

CLAY COUNTY BOARD OF COMMISSIONERS
5:30 P.M., TUESDAY, JUNE 14, 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. Admin. Asst. Colleen Eck.

CALL TO ORDER

Chair Mongeau called the meeting to order at 5:30 p.m.

APPROVAL OF AGENDA

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the agenda with two additions: 1) Landfill Project - Construction Amendment; and 2) Request to include \$5,000 in ARPA Funding to Cover the Grant Match for Child Care Project Manager.

CITIZENS TO BE HEARD

There were no citizens to be heard.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$3,951,706 from 158 vendors. From that total 120 were under \$2,000 (\$62,885) and the following 38 were over \$2,000:

R J Zavoral & Sons, Inc.	\$1,601,303	Sanford Health	\$5,255
Construction Engineers, Inc.	\$1,541,490	Amazon	\$4,893
Sellin Bros, Inc.	\$ 243,290	Pomp's Tire Service, Inc.	\$4,600
MN PERA	\$ 144,160	Farmers Co-op Oil Co	\$4,481
Northland Truck Sales, Inc.	\$ 81,500	LELS	\$4,168
City of Fargo	\$ 35,161	Valley Mortuary Services	\$4,156
Turner Sand & Gravel, Inc.	\$ 26,248	Clay County Union	\$3,604
Petro Serve USA	\$ 24,236	Clay Trail Alliance	\$3,494
Xcel Energy	\$ 19,915	Anjaam Holdings, LLC	\$3,451
MEnD Correctional Care	\$ 19,898	WEX Bank	\$3,285
Dakota Plains Mechanical	\$ 17,427	Halvorson/Derrick	\$3,195
Titan Machinery	\$ 13,350	Ramsey Co Med Examiner	\$3,157
Tracy Tollefson	\$ 11,250	Barnesville C-Store	\$2,882
SeaChange Print Innovations	\$ 11,009	Pemberton Law	\$2,854
Otter Tail Public Health	\$ 8,835	Uline	\$2,379
Sabin C Store	\$ 7,164	Felton Country Store	\$2,365
Rob Bentz Lock & Key, LLC	\$ 6,340	Mn State Auditor	\$2,209
MN Life	\$ 6,219	WEX Bank (fleet)	\$2,171
Forum Communications	\$ 5,430	MN Management & Budget	\$2,000

APPROVAL OF MINUTES FROM JUNE 7, 2022

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the Minutes from June 7, 2022.

ACKNOWLEDGEMENT OF DONATION TO SHERIFF'S WORK DETAIL PROGRAM

The Comstock Community Center was acknowledged for donating \$200 to the Sheriff's Work Detail Program.

UPDATE OF SHERIFF'S OFFICE 2023 PATROL VEHICLE PURCHASE AND REQUEST FOR APPROVAL TO LEASE VEHICLES FROM ENTERPRISE COMMERCIAL LEASE PROGRAM

Sheriff Mark Empting stated he was unable to order the six Chevy Tahoes from Nelson Auto that were approved by the Board on May 24th. The request had been for \$273,719.10. He then began working with Enterprise Commercial Lease Program which is utilized for other County vehicles. Enterprise has guaranteed three Tahoe's for 2023 and are trying to also get three more. Durango's are the second choice, but not as ideal, if they cannot get all six Tahoe's. The lease payments for six Tahoes for three years would be \$215,568 (\$71,856 annually) plus the equity of the vehicles after they are sold. The equity funds would be used to equip new vehicles. When a vehicle gets close to having 100,000 miles, Enterprise prefers selling it while the resale value is still good.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved the Enterprise Commercial Lease Program for six patrol vehicles. The preference is for Chevy Tahoe's at \$998/month (\$11,976/annually); and Durango's are second choice with less cost per vehicle.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board rescinded their motion from May 24, 2022, to purchase the six patrol vehicles.

REQUEST TO APPLY TO WEST CENTRAL INITIATIVE FOR CHILD CARE PROJECT MANAGER GRANT and UTILIZE ARPA FUNDING

Social Services Director Rhonda Porter and Supervisor Jessica Mickelson were present with a request to apply for grant funds. Central Initiative (WCI) is providing \$15,000 grants to communities with the intent to contract with a project manager to move local childcare projects forward. Clay County would serve as the fiscal host for the grant. Social Services would like to appoint Karen Pifher with Creating Community Consulting as Project Manager. To be eligible for the grant, the County must contribute \$5,000. The ARPA Committee met yesterday and agreed to utilize ARPA funds for the contribution. Child Care is an area that Social Services has wanted to develop.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the submission of the grant application to West Central Initiative for a Child Care Project Manager and subsequent contract with Creating Community Consulting if funds are awarded.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved contributing \$5,000 from ARPA funds for the Child Care Project.

REQUEST FOR APPROVAL OF HOUSING SUPPORT LETTER OF COMMITMENT FOR AFFORDABLE HOUSING DEVELOPMENT IN DILWORTH

Ms. Porter noted that a similar affordable housing project in Moorhead was approved for financing and is currently being built. Commonwealth Development did not receive funding for the Dilworth project and are reapplying with a slight change in their request. Nine unit in a 44-unit building would be for individuals on the

State Housing Support Program who are either long-term homeless or have a disabling condition. Commonwealth Development Corp plans to partner with CAP-LP (Lakes and Prairies) to provide support and services to the individuals housed in the nine units. This State-funded program is application based. There is no County funding required for the development.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board agreed to the Social Services Director signing the Housing Support Funding Commitment document for Commonwealth to submit for their application for Dilworth.

REQUEST FOR SUPPORT OF HEALTH PLANS TO SERVE FAMILIES AND CHILDREN ELIGIBLE FOR MEDICAL ASSISTANCE OR MN CARE

Ms. Porter commented that earlier this year, she informed the Board of the process that the State Dept. of Human Services was taking for the 2023 RFP Managed Care Procurement Process. The board was informed that three RFPs were being issued and County staff would be participating in the scoring of the responders. On May 10, 2022, the Board approved health plans for two of the RFP's for the special needs' populations. The final RFP, for families and children eligible for Medical Assistance or Mn Care, is now complete, and a recommendation is needed. The current enrollment numbers are 95% on Blue Plus and just 5% on HealthPartners. Social Service and Public Health staff reviewed the RFP's and completed County-specific scoring as well as cohort scoring. There were four responders for Clay County, but HealthPartners did not respond. The recommendation is for Clay County to continue with Blue Plus and add UCare.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board supported the recommendation of Blue Plus and UCare for the provision of the Pre-Paid Medical Assistance Programs.

REQUEST TO FILL VACANCY FOR ELIGIBILITY WORKER IN FINANCIAL SERVICES WITHIN SOCIAL SERVICES

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved filling the vacancy following a resignation for an eligibility worker in Financial Services with backfill if needed.

REQUEST TO ESTABLISH REGULAR ABSENTEE BALLOT BOARD (RESOLUTION 2022-22) AND UOCAVA ABSENTEE BALLOT BOARD (RESOLUTION 2022-23)

There were several requests from the public to speak on this matter. Chair Mongeau noted they would be allowed three minutes to address the Board after the Auditor–Treasurer has presented the item.

Lori J. Johnson stated that every year they receive absentee ballots that need to be accepted or rejected. She has one Republican and one Democrat looking over them with their staff. Depending on how many ballots come in, they decide if more individuals are needed. There is always a 50-50 split as far as party-affiliation. They have had an absentee ballot board for many years. It was approved in the past, but they are seeking approval again. She noted they have not had any issues with the process. The two resolutions brought forth today are for regular absentee ballots and for uniform and overseas ballots. When an absentee ballot comes in, they look at the name and information. If something happens to be missing, they will look at their voting record, and if that matches it will be accepted. If items do not match, that ballot will be rejected and a new ballot will be sent out to that absentee voter. If it is close to the election date, they will contact the person directly and give them their options.

Janine Hanson stated she lives at 1118 River Dr. S, Moorhead. She commented that it has been a mystery as to how to get on the absentee ballot boards. She referred to State Statute 203B.121, Subd 2 that states that election judges performing these duties must be from different major political parties. In 2013 they changed the language in the statute, allowing staff to be used. She understands that the County must first appoint election judges from a list of each major political party before appointing anyone else. She asked that the resolutions be amended to state the major political party balance. She provided handouts suggesting the following two additions:

“Whereas Mn Statute 203B.121, Subd 2A specifies that election judges performing duties in this section must be of different major political parties; and”

“Be it further resolved that appointments to the absentee ballot board must be chosen first from the potential election judges submitted by each major political party whose number must be balanced by party appointment and be made prior to the start.”

County Attorney Melton confirmed that he has reviewed the resolutions in the meeting packet and they both comply with the Mn Statutes as they were written. The public’s request for additional language is already listed in Statutes 203B.121 and 204B.19. The Statutes are referred to in the resolutions and the list of items that they must comply with are found there. This includes the major political party balance. He did not feel that all the items that they must comply with from the Statutes be specifically listed within the resolutions. Laurie Christianson lives at 18 4 St S, #307, Moorhead. She stated that it is very important that the absentee ballot board is filled by election judges. The Statute is clear on using election judges for these absentee ballot boards. If there are election judges willing to serve, they need to be on the boards rather than staff. Deputy auditors are appointed but should only be on the boards after exhausting the list of election judges. She has been an election judge for the past four years and has not been asked to serve on either board.

Ms. Johnson reiterated that she does use election judges for the ballot boards and her staff supervises them in case there are questions. She gets the list from the parties and the Secretary of State. If someone is part of the absentee ballot board, they need to run a background check on them because they will actually be Clay County employees. They have started election judge training. She will appoint the number needed for the boards for the primary election and the regular election. The number would depend on how many absentee ballots are being requested. She confirmed that there is always equal party representation. She works with the clerks to determine who she will choose for the boards. The decisions may be based on the election judge’s knowledge and interest. The individuals who come to election judge training are allowed to be on the absentee ballot board. They also have to complete an application. In response to a question, she added that she has mostly used staff in the past for these boards, but there have made some changes for them to use election judges. The election judges self-declare their party affiliation.

Miriam Dakutak resides at 1816 Centre Square, Moorhead. She thanked Ms. Johnson for clarifying that she will now be using the list from the major parties for choosing absentee ballot board members. She noted that the proposed amendments would really clarify that they would have the major parties equally represented. This would assure transparency in the elections.

County Administrator Stephen Larson stated he received a memo that was addressed to the Board that reiterated the points that were brought forth by these three citizens. The memo was signed by seven citizens and will become part of the meeting record. All the items in the memo have been addressed.

Discussion ensued regarding the proposed resolutions and suggestions for changes in the resolutions. Chair Mongeau noted that the Board could direct Ms. Johnson to fill the positions discussed with certified election judges as opposed to staff.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board executed the following resolution:

**Resolution 2022-22
Regular Absentee Ballot Board**

WHEREAS, Minnesota Statute Section 203B.121 requires that each governing body with responsibility to accept and reject absentee ballots must establish an absentee ballot board; and

WHEREAS, Clay County is responsible for accepting and rejecting absentee ballots for all Federal, State and County primary, general and special elections, as well as for local elections held in conjunction with all Federal, State and County elections; and

WHEREAS, the Clay County Board of Commissioners is responsible for the appointment of a sufficient number of adequately trained election judges to process absentee ballots; and

WHEREAS, the Clay County Auditor-Treasurer's office will recommend a sufficient number of individuals for appointment by the Clay County Board of Commissioners to the Absentee Ballot Board; and

WHEREAS, each election judge appointed to serve as a member of the Absentee Ballot Board will meet the qualifications as stated in Minnesota Statute 204B.19 through Minnesota Statute 204B.22; and

WHEREAS, each election judge appointed will be trained by the Clay County Auditor-Treasurer's office as instructed by the Secretary of State and in accordance with all applicable statutes and rules relating to the handling of absentee ballots; and

WHEREAS, the duties and responsibilities of the absentee ballot board are stated in Minnesota Statute Section 203B.121 Subdivision 2; and

WHEREAS, the process for establishing a record of absentee voting, the opening of envelopes and the storage and counting of absentee ballots are stated in Minnesota Statute Section 203B.121 Subdivisions 3 through 5; and

WHEREAS, the Clay County Board of Commissioners shall pay reasonable compensation to each member of the Absentee Ballot Board for the services rendered during an election; and

NOW, THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners hereby recognizes the requirement of Minnesota Statute Section 203B.121 Subdivision 1 and hereby establishes by this resolution an Absentee Ballot Board to administer the provisions of Minnesota Statute Section 203B.121 Subdivision 2 through Minnesota Statute 203B.121 Subdivision 5; and

BE, IT FURTHER RESOLVED, that appointments to the Absentee Ballot Board will be made prior to the start of absentee voting for each election, appointments will be election specific and reasonable compensation for the services rendered by members of the Absentee Ballot Board will be established at the time of appointment.

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

**Resolution 2022-23
UOCAVA Absentee Ballot Board**

WHEREAS, Minnesota Statute Section 203B.121 requires that each governing body with responsibility to accept and reject absentee ballots must establish a UOCAVA absentee ballot board; and

WHEREAS, Clay County is responsible for accepting and rejecting UOCAVA absentee ballots for all Federal, State and County primary, general and special elections, as well as for local elections held in conjunction with all Federal, State and County elections; and

WHEREAS, the Clay County Board of Commissioners is responsible for the appointment of a sufficient number of adequately trained election judges to process UOCAVA absentee ballots; and

WHEREAS, the Clay County Auditor-Treasurer's office will recommend a sufficient number of individuals for appointment by the Clay County Board of Commissioners to the UOCAVA Absentee Ballot Board; and

WHEREAS, each election judge appointed to serve as a member of the Absentee Ballot Board will meet the qualifications as stated in Minnesota Statute 204B.19 through Minnesota Statute 204B.22; and

WHEREAS, each election judge appointed will be trained by the Clay County Auditor-Treasurer's office as instructed by the Secretary of State and in accordance with all applicable statutes and rules relating to the handling of UOCAVA absentee ballots; and

WHEREAS, the duties and responsibilities of the UOCAVA absentee ballot board are stated in Minnesota Statute Section 203B.121 Subdivision 2; and

WHEREAS, the process for establishing a record of absentee voting, the opening of envelopes and the storage and counting of UOCAVA absentee ballots are stated in Minnesota Statute Section 203B.121 Subdivisions 3 through 5; and

WHEREAS, the Clay County Board of Commissioners shall pay reasonable compensation to each member of the UOCAVA Absentee Ballot Board for the services rendered during an election; and

NOW, THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners hereby recognizes the requirement of Minnesota Statute Section 203B.121 Subdivision 1 and hereby establishes by this resolution an UOCAVA Absentee Ballot Board to administer the provisions of Minnesota Statute Section 203B.121 Subdivision 2 through Minnesota Statute 203B.121 Subdivision 5; and

BE, IT FURTHER RESOLVED, that appointments to the UOCAVA Absentee Ballot Board will be made prior to the start of absentee voting for each election, appointments will be election specific and reasonable compensation for the services rendered by members of the Absentee Ballot Board will be established at the time of appointment.

The Commissioners requested that Ms. Johnson either publish the names of the certified election judges who are assigned to the two Absentee Ballot Boards or list them on the website.

The Board meeting was recessed at 6:30 p.m. for Board of Appeal and Equalization.

The Board meeting resumed their regular meeting at 8:05 p.m.

LANDFILL PROJECT - CONSTRUCTION CHANGE ORDER

Mr. Larson addressed the Board regarding a change order to the landfill cell construction project. A portion of the project was completed but there have been issues with the methane gas getting to the flare. Comstock Construction and Burns and McDonnell have identified the issue with two areas of sagging pipes that were previously installed but need to be replaced. The cost of the construction work is \$50,243.50.

Chair Mongeau noted that she and Commissioner Campbell have had weekly meetings regarding the gas issue at the landfill. The problem has really been a sore spot for about two years. The cost of not having a workable project has been more than the proposed fix. The funds for the project would come from the Solid Waste Reserve Fund.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved a total of \$50,243.50 for pipe installation at the landfill.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Kahly reported on meetings for Law Library; Insurance Committee; Clay County Collaborative Governance Board. Lakes and Prairies Community Action Partnership; MPCA and SWCD; Children’s Mental Health Local Advisory Committee; Cass-Clay Food Commission; and Extension Committee.
- Commissioner Gross reported on meetings for Highway Tracking; Wild Rice Watershed Board; Highland Grove Township; Partnership4Health Board; and Senior Elected Officials Training.
- Commissioner Campbell reported on meetings for Highway Tracking; Solid Waste Manager Interviews; FM Diversion Authority; and Finance Committee.
- Commissioner Ebinger attended Senior Elected Officials Training.
- Commissioner Mongeau reported on meetings for Solid Waste Manager Interviews; MetroCOG Policy Board; Finance Committee; met with Azad Berwari; Tansem Township officials; ARPA; Resource Recovery Facility Construction Update; Landfill Construction; Finance Committee; Extension; and Senior Elected Officials Training.
- Mr. Larson reported on meetings for Highway Tracking; Solid Waste Manager Interviews; Insurance Committee; Management; Budget Preparation; Frontline Worker Pay; Senior Elected Officials Training; Personnel Matter; Substance Abuse Planning; Red River Regional Dispatch Design; ARPA; Resource Recovery Facility Construction Update; and Finance Committee.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board supported changing the Board meeting time on July 5th, 2022, from 8:30 a.m. to 1:30 p.m.

The meeting was adjourned at 8:28 p.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator