

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, MARCH 8, 2022
Rooms A/B, 3rd 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 Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the agenda with one addition: Annual Update – Human Resources; and one deletion: Annual Update – Solid Waste Management.

SIGN OFF ON AGASSIZ RECREATIONAL TRAIL QUIT CLAIM DEED

By consent, the Board approved signing off on the Agassiz Recreational Trail Quit Claim Deed.

EMPLOYEE RECOGNITIONS

The Board recognized the following staff: Tina Hanson, 15 years, Social Services; and Sgt Darin Bredman, 25 years, Sheriff’s Office.

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 Gross, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$2,030,159 from 144 vendors. From that total, 107 warrants issued were under \$2,000 (\$46,219) and the following 37 were over \$2,000:

Construction Engineers, Inc.	\$1,489,997	City of Fargo	\$13,671
W Central Regional Juvenile Center	\$ 68,883	Dakota Plains Mechanical, Inc.	\$11,883
R J Zavoral & Sons, Inc.	\$ 45,933	Sanford Health	\$ 7,897
Town & Country Oil, Inc.	\$ 43,934	Nitzkorski, Inc.	\$ 6,815
Clay Co Public Health	\$ 35,966	Farmers Co-op Oil Co	\$ 6,616
MEnD Correctional Care, LLC	\$ 34,739	Cultural Diversity Resources	\$ 6,130
Minnesota Management & Budget	\$ 30,000	Delta Design & Construction, Inc.	\$ 6,000
Otter Tail Co Public Health	\$ 27,589	MnCounties Intergovernmental Trust	\$ 5,798
Trinity Services Group, Inc.	\$ 27,583	Stantec Consulting Services, Inc.	\$ 4,767
Prairie Lakes Municipal Solid Waste	\$ 24,124	Lloyd's Auto Body, Inc.	\$ 4,164
Becker Co Public Health	\$ 23,882	Wegner Psychological & Therapeutic	\$ 3,750
Otis Elevator, Inc.	\$ 14,630	Fargo Freightliner	\$ 3,731

Moorhead Public Service	\$3,716	Wild Rice Electric Co-op, Inc.	\$2,627
Code 4 Services, Inc.	\$3,499	Fevig Oil Co.	\$2,082
R Travelmart	\$3,471	Games to Go	\$2,035
Powerplan	\$3,470	Stein's, Inc.	\$2,017
Decision Points Authors LLC	\$3,000	Reliance Telephone	\$2,000
Wilkin Co Public Health	\$2,858	River Valley Forensic Services, PA	\$2,000
Dilworth Glyndon Felton Schools	\$2,685		

APPROVAL OF MINUTES FROM FEBRUARY 22, 2022

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from February 22, 2022.

REQUEST TO RE-ENGAGE SENTENCE TO SERVE (STS) PROGRAM

Janelle Cheney, Probation District Supervisor, provided a recap for the Board on the Sentence to Serve (STS) program being placed on a temporary hold on January 6, 2022, due to the crew leader’s retirement and COVID-related impacts to the crew size. Ms. Cheney attended a meeting on February 25th with Kari Tuton, Correctional Facility Administrator, and Joe Olson, Facilities Director, where discussion was held to work together and move forward with the STS Program. They would create a job posting for a new crew leader and hopefully within six to eight weeks could be up and running again. Mr. Olson referred to different campus needs, and space at the new storage facility where they could work from. They would also help maintain the new storage facility site. Clay County’s current contract runs thru July 2023. The STS crew is mainly for those who have been released from jail as well as some community members. Ms. Tuton relayed that the jail work detail crew consists of those who are still in custody but want to work some time off their sentence. The leaders of both crews would work together to address the needs in the community. The crews have been very beneficial to the community for many years.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the request to re-engage the Sentence to Serve (STS) Program.

REQUEST FOR ADMINISTRATIVE LAW JUDGE SERVICES

Attorney Chris McShane, from Ohnstad Twichell, P.C., introduced himself. He works with the diversion-related entities including the Moorhead Clay County Joint Powers Authority (MCCJPA). The MCCJPA has approved Relocation Housing Differential Payments (RHDP) for several properties in the Upstream Mitigation Area of the Diversion Project. For those who will be displaced from their homes, a calculation is determined for a comparable home. The calculations were sent to the appropriate landowners. The MCCJPA adopted an appeal process for landowners to follow if they disagree with the calculations. The relocation appeal process follows the MN Relocation Act which requires appeals to be heard by the Office of Administrative Hearings as a contested case. The agency that can engage the Office of Administrative Hearings needs to have authority to use eminent domain to acquire the property if necessary. In order to start the statutory appeal process, the County Board would need to request involvement of the Office of Administrative Hearings.

Four landowners have disagreed with the calculations for the RHDPs. The properties are identified as OIN #1252 (K & N Kragerud), OIN #1635 (B & W Buth) OIN #1665 (D Dubois/ M Buth), OIN #8528 (A & L Leach). The calculation is a maximum amount of dollars and depends on the housing that is found. These four landowners want the calculation based upon the cost to buy land and build a similar house and landscape, etc. Attorney McShane has talked to their attorney. They do not want to buy a new house first but want the dollar amount

established ahead of time. Commissioner Mongeau noted that the MCCJPA has addressed this thoroughly at their meetings. The Board also needs to assign Ohnstad Twichell, P.C. to represent the County for these proceedings.

A motion was made by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously approved, to initiate contested case proceedings with the Office of Administrative Hearings under sections 14.57 to 14.66 of the Minnesota Statutes for a determination of the amount of replacement housing differential payment that must be provided to the owners of the properties impacted by the FM Area Diversion Comprehensive Project identified as OIN #1252, OIN #1635, OIN #1665, and OIN #8528. It is further moved the law firm of Ohnstad Twichell, P.C., shall be retained to represent Clay County in the contested case hearings being initiated for the purpose of determining the relocation housing differential payment.

ANNUAL DEPARTMENT UPDATE – HUMAN RESOURCES

Human Resources (HR) Director Darren Brooke provided handouts with 2021 employee stats. The HR department consists of 3.5 staff. The department's functions include employee relations, payroll, benefits, worker's compensation, labor negotiations, annual budget process, and are involved with several committees. Currently, there are 469 benefit-eligible employees with 317 single plans, 72 family plans, and 80 on new single plans. There is a total of 615 employees, but that number fluctuates often. Nine areas of County staffing have labor unions. All the current union contracts expire at the end of this year. In 2021, HR processed 93 worker's comp cases, 90 citizen concern forms, and numerous COVID-19 sick leave forms. The citizen concerns address a variety of issues and can generally be handled within 24 hours. The citizen concerns all go to Mr. Brooke and the appropriate department head. HR staff have started the process of preparing for their new payroll system which will be utilized in April. Annual open enrollment will be done online with the new system. In 2022, Mr. Brooke hopes to bring back the supervisor training and have in-person orientation for new employees. Staff also researches Medicare supplements for retirees and works with insurance and savings vendors.

Commissioner Mongeau extended gratitude to Mr. Brooke for his contribution to the ARPA Committee, all the online forms he created, and his work with OSHA compliance preparations a few weeks ago.

REQUEST TO FILL VACANCIES FOR TWO FT CORRECTIONAL OFFICERS

Correctional Facility Administrator Kari Tuton and Sheriff Empting were present with a request for two FT Correctional Officers. As they work to fill the numerous positions in Corrections they keep a list of qualified applicants, conduct interviews, and continue processing background checks. They are recruiting candidates from the local colleges and tech schools. Ms. Tuton is encouraged that they will get back to a full staff to meet the criteria for the Department of Corrections. Qualifications include 18 years of age or older, U.S. citizenship, high school diploma or GED, and pass a background check. They prefer some background or transferable skills, and a military background always works well in these positions. These are well-paying jobs with great benefits. Some inmates are currently being housed out of Clay County, but they are working toward full staffing and bringing those inmates back to Clay County.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved filling two vacancies for FT Correctional Officers.

ANNUAL DEPARTMENT UPDATE – LAW ENFORCEMENT

Sheriff Mark Empting provided 2021 highlights from the Sheriff's Office. They hired two new deputies, a new office manager, and carried out some promotions. They continue to see some challenges with the COVID pandemic including an outbreak in the Correctional Center which staff handled very well. They had a slight hold on some arrests during the outbreak. There was a change in the Use of Force Law in 2021. Recently there was a change to the new law which will lead to some ND officers working with the MN side again. Attorney Melton has been working on a PowerPoint for ND officer training due to the current law. The department had to retire K-9 Deacon after his handler left the department. The office was fortunate to receive a general donation from Farmstead Living for another K-9. The new K-9, Maverick, is training with a new handler.

The Records Division stayed busy throughout the year. In 2021, they processed 162 applications for Permits to Purchase. There was an increase to 1,033 in Permits to Carry; an increase to 1,955 in Civil Papers, and an increase to 2,350 in Warrant Entries. The Investigative Division was extremely busy throughout the year because of their standstill in working with ND. They saw a rash of thefts and burglaries with the hot item being catalytic converters. They are working on getting the suspects charged out. Transport Services Division transported 750 inmates and people with mental health issues throughout the state, compared to 512 in 2020, with over 85,000 miles driven. They served 1,890 civil papers, another increase over 2021. The Patrol Division responded to an increase in service calls for vehicle accidents, vehicles stuck due to weather, assisting other agencies, juveniles in and out of school, and etc.

Kari Tuton was recently promoted to the Correctional Facility Administrator position. Julie Savat retired after many years in that position, followed by Justin Roberts in the position for a few months. Ms. Tuton's former duties were distributed to other staff. Recruitment for new Correctional Officers remains high on her priority list. She reported there was a COVID outbreak in the Red River pod the day after Mr. Roberts' last day. They had a tool kit to follow for the outbreak. Anyone who was exposed was sidelined for 15 days and positive cases were sidelined for 10 days. The situation was under control in 30 days. They hope to get a work release crew started again in May. Visitations at the facility have not changed much. The inmates can visit remotely the majority of the time if they have funds to do so. If an inmate is in lockdown, they remain in a small cell for 23 hours each day, but they are able to keep their texting devices for their mental health. There was a total of 1,131 different contacts with inmates last year. The Commissioners extended their appreciation to Ms. Tuton in taking on her new role.

Emergency Management Director Gabe Tweten stated his area has been busy but not in the traditional sense. There have not been any weather-related disasters, but he provided COVID-related support to Public Health with delivering product and attended many meetings. Last summer he spent a lot of time working with a Regional Emergency Operations Center. He was in Crookston and Thief River Falls weekly. He wrapped up a COVID-related FEMA project in 2021 from costs incurred in 2020. He completed the grant requirements for State funding that is received annually for his position. There are federal requirements for Emergency Services' Hazardous Mitigation Plan and Emergency Operations Plan which are reviewed and updated as needed. He will be updating the Shelter Plan this year. He is part of the advisory committee for the NW Emergency Communications Board. He also serves on the County Safety Committee; ARPA/CARES-2 Committee; and works with the Sheriff's Office, County Emergency Medical Services, the Fire Chief's Association, and Rescue Services. He expects there will be more in-person training this year for training exercises, new technologies, and meeting with other regional managers.

The Board thanked Mr. Tweten for serving on the ARPA Committee and his ongoing work with the Red River Regional Dispatch Center. He is regarded as setting a high standard for his role in Emergency Management.

REQUEST TO MOVE FORWARD WITH LOW QUOTE FOR UPGRADE OF POWER PLANT DIESEL TANK CONTROLS

Facilities Director Joe Olson relayed that upgrading the power plant diesel tank controls is part of the Capital Improvement Plan. He received two quotes for the project and recommends the low quote.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the low quote from R&R Petroleum for \$13,510 for upgrade of power plant diesel tank controls.

ADVERTISE FOR BIDS FOR COLD STORAGE BUILDING PROJECT AT HIGHWAY DEPARTMENT

Mr. Olson addressed the next Capital Improvement Plan item, a cold storage building project at the Highway Department. County Engineer David Overbo noted that the building is two-thirds Clay County and one-third MnDOT. The fabric material on the old storage building is wearing out and will be demolished. MnDOT will need more space in a new building for an additional snowplow and snow fencing storage and the County would also like additional space. The land is owned in equal thirds between Clay County, City of Moorhead, and MnDOT. They will make sure that the flow of traffic will work well with the site location of the new building. The estimate is \$450,000. The plan is to open bids for this project on April 12.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved advertising for bids for the Cold Storage Building Project at the Highway Facility.

REQUEST FOR ALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR TECHNOLOGY SERVICES LICENSING

Rory Schmitz, Technology Services Director, recapped for the Board that CARES/ARPA funds were used to purchase licensing for a Microsoft Agreement and CheckPoint Firewall/VPN in 2020/2021. After taking over the director position in May of 2021, Mr. Schmitz was unaware of the separate account codes used for these purchases until late 2021. The budget dollars for these items were unaccounted for during the budget time in June of 2021. The licensing cost was covered by CARES/ARPA funding in 2020/2021. The ARPA Committee met last week and agreed to utilizing ARPA funds for Technology Services Licensing in the amount of \$24,103.70 for fiscal year 2022 would be appropriate. That amount would then be added to the 2023 Technology Services budget.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved allocation of ARPA Funds for Technology Services Licensing in the amount of \$24,103.70 for fiscal year 2022.

REQUEST FOR ALLOCATION OF ARPA FUNDS FOR SOCIAL WORKER IN DISABILITY SERVICES

Social Services Director Rhonda Porter and Supervisor Jessica Mickelson requested support to hire a Social Worker position for Disability Services effective April 1, 2022, using ARPA funds for half the cost of the position. The other 50% of the position would be covered with earned revenue through the Social Service Time Study. The request is for one year with the consideration of a second year. The item has gone before the Personnel Issues Committee and the ARPA/CARES-2 Committee. Ms. Mickelson stated the number of disability assessments has

increased, and the cases seem to be more complex and take longer. In-part, this is due to higher medical needs for people recovering from COVID as well as increases in mental health symptoms following the pandemic.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the request for allocation of utilizing ARPA funds for half the cost, \$49,766, of a Social Worker in Disability Services for one year and then reassessing the need for a second year.

REQUEST FOR ALLOCATION OF ARPA FUNDS FOR SILVER LININGS SENIOR HOUSING DEVELOPMENT

County Administrator Stephen Larson provided information on the Silver Linings Senior Housing Development thru Churches United. Churches United for the Homeless received grant funding through the MN Housing Finance Agency in July of 2020 for affordable housing for seniors 55+ in Clay County. The applicants who would qualify for housing would be those over 55 and in danger of facing homelessness. The COVID pandemic has created an escalation of prices for building products, thus creating a funding gap for the project. The ARPA Committee recommended providing funds for this project. Commissioner Ebinger noted that this is a particularly vulnerable population and in this part of the country, housing is a necessity. Commissioner Campbell added that this is an escalated crisis. Churches United will be requesting more state funding as well. Commissioner Kahly supported the housing development with the growing population of seniors.

Chair Mongeau requested scheduling a Work Group meeting next week and placing an update on ARPA Funds on the agenda.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved allocating \$150,000 from ARPA funds to Churches United for the Silver Linings Senior Housing Development, pending full funding for the project.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Gross reported on a Mn Rural Counties Caucus meeting and Association of MN Counties (AMC) Legislative Conference.
- Commissioner Kahly reported on AMC Legislative Conference; AMC Health and Human Services; her presentation at General Government Policy Committee; Cass Clay Food Commission; Law Library Committee; Moorhead City Planning Commission; met with Council Member Nesemeier; connected with Clay County Collaborative; and attended the new exhibit at the Historical and Cultural Society.
- Commissioner Ebinger reported on AMC Legislative Conference; Mn Rural Counties Caucus; and AMC Public Safety Committee.
- Commissioner Campbell reported on meetings for AMC Legislative Conference including a meeting with the local Senators; AMC Transportation Policy Committee; FM Diversion Authority Executive Committee; and Resource Recovery Facility Construction Update.
- Commissioner Mongeau reported on meetings with Rep. Marquart and others on Work Force; AMC Legislative Conference including AMC Environmental and Natural Resource Policy; County Day at the Capital; Ag and Rural Development Policy; AMC Extension; Resource Recovery Facility Construction Update; and Work Group Planning.
- Mr. Larson attended the AMC Legislative Conference and meetings for Resource Recovery Facility Construction Update; Diversity and Ethnic Coordinator; Spring Prairie; Rep. Marquart RE: Work Force;

Scott Fettig and Klein McCarthy RE: Detox Contract; County Administrators; HR Issues; pre-meeting for MCCJPA; and Dan Mahli RE: shared issues with City of Moorhead.

The meeting was adjourned at 11:19 a.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator