

**CLAY COUNTY BOARD OF COMMISSIONERS**  
**8:30 A.M., TUESDAY, JULY 21, 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 Haney, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the agenda.

**REQUEST TO FILL FT VACANCY FOR CHILD AND TEEN CHECKUP OUTREACH PROGRAM**

By consent, the Board approved the request to fill a vacancy for a full-time manager for the Child and Teen Checkup Outreach Program in Public Health.

**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 were no requests submitted for this meeting. If a citizen prefers to come into the meeting they will be allowed to do so.

**APPROVAL OF MINUTES FROM JULY 7, 2020**

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved the minutes from July 7, 2020.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board approved payment for bills and vouchers totaling \$498,652 from 122 vendors. From that total, 93 warrants issued were under \$2,000 (\$36,693) and the following 29 were over \$2,000:

Lake Agassiz Regional Library	\$75,404	University of Cincinnati Research Inst.	\$4,375
Moorhead Public Service	\$72,976	Pemberton Law, P.L.L.P.	\$4,319
Glacier Enterprises	\$61,283	REDI Transports	\$4,050
MEnD Correctional Care, LLC	\$59,140	Red River Glazing, Inc.	\$3,900
Lakeland Mental Health Ctr, Inc.	\$35,740	Enterprise FM Trust	\$3,669
Nelson Auto Center	\$33,004	Thomson Reuters - West	\$3,627
Trinity Services Group, Inc.	\$30,876	Clay Trail Alliance	\$3,558
MN Unemployment Comp Fund	\$19,320	Galls, LLC	\$3,547
MN Dept. of Transportation	\$8,473	Anjaam Holdings, LLC	\$2,706
MN Life	\$5,486	Alternative Corrections, Inc.	\$2,646
Lakes Country Service Co-op	\$5,053	Psycholics	\$2,580

Pomp's Tire Service, Inc.	\$2,562	MN IT Services	\$2,270
Green View, Inc.	\$2,451	Amazon Capital Services	\$2,177
Pace Analytical Services, Inc.	\$2,412	Otter Tail Co. Public Health	\$2,065
North Point Geographic Solutions	\$2,292		

**COVID-19 UPDATE**

Public Health Director Kathy McKay, Public Health Nurse Cheryl Sapp, and Nursing Director Jamie Hennen were present with the latest data on COVID-19. Their handouts listed just over 47,000 positive cases in the State of Minnesota with 922 new cases and 86% of the cases recovered. A total of 866,410 tests have been completed. The travel category is a little deceiving because this is a border County. The number of confirmed deaths is 669 as of July 20, with 602 recovered or out of isolation and 28 active cases. In Clay County, there have been 39 deaths, now including a 9-month-old, the youngest death in MN. Ms. McKay stated this is a very isolated situation. The nasal swab on the infant tested positive and there were no underlying conditions. The infant was not in a hospital. The Center for Disease Control and the medical examiner are evaluating this case.

As influenza season approaches this fall, there will be more impact and challenges with two active viruses. The Corona virus case fatality rate stands at 4.2% worldwide; 3.7% in the U.S.; 3.2% in MN; and 5.8% in Clay County. McKay will seek information as to why Clay County has a higher percentage, but it may be due to long-term care facility deaths early on.

Ms. Sapp reported that Concordia College has 2,000 students and 20 of them are international students. MSUM has 5,000 students with 30 international students on campus. The Minnesota Department of Health and K-12 school districts are making plans for the fall school season. Governor Walz has a briefing today at 2:00 p.m.

Ms. Hennen relayed the current objectives of the Incident Management Team. They provide information to the public. They post their board meetings and press conferences on site and on the health alert network. They work with the Red River Valley (RRV) Taskforce and are the liaison for PPE needs at long-term care and foster-care facilities. Josh Ebert has been working on a memo of understanding for future planning for points of dispensing and administering vaccines. Commissioner Campbell commented that the department needs to be well-funded to handle the pandemic. Ms. McKay recommended that CARES Act funding will be used for testing. There is an RRV Taskforce meeting tomorrow and they will discuss working collaboratively on testing locations and staffing.

**INTERVIEWS FOR THREE APPOINTMENTS/REAPPOINTMENTS TO BUFFALO-RED RIVER WATERSHED BOARD**

Chair Gross stated the Board will be interviewing three candidates for the BRRWD Board. The interviews will be done by alphabetical order starting with Mark Anderson. Each candidate will be asked to respond to the same five questions.

In response to questions, Mark Anderson stated he has been a manager on the BRRWD board for the past six years and has lived and farmed in Clay County his entire life. He noted there is always a learning curve on the Board. He knows many residents, is related to many residents, and folks know to call him when needed. He likes serving the public in a position where he can do a lot of good. He feels he is pretty good at dealing with people and has the ability to make the right decisions. He noted the drainage involves the whole watershed program and simply getting rid of water onto a neighbor's property does not work. He

met with the watershed many times over the years before being on the Board. He noted the Watershed Board was first established in the late 60's and has increased in size since inception. He always had good experiences with the Board and would attend a lot of their meetings. When asked how he would support completion of the FM Diversion project, he commented he has a conflict of interest and has been advised by the Board's attorney not to vote on the project. He commented that his goal now is to make sure the people who are sacrificing for the diversion are getting compensated properly. Commissioner Mongeau stated that when he was appointed to the Governor's task force, he represented Clay County well and actively took part in the process. Commissioner Haney asked Mr. Anderson if the attorney's advice not to vote on diversion matters carried more weight than the County Board's expectations. Mr. Anderson noted his original conflict of interest was due to his land being in the project staging area that could affect his personal gains/losses. He was told no matter how he votes he would probably be sued. He has been allowed to remove himself from the board table and speak as a citizen and has done that at a few meetings. Commissioner Mongeau asked how he sees the transition after the recent retirement and with Houston Engineering. She added that most importantly Clay County does not want to lose the high-quality work and service the watershed has implemented. Mr. Anderson noted there would be better public relations in the long run to move to a contract basis with Houston Engineering rather than employing them.

Paul Krabbenhoft approached the Board and noted his interest is in the one-year position on the Watershed Board. His experience with the Watershed has been somewhat limited but grew up on a sizeable farm in Clay and Wilkin Counties. He has been involved with the Clay Soil and Water Conservation District for many years. He has gravitated toward policy and is interested in engagement. He has served as Director to the State SWCD Board. He has also served on the Governor's roundtable for six years for One Watershed, One Plan. He is on the policy committee with Commissioners Gross and Mongeau. It has been educational and hopefully the Board would find his input from his experience to be helpful. He has served nine years on the Planning Commission and is currently on the Board of Adjustment. He is aware of environmental setbacks in the County. At this time in his career with looking at retiring from real estate he could add more public service work. As far as managing drainage, he believes that One Watershed, One Plan is the right way to go. Water quality, water management and water storage all need to fit, from the source to the Red River. His previous experience with the Watershed was all positive with ditches, etc. He is an advocate for the diversion project and did speak on behalf of Plan B recently as a citizen. He believes without a doubt that the protection is needed. Twelve thousand homes would be affected if it doesn't happen and it's important to him that people are all treated wholly. He understands that some people will be affected, and some will never be satisfied, but believes the diversion is the best solution for the greater good. He added that he enjoyed working with Bruce Albright and believes that Interim Administrator Kathy Fenger will serve well too. He will need to listen and learn about the best approach for future work with Houston Engineering.

Gerald VanAmburg stated he has been on the BRRWD Board a long time. His academic background is in biology and ecology. He has done research in the area of wetlands for years. He has been active with the MN Association of Watershed Districts and MN Board of Soil and Water Resources. He has had experience across the state with different watersheds and noted that BRRWD is a unique watershed. He believes it is a duty for people to be involved in public service and feels that everyone deserves the opportunity to offer their capabilities. He sees the flooding problems and water quality issues and the importance of it economically. He is interested in seeing how One Watershed, One Plan will work and wants BRRWD to be successful. He stated that managing drainage is certainly necessary and has to be managed intelligently. Problems have been created as people have sculpted and farmed the land. He commented that peak flows are increasing, and the area has to be prepared for major flooding. The annual precipitation was increased, and the intensity of storms have increased as well. He stated he has had a lot of personal experience with

the Watershed and it has generally been very, very positive. It has been a good group to work with and a good functioning board. There will always be differences that need to be worked out. His experience in Moorhead lends an urban perspective to the Board. He supports efforts to achieve completion of the diversion project because flooding is still a major concern. The entire region relies on the Fargo-Moorhead area and it is very, very important to protect it. He believes we all need to work with the process and do what we can do to protect the landowners that are impacted and make sure they get what they deserve. He added he takes the engineers' studies and models seriously as they are based on science. He noted that he has no doubt the district will be hiring its own staff and administrator, but his concern is that the process is not rushed, and that money is not the main reason for making the change. The district has won many awards for many projects. They get the grants because of the design and the work of the engineers.

#### **ANNUAL BUDGET PRESENTATION FOR TECHNOLOGY SERVICES**

Tim Dent, Director of Technology Services (TS), stated his budget does not show a lot of changes for 2021 other than a couple requests. The first request is for an additional System Administrator due to an increase in demands for services especially security services. The department continues to guard about hackers and has brought phishing down to less than a 1% rate. An additional position would alleviate some of the pressure on the current work staff.

They are contracting with a new company to manage the County's printers and toners which should lead to a substantial savings. He is estimating \$35,000 in revenues for 2021. Clay County hosts software applications for Social Services for 19 other Counties. They are looking to add a few more Counties onto their case work system. They receive case work reimbursement and SSI reimbursement.

Equipment repairs and maintenance costs also go up. Dues and memberships show an increase due to a new contract with MN County Leadership Association to have a person be the liaison to the Association of Minnesota Counties.

There are also expenses for purchases of equipment for COVID-related needs such as staff working from home. That equipment is not reflected in this budget. If they swap out 200 desktops with laptop configurations the cost would be approximately \$300,000. Some of the older laptops are being used and some of the experiences with old equipment haven't been great.

#### **ANNUAL BUDGET PRESENTATION FOR ATTORNEY'S OFFICE**

County Attorney Brian Melton stated that his office's budget is largely salary. His staff includes the Law Library, Victim Services, and the Attorney's Office. Fees that are generated pay for the Law Library costs and the part-time Law Libraries.

They are not a revenue generating department, but they do get some grant dollars under the Restorative Justice Program. If they are in court working on behalf of Social Services and Child Support some of their costs are refunded.

Salaries are expected to increase in 2021 with the attorneys and other staff getting wage increases. Printing and publishing, computer software, and out of town subpoenas and witnesses lead to some cost increases. Overall, grant funding for the County has decreased. The only city the department provides prosecution services for is Hawley.

Their Restorative Justice contract goes toward the Victim Service Advocate area. The department had two full-time positions, one ¾ time position and one ½ time position. Because of a decrease in grant funding the staff has been decreased by one full-time position. The request for 2021 is to bring the ½ time position to full-time status.

There is a huge backlog in court due to COVID-19. They expect to go through some very difficult times coming up. After August 21 or 28 jury trials will begin. There will be one trial at a time, keeping people distanced.

#### **ANNUAL BUDGET PRESENTATION FOR SOCIAL SERVICES**

Rhonda Porter, Director of Social Services, provided a summary sheet and noted that her budget is evolving. Her budget request for 2021 shows a 2.63% increase. She had submitted a plan to the Department of Human Services and got it approved, then a week later found out they would not get the money. The new person she hired already gave notice at her current job and is expected to begin next week. For the remainder of 2020 the new employee cost would be \$40,000 and their estimate had been \$23,000. They plan to make up for the difference in other areas. Many other Counties are also frustrated with the short notice because many of them have also hired staff. Ms. Porter summarized out-of-home placement costs and how they will strategize moving forward. Her two new requests for 2021 involve planning for retirements in Income Maintenance and staff for Home and Community Day Service Area which can be paid thru the revenues they bring in.

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

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

- Commissioner Haney attended the COVID Task Force meeting.
- Commissioner Mongeau reported on meetings from MetroCOG Policy Board and CARES Act Committee. She met with Derrick LaPoint and had conference calls related to CARES Act.
- Commissioner Campbell reported on meetings from Highway Tracking; CARES Act Video Conference; Insurance Committee; CARES Act Committee; Regional Juvenile Center Advisory Board; Prairie Lakes Municipal Solid Waste Authority; FM Diversion Authority Executive Committee; and met with City of Moorhead re: Businesses and CARES Act
- Commissioner Weyland reported on meetings from Land of the Dancing Sky Area Agency on Aging; EDC Executive Committee; Regional Juvenile Detention Advisory Board; and Personnel Issues Committee.
- Commissioner Gross reported on meetings from Personnel Issues Committee; Highway Tracking; and Historical and Cultural Society of Clay County. He also dealt with a Cromwell Township resident.
- Stephen Larson reported on Highway Tracking; Personnel Issues Committee; County Webinar; Insurance committee; Corona Virus Relief Fund; CARES Act; Technology Services Budget; LOMAR Mapping; County Management; Local County Administrators and Managers; Planning and Zoning Budget; HR budget; City of Moorhead related to COVID-19; and met with Judge Gustafson regarding court space needs. He made phone calls to the city and township officials throughout the County related to CARES Act funding.

#### **CLOSED SESSION: ATTORNEY-CLIENT PRIVILEGE PURSUANT TO MINN. STAT. 13D.05, SUBD. 3(B)**

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board closed the public meeting for a closed session at 11:10 a.m.

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board reopened the public meeting at 11:50 a.m.

The meeting adjourned at 11:51 a.m.

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Frank Gross, Chair  
County Board of Commissioners

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Stephen Larson, County Administrator