

**CLAY COUNTY BOARD OF COMMISSIONERS**  
**8:30 A.M., TUESDAY, FEBRUARY 22, 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, Kevin Campbell, Frank Gross, and David Ebinger. Commissioners absent: Jenny Mongeau. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, and Sr. Administrative Asst. Colleen Eck

**CALL TO ORDER**

Vice-Chair Gross called the meeting to order at 8:30 a.m.

**APPROVAL OF AGENDA**

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda.

**APPLICATION FOR EXEMPT GAMBLING PERMIT AT MAINLINE BAR AND GRILL**

By consent, the Board approved the Exempt Gambling Permit at Mainline Bar and Grill for April 9, 2022.

**CITIZENS TO BE HEARD**

There were no citizens who wished to be heard.

**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 \$1,418,576 from 112 vendors. From that total, 69 warrants issued were under \$2,000 (\$28,520) and the following 43 were over \$2,000:

City Of Moorhead	\$384,268	Kris Engineering, Inc.	\$11,287
Otter Tail Co Public Health	\$198,040	Anjaam Holdings, LLC	\$ 9,698
Clay Co Public Health	\$152,232	Johnson Controls Fire Protection LP	\$ 9,161
Mn Dept Of Rev - Deed Tax	\$ 99,788	Delta Dental	\$ 9,019
Mn Dept Of Rev - Mortgage Reg	\$ 84,106	Treasurer of Glyndon City	\$ 7,607
Lakes & Prairies Community Action	\$ 50,000	Lakes Country Service Co-op	\$ 6,342
Xcel Energy	\$ 47,421	FirstLink	\$ 5,000
Becker Co Public Health	\$ 43,439	McKesson Medical Surgical	\$ 4,606
Moorhead Public Service	\$ 41,024	Treasurer of Ulen City	\$ 4,523
Nelson Auto Center	\$ 34,152	Paolucci/John	\$ 4,388
Treasurer of Dilworth City	\$ 34,048	T & T Tile, LLC	\$ 4,000
Wilkin Co Public Health	\$ 19,857	Dakota Plains Mechanical, Inc.	\$ 3,898
Cardmember Service	\$ 18,503	Stellar Services, LLC	\$ 3,781
Trinity Services Group, Inc.	\$ 14,288	Treasurer of Sabin City	\$ 3,455
Lutheran Social Service of Mn	\$ 13,883	Aakre/Angela	\$ 3,243
Ulteig Engineers, Inc.	\$ 13,868	Johnson's Auto Repair LLC	\$ 3,060
Treasurer of Hawley City	\$ 13,224	Sanford Health	\$ 2,815
Treasurer of Barnesville City	\$ 12,833	Braun Intertec Corp	\$ 2,778

DGF Schools	\$ 2,685	Twin City Garage Door, Inc.	\$ 2,175
DVS Renewal	\$ 2,681	Further	\$ 2,072
Kurita America, Inc.	\$ 2,508	Benson Psychological Services, PC	\$ 2,050
The Groundsman, Inc.	\$ 2,251		

**APPROVAL OF MINUTES FROM FEBRUARY 8, 2022**

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from February 8, 2022.

**COVID-19 UPDATE**

Kathy McKay, Director of Clay County Public Health (CCPH) stated the preliminary weekly count for new cases in Clay County showed a decline from 251 to 134, and in Mn from 14,679 to 3,775. Cass County and ND counts have also dropped. Reinfection counts are up slightly in Clay County at 894, MN at 57,309, and ND at 12,670. Weekly cases have continued to decline since mid-January. Total cumulative cases in Clay County are at 19,356 and total deaths at 119. The highest numbers are among the 20- to 24-year-olds. Transmission in a couple counties have been lowered from high to moderate. New COVID-related hospitalizations are also down locally. CCPH has administered 19,256 vaccine doses. The Moorhead vault site has administered a total of 104,424 COVID tests. Their latest positivity rate is down from 27.45% a month ago to 14.5%.

**INTRODUCTION OF SARAH DIXON-HACKEY, DIVERSITY EQUITY INCLUSION LIAISON**

Ms. McKay introduced Sarah Dixon-Hackey as the Diversity Equity Inclusion Liaison in Public Health. She shared her extensive education and work experience.

**REQUEST FOR OUT-OF-STATE TRAVEL IN JUNE**

Ms. McKay requested that one of her staff be allowed out-of-state travel to attend the Positive Community Norms (PCN) Summer Institute to Montana in June 2022. The costs are all covered by a PCN grant.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved out-of-state travel for Public Health.

**ANNUAL UPDATE FROM EXTENSION**

Mindy Grant and Macy Miller, 4-H Extension Educators, provided some slides from 4-H Clubs and 4-H Project Groups from the past year. They had a few Clay County members who won top places at state and national shows last year. The goals for this year include balancing enrollment geographically, increasing teen enrollment, and bringing more urban kids to 4-H. The new 4-H STEM Coordinator is Isabetta Herrera. Regional Director Cecilia Amadou sated that besides 4-H, Extension has an Ag/Horticulture Educator and Master Gardener Program. They thrive to make the community more welcoming and vibrant. They recently participated in an opioid addiction program. Samantha Lahman, Regional Educator, introduced herself, noting she is a supervisor and also works with the Animal Science Program.

**REQUEST TO FILL VACANCY FOR EXTENSION SUPPORT STAFF**

Ms. Amadou commented that the support staff position is on hold until she can meet with the County Administrator and HR Director.

**ANNUAL UPDATE FROM CLAY SOIL AND WATER CONSERVATION DISTRICT**

District Manager Kevin Kassenborg provided an annual report from the Clay Soil and Water Conservation District (SWCD). They are in their 77<sup>th</sup> year and maintain five full-time staff. Their tree program is well known with 25 varieties of trees and shrubs available. They also provide site preparation, planting, and weed maintenance services. Last year they planted over 9,300 trees. The No-Till Drill Rental Program was utilized by 29 landowners in planting over 1,400 acres in 2021. The Conservation Reserve Enhancement Program is a voluntary land retirement program and is a good option for less productive or hard to farm acreage. The State Wetland Conservation Act was enacted in 1991 to achieve a “not net loss” of existing wetlands. There is a wetland bank for road impacts. The County Feedlot Officer, Craig Halverson, has 89 registered feedlots and provides compliance checks for odor, permitting, and spreading manure. They offer Ag Best Management Practices low interest loans for septic system upgrades and ag waste systems. The County Ag Inspector program deals with the noxious weeds; Canadian thistle, leafy spurge, and poisonous hemlock. They are at 99% compliance for the 2015 Buffer Law for public water and county ditches. The Urban Conservation Program has really taken off with rain barrels and compost barrels. The district helped develop the Crestwood Pollinator Habitat. Clay County has 1,600 acres and eight landowners enrolled in the MN Walk-In Access Program. The Aquatic Invasive Species Program provides funds for education primarily for public accesses. The newest program is One Watershed One Plan which focuses on erosion for the Buffalo Red River Watershed District and Wild Rice Watershed District.

#### **ANNUAL UPDATE FROM VETERANS SERVICE OFFICE**

Veterans Service Officer Curt Cannon addressed the Board with a brief update from his department. His office staff counsel and advise veterans and their families for benefits. They collaborate with other agencies. He and Jennifer Conklin are the two nationally accredited Veterans Service reps in the office. They both attend training for 12 Continuing Educational Unit Credits annually. The training was done online last year, and this year will go for training in San Antonio in June. They act as liaisons between veterans and services at the Fargo VA Health Care System. The DD214 (discharge paper) is the most important document that a veteran has. The DD214 are all archived and are needed to start the process for any benefit: pension, education/training, home loan guaranty, life insurance, burial and memorial benefits, health care, and disability compensation. Compensation is for veterans and surviving families. Service-connected injuries can be incurred, aggravated, be secondary or presumptive. There are currently 3,438 identified veterans in Clay County and zero homeless veterans. Senate File 2879 was resubmitted this year for veterans’ vehicle taxes. Local veterans outreach events are expected to be in full swing this year.

#### **REQUEST TO MOVE FORWARD WITH LIGHT FIXTURE REPLACEMENT PROJECT FOR HIGHWAY JOINT FACILITY**

Facilities Director Joe Olson and County Engineer David Overbo requested moving forward with the light fixture replacement project for the Highway Joint Facility. This project is part of the Capital Improvement Plan. Two quotes were received after walk throughs with two contractors. The County is taking the lead for the project and cost will be split between Clay County, City of Moorhead, and MnDOT.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved moving forward with Rick Electric, with the County’s cost of \$28,755, for the light fixture replacement project for Highway Joint Facility.

#### **REQUEST TO APPROVE DETOX LABOR CONTRACT FOR 2022**

Darren Brooke, Human Resources Director, asked for the Board to consider approval of the one-year Detox Labor Contract for 2022 with one slight increase in overtime pay. The item was discussed in a closed session at the last Board meeting.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved the Detox Labor Contract for 2022.

**REQUEST TO APPROVE RESOLUTION 2022-08 FOR EQUIPMENT GRANT APPLICATION FOR GROOMING MACHINE**

Clay County Trailblazers Coordinator Greg Strommen was not available this morning. County Administrator Larson stepped in and noted that the County Board has supported the Trailblazers Snowmobile Club on an annual basis for many years. This year the club is applying for an equipment grant for a trail grooming machine. A government agency is required to act on their behalf. Two years ago, they also applied for an equipment grant but did not receive funding.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger , and unanimously carried, the Board approved Resolution 2022-08:

**RESOLUTION 2022-08**

**WHEREAS, the Clay County Board of Commissioners supports the grant application made to the Minnesota Department of Natural Resources for the Federal Recreational Trail Program. The application is to purchase snowmobile grooming equipment for the trail system. It is also recognized that the Clay County Trailblazer Snowmobile Club will be the recipient of the grant. The trail system consists of 183 miles serving all the communities of Clay County, and**

**WHEREAS, the Clay County Board of Commissioners recognizes that Clay County Trailblazers Snowmobile Club will be the sole responsible party to secure funds for the remainder of purchase to satisfy this grant.**

**NOW, THEREFORE, BE IT RESOLVED, if Clay County is awarded a grant by the Minnesota Department of Natural Resources, the Clay County Board of Commissioners agrees to accept the grant award and may enter into an agreement with the State of Minnesota for the above referenced project. Clay County will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and**

**BE IT FURTHER RESOLVED that the applicant has read the Conflict-of-Interest Policy contained in the Trail Program Grant Manual and certifies it will report any actual, potential, perceived, or organizational conflicts of interest upon discovery to the state related to the application or grant award.**

**BE IT FURTHER RESOLVED, the Clay County Board of Commissioners names the fiscal agent for Clay County for this project as:**

**Stephen Larson, County Administrator  
Clay County  
3510 12 Ave S  
Moorhead, MN 56560**

**BE IT FURTHER RESOLVED, the Clay County Board of Commissioners hereby assures the grooming equipment acquired through this grant will be maintained for no less than twenty (20) years as required by the Federal Recreational Trail Grant Program or until such time as appropriate disposition actions are approved by the Minnesota Department of Natural Resources.**

**REQUEST FOR APPROVAL OF RESOLUTION 2022-09 FOR SMALL CITY STREET ALLOTMENT**

County Engineer David Overbo and Assistant Engineer Justin Sorum provided a list of cities to be reimbursed for money spent on city streets for 2021 with a total of \$78,138.14. This is an intergovernmental payment.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved Resolution 2022-09:

**RESOLUTION 2022-09**

IT IS HEREBY RESOLVED, by the Clay County Board of Commissioners that the Clay County Auditor-Treasurer shall reimburse the municipality of the City of Moorhead, a city of the second class in the State of Minnesota, for all monies expended by that government body for the establishing, locating, constructing, improving, and maintaining of any County Highway or County State Aid Highway including those within the corporate limits of the City of Moorhead, Clay County, Minnesota. However, the monies expended directly by Clay County for the establishing, location, construction or improvement or maintenance of any County Highway or County State Aid Highway within the corporate limits of the City of Moorhead during the year 2021 shall be deducted prior to the reimbursement of any monies to the City of Moorhead as set forth above.

FURTHER, IT IS HEREBY RESOLVED that the City of Moorhead shall certify to the County Highway Engineer the location and the purpose for which said monies were expended and that the said monies were expended during the 2021 annual year. Monies shall not exceed \$383,222.46 and unexpended monies shall be encumbered.

FURTHER, IT IS HEREBY RESOLVED, that the following Cities be reimbursed for money spent on City Streets for 2021 in the following amount:

City of Barnesville	\$12,832.57
City of Comstock	544.38
City of Dilworth	34,047.57
City of Felton	748.86
City of Georgetown	415.52
City of Glyndon	7,607.38
City of Hawley	13,224.01
City of Hitterdal	740.09
City of Sabin	3,455.19
City of Ulen	4,522.57
<b>TOTAL</b>	<b>\$78,138.14</b>

**REQUEST FOR APPROVAL TO FILL VACANCY FOR SIGN FOREMAN POSITION**

Due to an upcoming retirement on May 30, there will be a vacancy for a sign foreman at the Highway Department. The retiree will also have medical leave effective March 30. Mr. Overbo would like to advertise the position internally for five days, fill the spot by April 4, and may need to backfill the position.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved filling a vacancy for a sign foreman position with backfill if needed.

**REQUEST FOR APPROVAL OF CONTRACT AMENDMENT FOR NORTH BROADWAY BRIDGE**

Mr. Sorum noted that he has been working with the City of Fargo on the North Broadway bridge. The request today is for approval of a contract amendment to design the plan, not to exceed \$36,284 and split between Clay County and the City of Fargo. Reimbursement will come from the Mn Bridge Bond funds.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the contract amendment to include design costs of \$36,284 for the North Broadway Bridge, with Clay County responsible for 50% of the total.

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

- Commissioner Kahly reported on meetings for Adult Mental Health Local Advisory Council; Historical and Cultural Society; Clay County Substance Abuse and Suicide Prevention Committee; and MetroCOG Policy Board.
- Commissioner Campbell reported on meetings for FM Diversion Executive Committee; Solid Waste Hauling Discussion; RRV Dispatch Committee; Resource Recovery Facility Construction Update; and attended a retirement at the Law Enforcement Center.
- Commissioner Ebinger reported on meetings for Clay County Substance Abuse and Suicide Prevention Committee; RRV Dispatch Committee; and Lake Agassiz Regional Library Board.
- Commissioner Gross reported on a meeting with Dept. of Health Commissioner Jan Malcolm.
- County Administrator Larson attended meetings for County Management; RRV Dispatch Committee; Work Group preparation. He also met conducted multiple annual evaluations and met with the Sheriff and Juvenile Center Superintendent, and HR Director and County Attorney.
- Attorney Melton updated the Board on the Use of Force Statute and a lawsuit that moved forward.

The meeting was adjourned at 11:00 a.m.

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Frank Gross, Vice-Chair  
County Board of Commissioners

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Stephen Larson, County Administrator