

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, SEPTEMBER 16, 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 \$1,359,950 from 154 vendors. There were 111 warrants issued under \$2,000 (\$54,830) and the following 43 were over \$2,000.

Blue Cross Blue Shield Minnesota	\$ 404,090	Braun Intertec Corp	\$ 5,676
Internal Revenue Serv	\$ 279,909	ANJAAM HOLDINGS, LLC	\$ 5,652
MN Counties Computer Coop	\$ 114,203	LELS	\$ 5,585
Moorhead Public Service	\$ 73,921	Petro Serve USA-SW	\$ 5,206
Enterprise FM Trust	\$ 47,969	Sabin C Store	\$ 4,596
Red River Regional Dispatch Center	\$ 43,293	Stein's Inc	\$ 4,224
Mn Dept Of Revenue	\$ 39,129	Leighton Enterprises Inc.	\$ 4,217
Trinity Services Group, Inc.	\$ 37,418	Wegner Psychological & Therapeutic Svc	\$ 3,750
VEBA Select Account	\$ 31,525	City of Audubon	\$ 2,952
Turner Sand & Gravel Inc.	\$ 27,619	Farmers Coop Oil Co	\$ 2,922
Lutheran Social Service Of Mn	\$ 19,701	Disposal Services Inc	\$ 2,880
Information Systems Corp	\$ 18,312	City of Felton	\$ 2,620
Network Cabling Services, Inc.	\$ 15,029	Northern Improvement Co	\$ 2,560
Xcel Energy	\$ 13,734	State of MN Health Care Savings Plan	\$ 2,481
NACO	\$ 13,398	MidStates Wireless, Inc.	\$ 2,414
TrueNorth Steel	\$ 9,029	Fidelity Security Life	\$ 2,293
Advanced Business Methods	\$ 8,908	Barnesville C-Store	\$ 2,242
Amazon Capital Services	\$ 8,849	Office of MNIT Services	\$ 2,162
Ramsey County Finance	\$ 8,420	Wex Bank (fleet)	\$ 2,115
Nitzkowski, Inc.	\$ 6,940	Amherst H. Wilder Foundation	\$ 2,100
Petro Serve Usa-Hwy	\$ 6,584	Barbo/Elizabeth	\$ 2,000
Elan Financial Services	\$ 6,477		

Approval of Minutes from September 2, 2025

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from September 2, 2025.

Request Approval of Resolution 2025-20 to Renew the Joint Powers Agreement and Court Services Amendment with MN Bureau of Criminal Apprehension

Sheriff Mark Empting requested approval of Resolution 2025-20 to renew the Joint Powers Agreement (JPA) and Court Services Amendment with the MN Bureau of Criminal Apprehension (BCA) and stated the purpose of the Master JPA and Court Services Amendment is to allow for continued access to BCA data, systems, and tools for criminal justice purposes, through the BCA's criminal justice data communications network (CJDN).

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Resolution 2025-20 to renew the Joint Powers Agreement and Court Services Amendment with the MN Bureau of Criminal Apprehension.

RESOLUTION NO. 2025-20

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE COUNTY OF CLAY ON BEHALF OF ITS COUNTY ATTORNEY AND SHERIFF

WHEREAS, the County of Clay on behalf of its County Attorney and Sheriff desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the County is eligible. The Joint Powers Agreements further provide the County with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Clay, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Clay on behalf of its County Attorney and Sheriff are hereby approved.
2. That the Clay County Sheriff Mark Empting, or his or her successor, is designated the Authorized Representative for the Sheriff. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.
3. That the Clay County Attorney, Brian Melton, or his or her successor, is designated the Authorized Representative for the County Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.
4. That Kevin Campbell, the Chair of the County of Clay, and Stephen Larson, the County Administrator, are authorized to sign the State of Minnesota Joint Powers Agreements.

Request Approval to Enter into an Agreement with SRD Towing for Towing and Storage of Seized Vehicles

Sheriff Empting requested approval to enter into an agreement with SRD Towing for towing and storage of seized vehicles. The current process is after a vehicle is seized, it goes to the impound lot in North Moorhead, where it's stored until the case moves through the court process. The Sheriff's Office would like to move away from using the impound lot and having vehicles towed by private companies to their lots. SRD Towing would tow the vehicles for \$90.00 and then there is a fee not to exceed \$150.00 for storage, resulting in the amount not to exceed \$240.00, per tow. The vehicles could remain in the lot until the forfeiture process is complete. Once the seized vehicle is sold at auction, the funds acquired from the sale would be to reimburse SRD towing for their services.

Sheriff Empting reiterated that this agreement and process would be for seized vehicle towing and storage only. The Sheriff's Office would still use other towing services throughout the county for vehicles that are involved in crashes, traffic hazards, and private requests.

Commissioner Mongeau asked in instances where the vehicle is returned to the owner, based on court ruling, who would be responsible for the fee. Sheriff Empting stated that it would be the responsibility of the owner of the vehicle.

Commissioner Baer asked if 10 spots would be enough for one year. Sheriff Empting indicated that it would be enough and stated at this time there are 4 seized vehicles at the impound lot.

On motion by Commissioner Baer, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to enter into an agreement with SRD Towing for towing and storage of seized vehicles.

Request Approval of Resolution 2025-21 to Have Irregular Lots in Holy Cross Township Platted into Lots

County Recorder Kimberly Savageau requested approval of Resolution 202-21 to have irregular lots in Holy Cross Township platted into lots which is in the County's best interest to have all sections or parts of sections that were affected by property acquisitions for the FM Diversion Embankment of Holy Cross Township platted into Auditor's Outlots.

Ms. Savageau stated in 2020 the Moorhead-Clay County Joint Powers Authority (MCCJPA) began purchasing parcels of land for the FM Diversion project. Around 2022, there were slight adjustments in the location of the embankment in Clay County. This led to some back-and-forth transfers between the MCCJPA and some landowners. The result of these actions became some very complicated land descriptions. When documents come in with complicated land descriptions for recording, County staff have to review those legal descriptions multiple times for one document. Under MN statute, the County Auditor has the authority to ask for an Auditor's Outlot plat when land is divided into parcels of irregular shape. The County Lands Record departments met with AE2S and FM Diversion Authority representatives regarding these complicated land descriptions. While surveys exist for these parcels, it was determined that platting the parcels affected by the embankment was in the best interest for the County and the landowners. This will simplify the metes-and-bounds legal descriptions into a clear lot description.

Ms. Savageau stated the plan is to do a separate Auditor's Outlot plat for each section or part of the section within Holy Cross Township that are impacted by the diversion. Only the parcels in the

section that are touching the embankment or have been bought out by the MCCJPA or Clay County via eminent domain, will be a part of this process. The landowners affected by this plat will receive a certified letter in the near future, notifying them that this process will change and simplify the legal descriptions of the properties, but it does not impact any ownership of those properties. There is no cost to the landowners for this process, the cost for preparing the plat will be the responsibility of the Metro Flood Diversion Authority. After each plat is recorded, the landowner will receive another certified letter showing the previous abbreviated legal description and the new abbreviated legal description, for each parcel of land.

Commissioner Baer asked if the lot sizes were changing. Ms. Savageau stated this process would not change anything that is currently owned, it's just taking what is currently owned and platting what the existing boundaries are into a lot. GIS & Communications Director Mark Sloan stated for example, instead of a long legal description, a lot might become lot LA. This will be good for the long term. It's a lot of work up front, but years from now, as property changes hands, this will make things more cost effective, especially for the landowners.

Commissioner Campbell asked if this would then create a new beginning of an abstract. Ms. Savageau stated no, because the property isn't changing, it may just be an update in the abstract.

Commissioner Mongeau stated this is something that the MCCJPA has discussed and worked through, so this has been advertised, and all of the local residents are aware.

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Resolution 2025-21 to have irregular lots in Holy Cross Township platted into lots.

RESOLUTION 2025-21

WHEREAS, the Moorhead-Clay County Joint Powers Authority (MCCJPA) began purchasing parcels of land in 2020 for the FM Diversion Project, and in 2022 adjustments to the project location in Clay County resulted in additional transfers between MCCJPA and landowners; and

WHEREAS, these actions created complex and irregular land descriptions, resulting in increased administrative burden for county staff when reviewing and recording documents; and

WHEREAS, under Minnesota Statutes, the County Board of Commissioners may authorize the County Auditor to require Auditor Outlot plats when land is divided into parcels of irregular shape; and

WHEREAS, the County Land Records Department, in consultation with representatives of the Metro Flood Diversion Authority, has determined that platting affected parcels into Auditor Outlots is in the best interest of both the county and the landowners; and

WHEREAS, Auditor Outlot plats will simplify complicated metes-and-bounds descriptions into clear lot descriptions, improving accuracy and efficiency in land records; and

WHEREAS, only parcels in Holy Cross Township directly impacted by the diversion embankment or purchased by the MCCJPA will be included in this process; and

WHEREAS, all costs associated with the preparation of these plats will be the responsibility of the Metro Flood Diversion Authority, with no financial obligation to landowners; and

NOW, THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners hereby supports and directs the preparation and recording of Auditor Outlot plats for each section or part of section in Holy Cross Township impacted by the diversion embankment, in order to simplify land descriptions, improve recordkeeping, and serve the best interests of the county and its residents.

Request Approval to Hire Communications Coordinator

Mr. Sloan stated the Communications Coordinator position will soon be vacated due to a recent resignation. Since having a Communications Coordinator a lot of great work has been done and it's a good position to have within Clay County. However, due to the upcoming budget, it's requested to not fill this position, but to leave it open for the remainder of 2025 and the full year of 2026, with the intent to revisit it during the 2027 budget cycle.

Commissioner Campbell discussed supporting the recommendation to not fill the position due to the proposed 2026 budget.

Commissioner Mongeau stated the Communications Coordinator created a platform for the County to communicate better, which doesn't go unnoticed, however, right now is the time to be modest on how the County is spending money, and feel it's appropriate to pause and reflect where funds are being allocated.

Commissioner Campbell and Commissioner Mongeau praised the work that the Communications Coordinator has done for Clay County.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board denied hiring the Communications Coordinator position.

Request Approval of Lobbyist Proposal

County Administrator Stephen Larson requested approval of the Lobbyist Proposal and asked the Board to consider entering into an agreement with Winthrop & Weinstine, P.A., for Lobbyist Services for Clay County. The proposal is a flat rate of \$4,000 per month or \$48,000 annually. The contract would provide Clay County with legislative strategy development, lobbying and advocacy of legislative sessions, bill drafting, and testimonies when needed.

Commissioner Campbell stated he would support a contract that would take the County from the remainder of 2025 through 2026. Commissioner Krabbenhoft agreed with this statement.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved entering into an agreement with Winthrop & Weinstine, P.A. ("Winthrop") to Provide Lobbyist Legislative Services on Behalf of Clay County effective now through 2026.

PUBLIC HEARING: SCOTT DAHMS PETITION FOR TEXT AMENDMENT TO THE CLAY COUNTY LAND DEVELOPMENT AND SUBDIVISION ORDINANCE

On motion by Commissioner Mongeau, seconded by Commissioner Baer, and unanimously carried, the Board approved to open the public hearing at 9:02 a.m.

Planning & Zoning Director Matt Jacobson requested to postpone this public hearing until October

7, 2025, if possible. Mr. Dahms had something come up and is not able to attend.

Discussion ensued regarding recessing the public hearing and notice to the public.

On motion by Commissioner Baer, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to recess the public hearing until October 7, 2025, at 9:00 a.m.

Request for Approval to Replace the Air Conditioning Unit at the Joint Highway Facility

Facilities Director Joe Olson requested approval to replace the air conditioning unit at the Joint Highway Facility and stated this replacement was anticipated and included in the Capital Improvement Plan.

The project is a shared cost between the City of Moorhead, MnDOT, and Clay County. The City of Moorhead has a 22% share of this facility. Their portion would be \$8,644. MnDOT has a 33% share of this facility. Their portion would be \$12,967. And Clay County has a 45% share of this facility, and that amount would be \$17,682. Resulting in a total of \$39,294. Both the City of Moorhead and MnDOT have approved this project through their respective budget processes. Multiple vendors were contacted and the only one that was able to locate and supply the specific condenser unit needed for this project, was Dakota Plains Mechanical.

On motion by Commissioner Mongeau, seconded by Commissioner Baer, and unanimously carried, the Board approved the replacement of the air conditioning unit at the Joint Highway Facility using Dakota Plains Mechanical in the amount of \$39,294, with Clay County's share being \$17,682 to be paid from Fund 19.

Request for Approval of the Amended Agreement Between the Department of Corrections and Clay County

Mr. Olson requested approval of the amended agreement with The Department of Corrections (DOC), and stated the DOC currently leases space from Clay County on the first floor of the Courthouse. It's recommended to amend the existing lease to include an additional 364 square feet of space located in the basement. This additional space will be used to support the Department's Intensive Supervised Release (ISR) program. The Building Committee has reviewed and approved the lease amendment.

On motion by Commissioner Ebinger, seconded by Commissioner Baer, and unanimously carried, the Board approved the amended agreement between the Department of Corrections and Clay County, lease number 12619.

Request Approval of the Amended Agreement Between Clay County and Productive Alternatives

Mr. Olson requested approval of the amended agreement between Clay County and Productive Alternatives and stated Clay County Public Health previously leased offices 307 and 310 on the third floor of the Family Service Center (FSC). With the recent expansion of Public Health office space on the second floor, these two offices are no longer needed. The County is proposing to lease Offices 307 and 310 to Productive Alternatives, who currently occupies adjacent space on the same floor. This lease amendment has been reviewed and approved by the Building Committee.

On motion by Commissioner Baer, seconded by Commissioner Krabbenhoft, and unanimously

carried, the Board approved the amended agreement between Clay County and Productive Alternatives.

Request Approval to Fill Facilities Administrative Assistant Position

Mr. Olson requested approval to fill the Facilities Administrative Assistant position due to an upcoming retirement.

Commissioner Baer discussed looking at any position replacement that comes before the Board to identify if it's needed, in order to reduce the 2026 budget.

Discussion ensued regarding the need for this position.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Ebinger, and carried, with one descending vote (Commissioner Baer). the Board approved to fill the Facilities Administrative Assistant Position.

BREAK

The Board took a break from 9:15 a.m. to 9:22 a.m.

Request Approval of Resolution 2025-22 Requesting Permission to Set the 2026 Preliminary Levy

Mr. Larson requested approval of Resolution 2025-22 requesting permission to set the 2026 Preliminary Levy and stated Minnesota Statute requires the County Auditor to certify the preliminary levy each year through a resolution approved by the Clay County Board of Commissioners prior to October 1, 2025.

Mr. Larson discussed the Summary of 2026 Tax Levy by Funds including General Revenue Fund, Road and Bridge Fund, Building Fund, Library, Debt Retirement – DMV, Debt Retirement – County Projects, and Social Service Fund, new requests, fund balance, and health insurance savings, Cost of Living Adjustment (COLA), County Program Aid, and new construction. Which brings the Net Levy Increase to 6.46%.

Discussion ensued regarding new construction, debt retirement – DMV, debt retirement – county projects, unfunded mandates, staffing, cost shifts, potential waitlist for services, and external agency requests.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Resolution 2025-22 Establishing the Certified 2026 Preliminary Levy at 6.46%.

RESOLUTION 2025-22

WHEREAS, The Minnesota Department of Revenue has established guidelines for county government to follow in order to meet the "Truth in Taxation" requirements for taxes payable in 2026 and

WHEREAS, these guidelines stated that counties must certify a proposed levy by September 30

WHEREAS, this certified levy must be after the deduction of County aid,

THEREFROE BE IT RESOLVED, That the Clay County Board of Commissioner hereby sets the proposed levy for taxes to be collected in 2026 as follows;

	<u>Preliminary Levy</u>	<u>County Program Aid</u>	<u>Certified Levy</u>
Revenue Fund	30,920,614	3,242,794	\$27,677,820
Road and Bridge Fund	5,612,566	588,617	5,023,949
Building Improvements	50,000	5,244	44,756
Library	349,209	36,623	312,586
Social Services	15,745,593	1,651,317	14,094,276
Debt Retirement-Ct	553,901	0	553,901
Debt Retirement-County Proj	<u>525,788</u>	<u>0</u>	<u>525,788</u>
 Total	 <u>\$53,757,671</u>	 <u>\$5,524,595</u>	 <u>\$48,233,076</u>

BE IT FURTHER RESOLVED, that this is a proposed levy only and is subject to change.

BE IT FURTHER RESOLVED, that the Clay County Board of Commissioners confirms the date of their public budget meeting to be Tuesday, December 2, 2025, at 6:00 p.m. in the Clay County Courthouse, Moorhead, Minnesota.

Committee Reports/County Administrator Update/Discussions

- Commissioner Krabbenhoft reported on meetings for Work Group Session; Moorhead City Planning Commission; and AMC Fall Policy Conference.
- Commissioner Mongeau reported on meetings for Work Group Session; and AMC Fall Policy Conference.
- Commissioner Baer reported on meetings for Work Group Session; and AMC Fall Policy Conference.
- Commissioner Ebinger reported on meetings for Work Group Session; and AMC Fall Policy Conference
- Commissioner Campbell reported on meetings for Work Group Session; AMC Fall Policy Conference; and met with the Mayor of Fargo and Director of MFDA regarding long term financial plan.
- County Administrator Stephen Larson reported on meetings for Work Group Session; County Management; AMC Fall Policy Conference; and next Wednesday is the House Bonding Tour.
- Assistant County Administrator Darren Brooke reported on meetings for Work Group Session; County Management; AMC Fall Policy Conference; and Paid Family Medical Leave Employer Engagement Event.

Adjourn

The meeting was adjourned at 10:08 a.m.

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator