secure Juvenile Facility discussion; meeting with Governor Walz this week regarding the Diversion project on the MN side; Press Conference with Senator Klobuchar regarding tariff executive orders; AMC Research Committee; and check in for Flood Mitigation.
- Commissioner Campbell reported on meetings for Annual Audit Entrance meeting with the State Auditor's Office; and Chamber Public Policy committee regarding Flood Mitigation.
- County Administrator Stephen Larson reported on meetings for Buffer Program Committee; County Management; met with Commissioners Mongeau and Campbell regarding Diversion legislation; met with Sheriff Empting on a series of issues; met with Darren Brooke, Mark Sloan, Mary Phillipi, and Paul Laney regarding the upcoming Interdepartmental Retreat; Flood Mitigation Check-ins; PRTF & Non-Secure Juvenile Facility discussion; met with Commissioner Krabbenhoft on a series of issues; met with Joe Olson regarding office space of the FSC and capital improvement plan; this week is National Safety Telecommunications Week; and this will be Jackie's last week at Board as she plans on focusing more on Communications for the County.
- Assistant County Administrator Darren Brooke reported on meetings for Buffer Program Committee; County Management; worked on Civic Plus forms; 2026 Risk Assessment for MCIT; Paid Family Leave Webinar; met with Steve Larson, Mark Sloan, Mary Phillipi, and Paul Laney regarding the upcoming Interdepartmental Retreat; met with Matt Jacobson, Mark Sloan and Kent Severson regarding the County Code; and 2026 payroll estimate for MCIT.
- Brian Melton highlighted Lukas Brandon and the Restorative Justice program. Horizon East Middles School Principal, Tera Sistad, provided statistics regarding the number of physical altercations over the last three years. The 2022-2023 school year there were 63 altercations, the 2023-2024 school year there were 51 altercations, and so far for the 2024-2025 school year, there have only been 30 altercations. This is substantial decrease in

altercations, which is a 50% increase in prevention cases. Having Restorative Justice in the school has been a huge benefit.

- Communications Coordinator Jacqueline Finck stated she's going to miss seeing everyone on Tuesdays, but is excited to focus more on County Communications.

Adjourn

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

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator