

**CLAY COUNTY BOARD OF COMMISSIONERS**

**8:30 A.M., TUESDAY, MARCH 1, 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, Frank Gross, Jenny Mongeau, Kevin Campbell, and David Ebinger. 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.

**CITIZENS TO BE HEARD**

There were no citizens who wished to be heard.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$1,599,622 from 143 vendors. From that total, 75 warrants issued were under \$2,000 (\$25,168) and the following 68 were over \$2,000:

BCBS of Minnesota	\$296,729	Riverton Twp	\$27,475
Eglon Twp	\$ 45,682	Felton Twp	\$27,471
Otter Tail Public Health	\$ 45,291	Skree Twp	\$26,931
T & T Tile, LLC	\$ 41,370	Goose Prairie Twp	\$26,841
Elkton Twp	\$ 38,578	Alliance Twp	\$25,754
Lakeland Mental Health	\$ 38,229	Barnesville Twp	\$25,171
Hawley Twp	\$ 35,727	Moland Twp	\$24,721
Morken Twp	\$ 35,108	Flowing Twp	\$23,430
Parke Twp	\$ 35,022	M-R Sign Co, Inc.	\$23,004
Cromwell Twp	\$ 34,861	Keene Twp	\$22,795
Oakport Twp	\$ 33,791	Becker Co Public Health	\$22,078
Highland Grove Twp	\$ 33,471	High Point Networks, LLC	\$21,814
Kurtz Twp	\$ 33,147	Holy Cross Twp	\$21,734
Kragnes Twp	\$ 31,800	Hagen Twp	\$21,198
Viding Twp	\$ 30,902	Glyndon Twp	\$21,078
Elmwood Twp	\$ 30,677	Clay Co Public Health	\$18,012
Georgetown Twp	\$ 30,484	Clay Co Trailblazers Club	\$17,470
Spring Prairie Twp	\$ 29,825	Moorhead Twp	\$16,617
Tansem Twp	\$ 29,605	Polk-Norman-Mahnomen	\$16,445
Humboldt Twp	\$ 28,263	Historical & Cultural Society	\$16,148
Ulen Twp	\$ 28,225	Trinity Services Group, Inc.	\$13,949

Streamworks	\$ 12,075	Cass County Finance	\$3,567
Consensus Council	\$ 9,423	Nancy Hein-Kolo, PsyD, LP	\$3,500
The Hawley Herald, Inc.	\$ 8,237	Little Falls Machine, Inc.	\$3,484
Psychlogics	\$ 7,650	Xcel Energy	\$3,444
Dept. of Corrections	\$ 7,595	Ramsey Co Med Examiner	\$3,308
Houston Engineering, Inc.	\$ 6,226	Colonial Life	\$3,135
Rick Electric, Inc.	\$ 6,190	Scheidecker/Hannah	\$3,000
Schmidt/Shawn	\$ 6,000	Innovative Office Solutions	\$2,947
Toay/Brian P	\$ 6,000	Johnson's Auto Repair LLC	\$2,906
Wilkin Co Public Health	\$ 5,903	Titan Machinery	\$2,820
Streicher's	\$ 5,400	Madison National Life	\$2,753
Ehlers	\$ 3,750	Sanford Health	\$2,517
C & S Lund Trucking	\$ 3,600	NetCenter Technologies	\$2,107

### **APPROVAL OF MINUTES FROM FEBRUARY 15, 2022**

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from February 15, 2022.

### **COVID-19 UPDATE**

Kathy McKay, Director of Clay County Public Health (CCPH) was present along with Jamie Hennen and Becky Schmidt for the weekly COVID-19 update. They reported a significant drop in the weekly cases in Clay County and throughout MN and ND. Clay County had just 57 new cases reported last week (preliminary). The cumulative totals in Clay County are at 19,485 cases; 953 reinfections; and 120 deaths. The Omicron variant was reported to be much more contagious, but the majority of people had milder systems. At this time there are plenty of hospital beds available locally. Vaccine breakthrough cases throughout MN are at 10.282%. Breakthrough hospitalizations remain very low at 0.275% and breakthrough deaths at 0.050%. Statewide, 70% of those five and over have now completed the vaccine series. CCPH has provided 19,271 vaccines to date with 19 last week which were mainly boosters. The next CCPH vaccine clinic is scheduled for tomorrow from 8:30 to 5:00. They still encourage testing for anyone experiencing COVID symptoms to prevent the spread of the virus. Ms. McKay noted that the COVID numbers at area schools are also down considerably.

Commissioner Campbell suggested that Public Health take a break from coming to the weekly Board meetings for now. Commissioner Kahly asked that Ms. McKay update the Board when vaccines become available for those under five years old.

### **MN OFFICE OF STATE AUDITOR REPORT FOR 2020**

Tammy Swanson and Karen Stacken from the State Auditor's Office were present with the 2020 audit results. Ms. Stacken noted that Clay County has an unmodified opinion on the financial statement and the federal work programs, which is the preferred. There were no material weaknesses identified. There was just one deficiency in internal control over financial reporting identified: Inadequate segregation of duties due to the limited number of staff in small departments. This deficiency is not unusual in this size operation. Their recommendation was to continue having oversight with those departments. Three previous items that had been identified were all resolved. Due to the 2019 audit, there was a material weakness related to the Medical Assistance program which also resolved. A material weakness is removed after two years. There were no findings related to the federal reward programs. There is a recommendation to have a minimum fund balance between 35 and 50 percent of

the operating revenues or around five months of operation expenditures. Clay County is currently at 2.9 months of operation expenditures. If there is funding from other sources, the amount may not need to be that high. The County's fund balance policy is set at 16 percent of total fund expenditures and that percentage was met in 2020. Commissioner Mongeau noted that two of the Commissioners are on the Audit Committee. Ms. Swanson commended the Clay County staff for being very responsive with their inquiries for the audit.

**PUBLIC HEARING: CONDEMNATION ACTION TO DETERMINE DAMAGES ALONG US HWY 10, GLYNDON**

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved opening the public hearing.

County Attorney Brian Melton and Assistant County Engineer Justin Sorum updated the Board of need for this condemnation action. The road project along Highway 10 in Glyndon is a necessary public project and the action involves an unowned 8.5-foot gap of property. The gap is due to where surveyor marking pins were placed many, many years ago. The gap is between City of Glyndon property and the roadway. This public hearing was advertised as part of the condemnation process. No payment will exchange hands for this action. The next step will be publishing the project.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved closing the public hearing.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved completing the process for the condemnation action along Highway 10 in Glyndon.

**FILL TWO ASSISTANT COUNTY ATTORNEY POSITIONS**

Attorney Melton stated he has received resignations from two Assistant County Attorneys who are relocating. The request to fill these budgeted positions have gone before the Personnel Issues Committee.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved filling two Assistant County Attorney positions with backfill if necessary.

**FILL CHIEF ASSISTANT COUNTY ATTORNEY – CIVIL POSITION**

Attorney Melton shared with the Board that the Chief Assistant for Civil resigned a while back. Pam Foss is the Chief Assistant in Criminal and has handled a lot of it since that resignation. It has worked well for the most part but with the size of the department and number of administrative tasks there is a definite need to reinstate a Chief Assistant for Civil. He has had some savings in the budget due to other staff changes. The cost of a promotion would range from \$6,200 to \$7,400. This item also went through the Personnel Issues Committee. There is some interest in the position internally.

On motion by Commissioner Campbell seconded by Commissioner Gross, and unanimously carried, the Board approved filling the position for Chief Assistant County Attorney – Civil.

**REQUEST TO SEND RFPs FOR PREDESIGN ARCHITECTURAL SERVICES FOR SUBSTANCE ABUSE CRISIS FACILITY**

Ms. McKay and Detox Director Troy Amundsen approached the Board. Their Request for Proposals (RFPs) for architectural services was brought before the Board of Commissioners Work Group last week. There was good discussion on the item and the number of floors that may be needed. The RFP for predesign services as well as a

completed land survey of the three-acre site on 15<sup>th</sup> Avenue North are needed in order to secure the contract from Department of Human Services. Commissioner Mongeau noted that in order to secure the grant they had to spend some money to have a certain amount of architectural work done. She realizes there still needs to be some tweaks in the design. Attorney Melton noted that there was some very specific work that had to be done ahead of receiving the grant, but the architectural design and the build would be looked at as a new RFP. Commissioner Campbell mentioned looking at alternative one. He noted that part of the grant application still requires a financial plan. To move forward on the financial plan, they need to focus on updating what has already been done. He suggested working with current architect to do just that, and then to look at an alternative design. They need to have a preliminary estimated cost, and then look at an RFP for future construction. The Work Group also talked about the number of beds needed and the need for a mental health unit as well. The original design was for a two-story design and now they have talked about a single story designed for a second story to be added in the future.

On motion by Commissioner Campbell seconded by Commissioner Ebinger, and unanimously carried, the Board approved having the existing architects at Klein McCarthy update the design work for a Substance Abuse Crisis Facility, and not send out requests for RFPs at this time.

#### **APPROVAL TO COMPLETE LAND SURVEY ON 15TH AVENUE NORTH**

Mr. Amundsen noted that Houston Engineering surveyed the full parcel on 15<sup>th</sup> Avenue North. He has contacted them about surveying three acres for the Substance Abuse Crisis Facility. The County also has a surveyor who was hired for monument corners and other survey needs.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board's approval was for Mr. Amundsen to work with the County Administrator in having a survey completed for the three-acre site for a Substance Abuse Crisis Facility.

#### **REQUEST FOR APPROVAL TO PURCHASE TRANSFER TRAILER FOR NEW TRANSFER STATION**

Solid Waste Manager Kirk Rosenberg stated on January 11<sup>th</sup> the Board approved one new transfer trailer and one retrofit trailer. The request for the third trailer was not approved at that time. Commission Campbell noted that he had held off on approving a third trailer because he was hoping for a better approach than deadheading a trailer back from the Perham site. He checked into retrofitting at the Perham site but found it would not be a good financial decision. Mr. Rosenberger stated is able to get another trailer at the same price as the one ordered in January. Both trailers should be available in September or October.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the purchase of an additional transfer trailer for \$104,323.54.

#### **MOVE FORWARD WITH ADVERTISING FOR BIDS FOR CONSTRUCTION OF NEW HIGHWAY SHOPS IN ULEN, COMSTOCK, AND GEORGETOWN**

Facilities Director Joe Olson informed the Board that the bid process is required for this Capital Improvement Plan related to three highway shops. The Comstock highway shop will be a complete demo and the existing shops in Georgetown and Ulen will be improved. The open bid date is planned for April 12<sup>th</sup> with a bid awarded on April 19<sup>th</sup>. They would like to complete the project in the fall of 2022.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved moving forward with advertising for construction for highway shops in Ulen, Comstock, and Georgetown.

**REQUEST TO MOVE FORWARD WITH LOW QUOTE FOR CAMPUS ASPHALT SEAL COAT PROJECT**

Mr. Olson provided information on two quotes he received for an asphalt seal coat project on the County campus. Restriping is due as well. He had estimated \$50,000 for this capital improvement plan item and Astech provided the low quote at \$41,400.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the low quote from Astech for \$41,400 for a campus asphalt seal coat project.

**REQUEST FOR APPROVAL OF 2022 - 2023 TOWNSHIP MAINTENANCE CONTRACT RATE**

County Engineer David Overbo presented the township road maintenance costs from 2021 for the proposed rate for 2022-2023. An increase of \$39, based on actual costs, was presented at the Highway Committee and the Township Officers meeting. The increase would bring the full-time road maintenance to \$852/mile.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the 2022-2023 Township Maintenance Contract at \$852/mile.

**REQUEST FOR APPROVAL OF FINAL CONTRACT VOUCHER FOR CSAH 23, SAP 014-623-005**

Mr. Sorum, Assistant Engineer, stated that the initial bid for this project was \$728,305.60. The final amount to be approved is \$783,376.60. The increase in cost was due to the drop shoulders taking more mix than estimated and BNSF deciding to replace the railroad crossing. This added additional work for the contractor to tie into the new crossing, but the timing was good, and it made for a smoother ride over the tracks.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the final contract voucher with R.J. Zavoral & Sons, Inc. for paving CSAH 23 (SAP 014-623-005) for \$783,376.60.

**REQUEST TO AMEND CONTRACT AMOUNT FOR HAWLEY SAFE ROUTES TO SCHOOL PROJECT, SAP 014-591-007**

The bids for the Hawley Safe Routes to School Project were opened on 4/13/2021. The project was sponsored by the County. The low bid was awarded contingent on approval from the City of Hawley. Hawley did not award the entire bid, as apparently a portion was determined to be an alternate. MnDOT issued approval for Hawley to do this. The amended contract now needs to be approved by the County to match what Hawley has approved.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the contract amendment with Hough, Inc. for the Hawley Safe Routes to School Project (SAP 014-591-007) for \$385,531.13.

**ANNUAL UPDATE FROM RECORDER'S OFFICE**

Recorder Kimberly Savageau was present with an annual update to the Board. She read the Recorder's Office mission statement related to recording, filing, and preserving documents for posterity and legal purposes. Their responsibilities relate to documents for real estate, birth and death certificates, marriage licenses and credentials, notary public registration, and State / Federal tax liens. The bulk of their work is with real estate

recordings, which topped over 14,000 in 2021. Clay County had many areas of growth in 2021. E-recordings have become easier to work with rather than paper copies. CARES funding was utilized toward two main projects in the Recorder's Office and added a lot of value to the department. Image Enhancement and Media Conversion was completed for all deeds and miscellaneous documents back to approximately 1870. They were able to scan the remaining books in their office. Mortgage books are now accessible through the Land Records Program back to 1870. The Grantor/Grantee Index Books were also scanned for easy accessibility.

Commissioner Ebinger complimented Ms. Savageau and her professional staff for the tremendous amount of scanning work they were able to complete.

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

- Commissioner Ebinger reported on meetings for Clay County Work Group; FM Diversion Authority Public Outreach Committee; FM Diversion Authority Finance Committee; Red River Regional Dispatch Center; and FM Diversion Authority Board.
- Commissioner Campbell reported on meetings for Prairie Lakes Municipal Solid Waste Authority; Moorhead Clay County Joint Powers Authority; FM Diversion Authority Public Outreach; FM Diversion Authority Land Management; Highway Department and Townships; Solid Waste Advisory Committee; Townships Officers; CARES 2/ARPA Committee; and Personnel Issues Committee.
- Commissioner Gross reported on meetings for Personnel Issues Committee; Board of Commissioners Work Group; One Watershed One Plan; and Lakeland Mental Health.
- Commissioner Kahly reported on meetings for Comprehensive and Transportation Plan Update; Lakes and Prairies Community Action Partnership; Board of Commissioners Work Group; Early Childhood Initiative; and Lakeland Mental Health.
- Commissioner Mongeau attended and reported on meetings for Planning Commission; Moorhead Clay County Joint Powers Authority; Board of Commissioners Work Group; Churches United; Red River Basin Joint Powers Board; Solid Waste Transportation; Resource Recovery Facility Construction Update; Comprehensive Plan Update; Buffalo Red River Watershed Advisory Board; FM Diversion Authority Land Development Authority; and Solid Waste Advisory Committee.
- Mr. Larson attended meetings for Moorhead Clay County Joint Powers Authority; Solid Waste Advisory Committee; Board of Commissioners Work Group; Personnel Issues Committee; Highway Tracking; Comprehensive and Transportation Plan; Red River Regional Dispatch Center; Township Maintenance Contract; ARPA / CARES-2 Committee; and had conversations regarding an Extension position; lease vehicles; and Detox planning.

The meeting was adjourned at 10:38 a.m.

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Jenny Mongeau, Chair  
County Board of Commissioners

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Stephen Larson, County Administrator