

**CLAY COUNTY BOARD OF COMMISSIONERS**  
**8:30 A.M., TUESDAY, JANUARY 25, 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 Kahly, and unanimously carried, the Board approved the agenda.

**APPLICATION FOR EXEMPT PERMIT FOR GAMBLING ACTIVITY AT THE PITCHFORK**

By consent the Board approved the application for an exempt permit for a gambling event at The Pitchfork for April 7, 2022.

**SCHEDULE BOARD OF APPEAL & EQUALIZATION MEETING**

By consent the Board approved scheduling the Board of Appeal & Equalization Meeting for June 14, 2022, at 6:30 p.m.

**CITIZENS TO BE HEARD**

There were no citizens who wished to be heard. Chair Mongeau has received several comments on public health concerns and issues at the vault testing site.

**APPROVAL OF MINUTES**

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Minutes from January 4 and 11, 2022.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$660,092 from 77 vendors. From that total, 52 warrants issued were under \$2,000 (\$22,872) and the following 25 were over \$2,000:

BCBS Minnesota	\$287,556	Cardmember Service	\$20,331
Xcel Energy	\$ 65,358	Town & Country Oil, Inc.	\$19,869
Manthe/Scott	\$ 44,859	T & T Tile LLC	\$17,066
Moorhead Public Service	\$ 42,686	JT Lawn Service	\$11,970
Liebo, Weingarden, Dobie, Barbee	\$ 28,140	DLT Solutions LLC	\$11,028
City of Moorhead	\$ 25,645	West Central Initiative	\$10,800

Burns & McDonnell	\$8,301	Madison National Life	\$2,792
Titan Machinery	\$6,153	Sanford Health	\$2,730
MN Life	\$6,079	Pomp's Tire Service, Inc.	\$2,659
Lakes Country Service Co-op	\$5,562	Servpro of Fargo/Moorhead	\$2,632
CHS Credit Card Dept.	\$4,404	Maco - Aitkin	\$2,130
Colonial Life	\$3,204	High Point Networks LLC	\$2,125
Kris Engineering, Inc.	\$3,140		

### **COVID-19 UPDATE**

Kathy McKay, Clay County Public Health (CCPH) Director, and her staff presented their weekly COVID-19 update. The preliminary numbers for Clay County show 1,290 new cases from 1/9/22 -1/15/22 and 394 from 1/16/22 – 1/22/22 although there is a delay in the reports. There were 473 cases of reinfections reported for Clay County. This indicates positive tests for COVID more than 90 days after a previous COVID infection. Cumulative cases in Clay County are at 16,152. The age group 20–24 is still the highest for infections. There are consistent high numbers with the younger age groups.

MN is still in high level of transmission. With one additional COVID death in Clay County the total is at 115. There were 17 new hospital admissions last week for Clay County residents. CCPH plans to meet with staff from both local hospitals within the week. Breakthrough percentages have risen, but there is still evidence of strong protection from severe illness and death after full vaccination. Nearly all deaths have been among those unvaccinated. Statewide, 1.9 million residents have had booster doses and 73.2% have had at least one vaccine dose. CCPH has administered a total of 19,059 dose. The CCPH vaccine clinics were announced for this week.

Commissioner Mongeau and Mayor Carlson have signed a letter to the governor and local legislators about the long waits at the testing site whether or not appointments have been made. The Board will continue to advocate for flexibility and increased hours at that site. Commissioner Mongeau noted that the long delay in getting test results is unacceptable. CCPH was able to provide a COVID test for the ND Senator Hoeven last week after he was turned away at the Fargo test site and the Moorhead test site was closed.

### **FILL VACANCY FOR SUPPORT ENFORCEMENT AIDE IN SOCIAL SERVICES**

Social Services Director Rhonda Porter requested filling a vacancy for a Support Enforcement Aide with backfill if necessary. She provided the duties assigned to this position. The position receives Federal Financial Participation at 66% of the County cost. There should be a savings with a new hire. They lost a long-term employee after 29 years at Clay County. The Commissioners extended their condolences on the loss.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved filling a vacancy for a Support Enforcement Aide with backfill if necessary.

### **FILL VACANCY FOR SOCIAL WORKER IN CHILD PROTECTION/CHILD WELFARE**

Ms. Porter requested filling a vacancy for a Social Worker in Child Protection / Child Welfare Services Unit due to a resignation.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved filling a vacancy for a Social Worker in Child Protection / Child Welfare Services Unit with backfill if necessary.

**REQUEST FOR OUT-OF-STATE TRAVEL FOR GIS SPECIALIST TO ATTEND ESRI USER CONFERENCE**

Information Services Director Mark Sloan noted that their department uses ESRI’s GIS Software extensively in their GIS operations. Every year, ESRI provides a training conference. This year they are offering penultimate training in GIS software in July in San Diego, California. Registration for the conference is included in their Enterprise License Agreement. Clay County’s costs would be for travel expenses (airfare, lodging, and meals) which have been included in the 2022 budget. The conferences in 2020 and 2021 had been approved but were canceled.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the request for out-of-state travel for the GIS Specialist to attend a ESRI User Conference.

**REQUEST FOR APPROVAL OF AMENDMENT 1 TO ENGINEERING AGREEMENT FOR RESOURCE RECOVERY FACILITY CONSTRUCTION WITH AN INCREASE IN GUARANTEED MAXIMUM PRICE**

Solid Waste Manager Kirk Rosenberger requested approval of Amendment 1 to the Professional Consultant Firm Agreement for the Resource Recovery Facility construction. Burns & McDonnell Engineering Company will include consulting services for a backup generator to serve the Resource Recovery Facility. The backup generator will cover electrical loads for the scale house, tipping floor, and administrative areas. Commissioner Campbell stated that scope of work had not included with the backup generator.

All change orders, including the back-up generator design presented today (\$26,221), brings an increase to the Guaranteed Maximum Price (GMP) of \$1,863,607 per contract with Burns and McDonnell subject to request of additional compensation if the GMP were equal to 3% or higher. The amount requested is \$55,908, bringing the total agreement amount to \$550,908.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved Amendment 1 to the Professional Consultant Firm Agreement with Burns & McDonnell Engineering for the Resource Recovery Facility Construction.

**REQUEST TO FILL VACANCY FOR FTE OFFICE ASSOCIATE IN SHERIFF’S OFFICE**

Sheriff Empting requesting hiring an FTE Office Associate to fill a vacancy. The Sheriff’s Office has established an eligibility list. The next candidate on the list was contacted and would be interested in accepting the position if approved. There will be a savings with a new hire.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved filling a vacancy for an FTE Office Associate in the Sheriff’s Office.

**REQUEST FOR APPROVAL OF ADDITIONAL ARPA FUNDS FOR POWER PLANT GENERATOR REPLACEMENT PROJECT**

Facilities Director Joe Olson requested approval of additional ARPA Funds for the Power Plant Generator Replacement Project. The original engineer’s estimate was \$275,000. The total for the final bid including the owner coordination items for this project is \$366,947.50. The request is for \$91,947.50 of additional ARPA funding to cover the remaining costs of the project. The ARPA Committee supports the request.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved an additional \$91,947.50 in ARPA Funds for the Power Plant Generator Replacement Project.

**REQUEST SUPPORT FOR RED RIVER COMMUNICATIONS USDA RECONNECT GRANT APPLICATION**

County Administrator Stephen Larson provided information and a draft letter of support for the Red River Communications USDA Reconnect Grant application. He noted that Clay County has several rural areas that do not have access to affordable high-speed broadband putting them at a disadvantage. A lack of sufficient bandwidth has limited the ability of students, residents, and businesses to many connections and programs. Commissioner Mongeau provided maps of the areas in the County that are underserved.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved a letter of support for the Red River Communications USDA ReConnect Grant application.

**REQUEST FOR APPROVAL TO HIRE AND FUND A RESTORATIVE JUSTICE COORDINATOR FOR UP TO 2 YEARS WITH ARPA FUNDING**

Victim/Witness Program Director Michelle Carney and Attorney Brian Melton requested consent to hire and fund a Restorative Justice Coordinator. This position would help address some of the issues and behaviors going on in schools. The ARPA Committee supported this request. The coordinator position would be available to all schools in Clay County, using the restorative approach with students as well as providing some training on the restorative system so its implementation can continue in the future. Attorney Melton provided information on the program a couple months ago. He noted the many issues with drugs and alcohol and increased violence. He is hoping this position with a two-year funding source will have an immediate positive impact. The position will have a workspace in the courthouse but will be out in the schools often and will work directly with the School Resource Officers. Commissioner Ebinger commented that this position would be a great component and an extra tool for a very critical problem. Commissioner Mongeau added that COVID has added to the problems and the upward tick in social deviant behaviors.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved hiring and funding a Restorative Justice Coordinator for up to two years with \$157,008 from ARPA funding.

**REQUEST FOR APPROVAL OF 2022 FURLOUGH POLICY**

HR Director Darren Brooke affirmed that the 2022 Furlough Program would be the same as the 2021 Furlough Program. In 2021 there were 32 employees who used 1,557.59 hours of furlough with a wage savings of \$41,939.70. The anticipated savings for 2022 are \$30,000 to \$40,000. The Personnel Issues Committee discussed changing the minimal hours that can be used, but no changes were made. It is a benefit for the County and employees. If less than 80 hours are recorded for a time period, the payroll software program would not issue benefits without the furlough option. It is often used with newer employees who have not accumulated vacation time and sick time.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the 2022 Furlough Policy.

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

- Commissioner Kahly reported on meetings for Adult Mental Health Local Advisory Committee; Historical and Cultural Society Board; Clay County Suicide and Substance Abuse Committee; Early Childhood Initiative; West Central Initiative; and Interviews for Diversity and Ethnic Coordinator position.
- Commissioner Campbell reported on meetings for Resource Recovery Facility construction; ARPA/CARES-2 Committee; FM Diversion Executive Board; and Regional Juvenile Detention Advisory Committee.
- Commissioner Ebinger reported on meetings for Greater FM Economic Development Corp; Clay County Suicide and Substance Abuse Committee; Regional Juvenile Detention Advisory Committee; Red River Valley Dispatch; Lake Agassiz Regional Library Board; Lake Agassiz Regional Library Finance Committee; and AMC Extension.
- Commissioner Mongeau reported on meetings for ARPA/CARES-2 Committee; MetroCOG Policy Board; AMC Extension; Resource Recovery Facility construction; interview with WDAY; and interviews for Diversity and Ethnic Coordinator. She extended gratitude to Barry Amundson at *The Forum* for all his years of reporting and his recent story on the Clay County Receiving Center (detox).
- County Administrator Larson attended meetings for Resource Recovery Facility MOU discussion; ARPA/CARES-2 Committee; Interviews for Diversity and Ethnic Coordinator; MN Counties Administrators; Juvenile Center Advisory Board; Moorhead Clay Co Joint Powers Authority prep; Resource Recovery Center update; West Central Regional Juvenile Center; Moorhead City Council; and participated in the FM Diversion Project press conference. He also met with Kathy McKay; Brandon Lunak from Moorhead High; County Auditor RE: ARPA Funds; Commissioner Mongeau; Sheriff Empting; Dan Mahli; Press Conference and Round Table Discussion; Peyton Mastera; Kirk Rosenberger; Rick Steen and Rob Wilson from Cass County; and worked on a presentation for Moorhead Business Association.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board changed the June 14, 2022, Board of Commissioners meeting from 8:30 a.m. to 5:30 p.m., to coincide with the Board of Appeal & Equalization meeting at 6:30 p.m.

The meeting was adjourned at 10:35 a.m.

---

Jenny Mongeau, Chair  
County Board of Commissioners

---

Stephen Larson, County Administrator