

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 A.M., TUESDAY, MARCH 2, 2021

Community Room, 3rd 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 Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the agenda.

EMPLOYEE RECOGNITIONS

The following employees were recognized for their years of service at Clay County:

Stephen Landsem, 30 years, Sheriff’s Office

Monty Martin, 25 years, Correctional Facility

Stacy Gullingsrud, 20 years, Social Services

Jennifer Waller, 15 years, Auditor’s Office

Marcella Felix, 15 years, Motor Vehicle Department

REQUEST TO FILL UPCOMING VACANCY FOR FT CORRECTIONS OFFICER

By consent the Board approved filling an upcoming vacancy for a FT Corrections Officer.

CITIZENS TO BE HEARD

During this pandemic, citizens continue to have the opportunity to share feedback at Board meetings via website link. They are also able to appear in person. There were no citizens requesting to be heard.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved payment of bills and vouchers totaling \$999,557 from 135 vendors. From that total, 77 warrants issued were under \$2,000 (\$29,860) and the following 58 were over \$2,000:

Construction Engineers, Inc.	\$ 81,363	Parke Twp	\$ 23,285
Moorhead Public Service	\$ 38,433	Highland Grove Twp	\$ 23,113
Network Center, Inc.	\$ 35,900	Cromwell Twp	\$ 23,075
Eglon Twp	\$ 28,980	Kurtz Twp	\$ 22,844
Lakeland Mental Health Ctr, Inc.	\$ 27,592	Oakport Twp	\$ 22,114
Elkton Twp	\$ 25,988	Kragnes Twp	\$ 21,963
Hawley Twp	\$ 24,562	Malwarebytes Corp.	\$ 21,863
Morken Twp	\$ 23,654	Viding Twp	\$ 20,987

Georgetown Twp	\$ 20,771	Hagen Twp	\$ 14,556
Xcel Energy	\$ 20,685	Otter Tail Co Public Health	\$ 13,946
Elmwood Twp	\$ 20,666	Glyndon Twp	\$ 13,764
Tansem Twp	\$ 19,932	High Point Networks, LLC	\$ 11,317
Humboldt Twp	\$ 19,117	Moorhead Twp	\$ 10,794
Ulen Twp	\$ 18,901	Lutheran Social Service of Mn	\$ 10,554
Riverton Twp	\$ 18,780	Psychlogics	\$ 6,450
Felton Twp	\$ 18,385	Fillafer/Harry	\$ 6,400
Alliance Twp	\$ 17,992	WatchGuard Video	\$ 5,745
Skree Twp	\$ 17,835	MN Life	\$ 5,635
Moland Twp	\$ 17,651	Becker Co Public Health	\$ 4,591
Spring Prairie Twp	\$ 17,465	Interstate Power Systems, Inc.	\$ 4,374
Goose Prairie Twp	\$ 17,460	Parsons Electric	\$ 4,053
Barnesville Twp	\$ 16,568	Medical Pharmacy	\$ 3,988
Historical & Cultural Society of Clay Co	\$ 15,881	The Retrofit Companies, Inc.	\$ 3,557
Flowing Twp	\$ 15,373	Madison National Life	\$ 3,104
Wenck Associates, Inc.	\$ 15,250	Amazon Capital Services	\$ 2,852
Keene Twp	\$ 15,217	Colonial Life	\$ 2,833
Clay Co Public Health	\$ 15,003	Rick Electric, Inc	\$ 2,549
Holy Cross Twp	\$ 14,977	River Valley Forensic Services, PA	\$ 2,250
Town & Country Oil, Inc.	\$ 14,605	DLT Solutions, LLC	\$ 2,153

APPROVAL OF MINUTES FROM FEBRUARY 16, 2021

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved the minutes from February 16, 2021.

RECOGNITION OF DONATION TO SHERIFF’S OFFICE FROM WESTERN MN STEAM THRESHERS REUNION

Sheriff Empting acknowledged donations from Western Minnesota Steam Threshers Reunion: \$1,000 for Clay County Sheriff’s Posse and \$750 for Clay County Jail Work Detail. They are also building a shack for the Sheriff’s staff at their site.

COVID-19 UPDATE

Public Health Director Kathy McKay provided handouts that included the current COVID-19 data. The cases and deaths were slightly up from the previous week. The current cumulative cases are at 6,903; total deaths at 87; active cases at 106; cumulative hospitalizations at 288; and 14-day case rate per 10,000 is down slightly at 9.87. Age groups with the highest active cases are 10-14, 15-19, 40-44, and 45-49. A large percentage of the population still needs to be vaccinated. The Public Health Department is recruiting nurses and has received some applicants. Nursing students have helped out and have gained good experience. When vaccines arrive at Public Health, they need to be administered within 72 hours. Thus far, they have not wasted any doses.

Nursing Director Jamie Hennen stated 15.2% of the Clay County population and 16.2% of the Minnesota population have received one vaccine; and 7.7% in Clay County and 8.4% in MN have completed the series. Clay County residents over 65 are 54% vaccinated. They are expecting 1,700 or more doses again this week. Six hundred of them are second doses.

Mongeau advised further collaboration with other facilities to ease the burden that all are experiencing. Ms. Hennen noted that Governor Walz shared his plan yesterday regarding expanding the vaccine to others after 70% of those 65+ have received their vaccines. The next group will include the work force where six-foot distancing cannot be maintained and those with major underlying health conditions. By summer, vaccines should be offered to the general public. Public Health has requested the newest one-dose vaccine by Johnson and Johnson. If they receive that vaccine, they will have all three vaccines available. They advised residents to always take the first vaccine available.

REQUEST APPROVAL OF RESOLUTION 2021-18 TO ENTER INTO A GRANT WITH MN DEPARTMENT OF PUBLIC SAFETY FOR SPEED AND AGGRESSIVE DRIVING ENFORCEMENT PROJECT

Sheriff Empting requested approval of a resolution to enter into a grant with the MN Department of Public Safety for a speed and aggressive driving enforcement project. The Sheriff's Office would offer overtime shifts for enforcement. A portion of the grant would be used for public education and outreach. The total grant is \$4,300 with a 20% match to come from the Sheriff's budget. Empting noted they have had an uptick of high speeds. They have recorded speeds of well over 100 mph and over 40 mph over the speed limit. Commissioner Ebinger commented that the Moorhead Police Department participated in the program when he was Police Chief. He concurred with the uptick of speed issues and reckless driving and added that it is generally worse in the summer months.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board executed the following resolution:

**Resolution 2021-18
Clay County Sheriff's Office
RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT**

Be it resolved that Clay County Sheriff's Office enter into a grant agreement with the Minnesota Department of Public Safety, for speed and aggressive driving enforcement projects during the period from Feb. 15, 2021 through Sept. 30, 2021.

The Clay County Sheriff Mark Empting or his/her successor is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Clay County Sheriff's Office and to be the fiscal agent and administer the grant.

ANNUAL SOLID WASTE MANAGEMENT DEPARTMENT UPDATE

Solid Waste Manager Kirk Rosenberger introduced Brett Rice who is the Landfill Operations Manager and Shannon Thompson, Environmental Technician and Educator. His Household Hazardous Waste (HHW) manager could not be here today. The department has experienced challenges with COVID, and the landfill had a busy year with construction projects.

Mr. Rice reported on recent activities and improvements at the landfill. A 1.5-acre landfill cell was opened, and 3.5 acres were closed. Thirteen additional gas wells were installed to harvest the biogas and control odors. They also constructed a new public drop site. They purchased a hook truck for emptying the dumpsters at the drop site as well as other landfill needs. They hauled 3.5 million gallons of leachate in 2020 compared to 2.2 million gallons in 2019. They also hauled 8,500 tons of waste to the Perham incinerator

site. Currently, they have 55 years of life expectancy at the landfill site. In 2020, 60,000 tons of waste came into the landfill. Leachate hauling and leachate treatment is a huge landfill expense. Discussions continue to find the best methods for location and treatment of leachate.

Ms. Thompson expanded on how COVID affected the staff and the Solid Waste Department in the past year. The staff was challenged with the pandemic but were able to provide coverage at their facilities. Annual collections were cancelled, new protocols were put in place, and more education went online to reach a broader audience. There was an uptick in home recycling and a downtick in business recycling. Newspapers were down considerably, and cardboard increased by 220 tons. Aluminum cans are currently the only money maker at \$320 per ton. Ms. Thompson continues to write the Trash Talk column in three local papers. At the HHW facility, the product exchange program has been closed due to COVID. The facility collected nearly the same amount of product as the previous year.

Mr. Rosenberger stated they will be interviewing contractors tomorrow for construction of a new Transfer Station and Resource Recovery Center. An Ag Chemical Container Collection will be scheduled in 2021. They continue working with the MN Pollution Control Agency (MPCA) to seek and develop ways to manage contaminated soils. Additional leachate testing and air testing may be required for PEVAs (polyethylene vinyl acetates) this year. MPCA is asking for an additional 3% tax on gross revenues at the landfill. The money would be used to hire more MPCA staff to work on waste reduction issues. Rosenberger contends that all the SCORE taxes, already collected, should be used only for solid waste activities and to cover additional staff costs. He thanked his staff for all their great work over the past year.

ANNUAL COUNTY ATTORNEY'S OFFICE UPDATE

County Attorney Brian Melton provided a power point presentation highlighting the Attorney's Office. Their staff also experienced many challenges and changes with COVID. Other than lock-ups, the courts were completely closed from March until July 1st. After they partially opened, they operated with mostly zoom meetings. The courts started opening back up and then closed again from December until yesterday – March 1st. They are operating with a hybrid method, with some staff at home and some in the office.

The County Attorney's office consists of the County Attorney, Chief Assistant County Attorney, six additional attorneys working criminal matters and four attorneys working civil matters. The department includes five Legal Assistants, three Victim / Witness Service staff and two Front Office Personnel.

The Moorhead Attorney Services led to a drop in County case numbers. Overall, caseloads and criminal activity continue to remain level or increase. The increases are due to population growth and drug use in the community. There were five murder cases in 2020 compared to the average of one to two. They will be addressing a backlog of jury trials in 2021. The office continues to scan paper files, working toward all paperless / digital files. The office is heavily vested in the specialty courts: Drug Court, Veterans Court, and Domestic Violence Court. Victim Services are tasked with assisting victims throughout the entire criminal prosecution process. They act as liaison between the victim and the prosecutors. Restorative Justice Services work with youth, holding them accountable for their actions through a "Circle" process. Graphs were provided to show the various crimes over the past four years. Overall, property crimes have increased. Some of the personal crimes are being handled by the City Prosecutors. Domestic assaults and juvenile crime stayed nearly level.

Mr. Melton added that one of his most rewarding tasks in 2020 was being a part of the CARES Committee and helping the community and taxpayers with funding. He noted a great deal of work was done in a very short amount of time. He commended the Board and other Committee members for all their work.

Commissioner Campbell commented that the Board requests the Attorney's office to review a tremendous number of documents and contracts throughout the year and always receives a quick response time. He noted he is very interested in hearing more about Mental Health Court as it develops.

REQUEST TO FILL UPCOMING VACANCY FOR TECHNOLOGY SERVICES DIRECTOR

County Administrator Stephen Larson reported that the County's Information Service Director Tim Dent has provided notice of his retirement on May 7th after 30+ years at Clay County. This request would be to allow the hiring process to begin with the hope of an overlap with the retiring director and new director. Mr. Dent was commended for this leadership through the years and his quick responses to challenges and changes during the COVID pandemic.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved filling the upcoming vacancy for a Technology Services Director and backfilling positions as necessary.

REQUEST FROM T. GOEHRING TO WAIVE PENALTIES AND FEES FOR LATE PAYMENT OF TAXES

Deputy Auditor Nanci Krenelka was present due to a request from a resident to waive penalties for the late payment of her taxes. The resident submitted a letter to the Board to waive penalties due to hardships directly related to COVID-19.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved the request from Tarah Goehring to waive \$295.85 in penalties and fees for late payment of taxes.

Ms. Krenelka who is retiring from Clay County this week was applauded for all her years of service at the County.

APPROVAL OF RESOLUTION 2021-19 FOR LRIP GRANT

Highway Engineer David Overbo stated the Local Road Improvement Program (LRIP) grant funds came through the bonding bill last year. The County sponsors the applications to make sure it is all done correctly. This six-mile project on CSAH 18 from State Highway 9 to the Buffalo River handles many types of traffic and is on the five-year construction plan. It fits well into the category of Routes of Regional Significance and the grant would free up dollars in the five-year plan.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the following resolution:

**RESOLUTION 2021-19
For Grant Agreement to State Transportation Fund (Local Bridge Replacement Program)
Grant Terms and Conditions SAP 014-598-072**

WHEREAS, Clay County has applied to the Commissioner of Transportation for a grant from the Minnesota

State Transportation Fund for construction of Bridge No.14559; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available;
and

WHEREAS, the amount of the grant has been determined to be \$530,337.34 by reason of the lowest responsible bid.

NOW THEREFORE, be it resolved that Clay County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

APPROVAL OF ANNUAL TOWNSHIP MAINTENANCE CONTRACT NUMBERS FOR 2021-2022

The Township maintenance costs for 2020 have been calculated for formulating the proposed 2021-2022 Township Maintenance Contract. A five-year rolling average has been used for the past eight years. The numbers have been approved by the Highway Tracking Committee on February 23rd and shared publicly with the Township Officers for their input on Feb. 25th. For 2020, the Highway Department had 1,181 less hours of snow removal and 643 more hours of summer maintenance than the previous year. The proposed rate for the 2021-2022 Township Maintenance Contract is \$813/mile, an increase of \$38 per mile from last year's contract.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved of the 2021–2022 Township Maintenance Contract rate at \$813/mile.

ADOPT RESOLUTION AND GRANT AGREEMENT FOR BRIDGE REPLACEMENT ON COUNTY ROAD 68- SAP 014-598-072

Justin Sorum, Assistant Engineer stated that they received bridge bond funds for a bridge replacement on County Road 68 southeast of Sabin. The bids were opened on February 9th and Gerit Hanson Contracting Inc. was approved as the low bidder. As required by MNDOT, a Grant Agreement and Resolution for the use of the Bridge Bond funds needs County Board approval.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved Bridge Bond Grant Agreement #1045070 and adopted the following resolution:

RESOLUTION 2021-20

For Grant Agreement to State Transportation Fund (Local Bridge Replacement Program) Grant Terms and Conditions SAP 014-598-072

WHEREAS, Clay County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No.14559; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available;
and

WHEREAS, the amount of the grant has been determined to be \$530,337.34 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Clay County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

APPROVAL OF SIGN QUOTE FOR PURCHASE OF FIRE NUMBER SIGNS

The Engineers are requesting approval of a sign quote from M&R Sign Co. to replace 1,350 blue fire number signs. The signs were initially installed in 1998 through our GIS Department but has since been handed over to the Highway Department. The quote is for \$21,897.

The approval of another quote for replacing stop signs and yield signs on February 9th will not be utilized at this time. Reflectivity testing showed the signs still meet federal standards.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the quote from M&R Sign Co. for \$21,897 for replacement of 1,350 fire number signs.

ANNUAL SOCIAL SERVICE DEPARTMENTS UPDATE

Director Rhonda Porter commented that this is the second phase of the Social Services three-part presentation. It includes the Financial Division; Rural MN Concentrated Employment Program (CEP); and Child Support, Fraud, and Collections.

Larry Young, Financial Assistance Division Supervisor, noted his division consists of 27 staff and three leads. A power point presentation was used to spell out the programs within Financial Assistance. The MN Family Investment Program (MFIP) works closely with CEP on employment opportunities. The numbers showed increases in each program due to COVID. The Diversionary Work Program (DWP) provides \$203/month for four months if someone cannot work. If sick leave is collected, the client would probably not be eligible for the assistance. There are asset limits for all programs, and an asset verification system is in place. MN Supplemental Assistance (MSA) is a supplement that is added onto SSI. Housing Support is a cash program allowing for room and board in certain cases. Most of the programs are federal or state programs that are administered locally. The former Food Stamps Program is now called Supplemental Nutrition Assistance Program. Child Care Assistance has a co-pay and has experienced a decrease in numbers. It may be due to the guidelines, criteria, and asset limits. Medical Assistance (Medicaid) has seen a spike. Many on MA are on MnSure or METS. There is also a County burial program. The local funeral homes know their guidelines well. Emergency General Assistance is a state program with an allotment annually. There was a decrease in this program and in Family Emergency Assistance due to a Housing Assistance Program through Lakes and Prairies Community Action Partnership. The state has put a lot of waivers in place. The moratorium on electrical shut-offs has lowered some of the numbers. A new online computer program will be up and running shortly. The department has experienced challenges with COVID and with upcoming retirements.

Theresa Hazeman, Rural MN Concentrated Employment Program (CEP), stated they provide services for a 19-County area in MN with state and federal funds. The program was implemented in 1996. They have six job counselors and partner with other programs and financial workers. Their services cover eleven areas of employment. The bottom line is always to get a job and get to self-sufficiency. They provide supervision for work sites. The applicants may lose some of their benefit plan if they do not accept and comply with the available opportunities for work. Oftentimes they are working with people who may have underlying mental health issues. They need to meet the goals in their employment plan. Non-compliance moves a case to sanction.

Sandy Thorne, Supervisor of Child Support, Fraud, and Collections, stated there are two FT staff who deal

with welfare fraud. They are state and federally funded. They perform front-end investigations and back-end investigations to collect money back. They average three days per investigation and prevent many funds from going out the door. Any criminal actions go through the County Attorney. Many times, there is not enough information to locate someone. Some are students who leave the area again. They anticipate and budget for a certain number of write-offs.

Ms. Thorne noted there are six Child Support Officers and six Support Enforcement Aides in the Child Support area. They work to locate parents, establish parentage, establish and review court orders for support, enforce support when a parent is outside of MN; and collect and process payments. Sixty-six percent of their funding comes from federal dollars. They also receive federal and state incentives. In fiscal year 2020 they brought in revenues totaling \$1,235,992. They also collected over \$8 million that went to current child support and arrears. For every dollar spent they collect \$4.41. In 2020, they had 2,522 cases and approximately one-third of their caseload is interstate. She noted that Technology Services provided fantastic office support for them with all the changes that occurred during the pandemic. Appreciation was extended to the County Board, too, in making it possible to get their jobs done.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

Many of the following committee reports are from virtual meetings.

- Commissioner Mongeau attended meetings for Planning Commission; Prairie Lakes Municipal Solid Waste Authority; Red River Watershed Management Board; FM Diversion Authority Land Management Board; Moorhead Clay County Joint Powers Authority; Solid Waste Advisory Committee; Extension Committee Subgroup; Otter Tail Watershed One Watershed One Plan; AMC Extension Committee; and a phone conversation with Rob Sipp.
- Commissioner Ebinger attended meetings for FM Diversion Authority Finance; FM Diversion Authority Public Outreach; FM Diversion Authority Board; Moorhead Area Workforce Group; and met with Andy Martin RE: MA Issue and Diversion.
- Commissioner Kahly attended meetings for Children’s Mental Health Local Advisory Committee; and met with staff from Clay County Historical and Cultural Society.
- Commissioner Gross attended meetings for Highway Tracking; Personnel Issues Committee; Buffalo Red River Watershed - One Watershed One Plan; Township Meeting for Highway Items; and visited a speed study area.
- Commissioner Campbell attended meetings for Personnel Issues Committee; Highway Tracking; Moorhead Clay County Joint Powers Authority; Prairie Lakes Municipal Solid Waste Authority; FM Diversion Authority Public Outreach; FM Diversion Authority Land Management; FM Diversion Authority Board; Solid Waste Advisory Committee; and Moorhead Clay County Joint Powers Authority.
- Administrator Larson attended meetings for Highway Tracking; Personnel Issues Committee; County Attorney; Detox; County Management; Campus Projects; Solid Waste Advisory Committee; Court Judges and Security; Moorhead Clay County Joint Powers Authority; Township Maintenance; visited the Government Center; and conducted a department head evaluation.

The meeting was adjourned at 11:48 a.m.

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator