

**CLAY COUNTY BOARD OF COMMISSIONERS**  
**8:30 A.M., TUESDAY, APRIL 27, 2021**  
Community Room, 3<sup>rd</sup> 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 Kahly, and unanimously carried, the Board approved the agenda.

**APPLICATION FROM WMSTR TO CONDUCT A RAFFLE AT STEAM THRESHERS REUNION - ROLLAG**

By consent the Board approved an application from WMSTR to conduct a raffle at MN Steam Threshers Reunion.

**RENEWAL OF GRANT CONTRACT AGREEMENT FOR AGASSIZ RECREATIONAL TRAILS**

By consent the Board approved renewal of a Grant Contract Agreement for Agassiz Recreational Trails.

**CITIZENS TO BE HEARD**

There were no citizens who requested to be heard.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved payment of bills and vouchers totaling \$445,073 from 77 vendors. From that total, 48 warrants issued were under \$2,000 (\$23,855) and the following 29 were over \$2,000:

Clay Co. Social Services	\$106,370	Lakes Country Service Co-op	\$ 6,780
Lake Agassiz Regional Library	\$ 75,404	Swanson RLT/Dirk	\$ 5,390
Erickson Chevrolet	\$ 39,172	Wilkin Co. Public Health	\$ 5,000
Otter Tail Co. Public Health	\$ 25,587	Stellar Services LLC	\$ 4,840
Clay Co. Public Health	\$ 25,000	City of Hitterdal	\$ 4,314
Lakeland Mental Health Ctr, Inc	\$ 19,115	Dacotah Paper	\$ 4,195
Clay Trail Alliance	\$ 17,244	Corner Stone	\$ 4,080
Becker Co. Public Health	\$ 13,118	The Title Co.	\$ 4,005
Magnum Electric, Inc.	\$ 11,312	Concordance Healthcare Solutions	\$ 3,471
City of Hawley	\$ 10,915	Servion, Inc.	\$ 3,406
KFI Engineers, PC	\$ 6,960	City of Ulen	\$ 3,151
City of Glyndon	\$ 6,851	Applied Concepts, Inc.	\$ 2,966

Brendemuhl/Timothy & Ondria	\$ 2,926	Lutheran Social Service of Mn	\$ 2,160
Colonial Life	\$ 2,833	First International Bank & Trust	\$ 2,031
Reliance Telephone	\$ 2,624		

**APPROVAL OF MINUTES FROM APRIL 6 AND APRIL 13, 2021**

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved the minutes from April 6 and April 13, 2021.

**COVID-19 UPDATE**

Public Health Director Kathy McKay provided the weekly data as charted below. She was also able to provide the cumulative COVID cases per zip code as requested. The active cases in Clay County have decreased from last week, from 257 to 190. There were a few more hospitalizations but the numbers are manageable. They are working with the schools to get the 16 and older students vaccinated.

Nursing Director Jamie Hennen noted that the 72-hour expiration for vaccines was increased to seven days which has been helpful. This week, Public Health is planning for 307 second doses and 342 first doses. They are making lots of calls to those in need of their second doses and working with the colleges as students will be done with their semester soon. The vaccine site at the Hjemkomst has been a good experience for area nursing students. Essentia Health will supply some mobile vaccines for convenience. Sanford, Essentia Health, and local pharmacies all have adequate vaccine supplies. The MN Dept. of Health is stressing the importance of testing and vaccinating. The hold on the J&J vaccine has been lifted.

	Clay County	Minnesota
Cumulative Cases	7,957	569,440
Cumulative Deaths	90	7,079
Out of Isolation	7,677	547,021
Active Cases	190	15,340
Median Age of Cumulative Cases	33	38
Cumulative Hospitalizations	325	29,736
Cumulative ICU Admissions	81	6,051
14-Day Case Rate per 10,000	64.01	
Ages for highest active cases	10-49	
Total with at least 1 dose of vaccine	19,155	2,459,499
Percentage with at least 1 dose of vaccine	38.7% of population	55.8% of population
Total who completed vaccine series	15,214	1,805,757
Percentage who completed vaccine series	30.8%	40.9%
Age group 50-64 with at least 1 vaccine dose	47.5%	60.4%
Age 65+ with at least 1 vaccine dose	74.1%	86.3%
Cumulative # of doses administered by CCPH	13,359	
Vaccines administered previous week - CCPH	373	

**Update and Request to Adopt Resolution 2021-21 to Sponsor Snowmobile Trail**

Greg Strommen, Coordinator for Clay County Trailblazers, provided a summary of the past snowmobile season. They have continued to offer snowmobile safety classes; packed ditches for a good snow base; and moved four miles of trail to more scenic areas. Overall, it was a low snow year. He reported he will be notified in June if they receive a \$75,000 grant that they would use to purchase a new trail groomer.

Trailblazers plan to meet with MetroCOG on allowing the trail to be multi-use extending to Moorhead. Mr. Strommen asked the Board to adopt Resolution 2021-21 as presented for Clay County to continue as fiscal agent for the Clay Trails Alliance.

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

**RESOLUTION 2021-21**

**BE IT RESOLVED**, that Clay County act as the legal sponsor for an application for funding from the State of Minnesota Department of Natural Resources for grooming and maintaining of two -way Snowmobile Trails managed by the Clay Trails Alliance.

**BE IT FURTHER RESOLVED**, that upon approval of its application by the State, Clay County may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

**BE IT FURTHER RESOLVED**, that the County Administrator is authorized to sign such an agreement with the Department of Natural Resources.

**BE IT FURTHER RESOLVED**, that Clay County is hereby authorized to serve as the fiscal agent for the above referenced project.

**REQUEST FOR APPROVAL TO PURCHASE ADDITIONAL ITV COURT SYSTEM FOR CORRECTIONAL FACILITY**

Correctional Facility Administrator Julie Savat stated the courts are requesting an additional ITV Court System to handle more court proceedings from the Correctional Facility. The court proceedings were mainly all done in person before COVID. The cost of the equipment would be \$8,100 and would come out of the inmate funds. Mr. Larson stated the funds should be a reimbursable item through Federal Recovery Act funds.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the purchase of an additional ITV Court System for the Correctional Facility; and, if possible, use Federal Recovery Act dollars to cover the expense.

**PROCLAMATION FOR CORRECTIONAL OFFICERS WEEK**

Correctional Facility Administrator Julie Savat and Sheriff Empting were present for Correctional Officers Week. They commented they are fortunate to have the Correctional Officers who work for Clay County. They have worked through many challenges and changes with the COVID pandemic and managed to not have any COVID cases within the Correctional Facility.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board proclaimed this week as Correctional Officers Week with reading and approving the following proclamation:

**PROCLAMATION**

**Clay County Correctional Officers Week  
May 2nd – May 8th, 2021**

**WHEREAS**, Correctional Officers have the difficult and often dangerous assignment of ensuring the custody, safety, and well-being of those in our Correctional Facility; and

**WHEREAS**, the duties of these officers have become increasingly complex and demanding; and

**WHEREAS, they are called upon to fill, simultaneously, custodial, supervisory, and counseling roles; and  
WHEREAS, the professionalism, dedication and courage exhibited by these officers throughout the  
performance of these demanding and often conflicting roles deserve our utmost respect; and**

**WHEREAS, the important work of Correctional Officers often does not receive the recognition from the  
public it deserves; and**

**WHEREAS, it is appropriate that we honor the many contributions and accomplishments of these men  
and women who are a vital component of the field of corrections.**

**THEREFORE, BE IT RESOLVED, in recognition of the contributions of Correctional Officers to our  
community, the Clay County Board hereby designates the first week of May 2021 as National Correctional Officers  
Week.**

#### **REQUEST FOR APPROVAL TO END COVID SICK LEAVE ON APRIL 30, 2021**

HR Director Darren Brooke stated that the Personal Issues Committee met last week. Federal COVID sick leave ended last December but Clay County chose to extend it to the end of April. He provided the total COVID hours used: 8,793.6 and total wages: \$230,928.53. Employees could use up to 80 hours. Currently there are no cases and no employees on COVID sick leave. Vaccines are now available for all employees and personal sick leave could be used after April 30 if needed.

Commissioner Mongeau highly recommended that all employees get the COVID vaccine.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved ending COVID Sick Leave on April 30, 2021.

#### **REQUEST TO RETURN TO IN-PERSON EMPLOYMENT**

Administrator Stephen Larson and HR Director Darren Brooke brought forth a request for County staff to return to in-person employment by June 1, 2021. They provided background information from the past year with working from home, additional sanitizing, closing buildings, etc. Mr. Larson relayed that Governor Walz issued an Executive Order in March setting April 15 at midnight for his Return to Work Policy. The County Personnel Issues Committee met on March 30 and discussed the decline in cases, immediate access to vaccines, and the significant number of staff who have returned to in-person work already. Mainly it is Social Service and Public Health staff who continue to work from home. They are operating under State waivers. A meeting for a post-pandemic work plan is scheduled for May 25, following the Board meeting. All employees should be aware of the expected return to in-person employment.

No appointments are needed for the general public at the Government Center but “by appointments only” has continued at the Family Service Center. The Personnel Issues Committee will be addressing that issue at their next meeting.

On motion by Commissioner Gross, seconded by Commissioner Ebinger and unanimously carried, the Board approved all staff returning to in-person employment by June 1, 2021.

#### **DISCUSSION AND REQUEST TO MOVE FORWARD WITH BONDING FOR CAPITAL PLANNING**

Administrator Stephen Larson and Facilities Director Joe Olson presented the background information on bonding for Capital Planning. The County’s needs through 2028 were provided at the last Board meeting, but there has been no official action on bonding. The Building Committee’s intent has been for capital

bonding at some point. A recommendation for a total for the bonds will be available later in May. Capital improvement expenses that occur now can be paid from an Auditor – Treasurer fund which would be refunded after the bonding is done.

Commissioner Mongeau noted that years ago bonding was done for Highway needs and it saved a lot of money for the citizens.

#### **REQUEST APPROVAL TO OBTAIN QUOTES AND REQUEST FOR PROPOSALS FOR CRITICAL CAPITAL IMPROVEMENT ITEMS**

Mr. Olson listed four items as Critical Capital Improvement Projects:

- 1) Courts and Probation fit-up projects (underway) \$128,635
- 2) Storage facility project \$500,000
- 3) Heat pump tower \$300,000
- 4) Fuel oil tank \$30,00

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved moving forward with bonding for Capital Improvement Projects; and obtain quotes and RFPs for the four critical Capital Improvement Projects intended to be paid with bonding.

#### **RE: VANDALIZED ISLAMIC COMMUNITY CENTER IN MOORHEAD**

Commissioner Mongeau read the following statement that has also been placed on the County website:

##### **Hate Has No Home Here**

**During the early hours of April 25th, the Moorhead-Fargo Islamic Community Center located at 2215 12th Ave S, Moorhead, MN was vandalized. Messages of hate were spray-painted on the exterior of the building. The Moorhead Police Department is investigating, in conjunction with the Federal Bureau of Investigations. The Clay County Board of Commissioners condemns the criminal actions taken against the Moorhead-Fargo Islamic Center. The F-M region values diversity, acceptance, and tolerance. Hate in any form is unacceptable and must not be tolerated. The Clay County Board of Commissioners asks our citizens to stand against all hate, bias, violence, and discrimination in our community. Anyone with information that could assist investigators, please call the Red River Dispatch Center at 701.451.7660 and ask to speak to the on-duty Moorhead Police Supervisor or submit information to the Moorhead Police Department Tip Line.**

Commissioner Mongeau thanked those who were out there helping to clean up the vandalized building. Commissioner Kahly stated hundreds showed up to clean showing unity with our Islamic neighbors. Commissioner Ebinger noted there are people in this community who have come here after suffering greatly. He is proud of this community overall. The public was urged to call with any information they may have about the damages.

#### **REQUEST FOR CONDEMNATION ACTION / ADOPT RESOLUTIONS 2021-22 AND 2021-23 FOR ADDITIONAL RIGHT-OF-WAY ALONG CSAH 1**

County Attorney Brian Melton, County Engineer David Overbo, and Assistant Engineer Justin Sorum presented resolutions for condemnation action for right-of-way (ROW) needs. The County is only requiring minimal ROW along a two-mile stretch of CSAH 1. There are 19 parcels along those two miles

and ROW has been acquired on 16 of those parcels. The last three parcels are owned by two landowners. Attorney Melton commented that the County has not had a condemnation action since 2003. In this case, the County has been negotiating and waiting for two years to obtain the necessary strips of ROW and the condemnation process is necessary. The two landowners (Goehring and Johns) have received official letters from the Highway Department and County Attorney's office informing them of process and timeline. The landowners could still choose to discuss the request with the County at any point. The land has been appraised and the County will fund up to \$1500 for a new appraisal if the landowners do not think the appraisal is fair.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved Resolution 2021-22:

#### **RESOLUTION 2021-22**

**WHEREAS, the Clay County Highway Department has completed the design work for the alterations and improvement to County State Aid Highway 1, specifically the re-grading of the road and the improvement of drainage. The affected portion of County State Aid Highway 1 being improved is between 70<sup>th</sup> and 90<sup>th</sup> Avenues NW in Oakport Township, Clay County, Minnesota;**

**WHEREAS, in order to complete this project, it is necessary for Clay County to acquire additional right-of-way from adjoining land owners;**

**WHEREAS, the Clay County Board of Commissioners wishes to adopt that procedure laid out in Minnesota Statute 163.12 in order to alter County State Aid Highway 1 to include the additional right-of-way that is necessary and to acquire the additional right-of-way, which will be required by the above-described project;**

**WHEREAS, Benjamin and Samantha Johns are the record title owners of a parcel of adjoining property located along that portion of County State Aid Highway 1 to be improved;**

**WHEREAS, the above-referenced project passes over the adjoining property owned by Benjamin and Samantha Johns;**

**WHEREAS, the property owned by Benjamin and Samantha Johns is located at 80th Avenue NW and County Road 1;**

**WHEREAS, a permanent easement over that portion of Benjamin and Samantha Johns' property is legally described on the attached Exhibit A, and that permanent easement is necessary for the completion of the above described project;**

**NOW THEREFORE, BE IT RESOLVED, that County State Aid Highway 1 shall be altered and improved to include the additional right-of-way as indicated in the design plans on file at the Clay County Highway Department. This improvement is necessary and serves a public purpose. The Clay County Board of Commissioners shall move forward to acquire the additional right-of-way necessary for the project described above as outlined in Minnesota Statute 163.12, subdivision one (1) through ten (10), upon receiving the required approval from the Clay County District Court.**

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

#### **RESOLUTION 2021-23**

**WHEREAS, the Clay County Highway Department has completed the design work for the alterations and improvement to County State Aid Highway 1, specifically the re-grading of the road and the improvement of drainage. The affected portion of County State Aid Highway 1 being improved is between 70<sup>th</sup> and 90<sup>th</sup> Avenues NW in Oakport Township, Clay County, Minnesota;**

**WHEREAS, in order to complete this project, it is necessary for Clay County to acquire additional right-of-way from adjoining land owners;**

**WHEREAS, the Clay County Board of Commissioners wishes to adopt that procedure laid out in Minnesota Statute 163.12 in order to alter County State Aid Highway 1 to include the additional right-of-way that is necessary and to acquire the additional right-of-way, which will be required by the above-described project;**

**WHEREAS, Karl and Julie Goehring are the record title owners of a parcel of adjoining property located along that portion of County State Aid Highway 1 to be improved;**

**WHEREAS, the above-referenced project passes over the adjoining property owned by Karl and Julie Goehring;**

**WHEREAS, the property owned by Karl and Julie Goehring is located at 74th Avenue NW and County Road 1;**

**WHEREAS, a permanent easement over that portion of Karl and Julie Goehring's property is legally described on the attached Exhibit A, and that permanent easement is necessary for the completion of the above described project;**

**NOW THEREFORE, BE IT RESOLVED, that County State Aid Highway 1 shall be altered and improved to include the additional right-of-way as indicated in the design plans on file at the Clay County Highway Department. This improvement is necessary and serves a public purpose. The Clay County Board of Commissioners shall move forward to acquire the additional right-of-way necessary for the project described above as outlined in Minnesota Statute 163.12, subdivision one (1) through ten (10), upon receiving the required approval from the Clay County District Court.**

#### **REQUEST APPROVAL TO REPLACE UNIT 102**

The Highway Department requested approval to replace Unit 102, a 2015 Ford Explorer. The quote from Nelson Auto is \$22,439.06 after trade. The current unit would go to Building Maintenance and \$12,400 would be transferred to the Highway Department. This item has been brought before the Highway Tracking Committee as well.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved replacement of Unit 102 with a 2021 Ford F150 XL from Nelson Auto with a cooperative purchasing price, after trade, with tax of \$22,439.06

#### **REQUEST APPROVAL TO FILL VACANCY FOR MOTOR GRADER POSITION**

A full-time motor grader at the Highway Department will be retiring in July after 25 years with Clay County. This leaves a vacancy to be filled.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved filling a vacancy for a FT Motor Grader position with backfill as needed.

#### **REQUEST APPROVAL FOR ADDITIONAL FUNDING FOR 11TH STREET UNDERPASS**

MnDOT is the lead agency for the upcoming 11<sup>th</sup> Street Underpass Project in Moorhead. They have asked Clay County for additional funding of \$1.5 million to help cover a shortfall of \$10,660,000 for the project. Eleventh Street is a County road all the way to Center Avenue. The project is in the five-year construction plan.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved sending a letter to MnDOT to commit additional funding up to \$1.5 million for a total of \$2 million toward the 11<sup>th</sup> Street Underpass Project.

#### **REQUEST APPROVAL TO PURCHASE TWO CHANGEABLE MESSAGE SIGN TRAILERS**



Mr. Overbo noted this is an excellent opportunity for the County to purchase two used message sign trailers for \$4,000 apiece. If purchased new they would cost \$22,000 apiece. The plan is to first use them for the landfill road construction announcements. The trailers will also be used for other County maintenance and construction projects. Funds from Internal Services would be used for the purchase.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved the purchase of two changeable message sign trailers totaling \$8,000, to come out of Internal Service Funds.

#### **REQUEST FOR ADDITIONAL STAFF FOR DEPARTMENT OF MOTOR VEHICLE**

Auditor – Treasurer Lori J. Johnson and Chelsea Sylvester, Supervisor of Department of Motor Vehicle presented handouts with weekly testing activities, charted transactions, and window coverage/open windows for the Moorhead Motor Vehicle site. They are requesting two additional positions in the department: one full-time and one variable hour. Overall, customers have an average of a 54-minute wait time and the average transaction takes just over 10 minutes. Multi-transactions can take up to an hour. One additional staff would cover the check-in position and one would start training for an additional window position to handle transactions. Breaks and lunches will also be staggered to provide more coverage. Dealership transactions have been handled with some evening and weekend hours. The additional empty windows were set up for future growth but may be giving the public the perception that staff is gone.

Commissioner Mongeau commended Chelsea for taking on a lot of challenges with a good mindset. She noted her staff remain friendly and cheerful.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved one additional full-time position and one additional variable hour position for the Department of Motor Vehicle.

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

*Some of the following committee reports are from virtual meetings.*

- Commissioner Gross attended meetings for Highway Tracking; Personnel Issues Committee; Planning Commission; and Building Improvement Committee.
- Commissioner Mongeau attended meetings for Broadband; County Planning Commission; FM Diversion Land Management; CAPLP Annual and Board; MCCJPA; AMC Legislative Update; Lakeland Mental Health Committee; and AMC Extension Interviews.
- Commissioner Ebinger attended meetings for Greater Fargo Moorhead Economic Development Corp; FM Diversion Public Outreach; FM Diversion Authority Finance Committee; FM Diversion Authority; Lake Agassiz Regional Library; and discussions on the Dispatch Center.
- Commissioner Kahly attended a meeting for Adult Mental Health Local Advisory Committee; Historical and Cultural Society; met with Kurdish American Development Org; Lakes & Prairies Community Action Partnership; and had phone conversations with local legislators regarding bills affecting Juvenile Centers.
- Commissioner Campbell attended meetings for Highway Tracking; Personnel Issues Committee; Building Improvement Committee; FM Diversion Public Outreach; MCCJPA; and FM Diversion Authority.



- County Administrator Larson attended meetings for Highway Tracking; Personnel Issues Committee; County Management; Building Committee; Social Services Director; Regional Dispatch Center; MCCJPA; Public Facilities Goals; AMC Government Relations Update; Detox needs; and new Resource Recovery Center. He announced that the Annual County Retreat is scheduled for the afternoon of May 25 at the Law Enforcement Center.

The meeting was adjourned at 10:51 a.m.

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Kevin Campbell, Chair  
County Board of Commissioners

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Stephen Larson, County Administrator