

**CLAY COUNTY BOARD OF COMMISSIONERS**

**8:30 A.M., TUESDAY, FEBRUARY 16, 2021**

Community Room, 3<sup>rd</sup> Floor, Courthouse

**MINUTES**

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

**CALL TO ORDER**

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

**APPROVAL OF AGENDA**

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda with an addition: Discussion on Paycheck Protection Program: Chair Campbell.

**IMPLEMENT AGREEMENT FOR WILD RICE WATERSHED COMPREHENSIVE WATERSHED MANAGEMENT PLAN**

By consent, the Board approved implementing the agreement for Wild Rice Watershed Comprehensive Watershed Management Plan.

**BACKFILL PERMANENT PART-TIME CUSTODIAL POSITION**

By consent, the Board approved backfilling a permanent part-time custodial position.

**CITIZENS TO BE HEARD**

During this pandemic, citizens continue to have the opportunity to share feedback at Board meetings via website link. There were no citizens requesting to be heard.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved payment of bills and vouchers totaling \$2,471,480 from 191 vendors. From that total, 85 warrants issued were under \$2,000 (\$40,624) and the following 106 were over \$2,000:

|                             |           |                          |          |
|-----------------------------|-----------|--------------------------|----------|
| Lakes Country Service Co-op | \$294,780 | Sunset Lanes             | \$40,230 |
| Clay Co Public Health       | \$188,052 | Clay Co Social Services  | \$38,345 |
| Otter Tail Co Public Health | \$134,662 | Trinity Services Group   | \$38,274 |
| Construction Engineers      | \$103,303 | Lakeland Mental Health   | \$38,229 |
| Becker County Public Health | \$91,914  | MEnD Correctional Care   | \$35,224 |
| Boulder Tap House           | \$40,440  | Network Center Comm.     | \$34,486 |
| Brewtus' Brickhouse         | \$40,440  | Wilkin Co Public Health  | \$30,081 |
| Speak Easy                  | \$40,440  | JC Chumley's             | \$28,325 |
| Fryn' Pan of Moorhead       | \$40,358  | Last Call LLC            | \$28,325 |
| Pizza Ranch of Dilworth     | \$40,358  | Mick's Office            | \$28,325 |
| Red Hen Taphouse            | \$40,325  | Moorhead American Legion | \$28,325 |
| Rustica Eatery & Tavern     | \$40,325  | Moorhead Billiards       | \$28,325 |

|                                |          |                                |          |
|--------------------------------|----------|--------------------------------|----------|
| Morty's Bar & Grill            | \$28,325 | Rustic Oaks                    | \$11,130 |
| V.F.W. Post 1223               | \$28,325 | Felton Bar                     | \$10,325 |
| Vic's Bar & Grill              | \$28,325 | Hi-Ho Tavern                   | \$10,325 |
| Altony's                       | \$28,273 | Reasons                        | \$10,243 |
| Shih Restaurant Group          | \$28,243 | Gilbertson Rentals             | \$10,000 |
| JL Beers                       | \$28,230 | The Edge Fitness Center        | \$10,000 |
| Silver Spike                   | \$25,440 | Verizon                        | \$9,173  |
| El Torero Mexican Restaurant   | \$25,368 | Comstock City                  | \$8,717  |
| Swing Barrel Brewing Co.       | \$25,000 | Medical Pharmacy (SH)          | \$8,102  |
| Barnesville Restaurants        | \$24,070 | Medical Pharmacy (PH)          | \$7,425  |
| River Haven                    | \$22,825 | Toshiba Bus Solutions          | \$6,619  |
| Grand Junction Subs            | \$22,743 | Lakes Country Service Co-op    | \$5,753  |
| Nature of the North            | \$22,500 | SeaChange Print Innovations    | \$4,718  |
| City of Fargo                  | \$21,909 | Code 4 Services                | \$3,954  |
| Nurse-Family Partnership       | \$19,434 | Marco Technologies             | \$3,911  |
| FM Metro Council of Gov'ts     | \$18,224 | Petro Serve USA                | \$3,794  |
| Crowbar & Grill                | \$15,325 | Stellar Services               | \$3,578  |
| The Hill Bar & Grill           | \$15,325 | Purple Goose Restaurant        | \$3,575  |
| Riverside Inn                  | \$15,280 | The Spice Grill                | \$3,523  |
| Evergreen Garden               | \$15,243 | Jay's Smokin' BBQ              | \$3,493  |
| Whistle Stop Cafe              | \$15,243 | Subway of Hawley & Barnesville | \$3,493  |
| Harold's on Main               | \$15,200 | Azool Nutrition                | \$3,398  |
| Ratzo's Pool Hall              | \$15,200 | Express Lane - Hawley          | \$3,331  |
| TAK Music Venue                | \$15,178 | EHP Performance                | \$3,250  |
| Brook Bean Coffee House        | \$15,148 | Marquart Taekwondo             | \$3,250  |
| Games to Go                    | \$15,000 | Max Training                   | \$3,250  |
| Mainline Bar & Grill           | \$14,025 | Mick's Scuba                   | \$3,250  |
| Everest Tikka House            | \$12,860 | Moorhead Massage & Wellness    | \$3,250  |
| Thai Orchid                    | \$12,773 | Newroz Kebab                   | \$3,250  |
| Desings Eagle Cafe             | \$12,743 | Rise Training and Fitness      | \$3,250  |
| Sol Ave Kitchen                | \$12,743 | USA Spirit Tae Kwon Do         | \$3,250  |
| American Legion Barnesville    | \$12,730 | Association of Mn Counties     | \$2,952  |
| Mills Lounge Inc.              | \$12,730 | Holiday Credit Office          | \$2,881  |
| SpotLite Bar & Grill           | \$12,730 | Moore Engineering              | \$2,623  |
| Georgetown Bar                 | \$12,700 | Fill Thy Cup                   | \$2,500  |
| Unwined                        | \$12,700 | Twenty Below Coffee Co.        | \$2,500  |
| Angie's Diner                  | \$12,648 | Anjaam Holdings                | \$2,463  |
| Hawley Lanes LLC               | \$12,648 | Barnesville VFW Post #4628     | \$2,350  |
| Fargo's Ultimate Nightlife Bus | \$12,500 | Bob Barker                     | \$2,222  |
| Third Drop Coffee              | \$12,500 | FM Truck Sales                 | \$2,125  |
| Highland Hideaway              | \$11,273 | Mn IT Services                 | \$2,100  |

#### **APPROVAL OF MINUTES FROM FEBRUARY 2, 2021**

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from February 2, 2021.

#### **COVID-19 UPDATE**

Commissioner Campbell extended his appreciation to the entire Public Health team for all their extra work with COVID-19.

Public Health Director Kathy McKay provided handouts that included the current COVID-19 data. Most notable in the report is the decline in the number of active cases. Clay County has 6,740 cumulative cases; 84 total deaths; 46 active cases; 281 cumulative hospitalizations; 76 cumulative ICU admissions; and a 14-day case rate per 10,000 of 21.34%. The 14-day case rate has declined significantly from when it was over 100. The age ranges for cases are nearly the same. Throughout Minnesota, there are 474,169 cumulative cases; 6378 cumulative deaths; and 7,251 active cases.

The US COVID-19 cases caused by variants were shared: B.1.1.7 from United Kingdom has 1,173 cases reported in 40 states; B.1.351 from South Africa has 17 cases reported in 8 states; and P.1 from Brazil has 3 cases reported in 2 states.

Jamie Hennen, Nursing Director, stated as of February 13<sup>th</sup>, 10.5% of Clay County residents had received one vaccine dose and 4% had completed the series. Throughout the State, 12.1% residents had received one dose and 4.3% had completed the series. Clay County received 600 doses last week and expect to get 900 of the second dose this week. They estimate there are 1,000 left to finish the E-12 group. They are looking at 1,200 doses for next week. Commissioner Kahly heard that the process has been very smooth for the childcare workers. The Pharmacy Retail Program has advertised that residents can go online and register to be vaccinated. Sanford and Essentia have sign-ups for vaccines also. They continue to push to get local pharmacy information.

#### **UPDATE ON CLAY COUNTY BUSINESS RELIEF PROGRAM**

County Administrator Stephen Larson stated the final applications are being processed for payments this week for 78 businesses for the Business Relief Program. The businesses that have Food, Beverage, & Lodging licenses will also receive their checks equivalent to six months of their annual fees.

#### **ADDITION – PAYCHECK PROTECTION PROGRAM**

Commissioner Campbell stated that early on in this process there was a Federal Paycheck Protection Plan established for loan proceeds and qualifying costs. He asked the Board to support the adoption of that program in Minnesota. Under federal tax law, the forgivable loans would not be included in taxable income. North Dakota has already adopted the federal program and as a border community we want businesses in our County to have a level playing field.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the request for the County Administrator to draft a letter of support of the Federal Paycheck Protection Program from this Board to our State and U.S. legislatures and MN Governor.

#### **REQUEST FOR APPROVAL OF CONSTRUCTION ENGINEERS' CHANGE ORDER #31 - JUVENILE CENTER PROJECT**

Stephen Larson requested approval of Construction Engineers' Change Order #31 related specifically to the Juvenile Center Construction Project. A number of items were included in the change order: a slope correction in the shower area, two credits related to the hydronic system, and the addition of grab bars in the non-secure program. The Change Order increases the Guaranteed Maximum Price (GMP) by \$3,282.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Construction Engineers' Change Order #31 with an increase of \$3,282 in the GMP

**REQUEST FOR APPROVAL OF CONSTRUCTION ENGINEERS' CHANGE ORDER #32 - CORRECTIONAL FACILITY PROJECT**

Mr. Larson noted that Change Order #32 is related to the Correctional Facility Construction Project. There were additional items added after the inspector came through. The items total \$25,744 and include water mitigation in the tunnel, addition of sound panels in the visitation center, and replacement of some existing cast iron check valves due to water corrosion. There may be one more change order for a water softener for the Correctional Facility corrosion issue. Further information was requested on the corrosion issue.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved Change Order #32 with an increase of \$25,744 in the GMP.

**PUBLIC HEARING: REQUEST FOR FINAL APPROVAL OF NUGGET INVESTMENTS' PLATTED SUBDIVISION IN HAWLEY TOWNSHIP**

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board opened the public hearing.

Planning Director Matt Jacobson stated that Raymond Redding and Chris Heyer are joining online. He has not received any comments from the public. The Planning Commission heard the request for the 5-lot platted subdivision in Hawley Township on January 26. Their recommendation was for the Board to provide final approval. The plat, named Maria Lake Estates is on the east side of Lake Maria, NW of the City of Hawley, and south of Highway 10. An ariel view of the lots was provided. The lots are between five and eight acres in size along the lakeshore. There are shared accesses off a township road as requested by the township. Lake Maria is a Natural Environment Lake and is impaired for aquatic recreation. The Planning Commission added a couple conditions and minor changes to the plat. The restricted covenants are pretty comprehensive.

Mr. Redding stated he is working with the Soil and Water Conservation District and has the wetland delineated.

The Board reviewed the conditions and adjusted condition #5 to read "Receive approval from Clay SWCD to avoid and mitigate impacts to wetlands."

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board closed the public hearing.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the Maria Lake Estates plat with the seven conditions the Planning Commission placed on the plat, with rewording of condition #5.

**ANNUAL UPDATE FROM PLANNING AND ZONING**

Matt Jacobson presented the annual update for the Planning and Zoning Department. He read their mission statement and noted the department administers the Comprehensive Plan and Development Code. They

staff the Board of Adjustment and Planning Commission. Statistics were provided for the past five years. In 2020, the department issued 161 building permits and 35 new housing permits with projects totaling \$18 million. Condition Use and Interim Use Permits were down last year. New housing permits were up. The gravel tax revenue totaled \$618,413 for 2020. The gravel tax distribution formula was last reviewed in 1985. The County receives 42.5%, Townships 42.5%, and Reserve Fund 15%. The formula will be reviewed at an upcoming Highway Tracking meeting. Planning & Zoning projects for 2021 include: Comprehensive and Transportation Plan Update; Buffalo River Flood Insurance Study; and gravel pit inspections. There are 86 active gravel pits in Clay County. The first public input meeting for the Comprehensive and Transportation Plan Update will be scheduled in March.

#### **ANNUAL UPDATE FROM RECORDER:**

Kimberly Savageau provided the Recorder's Office annual update. She included the department's responsibilities, highlights, and looking ahead. The office is the custodian of all legal records pertaining to real estate, birth, death, marriage, marriage credentials, notary public registration, and State/Federal tax liens. Scanning projects were approved with CARES funding in 2020 and will lead to 100 years of real estate records being available online. The department is preparing for their move to the Government Center next month. The new location will lend to many advantages and more privacy for customers. In 2020 the staff recorded 13,667 real estate documents and saw an increase in electronical submissions. The average recordings in a year are 10,000 to 11,000. Marriage credentials were up, and marriage licenses were down. Commissioner Mongeau added that the CARES funds for the Recorder's Office were used to help reduce face-to-face contact and allow more access on the web than ever before.

#### **ANNUAL UPDATE FROM HUMAN RESOURCES**

HR Director Darren Brooke presented handouts with the HR functions, current employment data, employee stats, and the groups that make up nine unions. HR serves on committees for Safety, Wellness, Personal Issues, and Insurance. Currently, there are 608 Clay County employees with 439 of them having full-time status. In 2020, the County had 64 worker's comp cases and 235 sick leaves processed due to COVID-19. There were also 113 citizen concern forms submitted, mainly handled by department heads. There was an increase of 14 to 15 on the family plan in 2020 with after the County contribution increased. That makes for a better balance and it stabilizes the County's increases. HR is will be moving into the new Government Center shortly. They will be getting a new payroll system and an online open enrollment system this year.

#### **UPDATE ON NORTH BROADWAY BRIDGE CONDITION**

County Engineer David Overbo provided an update on the current condition of the North Broadway Bridge. Jamison Beisswenger from SRF also joined the meeting. In 2018, Clay County and the City of Fargo contracted with SRF to inspect and monitor the slope stability of the bridge, specifically targeting the movement of the pier on the MN side. The work was done over the past two years and the final report was submitted early this year. The MN pier has been moving and options are needed regarding rehabbing it or replacing it. Clay County submitted survey data that shows additional movement. On February 10th, a phone conference was held with the stakeholders on both sides of the river and SRF to evaluate the survey data from February 3<sup>rd</sup>. Due to a change in the rate of movement they decided the bridge needs be closed until further investigative work can be done. Mr. Beisswenger noted that the soils in the river are weak. When the river level is low the movement tends to occur. The tilt on the pier is right on the edge for closure. Clay County, City of Fargo and both ND and MN Departments of Transportation made the decision to close it. The County will continue to monitor it daily as options and public input are received.

Commissioner Campbell stated that public safety is first priority. More research is needed before a decision is made on the bridge. It is a threat to the river if it were to fall in. The local jurisdiction on the MN side has changed from County to City of Moorhead since the bridge was built, but the road did not change. Pictures of the pier beams show that the bottom is sliding out. Barriers are in place at this time to keep anyone from accessing the bridge. More data and input will be provided to the Board at a later date.

#### **INTRODUCTION TO COUNTY-WIDE CAPITAL IMPROVEMENT PLAN / REQUEST TO HIRE ENGINEER TO PERFORM STUDY**

Facilities Director Joe Olson introduced a County-Wide Facilities Capital Improvement Plan along with a request to hire an engineer to perform the study. A format was created for phases of projects and priority numbers were assigned. The plan is an overall look of the County as a whole. An engineer is needed to perform a study on the larger scale HVAC projects. The cost of the study is \$12,500. More discussion is needed for future plans for Detox. After several County departments move to the new Government Center there will be fit-up projects in the courthouse as changes occur and another department moves into the area of Court Administration.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved hiring Obernel Engineering to perform a study costing \$12,500 on the Capital Improvement Plan.

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

*Many of the following committee reports are from virtual meetings.*

- Commissioner Kahly attended meetings for Moorhead Business Association and Early Childhood Initiative.
- Commissioner Gross attended meetings for Highway Tracking; Wild Rice Watershed District; Beyond the Yellow Ribbon; and Land Committee with City of Moorhead.
- Commissioner Mongeau attended Extension Committee Interviews and meetings for Wild Rice Watershed District; SWCD; and prepared a presentation for AMC.
- Commissioner Ebinger attended an FM Diversion Finance Committee meeting and was in touch with Carly Stark, AMC Public Safety Policy Committee, regarding the loss of medical assistance while someone is incarcerated.
- Commissioner Campbell attended meetings for Lakes Country Service Co-op; Highway Tracking; Building Committee; and FM Diversion.
- Administrator Larson attended meetings with HR Director; Dan Mahli; Highway Tracking; County Management; Red River Regional Dispatch Center; and Building Committee. He noted that the RFQs for the Resource Recovery Facility will be reviewed and a recommendation on interviews will come to the Board next week.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved assigning Commissioner Kahly to Lakes and Prairies Community Action Partnership, subject to the partnership's approval as well.

The meeting was adjourned at 11:22 a.m.

---

Kevin Campbell, Chair  
County Board of Commissioners

---

Stephen Larson, County Administrator