

**CLAY COUNTY BOARD OF COMMISSIONERS**

**8:30 A.M., TUESDAY, AUGUST 17, 2021**

Rooms A/B, 3<sup>rd</sup> Floor, Courthouse

**MINUTES**

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Kevin Campbell, Jenny Mongeau, Frank Gross, Jenna Kahly, and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, Human Resource Director Darren Brooke, and Sr. Administrative Asst. Colleen Eck.

**CALL TO ORDER**

Chair Campbell called the meeting to order at 8:30 a.m.

**APPROVAL OF AGENDA**

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda with one addition: Remote Work Policy Approval.

**CITIZENS TO BE HEARD**

There were no citizens present who wished 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 payment of bills and vouchers totaling \$623,351 from 107 vendors. From that total, 80 warrants issued were under \$2,000 (\$34,574) and the following 27 were over \$2,000:

Otter Tail Co Public Health	\$89,248	Dakota Fence, Inc.	\$6,944
Moorhead Public Service	\$78,822	Wilkin Co Public Health	\$6,261
Becker Co Public Health	\$69,150	Forum Communications Printing	\$6,105
City of Fargo	\$55,547	Xcel Energy	\$6,078
Clay Co Public Health	\$53,000	Psychogics	\$5,160
Turner Sand & Gravel, Inc.	\$43,867	Dakota Plains Mechanical, Inc.	\$3,537
Northern Improvement Co	\$31,324	Richard John Miller	\$3,140
MEnD Correctional Care, LLC	\$25,698	Enterprise FM Trust	\$3,094
R J Zavoral & Sons, Inc.	\$24,109	CHS Credit Card Dept	\$2,993
Polk-Norman-Mahnomen CHB	\$23,338	Prairie Lakes Youth Programs	\$2,304
Pemberton Law, P.L.L.P.	\$15,515	City of Moorhead	\$2,269
Petro Serve USA	\$11,945	MN IT Services	\$2,162
Nitzkowski, Inc.	\$ 8,113	McKesson Medical Surgical	\$2,065
Strata Corp.	\$ 6,989		

**APPROVAL OF MINUTES FROM AUGUST 3, 2021**

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the minutes from August 3, 2021.

**ACKNOWLEDGEMENT OF DONATION TO SHERIFF'S OFFICE**

The Clay County Fair and Ag Association were acknowledged for their \$400 donation to the Sheriff's Office.

**SCHEDULE PUBLIC HEARING FOR DETERMINATION OF CONDEMNATION - COUNTY STATE AID HIGHWAY 1**

County Attorney Brian Melton asked to set a public hearing at the Board meeting on September 7, 2021, to move forward with right-of-way condemnation actions involving Karl Goehring. Attorney Melton will post the public hearing for the acquisition of additional right-of-way for CSAH 1 improvements between 70<sup>th</sup> and 90<sup>th</sup> Avenues NW in Oakport Township. A resolution was executed by the Board on April 27<sup>th</sup> for condemnation. Mr. Goehring will be at the public hearing for discussion of costs and appraisal. Written findings will be required. If the Commissioners wish to view the right-of-way area, that can be scheduled but is not required. Electronic mapping features can be used for a clear view of the area.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board scheduled a public hearing for determination of condemnation for a portion of Goehring property for additional right-of-way for CSAH 1 improvements.

**REQUEST FOR APPROVAL OF RESOLUTION 2021-34 FOR VETERANS SERVICE OFFICE OPERATIONAL ENHANCEMENT GRANT PROGRAM**

Veterans Service Officer Curt Cannon brought forth a resolution for Clay County to enter into another grant agreement with MN Department of Veterans Affairs (MDVA) to conduct the Veterans Service Office Operational Enhancement Grant Program. Mr. Cannon closed out last year's grant yesterday. The \$12,500 in grant funds are used for training and equipment for the Veterans Service office and staff.

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

**Resolution 2021-34:**

**BE IT RESOLVED** by Clay County that the County enter into the attached Grant Agreement with the Minnesota Department of Veterans Affairs (MOVA) to conduct the following Program: County Veterans Service Office Operational Enhancement Grant Program. The grant must be used to provide outreach to the county's veterans; to assist in the reintegration of combat veterans into society; to collaborate with other social service agencies, educational institutions, and other community organizations for the purposes of enhancing services offered to veterans; to reduce homelessness among veterans; and to enhance the operations of the county veterans service office, as specified in Minnesota Statutes 197.608 and Minnesota Laws 2021, 1st Special Session, Chapter12, Article 1, Section 37, Subdivision 2. This Grant should not be used to supplant or replace other funding.

**BE IT FURTHER RESOLVED** by Clay County that Curt Cannon, the County Veterans Service Officer, be authorized to execute the attached Grant Contract for the above-mentioned Program on behalf of the County.

**REQUEST TO FILL VACANCY FOR FT CORRECTIONAL OFFICER**

Correctional Facility Administrator Justin Roberts stated he has another open position for a Correctional Officer. They have lost a total of 10 FT Correctional Officers due to various reasons. Management has not been cited for the turnover. There is a temporary housing unit closure at the Correctional Center resulting in five inmates being housed at other facilities for several weeks due to the current staffing level. Six new Correctional Officers have been hired and are going through the training process with the Assistant Correctional

Administrator, Kari Tuton. Some of the new hires do not have experience in corrections. The current staff are working 12-hour shifts with overtime when needed. They have been asked to delay any vacation time until they are back to full staff. The Commissioners noted appreciation for the hard work and cooperation from the Correctional Officers.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved a request to fill a vacancy for a FT Correctional Officer.

**REQUEST FOR APPROVAL OF RESOLUTION 2021-35 FOR AUTHORIZATION OF CAPITAL ASSISTANCE PROGRAM GRANT FOR RESOURCE RECOVERY FACILITY**

Environmental Tech Shannon Thompson requested approval of Resolution 2021-35 for authorization of a Capital Assistance Program Grant and Agreement for the Resource Recovery Facility which is already under construction. She added that MN Pollution Control Agency and Burns & McDonnell have identified a list of items that will need Board action for this project. The other items will be brought to the Board in the coming weeks.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board executed the following resolution for the Capital Assistance Program Grant Application and Agreement on behalf of Clay County:

**Resolution 2021-35**

**WHEREAS, Clay County has made application for a capital assistance program grant to Construct a Resource Recovery Campus,**

**BE IT RESOLVED, by Clay County, that Applicant will implement the project, provide necessary local financing, and accept and exercise the governmental powers necessary to develop and operate the project.**

**BE IT FURTHER RESOLVED, Clay County pledges to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of Clay County. Clay County recognizes that any subsequent withdrawal of allocated or additional funds of Applicant will impair the obligation of contract between the state of Minnesota, Clay County, and the bondholders.**

**BE IT FURTHER RESOLVED, Clay County Board of Commissioners authorizes the County Board Chairman to sign the Final Capital Assistance Program Grant Application and the Capital Assistance Program Grant Agreement on behalf of Clay County.**

**REQUEST TO FILL VACANCIES FOR JUVENILE WORKER AND CASE MANAGER IN SECURE UNIT**

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved a request to fill vacancies for a Juvenile Worker and a Case Manager in the Juvenile Center Secure Unit with backfill if needed.

**ANNUAL BUDGET PRESENTATION – JUVENILE CENTER**

Superintendent James O'Donnell, West Central Regional Juvenile Center, was present with the annual budget for the WCRJC. He stated the budget is separated between the secure and non-secure units of the facility. The secure unit has an 11-County service area. The following year's budget is based on the Counties' usage from

the past two years. The negative line for expenditures over revenues will balance out after the 2020 credit is applied. Many of the percentage changes are due to moving into the new facility and to changes in the population.

Clay County has the full budget for the non-secure unit in the Juvenile Center. They will take juveniles from other Counties when there are beds available. A \$126,000 grant has been approved for this unit but has not yet been received. There has been staff movement due to various staffing needs and Social Service needs. As the juvenile cases become more complex there is more one-on-one care. Mr. O'Donnell commented that ideally it would be best to have a doctor on the premises as well.

#### **AGENDA ADDITION: REMOTE WORK POLICY APPROVAL**

Human Resources Director Darren Brooke handed out the final version of the Clay County Remote Work Policy. He noted that the presentation on the policy was provided at the last Board meeting. The only comment received following that presentation was from Commissioner Mongeau. That comment was addressed with an addition to item 10 on page 3 for a supervisor to counsel an employee at any time regarding any problems that come up for an employee working remotely rather than at set intervals.

Commissioner Gross commented that a remote work policy is a big responsibility for the County to take on. It will entail a lot of supervision and a lot of tracking for supervisors. Commissioner Campbell noted that having a remote work policy will also be a recruiting tool. A lot of staff has worked remotely during COVID-19 and will now be managed better. The policy may need to be tweaked or rescinded in the future.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the Remote Work Policy as written, effective immediately.

Commission Gross left the meeting at this time.

#### **COVID-19 UPDATE**

The following staff were present from the Public Health Department: Director Kathy McKay, Nursing Director Jamie Hennen, and Sanitarian Becky Schmidt. Ms. McKay noted that Ms. Schmidt has a background in epidemiology. The COVID-19 update was given with a power point presentation.

Ms. Hennen stated Clay County has 78 active cases, up from 11 cases on July 6. Minnesota has seen an increase from 816 on July 6 to 9044 today. Cass County increased from 15 to 243 and North Dakota from 129 to 989 during the same time period. Hospital admissions also continue to increase. Clay County Public Health continues to provide vaccine opportunities. They have received requests from some of the local schools and colleges for walk-in vaccine clinics. Graphs were displayed for Clay County cases per week and cases by age through the spring and summer months. There is some increase in children, but the highest age range continues to be from 25 to 29. Doses administered by Public Health have increased from a low of 18 on June 27<sup>th</sup> to 133 last week. State-wide, 68.9% of the population have received one vaccine and 64.6% have completed the series. The highest age range for vaccines is 65 and older with 89% fully vaccinated. These numbers do not include those vaccinated at pharmacies. The level of community transmission in the state has also increased throughout the state. Clay County went from the moderate transmission in July 26 - August 1 to substantial transmission in the August 8 – 14 time period.

Ms. Schmidt stated she generally works as a Sanitarian for Environmental Health but with her epidemiology background, she has taken on more roles throughout the course of the pandemic. She relayed that the Delta variant is spreading rapidly and 95% of the current cases are this variant. It is better at attaching and over two times more infectious than the first strain. Younger people are also being infected. The unvaccinated population is by far at the greatest risk. The state-wide data for breakthrough cases (people infected with COVID who are fully vaccinated) show a total of 0.24%, with hospitalizations at 0.02%, and deaths at 0.002%. She urged people who are not vaccinated to do so at this time. She was unaware of any scientific data about effectiveness between the three types of vaccines available. Last November there was a peak with 665 active cases.

The testing site in Moorhead will be in operation until at least the end of the year. Long-term care and assisted living facilities continue to test based on their number of cases. The current recommendation is to get tested if you are having symptoms whether or not you have been vaccinated. Contact tracing is still being done locally. There is work being done on a vaccine for younger children. Typically, if children get infected their symptoms are not as severe. Most common are the cold symptoms, fever, and lethargy. The MDH, CDC, Local Healthcare Systems, and Clay County Public Health all recommend wearing masks in indoor public settings in areas with substantial to high transmission rates. The Public Health Department has their employees and visitors' mask. Becker County is not making a change to their masking requirements. Otter Tail and Wilkin Counties are working on their recommendations.

Commissioner Kahly commented that she would like to see Clay County institute a mask mandate for all Clay County buildings whether or not they are vaccinated. Commissioner Campbell noted that they depend on Public Health as the experts for that kind of determination, adding that Clay County has done a lot to make these public buildings safe. The national data shows that 95% of the 120,000 new cases were people who were not vaccinated. Commissioner Mongeau stated they have spent a substantial amount of time and CARES funds to help mitigate infection disease, have made services available with phones and electronic means, and to reduce close contacts in the buildings. She is in support of people making their own decisions on masking. Commissioner Ebinger commented that this is a difficult task, but the spread is through transmission and the best ways to deal with it are with social distancing, masking, and vaccines. Attorney Melton noted that 12 of the states have state-wide mask mandates. A mandate set by a County could be challenged in court as has happened with a couple counties in southern states.

There was a quorum present at this meeting, but there was agreement to wait a week until Commissioner Gross can also be heard.

#### **ANNUAL BUDGET PRESENTATION - PUBLIC HEALTH**

Ms. McKay introduced her Public Health Financial Director Carmen Barth. Revenue sources and expenses were covered in the budget report. Ms. McKay noted that 2019 is most accurate for comparisons because of the unusual year that Public Health had in 2020. The budgets were compared to the actual allocations. The County allocation for 2021 revenue sources was \$1,290,066 and for 2022 revenue sources is \$1,408,588 for an increase of 8.41%. The Barnesville Ambulance Service request for 2022 also shows an increase from \$10,400 to \$13,500. Their federal and state grants are fairly consistent but a couple of them can vary. They also have a lot of billable services in Public Health from insurance companies. The license fees for Food, Pool, and Lodging

have not changed. Client fees are charged to other Counties for detox services. Any memorial donations are under miscellaneous funds. The revenue sources for the 2022 budget total \$7,907,379.

Ms. McKay stated their budget sheets are different than the other departments and were changed many years ago because of various funding sources and areas. Their summary was simplified to make it easier to read. Some of their multi-year grants are paid on the fiscal year and some on the calendar year. Their payroll shows a higher increase (9.25%) than most departments for 2022. They are meeting with the Personnel Issues Committee following this meeting on some positions that were approved but not filled and on some additional positions. CARES dollars are still in reserves for this year's COVID expenses. They have also had overtime expenses. Their new requests total \$91,000. Training and travel expenses are up for 2022 but will be covered through grant funding. The client care expenses include the meal plan for detox. Supplies and equipment also show an increase but there is also some grant coverage there. The total 2022 budget for 2022 is \$7,907,379. Commissioner Campbell noted he may have more questions on their budget later.

### **REQUEST TO MOVE FORWARD WITH FSC SECURITY PROJECT WITH DELTA CONSTRUCTION AND NETCENTER TECHNOLOGIES**

Facilities Director Joe Olson and Information Services Director Mark Sloan were present with a request to move forward with quotes for the Family Service Center (FSC) security project. The lowest quote for construction costs was submitted by Delta Construction for \$26,375.15. The camera and card access quote came from NetCenter Technologies for \$21,000. A map of the FSC lobbies was included in the meeting packets that included more camera coverage. The security guard at the FSC was done last Friday and so far, things are going well.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved moving forward with the quote from Delta Construction for \$26,375.15 and NetCenter Technologies quote for \$21,000. The total for the construction project is \$47,375.15 with \$25,000 to be taken from Capital Improvement Bonding and \$22,375.15 to come out of Fund 19.

### **REQUEST FOR APPROVAL TO PURCHASE ULTI PRO CORE PAYROLL AND HR SOFTWARE**

Auditor-Treasurer Lori J. Johnson and HR Director Darren Brooke presented information for a new payroll system. Their current system has been used since 2006. That system is not being upgraded and will eventually be phased out completely. The new contract would be with UKG to purchase UltiPro Core Payroll and HR software. The implementation cost is \$47,250. The annual maintenance fees may be substantial at first but will go down with blended pricing as more Counties sign contracts with the company. It would not be a levy item for two years. There is currently \$40,000 in the budget for payroll. Mr. Brooke stated UKG's system for open enrollment is completely online and would reduce a lot of work and time for the HR Department. It would be fully integrated with the payroll system. An extensive request for proposal process was completed through MCCC and UKG came out on top and fortunately was less money as well. They are looking at implementation of the system next April or May before the election season and open enrollment.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the purchase of UltiPro Core Payroll and HR Software.

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

- Commissioner Ebinger attended a Substance Abuse meeting.

- Commissioner Mongeau attended meetings for American Rescue Plan and Resource Recovery Facility.
- Commissioner Kahly attended meetings for Soil and Water Conservation District and Substance Abuse.
- Commissioner Campbell attended meetings for Highway Tracking; FM Diversion Authority Chairs; Lakes Country Services Co-op; American Rescue Plan; and Resource Recovery Facility.
- County Administrator Larson attended meetings for Highway Tracking; Management; Court Administration; Public Health Budget; Juvenile Center Budget; MCCJPA Pre-meeting; American Rescue Plan; and Resource Recovery Facility.

The meeting was adjourned at 11:03 a.m.

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Chair Kevin Campbell  
County Board of Commissioners

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Stephen Larson, County Administrator