

**CLAY COUNTY BOARD OF COMMISSIONERS**  
**8:30 A.M., TUESDAY, JANUARY 18, 2022**  
Rooms A/B, 3<sup>rd</sup> Floor, Courthouse  
**MINUTES**

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Jenna Kahly, Jenny Mongeau, Kevin Campbell, David Ebinger, and Frank Gross. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, and Sr. Administrative 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 Ebinger, and unanimously carried, the Board approved the agenda.

**APPOINT JERRY ARNESON AS REPRESENTATIVE ON MN RED RIVER VALLEY DEVELOPMENT ASSOCIATION**

By consent the Board appointed Jerry Arneson to the MN Red River Valley Development Association.

Clarice Schmidt was recognized for serving many years on the RRVDA Board as well as many other Clay County Boards.

**PUBLIC HEALTH CONTRACTS AND GRANTS FOR 2022**

By consent the Board approved the Public Health contracts and grants for 2022.

**CITIZENS TO BE HEARD**

There were no citizens who wished to be heard.

**APPROVAL OF MINUTES**

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the Minutes from December 28, 2021.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$2,960,842 from 181 vendors. From that total, 119 warrants issued were under \$2,000 (\$73,241) and the following 62 were over \$2,000:

Construction Engineers, Inc.	\$470,431	Soil & Water Conservation Dist.	\$68,602
City of Dilworth	\$465,895	Code 4 Services, Inc.	\$56,694
City of Moorhead	\$419,035	Clay Co Public Health	\$52,640
Independent School Dist. 152	\$353,561	Trinity Services Group, Inc.	\$44,265
St Paul Port Authority	\$283,529	Independent School Dist. 146	\$40,584
Independent School Dist. 2164	\$ 77,777	Otter Tail Public Health	\$38,027

City of Fargo	\$35,161	Valley Mortuary Services	\$4,608
Independent School Dist. 150	\$33,138	Georgetown Township	\$4,511
Kandiyohi Co Sheriff's Office	\$32,339	Dakota Plains Mechanical, Inc.	\$4,288
MEnD Correctional Care, LLC	\$30,851	Obernel Engineering	\$4,140
Independent School Dist. 914	\$29,786	Independent School Dist. Nc 2854	\$4,123
City of Glyndon	\$25,607	Rick Electric, Inc	\$4,031
Lloyd's Auto Body, Inc.	\$24,857	Nancy Hein-Kolo, PsyD, LP	\$4,000
Becker Co Public Health	\$23,876	Chiller Systems, Inc.	\$3,940
Buffalo-Red River Watershed	\$19,319	Marco Technologies LLC	\$3,650
Town & Country Oil, Inc.	\$18,559	Asso. of MN Counties	\$3,248
City of Barnesville	\$17,047	City of Ulen	\$3,176
Advanced Engineering & Enviro	\$16,495	Amazon Capital Services	\$3,086
Medical Pharmacy	\$14,361	Pemberton Law, P.L.L.P.	\$3,030
City of Moorhead	\$13,915	Wilkin Co Public Health	\$3,027
MN Sheriffs' Asso.	\$13,068	Kurtz Township	\$2,881
Tritech Software Systems, Inc.	\$11,137	Goose Prairie Township	\$2,757
Wild Rice Watershed Dist.	\$10,440	Enterprise FM Trust	\$2,427
City of Hawley	\$10,357	Stein's, Inc.	\$2,424
Petro Serve USA	\$10,308	Hawley Township	\$2,371
Anjaam Holdings, LLC	\$10,254	Elmwood Township	\$2,339
JT Lawn Service	\$ 9,015	MN IT Services	\$2,332
Asso. of MN Counties	\$ 7,800	Viding Township	\$2,292
Concordance Healthcare Solutions	\$ 7,377	Moland Township	\$2,212
Forum Communications Printing	\$ 7,260	City of Hitterdal	\$2,133
Morken Township	\$ 5,115	Stellar Services, LLC	\$2,092

## COVID-19 UPDATE

Kathy McKay, Clay County Public Health (CCPH) Director, and her staff presented the weekly COVID-19 update. As of yesterday, there was a jump to 1,271 active cases reported in Clay County; 67,405 active cases throughout Minnesota; 2,034 in Cass County (ND); and 6,955 throughout North Dakota. The increases are significant across the area. In Clay County, the 20–24-year-old age group had the highest number of active cases. Total cases in Clay County are at 14,979 and total deaths at 114 since March of 2020. Ms. Schmidt commented that all of MN and most of the nation are at high levels. Hospital admissions of Clay County residents were at 11 two weeks ago and four more last week, but that number is preliminary. There is a plan in place for a field operation if needed. The Fargo and ND hospital data and capacities were listed. Throughout ND there are 20 available adult ICU beds and two available pediatric ICU beds. The vast majority of folks in ICU and on ventilators at Sanford Health Systems are not vaccinated. They are still seeing some Delta variant cases but the majority of the cases are now Omicron. Breakthrough cases and the efficacy of the vaccines were discussed. Breakthrough hospitalizations and deaths are still low as the fourth wave of the pandemic continues on. Currently, there are no new variants of concern. Ms. Hennen referred to the vaccine data. State-wide 68.3% of people (five and over) have been vaccinated. CCPH has administered a total of 18,981 vaccine doses. They provided 189 doses last week which were mainly boosters. Vaccine Clinics for this week were announced. The Moorhead vault testing site has seen a large jump in the positivity rate.

Commissioner Mongeau commented that she and Mayor Carlson from Moorhead are both concerned with the limited hours and days of testing at the Moorhead vault site. She recommended that this board send a letter to the Governor.

On motion by Commissioner Campbell, seconded by Commission Gross, and unanimously carried, the Board approved sending a letter to Governor Walz, and copies to local legislators and Director of Public Safety, for increased days and hours at the Moorhead vault testing site on behalf of our Public Health Dept.

Ms. McKay stated they expect a real surge of cases in the next couple weeks and recommended masking for the vaccinated as well.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and carried with one nay vote (Commissioner Mongeau) the Board approved for a mask mandate to start tomorrow at all Clay County facilities for employees and the public, unless proper distancing can be maintained, upon the recommendation from Clay County Public Health.

Human Resource Director Darren Brooke noted that 22 positive COVID cases have been reported from County staff since January 1<sup>st</sup>.

**REQUEST FOR APPROVAL OF RESOLUTION 2022-05 FOR GENERAL OBLIGATION BOND PROCEEDS FOR CONSTRUCTION PROJECT**

Ms. McKay and Detox Director Troy Amundson were present requesting support of a resolution for General Obligation Bond Proceeds for a Construction Grant for the Clay County Regional Substance Use Crisis Facility. They have already been awarded a \$5 million grant from the Department of Human Services toward the facility. The grant would also allow for a remodel if new construction were not possible. They will continue to explore all options to be able to better serve the people in detox.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the following resolution for General Obligation Bond Proceeds for Construction Grant:

**Resolution No. 2022-05  
for General Obligation Bond Proceeds for Construction Grant  
Clay County Regional Substance Use Crisis Facility**

THIS Resolution shall be effective as of January 18, 2022, and is between Clay County Receiving Center, a program authorized under the Governing Board of County Commissioners (the "Public Entity"), and the Minnesota Department of Human Services (the "State Entity").

WHEREAS, Under the State Program, Department of Human Services (OHS) is authorized to provide grants that are funded with proceeds of state general obligation bonds authorized to be issued under the Minnesota Legislature in Laws of MN 2020, 5th Spec. Sess. chapter 3, Article I Section 18.

WHEREAS, Under the State Program the recipients of a grant must use such funds to construct, design, furnish, equip a facility for regional substance use crisis services.

WHEREAS, The Clay County Receiving Center (CCRC) submitted a grant application to OHS of which will be used for the purposes delineated in such grant application.

WHEREAS, The CCRC applied and has been selected by OHS for a receipt of a grant from the State Program in an amount of \$5,000,000. This award is partial funding for the construction of the facility. Full funding for the Capital project is more than \$12,000,000. The Clay County Board of Commissioners agree to provide the additional funding necessary for the construction of the regional substance use crisis facility.

NOW, THEREFORE, BE IT RESOLVED that the Clay County Board of Commissioners is hereby authorized to implement this Capitol project and provide the additional funding.

**CONTINUED - MORTENSON REQUEST FOR REZONING IN GOOSE PRAIRIE TOWNSHIP**

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously approved, the Board removed this rezoning item from the table from the December 21, 2021, meeting.

Matt Jacobson, Planning Director, was present with the applicant Jeff Mortenson. He noted that four-fifths approval is needed for rezoning. The public hearing, which was held at the December 21, 2021, Board meeting, was closed. He provided overhead maps of the parcel and commented that the request is to remove the Resource Protection-Biological Overlay District from the disturbed area of the parcel. The overlay is in place because of dry native prairie. Essentially, the rezoning would remove the requirement for a mandatory Environmental Assessment Worksheet (EAW) on the property. In the past, another mining company started the EAW process for this parcel but did not complete it. The EAW is an expensive study that provides more in-depth information on the site including the quality of the prairieland, species, impacts to Felton Creek, surrounding properties and roads, etc. Mr. Jacobson noted it is hilly land that has been heavily grazed and disturbed. The wetland on the parcel was delineated by a consulting engineering firm. As of today, the entire area shown in red has been disturbed. Mr. Jacobson reviewed the Planning Commissioners' Findings of Fact on the request. The main discussions involved balancing native prairie with mining. This landowner was not notified individually when the zoning map was updated with the overlay districts in 2005. The zoning maps were changed County-wide and was advertised in all the local newspapers. Agriculture is allowed to occur on the land. Commissioner Campbell stated it makes sense to follow the Planning Commission's recommendation and set conditions on the mining activities during the Interim Use Permit process.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and carried with one nay vote (Commissioner Kahly), the Board approved the rezoning request from Jeff Mortenson to remove the Resource Protection-Biological Overlay District from the delineated disturbed area in the S½ SW¼ Section 7, Goose Prairie Township.

**REQUEST TO MOVE FORWARD AND AWARD BID FOR POWER PLANT GENERATOR PROJECT**

Facilities Director Joe Olson opened bids at the Board meeting last week. Rick's Electric came in as the low bidder for the Power Plant Generator Project. The work is planned for August and September and will be paid with ARPA funds. The bids all came in higher than the estimate. There has been a trend of increases nationwide. Mr. Olson will address the ARPA committee again tomorrow to address adjusting the dollar amount for this project and will be back at the next Board meeting.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the \$345,000 bid from Rick's Electric and owner-coordination costs for a total of \$366,947.50.

**REQUEST TO APPROVE RESOLUTION 2022-06 FOR SUBMITTAL OF 2022 HELP AMERICA VOTE ACT GRANT**

Lori J. Johnson, Auditor – Treasurer stated she received approval a month ago for the voting equipment she requested. She provided a resolution for approval and submittal to help fund the needs of folks with disabilities with 12 more assistive voting devices to be purchased prior to the 2022 elections.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the following resolution:

**RESOLUTION 2022-06**

**APPROVING CLAY COUNTY'S APPLICATION FOR FUNDING FROM 2022 HELP AMERICA VOTE ACT GRANT (HAVA)**

**WHEREAS, Minnesota counties are responsible for administering elections, which includes improving accessibility, implementing security improvements for elections systems, and/or funding other activities to improve the security of federal elections; and**

**WHEREAS, Minnesota's Legislature directed the distribution of \$3 million from the Help America Vote Act appropriations as grants to political subdivisions to assist counties, cities, towns, and school districts with the improvement of accessibility and implement security improvements; and**

**WHEREAS, to receive funding from the Voting Equipment Grant Account, counties must submit an application to the Minnesota Secretary of State before January 31, 2022;**

**NOW THEREFORE, BE IT RESOLVED, Clay County approves its application for funding from the 2022 Help America Vote Act Grant; and**

**BE IT FURTHER RESOLVED, the County certifies that any funds awarded from the 2022 Help America Vote Act Grant will be used only to improve accessibility, implement security improvements for elections systems, and/or fund other activities to improve the security of federal elections as approved by the Secretary of State.**

**REQUEST TO FILL VACANCY FOR DEPUTY AUDITOR – PAYROLL**

Ms. Johnson requested filling an upcoming vacancy for the Deputy Auditor in Payroll who is retiring after 32 years of service in the Auditor's office. April also marks the implementation of the new payroll system. They are hoping to hire and overlap the position for two payroll cycles.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the request to fill the Deputy Auditor in Payroll position with backfill if needed.

**COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS**

- Commissioner Ebinger reported on meetings for Greater FM Economic Development Corp; NW Region Emergency Communications Board; Beyond the Yellow Ribbon; and was part of a group that met and reviewed the RRRDC Draft Joint Powers Agreement.
- Commissioner Campbell reported on meetings for Highway Tracking; Facilities Finance Committee; Personnel Issues Committee; and was part of a group that reviewed the RRRDC Draft Joint Powers Agreement. He announced that the local P3 project just received a national award.
- Commissioner Gross attended a Highway Tracking meeting.
- Commissioner Kahly reported on meetings for Cass Clay Food Commission; Early Childhood Initiative; and attended a Drug Court Graduation.
- Commissioner Mongeau reported on meetings for Soil and Water Conservation District; Facilities Finance Committee; and Personnel Issues Committee. She had a conversation about applying for a USDA grant; discussions with Mayor Carlson; and conversations with Eric Dodds (AE2S) regarding organic farmland.
- County Administrator Larson reported on meetings for Highway Tracking; Personnel Issues Committee; Facilities Finance Committee; Greater FM Economic Development Corp; County Management; Detox Grant; Red River Communications; and met with HR Director. He announced that the State Audit results for Clay County have been released and are on the website.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved Human Resource staff to purge all vaccination data that was collected from employees, with the current stay on the vaccine mandate.

The meeting was adjourned at 10:21 a.m.

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Jenny Mongeau, Chair  
County Board of Commissioners

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Stephen Larson, County Administrator