

CLAY COUNTY BOARD OF COMMISSIONERS
1:30 P.M., TUESDAY, OCTOBER 25, 2022
Rooms A/B, 3rd Floor, Courthouse
MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Jenna Kahly, Frank Gross, Jenny Mongeau, and Kevin Campbell. Commissioners absent: David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, HR Director Darren Brooke, and Sr. Admin. Asst. Colleen Eck.

CALL TO ORDER

Chair Mongeau called the meeting to order at 8:30 a.m.

APPROVAL OF AGENDA

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the agenda.

MOORHEAD TAX ABATEMENT OF \$698 DUE TO ERROR WITH SPECIAL AG HOMESTEAD

By consent, the Board approved a Moorhead tax abatement of \$698 due to error with special ag homestead.

PERMIT FOR TROJAN TAKEDOWN CLUB FOR NON-PROFIT GAMING EVENT AT THE PITCHFORK

By consent, the Board approved the permit for Trojan Takedown Club for a non-profit gaming event at The Pitchfork.

LEASE REPLACEMENT FOR DAMAGED CHEVROLET TAHOE - SHERIFF'S OFFICE

By consent, the Board approved the Sheriff's Office lease replacement for a damaged Chevrolet Tahoe.

CITIZENS TO BE HEARD

There were no citizens to be heard.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Kahly, seconded by Commissioner Gross, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$3,787,603 from 95 vendors. From that total, 74 warrants issued were under \$2,000 (\$25,526) and the following 21 were over \$2,000:

Ind. School District 152	\$2,645,778	RBS Activewear	\$6,338
Ind. School District 2164	\$ 463,301	Veritas Crane, LLC	\$5,988
Ind. School District 146	\$ 225,391	Ind. School District Bc 2889	\$5,229
Ind. School District 150	\$ 209,064	Nancy Hein-Kolo, PsyD, LP	\$3,500
Advanced Correctional Healthcare	\$ 62,823	Ind. School District Otc 548	\$3,167
Ind. School District 914	\$ 59,185	Marco Technologies, LLC	\$3,131
Cardmember Service	\$ 22,885	City of Pelican Rapids	\$2,457
J-Tech Mechanical, LLC	\$ 13,000	Felton Country Store	\$2,324
Barden/Robert Christopher	\$ 10,000	Reliance Telephone	\$2,280
Ada-Borup-West ISD 2910	\$ 7,741	Green View, Inc.	\$2,155
Ott's Quality Painting, Inc.	\$ 6,340		

APPROVAL OF MINUTES FROM OCTOBER 11, 2022

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from October 11, 2022.

PROCLAMATION FOR FARGO MOORHEAD METROPOLITAN REGION NATIONAL APPRENTICESHIP WEEK

County Administrator Stephen Larson brought forth a proclamation declaring November 14, 2022, through November 20, 2022, as National Apprenticeship Week for the communities of the Fargo Moorhead Metropolitan Region. The proclamation is to raise awareness of the importance of trades and the vital role that apprenticeships provide. Jason Ehlert, President of ND Building Trade Unions, expressed his gratefulness for the support of apprenticeships. He announced an event at the Carpenters Training Institute in Fargo and welcomed the Commissioners to come.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board supported the Proclamation for Fargo Moorhead Metropolitan Region National Apprenticeship Week.

REQUEST TO IDENTIFY AND APPROVE VOTING DELEGATES FOR ASSOCIATION OF MINNESOTA COUNTIES

Each year the Commissioners approve three additional voting delegates for the Association of Minnesota Counties Annual Conference. Several staff have been considered and the three who are all able to attend the conference are Justin Sorum, County Engineer; Matt Jacobson, Planning Director; and Stephen Larson, Administrator.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the following voting delegates for Association of Mn Counties Conference: Justin Sorum, Matt Jacobson, and Stephen Larson.

REQUEST TO AUTHORIZE CREATION AND APPOINT MEMBERS TO MOORHEAD JOINT AIRPORT ZONING BOARD WITH RESOLUTION 2022-33

Mr. Larson noted that the City of Moorhead has begun the process of updating the Florence Klingensmith Field Airport Zoning Ordinance. Minnesota Statute 360.063, Subdivision 3 allows for the creation of a Joint Airport Zoning Board. Multiple government entities, including Clay County, are being asked to appoint two members to be on the Zoning Board.

On motion by Commissioner Kahly, seconded by Commissioner Gross, and unanimously carried, the Board authorized the creation and appointments of Planning Director Matt Jacobson and Moorhead resident Steve Moore to the Moorhead Joint Airport Zoning Board with Resolution 2022-33:

RESOLUTION 2022-33

AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD

WHEREAS, the City of Moorhead, hereinafter called the Municipality, owns and controls the Moorhead Municipal Airport; and

WHEREAS, portions of the airport hazard area adjacent to the airport are located outside the territorial limits of said Municipality but within the territorial limits of this County and

WHEREAS, the above Municipality has requested in writing that we join with them in the creation of a Joint Airport Zoning Board; and

WHEREAS, this County deems it necessary and expedient to create a Joint Airport Zoning Board in cooperation with the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3, and other applicable laws for the purpose of establishing, administering and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

WHEREAS, the above statute provides that this County has the right to appoint two (2) persons to said Board (said persons should not be members of this Board); and

WHEREAS, Subdivision. 3 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Transportation of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

NOW, THEREFORE, BE IT RESOLVED By the undersigned County as follows:

- 1. That there is hereby created in cooperation with the above Municipality a Joint Airport Zoning Board to be composed of representatives of the undersigned County and representatives of the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3.**
- 2. That the undersigned County hereby appoints (said persons should not be members of this Board) Matt Jacobson and Steve Moore to be its representatives on said Board, said persons to serve for an indefinite term until they resign or are replaced by the undersigned County.**

REQUEST TO FILL VACANCY FOR ASSISTANT COUNTY ATTORNEY POSITION

County Attorney Brian Melton announced a resignation in the Attorney's Office. He also knows an attorney who worked for Clay County, left for a job in the Twin Cities, and would now like to return to Clay County. Attorney Melton requested that this attorney, who is familiar with the County system, be hired on step six of the pay grid, equivalent to what he is currently paid. This item received support from the Personnel Issues Committee.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the request to fill a vacancy for an Assistant County Attorney position with a former County employee and start on pay grid step six.

REQUEST TO APPOINT ASHLEY HENG FOR FIRST 3-YEAR TERM ON PLANNING COMMISSION

Planning Director Matthew Jacobson announced that he has a good candidate to replace Planning Commissioner Andrea Koczur who is unable to complete her term. Ashley Heng, from rural Hawley, submitted a letter of interest in being a Planning Commissioner as a rural representative. The Planning Commission reviewed her submittal and unanimously recommended the assignment.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board appointed Ashley Heng to her first three-year term on the Clay County Planning Commission.

REQUEST TO APPROVE TO SELL UNIT 168-1 AND PURCHASE USED SNOWBLOWER FROM MNDOT

County Engineer Justin Sorum proposed selling a lightweight snowblower that is not serving the County’s needs. Unit #168-1 (2008 Black Max Snowblower) would be placed on MinnBid with a reserve price of \$3,000; and Mr. Sorum would then purchase a used heavy duty snowblower from MnDOT for \$9,000.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved selling snowblower Unit 168-1 and purchasing a used snowblower from MnDOT with the amounts discussed.

REQUEST TO APPROVE TO PAY SPECIAL ASSESSMENTS FOR JOINT FACILITY

Mr. Sorum brought forth Moorhead special assessments in the amount of \$119,364.68 for the Joint Highway Facility. The County’s share is \$43,977.40 and MnDOT and City of Moorhead would reimburse the County for their share totaling \$75,387.28. Paying these specials upfront would save the County \$26,089.90 in interest if financed over 20 years.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved paying special assessments of \$119,364.68 and collecting \$75,387.28 from MnDOT and City of Moorhead, as long as the two entities take appropriate action to also pay the assessments in full.

REQUEST TO APPROVE TO ADVERTISE TURN LANE RECONSTRUCTION PROJECT ON TH 10 AND CSAH 19

Mr. Sorum requested approval to advertise for the TH 10 and CSAH 19 Turn Lane Reconstruction Project in Glyndon (SAP 14-619-021). This is the cooperative project with the City of Glyndon and MnDOT through the LPP process. MnDOT covers up to \$379,629.63 of construction costs and \$30,370.37 for engineering for a total of \$410,000. The proposed letting date will be December 20th, 2022.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved advertising the TH 10 and CSAH 19 Turn Lane Reconstruction Project (SAP 14-619-021).

REQUEST TO APPROVE FUNDING FOR REMAINING FURNITURE, FIXTURE, AND EQUIPMENT (FF&E) FOR RESOURCE RECOVERY PROJECT

Solid Waste Manager Corey Bang and Facilities Director Joe Olson approached the Board with two items for consideration. In August of this year, the Commissioners approved preliminary dollar amounts for FF&E costs for the Resource Recovery Facility (RRF). Beyond what was already approved, the final FF&E costs for Household Hazardous Waste is just over \$34,000 and additions costs of just over \$42,000 in other areas of the project. An itemized list was provided. Commissioner Campbell stated that their original financial plan for these two items was \$175,000. Any used County equipment not being utilized will be brought to the facility to help cut costs.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved funding for additional FF&E costs for the Resource Recovery Facility in the amount of \$76,136.

REQUEST TO APPROVE FUNDING FOR FURNITURE FOR CONFERENCE ROOM & SIX OFFICES

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved funding for furniture from Connect Interiors for the Resource Recovery Facility conference room, six offices, and Scalehouse for \$33,140.

REQUEST TO FILL VACANCY FOR RN POSITION IN DETOX UNIT

Public Health Administrator Kathy McKay and Detox Director Troy Amundsen received a resignation from one of their RNs in Detox. They have an LPN working every shift and need to either have an RN onsite or on-call for every shift. This resignation leaves them with one RN. They also have a third RN budgeted for 2023. Ms. McKay noted that an RN with a ND license cannot work in MN without a second license, and this law creates a huge burden that needs to change.

As a border county, Clay County needs to support change in the RN licensure restrictions as well as the lengthy process of background checks and anything else that delays the process. Support of these changes should be sent to the legislators too.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved filling a vacancy for an RN position in detox.

REQUEST FROM GREENWICH REVOLVING TRUST TO REPURCHASE PROPERTY IN GLYNDON WITH RESOLUTION 2022-34

Associate Rita Gokhberg from Hinshaw Attorneys at Law joined via Teams. She is representing the servicer of the mortgage, Greenwich Trust, and noted that both original taxpayers are deceased. The taxes on the property at 812 Lund Ave SE in Glyndon have now been paid in full. They are hoping to recoup on the mortgage and alleviate some of the hardship on the State in having to maintain this property. Greenwich Trust was assigned the mortgage in July of this year. When they became aware that the taxes were delinquent, they started making payments to the County and started the process of the repurchase.

Deputy Auditor Jacque Dudgeon confirmed that she received the check, and the taxes are paid in full.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the request from Greenwich Revolving Trust to repurchase property in Glyndon with Resolution 2022-34:

RESOLUTION 2022-34

WHEREAS, a request was submitted to the Clay County Board of Commissioners by Greenwich Revolving Trust, hereinafter referred to as the "Repurchaser" to repurchase the following described real property: Parcel No. 55.620.0070 (812 Lund Ave SE, Glyndon, MN, County of Clay, State of Minnesota)

WHEREAS, the Repurchaser is obligated by statute, rule, or other agreement to pay real estate taxes relevant to the above-referenced property; and

WHEREAS, the Repurchaser satisfies the statutory criteria for being an eligible repurchaser; and

WHEREAS, the Board finds that the repurchase would cure an undue hardship or injustice resulting from the forfeiture and will permit the use of the lands that will best serve the public interests; and

WHEREAS, the value of retaining the property in public ownership is outweighed by the benefits of returning the property to private ownership; and

WHEREAS, if it is appropriate to place certain conditions on the repurchase, those conditions are fully outlined below.

NOW, THEREFORE, BE IT RESOLVED, that the Repurchaser be allowed to repurchase the Property for an amount equal to the statutory formula for repurchase to be calculated by the Clay County Auditor's Office.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Campbell reported on meetings for Personnel Issues Committee; Solid Waste Advisory Committee; Regional Juvenile Detention Advisory Committee; AMC District 4; and Resource Recovery Facility tour.
- Commissioner Gross reported on the AMC District 4 meeting; attended the Chamber Candidate Cracker Barrel event and the Candidate Forum for Dilworth; and toured the Resource Recovery Facility and new City Hall in Felton.
- Commissioner Kahly reported on meetings for Adult Mental Health Local Advisory Committee; Moorhead Business Association; Historical and Cultural Society; Clay County Audit Review; Substance Abuse and Suicide Prevention Coalition; Hunger and Health Summit; MetroCOG Policy Board; AMC District 4; Early Childhood Initiative; and attended the Chamber's Candidate Cracker Barrel event.
- Commissioner Mongeau reported on meetings for Planning Commission; Substance Use Crisis Facility; Lakeland Mental Health Committee; Resource Recovery Facility Planning and Tour; and Chamber's Candidate Cracker Barrel event.
- Mr. Larson attended meetings for Personnel Issues Committee; Funding for Regional Juvenile Detention; Regional Administrators; Substance Use Facility B3 and predesign; Riparian Aid; Resource Recovery Facility FF&E discussion; MCCJPA prep; Regional Juvenile Detention Advisory board; Administrator Office transition; AMC District 4; conducted a Department Head Evaluation; Resource Recovery Facility Tour; and met with Attorney Melton on a series of County issues.

The meeting was adjourned at 9:47 a.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator