

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 A.M., TUESDAY, APRIL 6, 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 Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved the agenda.

LIQUOR LICENSE FOR BUFFALO RIVER SPEEDWAY

By consent the Board approved the Liquor License for Buffalo River Speedway.

REPLACEMENT OF FOLDING AND ENVELOPE STUFFING MACHINE FOR TREASURER’S OFFICE

By consent the Board approved replacing the Folding and Envelope Stuffing Machine in the Treasurer’s Office with a Pitney Bowes 4500 for \$11,280.93 plus S/H and an annual maintenance fee of \$1,974.

CITIZENS TO BE HEARD

There were no citizens who requested to be heard.

EMPLOYEE RECOGNITIONS

The following employees were recognized for their years of service at Clay County: Laura Jones, 20 years, Attorney’s Office and Julie Savat, 30 years, Correctional Facility.

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 \$713,294 from 186 vendors. From that total, 144 warrants issued were under \$2,000 (\$54,746) and the following 42 were over \$2,000:

| | | | |
|-------------------------------------|------------|--|-----------|
| Otter Tail Co. Public Health | \$ 230,504 | Government Forms and Supplies | \$ 15,998 |
| Clay Co. Public Health | \$ 55,907 | Historical & Cultural Society-Clay Co. | \$ 15,881 |
| City of Fargo | \$ 39,671 | Sanford Health | \$ 14,641 |
| Becker Co. Public Health | \$ 37,049 | Liberty Fence, Inc. | \$ 11,390 |
| Magic Fund | \$ 29,871 | Jeff Schultz Construction LLC | \$ 9,669 |
| Brock White Co. LLC | \$ 26,796 | Verizon | \$ 7,869 |
| Prairie Lakes Municipal Solid Waste | \$ 23,552 | Nitzkorski, Inc. | \$ 7,672 |
| DGF Schools | \$ 20,963 | Wilkin Co. Public Health | \$ 7,394 |
| Lakeland Mental Health Ctr, Inc | \$ 19,115 | Construction Engineers, Inc. | \$ 6,640 |

| | | | |
|---------------------------------|----------|------------------------------------|----------|
| Moorhead Public Service | \$ 6,249 | Newman Signs, Inc. | \$ 3,000 |
| Code 4 Services, Inc. | \$ 5,811 | Express Lane - Hawley | \$ 3,000 |
| Lakes Country Service Co-op | \$ 4,864 | Colonial Life | \$ 2,833 |
| Team Laboratory Chemical LLC | \$ 4,838 | River Valley Forensic Services, PA | \$ 2,750 |
| Network Cabling Services, Inc. | \$ 3,854 | Fargo Glass & Paint | \$ 2,494 |
| Advance Garage Door, Inc. | \$ 3,415 | Amazon Capital Services | \$ 2,458 |
| Stein's, Inc. | \$ 3,261 | Barnesville Public School #146 | \$ 2,434 |
| Jet-Way Multiple Services, Inc. | \$ 3,244 | Dakota Plains Mechanical, Inc. | \$ 2,338 |
| Madison National Life | \$ 3,209 | Powerplan | \$ 2,277 |
| Connect Interiors LLC | \$ 3,174 | Lutheran Social Service of Mn | \$ 2,162 |
| Stellar Services LLC | \$ 3,163 | Wenck Associates, Inc. | \$ 2,131 |
| Fidlar Technologies | \$ 3,008 | Nancy Hein-Kolo, PsyD, LP | \$ 2,000 |

APPROVAL OF MINUTES FROM MARCH 9, 16, 23, 2021

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the minutes from March 9, 16, 23, 2021.

APPROVAL OF MS4 MOU AGREEMENT WITH BUFFALO RED RIVER WATERSHED DISTRICT

Assistant Engineer Justin Sorum stated that Clay County and Buffalo-Red River Watershed District (BRRWD) are designated as MS4 (Mandatory Small Municipal Separate Storm Sewer Systems) and are both required to hold a MS4 permit to ensure compliance with the rules. In an effort to reduce regulatory oversight, BRRWD would like to utilize Clay County's regulatory mechanism relating to Storm Water Management. There is no cost associated with this agreement.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the MS4 Memorandum of Understanding and continued cooperation with the Buffalo Red River Watershed.

APPROVAL OF CONSULTING ENGINEERING CONTRACT FOR PAVEMENT TESTING

Mr. Sorum requested approval to contract with Braun Intertec for pavement testing on CSAH 18, 31, and 52. This work is for completing pavement designs with a total cost of \$23,963.00 which is budgeted.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the Consulting Engineering contract with Braun Intertec for \$23,963.00 for pavement testing on CSAH 18, 31, and 52.

APPROVAL OF CONSULTING ENGINEERING CONTRACT FOR SOIL BORINGS

Another request came forth to contract with Braun Intertec for soil borings in Comstock that will aid in the design for reconstruction of CSAH 2 slated for 2022. This work will be reimbursed by the FM Diversion Authority. The total cost is \$5,345.00.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved contracting with Braun Intertec for soil borings in Comstock for reconstruction of CSAH 2 in 2022 with a cost of \$5,345.00.

APPROVAL OF THE 2021 DUST CONTROL QUOTE

Two Dust Control quotes, from Knife River and Glacier Enterprises, were opened on March 24th, 2021. Knife River quoted \$1.83 Price/Gallon, \$0.549 Cost/SY; and Glacier Enterprises quoted \$1.28 Price/Gallon, \$0.384 Cost/SY. Mr. Sorum recommended approving the low quote from Glacier Enterprises with the same price as 2020.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the low quote from Glacier Enterprises for \$1.28 Price/Gallon, \$0.384 Cost/SY for dust control for 2021.

PROCLAMATION FOR PUBLIC HEALTH WEEK

The Commissioners, along with the Joint Powers Committee, proclaimed this week as Public Health Week in Clay County. The proclamation was read by the Board. Moorhead Mayor Carlson extended her appreciation to the Clay County Public Health Department. The Board also thanked the contact tracers, student nurses, volunteers, and Emergency Manager Gabe Tweten.

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

Proclamation for Public Health Week

**WHEREAS, Clay County Public Health is the practice of preventing disease and promoting good health; and
WHEREAS, since 1969, Clay County Department of Health has provided public health services to the residents and visitors of Clay County; and**

WHEREAS, Clay County Department of Health educates and engages residents and community partners in order to become among the healthiest Counties in Minnesota; and

WHEREAS, strong public health systems are critical to sustaining and improving community health; and

WHEREAS, Clay County public health workers deserve special recognition for their service for the tremendous job they do, especially during the past year with the COVID-19 pandemic and difficult circumstances they faced; and should be commended by leaders in the profession, the public, and our elected officials; and

WHEREAS, Clay County Joint Powers Committee, which includes Moorhead Area Public Schools, Dilworth-Glyndon-Felton Public Schools, City of Moorhead, City of Dilworth, and Clay County, is recognizing those in the public service they provide to our communities; and

NOW, THEREFORE, the Clay County Joint Powers Committee do hereby proclaim April 5 – 11, 2021 as Public Health Week in our County of Clay of Minnesota.

COVID-19 UPDATE

Public Health Director Kathy McKay introduced her COVID-19 team members: Jamie Hennen, Cheryl Sapp, Terri Busch, Josh Ebert, Becky Schmidt, Rory Beil, and Jason McCoy. She noted that many others in Public Health have been involved with the effort. She provided handouts that include the most current COVID-19 data. An uptick in cases was noted over the past weeks. The contact tracers' workload has also increased. Ms. McKay referred to the variant strain, B117, that started in the United Kingdom and is circulating in the US including MN. Public Health is administering vaccines to those who are 18 and older. Residents were encouraged to sign up. Ms. Sapp commented there were not as many influenza vaccines this past year but influenza rates were way down probably due to masking and social distancing. If a new vaccination vial is opened later in the day there are 10 doses in it to use that day. They have not wasted a dose yet.

| | Clay County | Minnesota |
|--|---------------------|---------------------|
| Cumulative Cases | 7,480 | 627,650 |
| Cumulative Deaths | 89 | 6,885 |
| Out of Isolation | 76,168 | 504,712 |
| Active Cases | 223 | 16,053 |
| Median Age of Cumulative Cases | 33 | 38 |
| Cumulative Hospitalizations | 303 | 27,569 |
| Cumulative ICU Admissions | 79 | 5,661 |
| 14-Day Case Rate per 10,000 | 29.94 | |
| Ages for highest active cases | 20-24 | |
| Total with at least 1 dose of vaccine | 16,738 | 1,808,896 |
| Percentage with at least 1 dose of vaccine | 33.8% of population | 41.1% of population |
| Total who completed vaccine series | 11,078 | 1,164,182 |
| Percentage who completed vaccine series | 22.4% | 26.4% |
| Age group 50-64 with at least 1 vaccine dose | 42.4% | 43% |
| Age 65+ with at least 1 vaccine dose | 72.3% of age group | 82.5% of age group |
| Cumulative # of doses administered by CCPH | 10,897 | |
| Vaccines administered previous week - CCPH | 1,045 | |

APPROVAL OF BUDGET REVISION FOR LANDFILL GROUNDWATER SAMPLING

Solid Waste Manager Kirk Rosenberger requested approval of a cost outside the Solid Waste budget. The MPCA is requesting the County do an additional landfill groundwater sampling in April with a cost of \$6,900.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved the additional groundwater sampling as requested by MPCA with a cost of \$6,900.

APPROVAL OF REFINANCING OF BONDS FOR PRAIRIE LAKES MUNICIPAL SOLID WASTE AUTHORITY

Mr. Rosenberger asked for the Board’s support for refinancing bonds for Prairie Lakes Municipal Solid Waste Authority. There would be a net savings up to \$1.6 million.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved refinancing of bonds for Prairie Lakes Municipal Solid Waste Authority.

INFORMATION ON PROPOSED UPGRADE TO TOBACCO SALES ORDINANCE

Health Promotions Director Rory Beil and Project Manager Jason McCoy from Clay County Public Health introduced themselves. They provided information on the need to upgrade the Tobacco Sales Ordinance. The changes would reduce access to flavored tobacco and make it easier for folks to make healthy choices. Mr. Beil noted that sacred tobacco is actually red willow bark and is not part of this information. They advised that carcinogens are found in every form of tobacco and flavored tobacco is made to entice tobacco use. Another concern of theirs is the recent popularity of hookah bars and lounges. Hookah is a water pipe that is used by two main groups: Arabic and college students. Vaping is also leading to tragic consequences. The tobacco rates in the state were down, but vaping brought those rates back up. Advertising is mostly done with social media ads for targeted marketing. Smoking and vaping also increases the risk of catching COVID and other diseases. No action was requested on the item at this time.

APPROVAL OF THE EXCHANGE AGREEMENT AND PURCHASE AGREEMENT WITH THE CITY OF

MOORHEAD

Stephen Larson, Joe Olson, Kirk Rosenberger, and Brian Melton were available to support a request for a County and City exchange /purchase of properties.

Mr. Larson stated that to begin with, Clay County will begin construction this spring on the Resource Recovery Facility and Transfer Station. A power point was shared providing details of the project. The County and City were awarded \$7.5 million in bonding dollars by the State Legislature. The 20 acres of land where the facility will be constructed is currently owned by the City of Moorhead. The County has planned to purchase the 17-acre site. This new agreement would allow the County to purchase the entire 20 acres. The City of Moorhead has additional space needs for Public Works and has inquired about purchasing the County property and buildings on 15th Ave N that formerly housed the Motor Vehicle Department. The site currently has 5,400 feet of storage space for the Sheriff, Maintenance and STS; MN Driver's Testing leases offices; electronic recycling is there; and COVID dollars were used for new storage building for Clay County Public Health. Clay County would agree to replace the storage building at the site. Chuck Hendrickson and Dan Mahli from the City of Moorhead recently toured the facility and negotiations began.

Attorney Melton advised that Public Health would need the same size storage building as they currently have. Other miscellaneous storage needs were provided in the same building. The State is exploring other options for Driver's Testing and could use the current building through December 2021. Commissioner Mongeau stated the County needs to actively search for another suitable location for Driver's Testing. Mr. Olson stated that currently there are 5,402 square feet of storage space at the site that would go to the City of Moorhead; and 10,000 square feet would be adequate for current and future needs.

The City and County have agreed that the County property is valued at \$742,797.50 and the City property is valued at \$545,397.50. The City agrees to pay the difference (\$197,400) at closing. The Solid Waste Department would have 17 acres and the other three acres would come from the Capital Improvement Fund. Attorney Shockley has been working on the final draft of the agreement. Commissioner Campbell stated that Dan Mahli has agreed to the terms and requested the County act on it first. They expect to take action on the item at their next committee meeting.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Exchange Agreement and Purchase Agreement with the City of Moorhead, subject to the City's acceptance of it.

REQUEST FOR APPROVAL TO CONTRACT WITH CONSTRUCTION ENGINEERS TO DESIGN AND PROVIDE TOTAL PROJECT COST FOR STORAGE FACILITY

Mr. Olson commented that this request is related to a new storage building to replace the building at the Motor Vehicle site that is being sold to the City of Moorhead. Construction Engineers would complete a design and proposal for the County's storage needs. The cost to complete the design would be \$2,500. The 200-foot storage building would be constructed at the new Resource Recovery Facility site at 15th Avenue North. There would be storage space for the Sheriff's Office, Sentence to Serve, Maintenance, Public Health, and a miscellaneous storage area.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved contracting with Construction Engineers to design and provide a cost estimate for a new storage facility.

ANNUAL UPDATE FROM PROBATION

District Supervisor Janelle Cheney stated she supervises the Clay County Contract Office (gross misdemeanor / misdemeanor / juvenile) and the Felony Office. Her County staff who were present introduced themselves and shared how long they have been with Clay County. The Contract Office has six agents: Rick Young, Erik Ness, Robert Fyre, Lindsey Ternes, Matt Verdoes, and Terra Becker. The support staff consists of Karen Jenkins, Annette Montplaisir, and Ashley Pitsiladis. The MN Department of Corrections (DOC) oversees the office and provides training. In Felony Probation there are nine agents and three support staff. They also manage Drug Court, Veteran’s Court, and Domestic Violence Court. There were 155 new domestic violence cases placed on probation in 2020. Various changes occurred and virtual platforms were used when necessary due to COVID-19. Oral testing has been used rather than urine testing.

The department has been able to stay within their budget. They may need additional translation services in the coming year. The DOC is requesting to take over all technology for the Contract Offices throughout the State. That change will lead to a savings for the County. The Contract Offices will also be transitioning into the courthouse in May or June. The agents will begin using their cell phones rather than desk phones. The Juvenile Agents are looking at starting a juvenile female support group within the County that will include a Zoom option. They are also looking at Cognitive Restructuring Program in the County.

UPDATE ON SENTENCE TO SERVE (STS) PROGRAM

Ms. Cheney introduced Mark Dibble who has been the STS Crew Leader for nearly 10 years. He noted he was unable to pull any workers from the Correctional Facility during the past year due to COVID. He has still managed to get jobs done with folks on probation. They painted the interior of the new Government Center and have had various projects in the rural cities and some townships. Most of the County festivals will resume this year and he is hoping to provide STS services for them again. He can only take two in his van due to distancing requirements. Others needs to drive themselves. Some have shown up but were not well suited for a particular job or project. Commissioner Mongeau stated she is thankful they have been able to continue to support the program which has been so beneficial to the community. The Commissioners thanked Mark for the great job he has done over the years. Ms. Cheney commented that Mark has the skills and the personality to educate and establish relationships with this crews.

REQUEST TO RE-APPLY FOR COMMUNITY LIVING INFRASTRUCTURE GRANT

Social Services Director Rhonda Porter stated Clay County serves as fiscal host for a 10-County, Community Living Infrastructure Project. Their current grant funds of \$778,468 go through June 2021. The funds help support the needs of people with disabilities and housing instability. She requested re-applying for \$822,000 in funds for the next two-year period but may not get the full request. The funds would allow for a two-year position to manage the grant. The housing support program has increased over 45% in the last four to five years. There may be some internal interest for the position. Sometimes, due to turnover, when grant funds end, the person can move into another position. Ms. Porter will come back with a request for an employee if the grant dollars are obtained.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board

approved the request to re-apply for the Community Living Infrastructure Grant.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

Many of the following committee reports are from virtual meetings.

- Commissioner Mongeau attended meetings for Comprehensive Plan Update; FM Diversion Land Management; Solid Waste Advisory Committee; Moorhead Clay County Joint Powers Authority; and Regional Extension application reviews.
- Commissioner Ebinger attended meetings FM Diversion Public Outreach Committee; FM Diversion Finance Committee; FM Diversion Board of Authority; NW Emergency Communications Board; Sheriff and Staff re: dispatch center; and met with a Kurdish community representative regarding concerns with hookah.
- Commissioner Kahly attended meetings for Comprehensive Plan Update; CAPLP; Joint Powers Committee; Children’s Mental Health Local Advisory Committee; Cass Clay Food Partners; and Insurance Committee.
- Commissioner Gross attended meetings for Building Committee and Public Input for County Comprehensive Plan Update.
- Commissioner Campbell attended meetings for Insurance Committee; FM Diversion Executive Committee; Public Input for County Comprehensive Plan Update; Prairie Lakes Municipal Solid Waste Authority; FM Diversion Public Outreach; FM Diversion Land Management; Solid Waste Advisory Committee; MCCJPA; FM Diversion Authority; Dispatch Center; Building Improvement Committee; and Joint Powers Committee.
- County Administrator Larson attended meetings for Insurance Committee; Comprehensive Plan Update; Detox Issues; Management; Resource Recovery Facility; City Managers and County Leaders; Solid Waste Advisory Committee; MCCJPA; Contract Review for Land Exchange/Purchase; Dispatch Discussion; Resource Recovery Construction; Building Committee; Media tours; and Joint Powers Committee.

CLOSED SESSION FOR ATTORNEY-CLIENT PRIVILEGED PURSUANT TO MINN. STAT. 13D.05 SUBD. 3(B)

On motion by Mongeau, seconded by Ebinger, and unanimously carried, the Board closed the public meeting and went into a closed session at 11:17 a.m.

On motion by Mongeau, seconded by Ebinger, and unanimously carried, the Board reopened the public meeting at 11:32 a.m.

The meeting was adjourned at 11:32 a.m.

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator