

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, JULY 28, 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 Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved the agenda.

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 a meeting it will be allowed.

APPROVAL OF MINUTES FROM JULY 14, 2020

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from July 14, 2020.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Mongeau, seconded by Commissioner Weyland, and unanimously carried, the Board approved payment for bills and vouchers totaling \$1,508,389 from 100 vendors. From that total, 93 warrants issued were under \$2,000 (\$48,031) and the following 30 were over \$2,000:

R J Zavoral & Sons, Inc.	\$436,526	MN Counties Computer Co-op	\$6,620
Buffalo-Red River Watershed	\$286,493	Wenck Associates, Inc.	\$6,301
Lakes Country Service Co-op	\$274,322	Bob Barker	\$6,182
Clay Co Public Health	\$90,734	Medical Pharmacy	\$6,160
Wild Rice Watershed	\$90,130	Xcel Energy	\$6,062
Turner Sand & Gravel, Inc.	\$71,291	Trinity Services Group, Inc.	\$5,786
Department of Corrections	\$36,269	The Retrofit Companies, Inc.	\$4,676
Otter Tail Co. Public Health	\$21,432	Election Systems & Software, Inc.	\$4,171
City of Moorhead	\$18,040	Apex SQL LLC	\$3,984
Lutheran Social Service of Mn	\$17,057	Best Buy Business Advantage	\$3,337
SeaChange Print Innovations	\$15,250	Madison National Life	\$3,131
Becker County Public Health	\$12,985	Jet-Way Multiple Services, Inc.	\$2,875
Department of Corrections	\$12,900	Colonial Life	\$2,643
Cardmember Service	\$9,540	Fidlar Technologies	\$2,590
Network Cabling Services, Inc.	\$8,050	Terracon Consultants, Inc.	\$2,260
Verizon	\$7,842		

APPOINTMENT/REAPPOINTMENT OF BOARD MEMBERS TO BUFFALO-RED WATERSHED DISTRICT

Interviews for three open positions to the Buffalo-Red River Watershed District (BRRWD) Board were conducted on July 21. Chair Gross asked if the Board was prepared to make appointments at this time.

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board accepted Paul Krabbenhoft to fill the open one-year term on the BRRWD Board.

A motion was made by Commissioner Mongeau and seconded by Commissioner Gross to reappoint Mark Anderson to a three-year term on the BRRWD Board. The motion failed with two aye votes (Commissioners Mongeau and Gross) and three nay votes (Commissioners Weyland, Campbell and Haney).

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried the Board approved re-advertising for one open three-year term on the BRRWD Board.

Commissioner Mongeau commented that there needs to be a diversity in appointments, and it is very important to get a farmer/grower on the Board.

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board approved the reappointment of Jerry VanAmburg to a three-year term on the BRRWD Board.

COVID-19 UPDATE

Public Health Director Kathy McKay, Public Health Nurse Cheryl Sapp, and Nursing Director Jamie Hennen were present with handouts on the latest data on COVID-19. In the State of MN 650 new cases were reported along with two more deaths. Clay County has four more cases bringing the total of positive cases to 707. The number of deaths remains at 39 deaths. The total number of completed tests as of 7/26/20 was 13,542. The numbers and likely exposures continue to change. There are still a fair number of lower ages and that might continue as students come back into the area. In response to a question, Ms. McKay noted they have not seen anyone who has tested positive for the virus a second time.

Ms. Hennen shared some of the comments from the Commissioner of Health and Director of Infectious Diseases who spoke yesterday. They encouraged folks to comply with wearing masks and keep social distances. They are focusing on education not enforcement.

Ms. Sapp stated they will start the flu and other childhood vaccinations in a couple weeks in Clay County. They will post the information on dates and times on the Clay County Public Health website. Their phone number is 218-299-7777. Announcements are expected from the Governor on Thursday. Immunizations for Head Start and school kids are as usual. They are working out the details of the location for the immunizations.

APPROVAL OF PLAN TO IDENTIFY SIX (6) CATEGORY FRAMEWORK FOR INVESTING FEDERAL CARES ACT INTO CLAY COUNTY

County Administrator Stephen Larson noted that the CARES Act Committee was recently formed and have begun working out the details for allocating the funding provided through the Federal CARES Act. Their hope and intention are that every small business in Clay County is treated equally. The first goal of the committee was to establish the different groups of needs, and then prioritizing within each group. Commissioner

Mongeau noted that this is a huge undertaking and the Committee may need to meet twice weekly. The final deadline for allocations is December 1, 2020. The County Administrator is coordinating the efforts, working with Derek Lapointe from Moorhead, Karen Lauer from Barnesville, and others. The committee is proposing that the funding be placed in the following categories: 1) Small Business Support Program; 2) Community Resiliency; 3) Public Health Outreach & Service; 4) Small Communities (under 200 people); 5) County Infrastructure; and 6) County Reimbursements for COVID-19 Response.

On motion by Commissioner Haney, seconded by Commissioner Weyland, and unanimously carried, the Board approved the six categories of the CARES Act funding.

PRESENTATION BY WEST CENTRAL INITIATIVE ON ECONOMIC DEVELOPMENT IN CLAY COUNTY

West Central Initiative Director of Development Rebecca Peterson and Associate Planner Jill Amundson were present with a brief update and an informational video for the Board. The West Central Initiative is comprised of nine counties. The video and handouts touched upon all the components and programs of the initiative. They wish to be helpful to the community and recently created the resiliency fund. They were able to quickly identify \$1.2 million for the fund to benefit the nine counties and White Earth Reservation. They have issued seven different grants in Clay County up to \$10,000.

Commissioner Gross commented that they are doing great work and offering great opportunities. Commissioner Mongeau recognized them for stretching their dollars. Ms. Peterson thanked the Board for their past support and asked them to consider an increase in their contribution from \$9,000 to \$10,000 for 2021.

REQUEST TO BUY BACK PROPERTY IN COMSTOCK

Rick Erickson, a resident from Comstock, phoned in with his request to buy back his property in Comstock. Deputy Auditor Nanci Krenelka was present and submitted the tax information on the two parcels being addressed. The current amount owed on the properties is \$3,680.96. The next tax forfeit sale on properties is in December. Mr. Erickson defaulted on his taxes and his property was forfeited to the State. He has the right to repurchase the property with approval from the Board. He provided a letter explaining his health situation that led to him defaulting on his taxes.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board approved the request from Rick Erickson to buy back his property in Comstock if he pays the full amount owed on all delinquent and current taxes by Friday, October 30, 2020. Payment must be made in cash or with a cashier's check.

ANNUAL BUDGET PRESENTATION FROM PLANNING AND ZONING

Planning and Zoning Director Matt Jacobson was present with his budget information. He provided a handout and overall, he has a 5% increase in his budget for 2021. He increased equipment repair and maintenance to meet the needs of the department's vehicle that has been essential for getting out into the County. He also increased professional services by \$2500 to cover costs from NW Consultation GIS Firm for a new online application process for permits. The intent is to streamline the process and allow residents to pay online due to the COVID-19 pandemic. He was instructed to remove the \$2500 from professional services as it will go under County infrastructure costs under CARES Act funding. The other cost increase is for updating the Clay County Comprehensive Plan. They have a unique opportunity to work with MetroCOG

to update the plan for \$20,000 with the remainder of the costs coming from federal funding that MetroCOG received. There are also some funds needed for ongoing maintenance of County-owned properties: weed control, garbage clean-up, installed gates, etc. Commissioner Campbell suggested moving the \$5000 from miscellaneous to County-owned property costs.

INFORMATION ON CORRECTIVE ACTION NOTICE AND NOTICE OF NONCOMPLIANCE LETTERS – MINNESOTA BUFFER LAW

Asst. County Attorney Anthony Weigel and Soil and Water Conservation District Tech Gabe Foltz joined Mr. Jacobson with information related to noncompliance of the MN Buffer Law. Mr. Foltz commented that they are now a couple months past the deadline for the buffer strip requirements. A corrective action notice for the remaining nine landowners of 14 parcels would start the clock for an 11-month process of getting them into compliance. The County is responsible and if needed, would plant the buffer strips and put the costs on the property owners' taxes. Some of the properties involve renters and some miscommunication between them and the owners. Others are not taking this law seriously. The Board thanked the group for the update and for keeping this program going.

ANNUAL BUDGET PRESENTATION FOR LAW ENFORCEMENT

Corrections Administrator Julie Savat provided the budget for the Correctional Facility. She does not anticipate any changes in booking fees but reduced the revenue projections for 2021 due to the effect of COVID-19 on their contracts for beds. She had a reduction in the part-time salaries with their current staffing plan and another reduction in prisoner care. She based this on their actual costs. Many of the medical needs are now being handled inhouse. The new Correctional Facility includes a kitchen and laundry facilities which lead to extra custodial supplies. Some of those expenses are being moved from the Building Maintenance budget to the Correctional Facility budget. Uniform costs will be increased slightly due to usage and number of staff. Overall, the budget request is lower for 2021. As of this morning they are housing 72 inmates and 30 of them are in the 14-day quarantine phase. They test them on day 10 to determine if they can go into the general jail population after 14 days. They have had zero cases of COVID in the facility.

Emergency Management Director Gabe Tweten provided a brief update on Emergency Management. He reported on the large-scale rail exercise they participated in with the Moorhead HazMat Team, all of the Clay County Fire Departments, and BNSF Railroad. They deployed their drone for the exercise. In February he attended the Homeland Security and Emergency Management Conference in Minneapolis. Other trainings and certifications have been canceled for the year. On March 10th, the County declared a disaster declaration for the spring flood and declared a second disaster declaration for the COVID-19 pandemic on March 17th. The Community Emergency Response Team (CERT) started some training but training was put on hold due to the pandemic. The Sheriff's posse was also put on hold. During the end of May and beginning of June the Emergency Operations Center was activated twice due to civil unrest in the area. The National Guard was brought in one weekend but were not needed. Drone operations were critical in those two events and for several other events. The control of the drone operations is being switched from Valley Water Rescue to the Moorhead Fire Department. The five-year hazard mitigation plan update is currently under review with FEMA. Mr. Tweten's budget handouts showed some slight adjustments. Due to some of the training cancellations this year, he expects there will be additional costs for training and travel expenses next year. He also increased internal services for costs and tools related to the drone.

Sheriff Empting and Lt. Stephen Landsem addressed the Board with their portion of the Law Enforcement budget. They went over the budget items that overall show an increase of 2% for 2021. They expect \$5000 in Police Relief Aid and additional revenue in the contract with Moorhead for the Law Enforcement Center. Pistol permit revenues have dropped. There is a decline in autopsies. Transport numbers are staying high. Office supplies, uniform costs, and equipment over \$500 were increased. Their internal service funds are consistently short and were increased by \$50,000. That fund is being used for equipment as well. The equipment costs are near the cost of the vehicles. They transfer equipment to new vehicles when they can but when the vehicles are redesigned, they have issues with the equipment not fitting. They sell their used equipment to other agencies or auction it. The calls for service continue to increase and the patrol schedule is tight. One of the deputies will be deployed for the year 2021 and will need to be replaced. The salary budget will not be increased as the deputy will not be paid during deployment. They would like to retain the new deputy for 2022 as they anticipate a couple retirements that year. The new request is for \$65,000 for a vehicle and equipment for a new deputy. There is \$16,000 in internal service funds to be used toward the vehicle. Lt. Landsem will be making a couple adjustments to line items to accurately reflect true costs and revenues.

Commissioner Campbell suggested the HR Director provide a report at some time on health insurance costs because of some changes in department budgets.

ANNUAL BUDGET PRESENTATION FOR HIGHWAY DEPARTMENT

County Engineer David Overbo and Assistant Engineer Justin Sorum went through the four subsections of the Highway Department's budget: Highway Maintenance; Highway Construction; Highway Administration; and Highway Equipment Maintenance and Shop. Their budget remains fairly consistent. They show an increase for overtime and on-call pay mostly related to snow plowing. Commissioner Mongeau asked about adjusting schedules to add a Sunday thru Thursday work week as an alternative schedule. Overbo noted they will discuss that option it at a Highway Tracking Committee meeting. They increased road materials by \$50,000 and intend to start adding more gravel to the roads. They reviewed adjustments in other areas. They also included the purchase of an updated desk configuration with files and storage for the Assistant Engineer. Weather conditions and flooding can have a bearing on their budgets. FEMA offsets some of the expenses related to floods. They have been able to keep up with equipment maintenance. They are expecting a reduction in State Aid.

ANNUAL BUDGET PRESENTATION FOR RECORDER'S OFFICE

County Recorder Kimberly Savageau provided a handout for the Recorder's Office. She increased the amount of revenue coming from online services and expects that trend to continue upward. There are increases for employee salaries and software expenses. Some other small decreases were made. Overall the increase shows a 0.62% increase.

REQUEST FOR SUPPORT CONCERNING PRAIRIE LAKES MUNICIPAL SOLID WASTE AUTHORITY'S INSURANCE COVERAGE

Solid Waste Manager Kirk Rosenberger stated he is seeking support for the Prairie Lakes facility and other Counties as well, to seek options other than MCIT for insurance needs. The Prairie Lakes Board approved a draft letter and sent copies to all the Counties who have waste to energy type facilities. The underwriters informed MCIT they were no longer interested in insuring these types of facilities. The concern is with the boilers and the potential for fires. The request includes the following:

- 1) MCIT allow Prairie Lakes Municipal Solid Waste Authority, and the other three Waste to Energy (WTE) related MCIT members, to obtain property insurance and equipment breakdown insurance coverage through other brokers; and to continue to receive general liability and workers compensation coverage through MCIT.
- 2) If we, the MCIT WTE members, are successful in obtaining desirable coverage through a third-party risk management consultant, MCIT will retain and reimburse our third-party consultant and continue WTE coverage in 2021 with the insurance package.
- 3) MCIT allow Non-MCIT (Minnesota) counties that own WTE facilities to obtain property and/or equipment breakdown insurance through MCIT without obtaining general liability and workers' compensation insurance through MCIT.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board approved sending the letter of support to MCIT.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

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

- Commissioner Campbell attended meetings for Prairie Lakes Municipal Solid Waste Authority; FM Diversion Authority Outreach Committee; CARES Act Committee; FM Diversion Board of Authority; and Landfill Construction Update.
- Commissioner Weyland attended meetings for Prairie Lakes Municipal Solid Waste Authority; FM Diversion Board of Authority; and Landfill Construction Update.
- Stephen Larson attended meetings for Highway Budget; Sheriff's Budget; City Leadership for CARES Act; COVID-19 Relief Fund; County Management; and Landfill Construction Update. Another group met on a variety of issues related to COVID-19. The primary election will be held on August 11, 2020. He requested to have the courthouse open on August 8 from 10 am to 3 pm for citizens with questions for the Auditor and staff regarding absentee voting.

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried the Board approved opening the courthouse for the public on August 8 from 10 am to 3 pm for absentee voting questions.

The meeting adjourned at 11:25 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator