

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, MAY 10, 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 three additions: 1) Acceptance of Letter of Resignation from County Engineer David Overbo; 2) Request to Move Forward with Advertising / Filling County Engineer Position; 3) Permission to Name Justin Sorum as Interim County Engineer; and one deletion: Delete Closed Session (Item 11).

RENEWAL OF VEGETATION MANAGEMENT LEASE FOR COUNTY-OWNED PROPERTY

By consent the Board renewed the Vegetation Management Lease for a County-owned property in Elkton Township.

CITIZENS TO BE HEARD

There were no citizens who wished 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 the payment of bills and vouchers totaling \$942,027 from 158 vendors. From that total, 122 warrants issued were under \$2,000 (\$59,131) and the following 36 were over \$2,000:

Otter Tail Co. Public Health	\$158,399	Delta Design & Construction Inc.	\$15,000
Clay Co. Public Health	\$120,393	Parsons Electric	\$10,775
Becker Co. Public Health	\$ 98,981	Medical Pharmacy	\$ 7,531
Holm Construction Services LLC	\$ 72,000	Petro Serve USA	\$ 7,166
Morton Buildings, Inc.	\$ 48,752	Nitzkorski, Inc.	\$ 6,761
Clay Co. Treasurer	\$ 45,202	Forum Communications	\$ 6,174
Lakeland Mental Health Center	\$ 38,229	Town & Country Oil, Inc.	\$ 5,935
CoreLogic	\$ 35,167	Psychlogics	\$ 5,160
MN Housing Finance	\$ 31,201	Anjaam Holdings, LLC	\$ 4,876
Polk-Norman-Mahnomen CHB	\$ 22,924	Moorhead Public Service	\$ 4,757
Wilkin Co. Public Health	\$ 20,153	Halvorson/Derrick	\$ 4,340
Johnson/Chad D	\$ 18,000	Dacotah Paper	\$ 4,315
MEnD Correctional Care LLC	\$ 17,698	Valley Mortuary Services	\$ 4,020
Rick Electric, Inc.	\$ 17,326	Farmers Co-op Oil Co	\$ 3,497
Mn Unemployment Insurance	\$ 16,342	Marco Technologies LLC	\$ 3,206
ADDvantage Triton LLC	\$ 15,980	Sabin C-Store	\$ 3,203

WEX Bank	\$ 2,759	River Valley Forensic Services, PA	\$ 2,250
Nancy Hein-Kolo, PsyD, LP	\$ 2,250	BSN Sports, LLC	\$ 2,175

APPROVAL OF MINUTES FROM APRIL 26, 2022

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the Minutes from April 26, 2022, with one error corrected on Commissioner Kahly’s committee reports.

ADDITION: ACCEPTANCE LETTER OF RESIGNATION FROM COUNTY ENGINEER DAVID OVERBO

County Administrator Stephen Larson informed the Board that he received notification from David Overbo yesterday on his resignation from his position of County Engineer. He noted that this is a County Board-assigned position. Commissioner Mongeau extended thanks to Mr. Overbo for over 20 years at the County, overseeing many projects and collaborations. Commissioner Campbell served on the Highway Tracking Committee with Mr. Overbo for many years and wished him well in his future.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board accepted the Letter of Resignation from County Engineer David Overbo.

ADDITION: REQUEST TO MOVE FORWARD WITH ADVERTISING / FILLING COUNTY ENGINEER POSITION

Mr. Larson requested moving forward with advertising / filling the County Engineer position. Commissioners Gross and Campbell have served on the Highway Tracking Committee for many years and would likely be asked to serve on the interview committee for the County Engineer position.

On motion by Commissioner Kahly, seconded by Commissioner Campbell, and unanimously carried, the Board approved moving forward with advertising / filling the County Engineer position.

ADDITION: REQUEST PERMISSION TO APPOINT JUSTIN SORUM AS INTERIM COUNTY ENGINEER

Mr. Larson requested that Justin Sorum be appointed as Interim County Engineer with a salary increase to line 27, step 1 on the pay grid for the interim position. The open position for County Engineer will be advertised immediately.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved appointing Justin Sorum as Interim County Engineer.

