

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 AM, TUESDAY, MAY 27, 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 Senior Administrative Assistant Sarah Hellem.

Call to Order

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

Approval of Agenda

On motion by Commissioner Mongeau, seconded by Commissioner Baer, and unanimously carried, the Board approved the agenda.

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 Krabbenhoft, and unanimously carried, the Board approved the bills and vouchers totaling \$8,769,347 from 144 vendors. There were 99 warrants issued under \$2,000 (\$58,980) and the following 45 were over \$2,000.

Independent School Dist 152	\$ 4,347,378	Delta Dental	\$ 7,906
Mn Dept Of Finance,Treasury Division	\$ 965,247	Independent School Dist Otc 548	\$ 7,836
Independent School Dist 150	\$ 847,287	MN Life	\$ 7,525
Independent School Dist 2164	\$ 743,735	Code 4 Services, Inc	\$ 7,457
Independent School District 146	\$ 474,077	Madison National Life	\$ 6,425
Blue Cross Blue Shield Minnesota	\$ 385,787	Johnson's Auto Repair LLC	\$ 6,154
Internal Revenue Serv	\$ 270,440	Quick/Kevin & Melanie	\$ 5,997
Independent School Dist 914	\$ 197,699	Interstate Power Systems, Inc.	\$ 5,715
Marco Technologies LLC	\$ 118,997	North American Benefits Company	\$ 5,153
Downtown Moorhead Inc.	\$ 50,000	Office of MNIT Services	\$ 5,150
		West Virginia Drug Intervention	
Mn Dept Of Revenue	\$ 36,803	Institut	\$ 3,887
Stantec Consulting Services, Inc.	\$ 28,640	Rustad/Debra	\$ 3,510
Kvalvog/Raymond	\$ 27,899	Xcel Energy	\$ 3,424
Ada-Borup-West ISD 2910	\$ 20,987	Sanford Health	\$ 3,000
ALPHA Training & Tactics, LLC	\$ 15,168	MidStates Wireless, Inc.	\$ 2,994
Wallwork Truck Center	\$ 13,050	CB & Sons Electric, Inc.	\$ 2,852
Independent School Dist Bc 2889	\$ 12,889	Diamond Drugs Inc.	\$ 2,811
Advanced Striping & Sealcoating, Inc.	\$ 12,775	Nereson Automotive Inc.	\$ 2,740
Sources of Strength, Inc.	\$ 12,000	Fevig Oil Co	\$ 2,629
Houston Engineering Inc	\$ 9,327	MHSRC/Range	\$ 2,625
Mudpumper Mudjacking	\$ 9,000	Thomson Reuters - West 590031	\$ 2,502
BDT Mechanical, LLC	\$ 8,604	Amundson Dairy	\$ 2,245
		Ramsey County Finance	\$ 2,031

Approval of Minutes from May 13, 2025, and Work Group Session Minutes from April 22, 2025

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from May 13, 2025, and the Work Group Session minutes from April 22, 2025.

Request Approval to Hire two (2) Open Juvenile Worker Positions in the Non-Secure Unit

Juvenile Detention Director James O'Donnell requested approval to hire two Juvenile Detention worker positions in the Non-Secure Unit due to resignations from April 25, 2025 and May 2, 2025. These positions were not filled right away with the intent to wait until the new female unit was up and running. These positions are in the current budget.

Commissioner Baer asked about what the qualifications are for these positions. Mr. O'Donnell stated some college (60 credits) is required as well as life experience, and there is on the job training provided as well.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to fill two open Juvenile Detention Worker positions in the Non-Secure Unit.

Request Approval to Accept and Sign JAG Grant Renewal

Mr. O'Donnell requested approval to accept and sign the JAG grant renewal and discussed receiving a notification that the grant will be extended for another year. This will provide \$125,000 for the Case Management in the CLIPS program.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to accept and sign the corresponding paperwork for the JAG Grant Renewal

Sheriff's Office LUCAS Device Presentation

Sheriff Empting Mark Epting and Emergency Management Director Lt. Gabe Tweten provided the Board with a presentation on the new LUCAS device.

Sheriff Empting discussed how Lt. Tweten put in for a grant through the Helmsley Charitable Trust foundation for a LUCAS device. A LUCAS device is a machine that does chest compressions during CPR. It pushes at just the right speed and depth, without getting tired. Many times, especially in rural areas, deputies arrive on scene prior to volunteer rescue or EMS services and having a LUCAS device will greatly improve a patient's chance of survival and frees up a responder to tend to other critical tasks.

Lt. Tweten stated 2 of the Deputies went to the LUCAS device training, they will then provide that training to the rest of Sheriff's Office. This device also works in conjunction with an AED.

Commissioner Ebinger asked if this was the only until the Sheriff's Office has and how many Deputies are typically on shift at one time. Sheriff Empting stated this is the only unit at this time and there are 4 Deputies on shift at one time.

Commissioner Mongeau discussed the warranty and asked about factoring in some component for internal service to offset the cost. Lt. Tweten stated he plans to fill out the fix asset sheet and submit it for internal service to ensure the ability to replace the device after its lifespan, and it will

also get added to the insurance schedule.

Discussion ensued regarding training, the lifespan of the device, and the conjunction between the LUCAS devices and an AED.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the grant for the purchase of the LUCAS device.

Request Approval of the Lease Agreement Between Clay County and Department of Corrections

Facilities Director Joe Olson requested approval of the lease agreement between Clay County and the Department of Corrections (probation) and stated the Department of Corrections will be leasing the south and northeast areas of the Courthouse on the first floor. This agreement has been approved by the Clay County Attorney's Office.

Discussion ensued regarding the out clause.

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the lease agreement between Clay County and the Department of Corrections.

Request Approval to Advertise for Bids for the Roof Replacement Project at the Joint Highway Facility

Mr. Olson requested approval to advertise for bids for the roof replacement project at the Joint Highway Facility as this roof is in critical condition. The Joint Highway Facility partners made up of Clay County, MNDOT and the City of Moorhead representatives have agreed to fund this project.

The advertisement needs to be published/advertised for 3 weeks, with bids being opened on June 24, 2025, with Board approval on July 1, 2025.

Commissioner Mongeau asked who the partners are for the joint facility. Mr. Olson stated Clay County owns 45%, MNDOT owns 33%, and the City of Moorhead owns 22%.

On motion by Commissioner Baer, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to advertise for bids for the roof replacement project for the Joint Highway Facility.

County Code Update

GIS & Communications Director Mark Sloan stated recently, Clay County changed how the County Code was hosted online. Taking advantage of this change, a process was undertaken to codify and review the County Code. Codifying the County Code involves the process of organizing, standardizing, and publishing all the County's laws and ordinances into a single, accessible, and systematically arranged document. This codification ensures that all county legislation is clear, current, and consistent with state and federal laws. The complex codification process was conducted in-house by County staff.

To assist with reviewing the County Code, a committee was formed to complete the task. The County Attorney, Assistant County Administrator, and GIS & Communications Director met along

with the Planning & Zoning Director, Environmental Health Director, and the Sheriff over several weeks to review each section of the County Code. During the review process, the committee made non-substantive edits to the code to fix errors, update references, and correct inconsistencies. After completing the review, it was determined that three sections of the County Code should be repealed as they are no longer needed.

Commissioner Campbell asked how this Board could repeal and modify things to the code that were established through the public hearing process. Mr. Sloan stated if there are any revisions, modifications, or additions being made to the code, that would require a public hearing. However, what is being asked today, is to repeal certain sections/chapters of the code, which doesn't require a public hearing. County Attorney Brian Melton stated if the Board isn't taking an action that's causing citizens to do something, there is no requirement to conduct a public hearing.

Mr. Sloan stated the first section to repeal is section 2-2-23 regarding restricted dancing. This is not enforced and the state law that this was related to, was repealed in 1989, so the law this section is referencing is no longer in effect.

Mr. Sloan discussed the next section to repeal is actually an entire chapter, Chapter 2-4 for Alarm Systems. This is no longer in place.

Mr. Sloan stated the last section to repeal is section 4-4-1 for drug paraphernalia. The laws associated with this section were repealed by the legislature in 2023. Mr. Melton stated drug paraphernalia as a crime is no longer under statute. So what used to be a petty misdemeanor to have drug paraphernalia in your vehicle is not a crime within the state. The County would not be able to enforce this. Discussion ensued regarding drug paraphernalia, open container, and cannabis.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Ordinance 2025-02 to repeal section 2-2-23 of the County Code.

Commissioner Mongeau asked about false alarms and question if there should be some course of action addressing this. Sheriff Empting stated what's usually done is to work with the businesses that are having trouble with their alarms. And some of the local jurisdictions have their own ordinance that pertain to false alarms. Discussion ensued regarding high winds and weather setting alarms off, and squatting calls.

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Ordinance 2025-03 to repeal Chapters 2-4 of the County Code.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved Ordinance 2025-04 to repeal section 4-4-1 of the County Code.

Commissioner Mongeau discussed how this committee might be one that would benefit having the acting Board Chair included.

On motion by Commissioner Mongeau, seconded by Commissioner Baer, and unanimously carried the Board approved to assign the Board Chair to the County Code Committee to address

county code.

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

On motion by Commissioner Mongeau, seconded by Commissioner Baer, and unanimously carried, the Board approved to go into closed session for Board Discussion regarding Pending Litigation per Minn Stat. 13D.05, Subd. 3(b) Attorney/Client Privilege at 9:21 a.m.

On motion by Commissioner Baer, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to come out of the closed session at 10:58 a.m.

BREAK

The Board took a break from 10:58 a.m. to 11:02 a.m.

Request Approval to Advertise for SAP 014-602-031

County Engineer Justin Sorum requested approval to advertise for SAP 014-602-031 which is the Urban Reconstruction Project through Comstock, with a letting date of July 1, 2025. This road is deteriorating at an alarming rate and the Highway Department can't keep up on patching the potholes and the Urban Reconstruction Project is something that has been in the works for many years.

Commissioner Campbell stated he, along with Commissioner Mongeau and County Administrator Larson, all attended a Comstock meeting discussing the strong concern regarding this project and the delays that have already occurred, and the importance of the project and how it shouldn't be delayed any longer.

Commissioner Mongeau discussed her appreciation for the Highway Department and their flexibility with this project, and stated this has been on the 5 year plan, gone through the course of the 5 year plan, and construction has been delayed in order to coordinate and collaborate with the Diversion Authority. This road has been highly used for materials for the Diversion Authority project, and is now at a level of not being safe for vehicles, as it's deteriorated substantially. This is something that was promised to the City of Comstock and their residents as part of the settlement agreements, it's contingent of a permit requirement for the DNR and the Buffalo Red River Watershed District, and it's imperative that this is completed as soon as possible. Commissioner Mongeau stated that it's the County's job to make sure that we're planning projects in a way that has minimal disruptions to the residents. If this project is delayed to another year, it will result in detours upwards of 10 miles around, which will put a strain on the system.

Commissioner Campbell discussed the minor repairs and stated even if there was something that could be done, such as a significant Mill & Overlay, it would still be very expensive, and would only be a short term solution to the problem. Mr. Sorum agreed and stated a Mill & Overlay could be done, but it would essentially be a band-aid on a much larger issue and wouldn't address the drainage concerns that Comstock currently has.

Commissioner Campbell asked if it was correct that the residents of Comstock signed easements on that project. Mr. Sorum stated that was correct. Commissioner Campbell asked if it was correct that the residents signed those easements based on a timeline that was given to them regarding the completion of the project. Mr. Sorum stated that was correct. Commissioner

Campbell stated not only did the residents sign those easements, but they signed them without receiving any compensation. Mr. Sorum confirmed that was correct. Commissioner Campbell stated that goes to show how important this is to those landowners.

On motion by Commissioner Ebinger, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to advertise for SAP 014-602-031 with a proposed letting date of July 1, 2025.

Request Approval to Advertise for CP 014-300-002

Mr. Sorum requested approval to advertise for CP 014-300-002 and stated this is a County wide striping project on both CSAH's and County Roads, and the proposed letting date would be July 1, 2025.

Commissioner Baer asked if this is for all County roads. Mr. Sorum stated that was correct and indicated it would be for anything that's not covered under an overlay or a construction project this year. Commissioner Krabbenhoft asked how long the striping will take. Mr. Sorum stated roughly a couple weeks.

Discussion ensued regarding what type of striping this project covers and the Highway Safety Improvement Program (HSIP).

On motion by Commissioner Baer, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to advertise for CP 014-300-002 with a proposed letting date of July 1, 2025.

Mr. Sorum provided an update on construction and stated on CSAH 34 from Felton, MN west to County 11, construction will be starting sometime later this week. Commissioner Baer asked if after that project would they start the project by Ulen, MN. Mr. Sorum stated that is the plan. Commissioner Campbell asked if there were any updates on the CSAH 52 project. Mr. Sorum stated there are no delays as of now, but still working through final designs and easements.

Committee Reports/County Administrator Update/Discussions

- Commissioner Mongeau reported on meetings for Highway Tracking; Red River Basin Committee; meeting regarding MN Diversion Land discussion impacts; FM Diversion Land Management; MCCJPA; CAPLP; Flood Mitigation Check-In with MN Diversion Representatives and The Chamber; and met with Stephen Larson and Quinn Jaeger regarding the PRTF legislative rap up.
- Commissioner Baer had no meetings to report on.
- Commissioner Ebinger reported on meetings for PIC; FM Diversion Finance; and FM Diversion Authority.
- Commissioner Krabbenhoft reported on meetings for Adult Mental Health LAC; Planning Commission; and CAPLP.
- Commissioner Campbell reported on meetings for Highway Tracking; PIC; FM Diversion Land Management; MCCJPA; FM Diversion Authority; and Flood Mitigation Check-In with MN Diversion Representatives and The Chamber.
- County Administrator Stephen Larson reported on meetings for Highway Tracking; PIC; Comstock City Council meeting; AMC Legislative Update; met with Corey Bang, Darren Brooke, Lori Johnson and Brian Melton regarding RRC; met with vendor for potential budget savings; MCCJPA; met with Sheriff on a series of issues; Flood Mitigation Check-

In with MN Diversion Representatives and The Chamber; met with Commissioner Mongeau and Quinn Jaeger regarding the PRTF legislative rap up; budget packets went out last week; starting June 2, 2025, Main Avenue will be closed for the underpass project; and this board has approved requesting funding for the Non-Secure Detention Facility, we've been talking about getting on the Capital Bonding Tour to seek funding, the deadline to getting on next 2 year cycle is June 13, 2025.

- Assistant County Administrator Darren Brooke reported on meetings for Clay County Picnic meeting-June 24, 2025; and Department of Labor investigation.

Commissioner Mongeau discussed Breakfast on the Farm and stated it will be this Saturday at Kasin Farms from 7:00 a.m. to 12:00 p.m.

Adjourn

The meeting was adjourned at 11:31 a.m.

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator