

**CLAY COUNTY BOARD OF COMMISSIONERS**  
**8:30 A.M., TUESDAY, MAY 26, 2020**  
County Board Room, 3rd Floor, Courthouse

**MINUTES**

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Frank Gross, Jim Haney, Kevin Campbell, Jenny Mongeau, and Grant Weyland. Others present or joining remotely: County Attorney Brian Melton, County Administrator Stephen Larson, and Senior Administrative Assistant Colleen Eck.

**CALL TO ORDER**

Chair Gross called the meeting to order.

**APPROVAL OF AGENDA**

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board approved the agenda with the following addition: Administrator’s Update on the Governor’s Executive Order.

**RENEWAL OF LIQUOR LICENSES AT RUSTIC OAKS, INC AND J & M BAR SERVICES**

By consent, the Board approved the renewal of liquor licenses at Rustic Oaks, Inc. and J & M Bar Services.

**CITIZENS TO BE HEARD**

During this pandemic, citizens continue to have the opportunity to share feedback at Board meetings via website link. Mr. Larson noted there have been no requests submitted for this meeting.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Haney, seconded by Commissioner Campbell, and unanimously carried, the Board approved payment for bills and vouchers totaling \$6,118,910 from 107 vendors. From that total, 75 warrants issued were under \$2,000 (\$32,607) and the following 32 were over \$2,000:

Independent School Dist 152	\$3,921,354	Acme Tools	\$11,295
Independent School Dist 2164	\$675,947	MN Counties Computer Co-op	\$10,694
Independent School Dist 146	\$435,620	Clay County Treasurer	\$9,642
Independent School Dist 150	\$420,247	Wilkin Co Public Health	\$7,588
Independent School Dist 914	\$172,070	Independent School Dist Otc 548	\$7,380
Clay Co Public Health	\$113,226	PDQ.Com Corporation	\$7,200
Otter Tail Co Public Health	\$66,478	Wells Fargo Business Credit	\$5,385
Butler Machinery Co	\$65,000	Christianson's Business Furniture	\$5,000
Becker Co Public Health	\$26,993	W Central Regional Juvenile Center	\$4,624
Polk-Norman-Mahnomen CHB	\$25,501	Ehlers & Associates	\$4,500
Mn State Auditor	\$21,269	Thomson Reuters	\$3,627
Independent School Dist Nc 2854	\$20,066	Lakes Country Service Co-op	\$3,156
Martin Mechanical Design, Inc.	\$15,000	Express Lane - Hawley	\$3,130
Independent School Dist Bc 2889	\$12,704	Colonial Life	\$2,667

The Hawley Herald	\$2,500	Independent School Dist Nc 2527	\$2,184
CoreLogic	\$2,210	Dakota Plains Mechanical, Inc.	\$2,045

**APPROVAL OF MINUTES FROM MAY 12, 2020**

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board approved the minutes from May 12, 2020.

**COVID-19 UPDATE**

Public Health Director Kathy McKay was present with the weekly COVID-19 update. There have been 373 cases and 24 deaths reported in Clay County. Three weeks ago, there were 237 cases and 17 deaths. The hospitals are still able to manage with the number of cases locally. There was a testing site set up last Saturday, Sunday, and Monday in Moorhead where over 800 residents were tested. There were 1100 nasal swab tests available. Clay County Public Health staff were there all three days. The tests went to Mayo Clinic with reports available in 48 hours. Commissioner Campbell extended gratitude to the Public Health staff for assisting with the testing site over the weekend.

Long-term care testing continues with the National Guard. Residents in nursing homes are tested initially, tested again 7 to 14 days later, and tested a third time in another 7 to 14 days. Employees of care facilities in MN, including corporate foster care, can work in any of the ND facilities and vice versa. There is no mass antibody testing locally at this point.

Ms. McKay referred to handouts with Governor Walz’s phasing-in approach for different settings including restaurants, bars, gyms, critical and non-critical businesses, retail, schools, sport-related programs, etc. Six-foot distancing is still in play for gatherings of 10 or less. Phase II will begin June 1<sup>st</sup> with many settings being required to have a COVID-19 preparedness plan and/or follow MDH and CDC guidelines. The stress and financial burden that comes with loss of employment and businesses has led to more mental health issues and suicides. Local resources are available to help people cope with their situations. The Correctional Facility continues to do a great job with screening and isolation of inmates.

**CONSIDERATION TO CONTINUE AMC HUMAN RESOURCES TECHNICAL ASSISTANCE PROGRAM**

Human Resources Director Darren Brooke stated that the Association of Minnesota Counties (AMC) has had a three-year contract with David Drown Associates to provide County Human Resource Departments with a portal to answer local, state, and federal human resource issues. Questions can be submitted on matters related to unions, compliance, laws, policies, discipline, employee relations, and other topics. Detailed and researched answers are normally returned within 24 hours and have not cost the County anything. AMC’s contract with David Drown Associates ends on December 2020 and the company is looking for Counties to help fund the program for 2021. The cost per County would be \$4,900 annually for continued access to the program, based on County participation being met. AMC would contribute \$50,000 annually to offset the cost of the program if 70 of the 87 Minnesota Counties sign up and contribute to it. Mr. Brooke noted he has used the service nine different times and was extremely impressed with it overall. He went over the benefits of the portal including less reliance on other legal counsel.

The Commissioners discussed the cost of continuing the program and noted it could be a non-issue if 70 Counties don’t sign up. They did not believe the smaller Counties would be able to invest in the program

and felt the annual fee should be based on population and size of Counties rather one amount fits all. Mr. Brooke stated he would pass those remarks onto AMC.

### **PRELIMINARY BUDGET DISCUSSION**

County Administrator Stephen Larson presented the 2021 budget timeline for consideration. If the parameters are accepted, the budget sheets will be provided to the departments by the Auditor's office on Friday, May 29. Budget requests will be due at the Auditor's office by June 29. The requests will be compiled and forwarded to the County Administrator's office by July 3. Reviews and presentations follow in July and August. Board action for the preliminary levy is scheduled for Tuesday, September 22. By statute, the preliminary levy needs to be set by October 1. On December 1, a public meeting regarding budget information is scheduled for 5:00 p.m., followed by Truth in Taxation at 6:00 p.m. Adoption of the final levy and 2021 budget would follow on December 8 or 15.

Commissioner Campbell asked to have the department heads be alerted that they should keep in mind that because of this pandemic there are a lot of uncertainties with County aid, lack of revenues, and unemployment. Commissioners Mongeau and Gross noted concerned with the tax burden on businesses that have been affected by the pandemic. Departments were encouraged to make any cuts that they are able to in their 2021 budgets.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board adopted the timeline for the budget preparation and adoption for 2021 with Truth in Taxation set for 6:00 p.m., Tuesday, December 1, 2020.

### **REQUESTS TO APPOINT EZRA BAER AND REAPPOINT ANDREA KOCZUR TO PLANNING COMMISSION**

Planning Director Matt Jacobson stated that Amos Baer just completed his third and final 3-year term on the Planning Commission, leaving a vacancy for another rural representative to serve. Ezra Baer, who has served on the Board of Adjustment for over two years, showed interest in being a Planning Commissioner and is from the same unincorporated area of eastern Clay County. The Planning Commission voted unanimously to appoint Mr. Baer to serve on the Planning Commission for a three-year term. Mr. Baer was present at the meeting and noted he would be honored to serve on both the Planning Commission and continue on the Board of Adjustment. He lives in Goose Prairie Township, serves on the township board, and works in the farm animal industry.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved appointment of Ezra Baer to a three-year term on the Planning Commission.

Andrea Koczur has served two three-year terms on the Planning Commission and has been a valuable member of the commission. She also serves as a rural representative with a lot of experience at the township level as well.

On motion by Commissioner Mongeau, seconded by Commissioner Weyland, and unanimously carried, the Board appointed Andrea Koczur to her third 3-year term on the Planning Commission.

**OPEN BIDS FOR CSAH 8 PAVEMENT REHABILITATION PROJECT**

County Engineer David Overbo stated the CSAH 8 pavement project will start at Rustad and goes east to CSAH 11. There is not a lot of traffic on this road and the pavement has been there since the 70’s. The engineer’s estimate for the project is \$2,353,350.30. There are three addendums and a 5% bid bond for the project. They hope to complete the work by August 26-28 for beet hauling. The following bids were received:

Border States Paving	\$2,252,222.72
Central Specialties	\$2,384,832.42
Mark Sand and Gravel	\$2,360,503.32
R.J. Zavoral and Sons	\$2,135,852.70

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved the low bid from R.J. Zavoral and Sons, Inc., for \$2,135,852.70, contingent on no errors found during final staff review of the bids.

**OPEN BIDS FOR 3 BRIDGE REPLACEMENT PROJECTS**

Mr. Overbo stated the estimate for this project is \$504,126. The project is for box culvert bridge replacements in three locations of Kurtz Township. This contract is in partnership with the Buffalo Red River Watershed District (BRRWD) with no cost to the township. The following bids were received:

Central Specialties	\$303,990
Gladden Construction	\$291,938
Houle Excavating	\$274,456
Landwehr Construction	\$209,710
Midwest Contracting	\$268,375

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved the apparent low bid from Landwehr Construction for \$209,710.00, contingent on approval by the BRRWD and no errors found in the bids upon staff review.

**REQUEST APPROVAL TO HIRE FT SOCIAL WORKER FOR ONGOING CHILD PROTECTION SERVICES**

Social Services Director Rhonda Porter and Supervisors Amy Amundsen, Quinn Jaeger, and Michelle Thordal were present with support of a request to add a full-time Social Worker for Ongoing Child Protective Services. Ms. Porter stated the department has been experiencing high case load demands with complex child protection issues. In March 2020 they requested two Social Workers and one Case Aid and received approval for one Social Worker and one Case Aid, with the second Social Worker position to be addressed at a later date. Since that time, Clay County received notification that Child Protection Opioid Epidemic Response Account will allocate funds to Clay County Social Services in the amount of \$64,120 for the second half of 2020. The cost for a new Social Worker for six months (July – December) is \$41,394, leaving \$22,726 for additional support services for families for 2020. There are many families on the Clay County system due to drug abuse. They also anticipate fund allocations for 2021 of approximately \$86,394. Ms. Porter noted there is an inevitable amount of turnover in Child Protective Services. The Personnel Issues Committee has had length discussions on it and support the additional staff position as requested. The individual who fills the position would be made aware that it is a grant position. Mr.

Yaeger stated there was some relief to the overflow with the additional two positions approved in March, but they were not able to get their caseloads down to eight cases each. The position is also revenue-generating based on the eligibility of the children they serve.

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board approved hiring a Social Worker for Child Protection Services effective July 1, 2020 using Opioid Epidemic Response Account Funds.

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

*Many of the following committee reports are from virtual of remote meetings.*

- Commissioner Campbell attended a meeting with Rhonda Porter re: potential housing issues; and attended a portion of the Executive Group for FM Diversion Authority.
- Commissioner Mongeau reported on meetings from Association of Minnesota Counties; Planning Commission; Cass Clay Food Partners; MetroCOG Executive Committee; MetroCOG Policy Board; and Buffalo-Red River Watershed District HR Ad Hoc Advisory Committee.
- Commissioner Weyland attended meetings for Personnel Issues Committee and Greater FM Economic Development Executive Committee.
- Commissioner Haney participated in the COVID-19 FM Media Conference.
- Commissioner Gross attended meetings for Personnel Issues Committee and Historical Society of Clay County.
- Stephen Larson attended meetings for Personnel Issues Committee; Housing Issue; Reimbursements for Emergency Services; Management; Regional Administrators; Regional City and County Managers; and Human Resource issues. He reported that the asphalt project in the southwest corner of the courthouse will wrap up the campus construction project. Jury trials at Clay County will resume on July 6. The Department of Motor Vehicle has been busy with an average of two to three hour waits for most citizens. A new acuity application is being used for notification to citizens. MV has started taking reservations for Real IDs and Enhanced IDs.

#### **ADMINISTRATOR'S UPDATE ON THE GOVERNOR'S EXECUTIVE ORDER**

Mr. Larson, along with County Attorney Brian Melton, provided an update on the COVID-19 pandemic impacts on local citizens and businesses. Mr. Larson stated with the Governor's new Executive Order for moving into Phase II, there was hope amongst the businesses to have fewer limitations. Currently, there is some frustration from the business community and talk of defying the Governor's order. Mr. Larson commented that AMC does not support defying the order. Attorney Melton stated that defying the order would be problematic and lead to liability issues. The Commissioners agreed that being a border city to ND puts Clay County at a disadvantage because ND is further ahead with lifting some of the restrictions on businesses. With limited outdoor dining allowed in MN starting on June 1, many businesses will still not have good options with limited outdoor space. Attorney Melton commented that they may have to get creative with use of alleyways and parking spaces. He would like to see the cities in Clay County relax some of their zoning to accommodate for this situation. Employees at restaurants, bars, etc., without work on the MN side could also go over to ND for work and not be available with MN moves into other phases. There was consensus among the Board to have a letter drafted to Governor Walz to let him know how border counties like Clay County are at a disadvantage with few restrictions next door.

**CLOSED SESSION FOR ATTORNEY-CLIENT PRIVILEGED PURSUANT TO MINN. STAT. 13D, SUBD 2(B)**

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board closed the public meeting for a closed session at 10:20 a.m.

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board completed their closed session and went back to their open meeting at 11:06 a.m.

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously approved, the Board removed their appointed representative, Jay Leitch, from the Buffalo Red River Watershed Board. He was removed for cause and, in the County Board's opinion, he is not representing the citizens of Clay County. The removal is effective immediately.

The meeting adjourned at 11:08 a.m.

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Frank Gross, Chair  
County Board of Commissioners

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Stephen Larson, County Administrator