UPDATE ON FMWF CHAMBER INITIATIVES

Shannon Full, President / CEO; Mason Rademacher, Vice-President of Workforce and Talent; and Katherine Grindberg, Vice President Public Policy were in attendance from the Fargo Moorhead West Fargo Chamber. Ms. Full began with stating that the Chamber’s mission is community growth and prosperity. Their five cornerstones of focus are: Business Vitality; Public Policy and Advocacy; Talent and Workforce; Community Enhancement; and Organizational Excellence.

Ms. Grindberg addressed their Public Policy and Advocacy. She noted that Commissioners Kahly and Ebinger attended the first Moorhead Day of the Capital. The Chamber plans to have this as an annual event. She went through the list of 2022 Mn Legislative Priorities: Funding for Moorhead Career Workforce Academy; language change for residency requirement for Small Business Grant Applications; Moorhead Flood Mitigation; Dilworth

Fire Hall; and Weld Hall renovation at MSUM. The Unemployment Insurance Trust Fund has already been passed by the Governor.

Commissioner Ebinger applauded them for being so well prepared at the Moorhead Day of the Capital. Commissioners Kahly and Ebinger commented on an interest for the Commissioners to be more a part of the Chamber. Commissioner Campbell noted he would prefer that the Chamber staff bring back ideas for opportunities for the Commissioners based on their interests and expertise.

Mr. Rademacher expounded on the three main focuses of the Talent and Workforce Team: Young Professionals Network; Diversity, Equity, and Inclusion; and Fueling our Future. The Ignite FMWF initiative has had over 8,500 jobs posted and over 65 local videos. There are hundreds of active job seekers on it and schools career exploration.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved endorsing a letter that includes all the bullet points for 2022 Mn Legislative Priorities.

PROCLAMATION FOR FIRE AND EMERGENCY MEDICAL SERVICES APPRECIATION DAY

The proclamation for Fire and Emergency Medical Services Appreciation Day was composed by the Intergovernmental Committee and delivered by Chair Mongeau. There will be a press conference at the Dilworth Community Center at 1:00 p.m., Wednesday, May 18th.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board proclaimed May 18, 2022, as Fire and Emergency Medical Services Appreciation Day; and May 16 – May 20, 2022, as National Emergency Medical Services Week.

PUBLIC HEARING: PETITION FOR REZONING IN SECTION 22 ELKTON TWP

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board opened the public hearing.

Planning Director Matt Jacobson stated the intent with this petition is to remove the Resource Protection Aggregate Overlay zoning district. The underlying zoning district is Agricultural General. This change would allow the applicants (Dustin and Sara Hough) to apply for a conditional use permit for commercial storage in the future. The parcel (05.022.2802) is 15.8 acres in size and is along County Rd 10 adjacent to Downer. The land has been mined for aggregate in the past but most all of the aggregate has been extracted. The Planning Commission has recommended approval of the petition to rezone. Overlay maps of the area were displayed and details from the Planning Commission meeting were discussed.

The applicant, Mr. Hough, reported there is really no other use for this land other than storage. Valley Iron and Metal is directly across from it. This was his original plan for the site when he purchased it.

There was no one else wishing to speak.

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

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the petition to remove the Aggregate Overlay zoning district on Parcel 05.022.2802 in Section 22 Elkton Township.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board recommended that the Planning Director and staff review all Aggregate Overlay zoning district land in the County and identify the areas that have been fully mined. This is estimated to be a six-month process.

BID OPENING FOR THE MILL & OVERLAY ON CSAH 12

Interim County Engineer Justin Sorum stated this mill and overlay project is for 6.8 miles on CSAH 12. The engineer’s estimate is \$2,112,017.70. Five electronic bids were received and opened. All bidders acknowledged the one addendum and had bid bonds of five percent. Bids received:

Mark Sand & Gravel	\$2,643,314.93
Border States Paving	\$2,569,102.24
Central Specialties	\$2,331,404.10
Knife River	\$2,319,897.28
R.J. Zavoral and Sons	\$2,229,249.65

Mr. Sorum asked for approval to move forward with RJ Zavoral and Sons. The bid was five percent over the estimate but should not be a problem with the State-aid balance. They would like to get the project started as soon as possible.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the bid from R.J. Zavoral and Sons for Mill & Overlay on CSAH 12 for \$2,229,249.65, subject to any errors in the bid documents.

REQUEST FOR APPROVAL OF THE MNDOT MASTER PARTNERSHIP CONTRACT AND RESOLUTION 2022-18

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the MnDOT Master Partnership Contract and the following resolution:

Resolution 2022-18

Whereas, The Minnesota Department of Transportation wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and

Whereas, MnDOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and

Whereas, the parties wish to be able to respond quickly and efficiently to such opportunities for collaboration and have determined that having the ability to write “work orders” against a master contract would provide the greatest speed and flexibility in responding to identified needs.

Therefore, be it resolved:

- 1. That the County of Clay enter into a Master Partnership Contract with the Minnesota Department of Transportation, a copy of which was before the Board.**
- 2. That the proper County officers are authorized to execute such contract, and any amendments thereto.**
- 3. That the County Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from MnDOT, and that the County Engineer may execute such work order contracts on behalf of the County of Clay without further approval by this Board.**

REQUEST FOR APPROVAL OF MNDOT GRANT AGREEMENT FOR SAP 14-598-073 AND RESOLUTION 2022-19

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the MnDOT Grant Agreement for SAP 14-598-073 and the following resolution:

RESOLUTION 2022-19
For Agreement to State Transportation Fund Local Bridge
Replacement Program
Grant Terms and Conditions SAP 014-598-073

WHEREAS, Clay County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 14K62; 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 \$163,100.00 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 project 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.

REQUEST FOR APPROVAL OF MNDOT GRANT AGREEMENT FOR SAP 14-598-074 AND RESOLUTION 2022-20

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved MnDOT Grant Agreement for SAP 14-598-074 and the following resolution:

RESOLUTION 2022-20
For Agreement to State Transportation Fund Local Bridge
Replacement Program
Grant Terms and Conditions SAP 014-598-074

WHEREAS, Clay County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 14K61; 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 \$189,464.00 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 project 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.

REQUEST TO MOVE FORWARD WITH ARPA PROJECT FOR HVAC PNEUMATICS AIR COMPRESSOR REPLACEMENT

Facilities Director Joe Olson informed the Board that the Building Committee has approved the HVAC pneumatics air compressor project at the power plant. The current system is aged and in poor condition. Two quotes were received, and the low bid came from Dakota Plains Mechanical for \$14,750. The original budget for the project was \$20,000. This system controls all of the Family Service Center.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved moving forward with Dakota Plains Mechanical for replacement of the HVAC pneumatics air compressor utilizing \$14,785 from ARPA funds.

CONSIDER APPROVAL OF INCREASED COST OF GEOFOAM AND INCREASE TO GUARANTEED MAXIMUM PRICE FOR RESOURCE RECOVERY PROJECT

County Administrator Stephen Larson, Solid Waste Manager Kirk Rosenberger, and Ben Mattson and Tom Fuchs from Construction Engineers presented to the Board.

The product that Construction Engineers are using on the floor of the new transfer station at the Resource Recovery Facility is Geofoam. Due to product cost escalation, the increase since the project was bid is near 45%. The architect and construction managers for the project have explored construction alternatives and a different vendor but were not successful in getting the price down. Rather than adding six feet of soil and dealing with it settling which could be detrimental to the project, huge styrofoam blocks called Geofoam are used. Last year they received a quote of \$102.60 per cubic yard with 2,752 cubic yards needed for the project. They did not want to order it at that time, and have it stored outside until they were ready to place it. The price is now at \$149.26 per cubic yard.

Commissioner Campbell suggested that a cold storage facility could have been utilized for the product. Commissioner Mongeau noted that a Guaranteed Maximum Price (GMP) was established for the project, and everyone knew that costs were increasing.

Mr. Fuchs stated that in February they checked with the direct suppliers. Until they were within two weeks of ordering the product the price could not be defined. The contractor and owner contingency funds were discussed. The entire contractor contingency is expended. Many of the additional costs with the project incurred due to weather and may be considered “acts of God.” Commissioner Campbell suggested they review all the areas that depleted the contingency and what other costs can be anticipated for the remainder of the project. They could remove other items from the GMP for now to pay for the Geofoam. They may receive MPCA funding but not for certain.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and carried with one descending vote (Commissioner Mongeau), the Board authorized the order of Geofoam for the Resource Recovery Facility in the amount of \$137,878.43.

On motion with Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board recommended a complete review of the owner and contract contingencies for Resource Recovery Facility project.

SUPPORT RECOMMENDATION FOR HEALTH PLANS FOR INDIVIDUALS ELIGIBLE FOR MEDICAL ASSISTANCE OR MN CARE ON SPECIAL NEEDS PROGRAMS

Social Services Director Rhonda Porter noted that back in February, the Board was informed of the process the State Department of Human Services was taking with Request for proposals (RFPs) for Managed Care Procurement Process for 2023. County staff participated in the scoring and review of the recommendations of the responders with nearly 120 hours of their time. Two of the RFP’s have been completed.

Minnesota Senior Healthcare Options (MSHO) is for people age 65+ on Medicaid who have Medicare Part A and B. Minnesota Senior Care Plus (MSC+) is for people age 65+ on Medicaid. The current enrollment and providers for MSHO (566), and MSC+ (153) are Blue Plus, Medica, and UCare. Four responses to the RFP were received and the top three are Blue Plus, Medica, and UCare. They meet the minimal.

Special Needs Basic Care (SNBC) is for people with disabilities from age 18-64. The current enrollment of 1,014 is with UCare, and HealthPartners. Three companies responded to the RFP. HealthPartners did not respond.

UCare had the top-rated score for Clay County and 90% of participants in Clay County have been on UCare. Medica scored second.

On motion by Commissioner Campbell , seconded by Commissioner Kahly, and unanimously carried, the Board approved the recommendation to continue with Blue Plus, Medica, and UCare for individuals eligible for Medical Assistance and UCARE be provided for individuals eligible for Special Needs Basic Care.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Ebinger reported on meetings for NW Emergency Communications Legislative Committee; Recorder’s Annual Compliance; and New American Listening Connections.
- Commissioner Campbell reported on meetings with MCPA Re: Feedlot Issues; Public Meeting Re: Hunting in Oakport; Intergovernmental Committee; and Buffalo Red River Watershed District.
- Commissioner Gross reported on meetings for County Owned Land; Mn Rural Counties; and Detox Facility Planning.
- Commissioner Kahly reported on meetings with MPCA Re: Feedlot Issues; Adult Mental Health Local Advisory Committee; Historical and Cultural Society; Early Childhood Initiative; New American Listening Connections; and attended AMC Legislative Update.
- Commissioner Mongeau reported on meetings for County Owned Property Committee; Detox Facility Planning; and Mn Rural Counties. Discussions with Senator Eken re: a bill; spoke with Shannon Full re: leg session; and Rep Marquart on leg session.
- Administrator Larson reported on meetings for Recorder’s Office Annual Compliance Committee; County Owned Property; MPCA Feedlot Discussion; Detox Facility Planning; Solid Waste Manager position; Intergovernmental Committee; Ben Mattson with Construction Engineers; Legislative Session with AMC and MACA; County Engineer; and Human Resources.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved changing the official name of the Clay County Joint Powers Committee to Clay County Intergovernmental Committee and changing from meeting bylaws to meeting structure.

The meeting was adjourned at 11:10 a.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator