

**CLAY COUNTY BOARD OF COMMISSIONERS**  
**1:30 P.M., TUESDAY, AUGUST 23, 2022**  
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: Jenna Kahly, Frank Gross, Jenny Mongeau, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, Assistant County Attorney Michael Leaser, HR Director/Asst. Administrator Darren Brooke, and Sr. Admin. Asst. Colleen Eck

**CALL TO ORDER**

Chair Mongeau 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.

**CONTRACT RENEWAL / BOARD RATIFICATION FOR COUNTY ATTORNEY’S COMPUTER COOPERATIVE**

By consent, the Board approved the two-year contract renewal and Board Ratification for Mn Counties Computer Cooperative & Strategic Technologies, Inc. for the County Attorney’s Office.

**ANNUAL CONTRACTS WITH ATTORNEYS FOR CHILD PROTECTION CASES**

By consent, the Board approved the annual contracts with four attorneys for Child Protection Cases.

**APPLICATION FOR ONE-DAY LIQUOR LICENSE FOR HARVEST HOPE FARM**

By consent, the Board approved the application for a one-day liquor license on September 17, 2022, at Harvest Hope Farm.

**CITIZENS TO BE HEARD**

There were no citizens to be heard.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$1,793,719 from 144 vendors. From that total, 104 warrants issued were under \$2,000 (\$49,049) and the following 40 were over \$2,000:

Buffalo-Red River Watershed	\$673,263	Mn Dept Of Revenue	\$26,367
Internal Revenue Service	\$206,641	Connect Interiors LLC	\$19,715
MN PERA	\$136,728	Cardmember Service	\$19,231
Wild Rice Watershed Treasurer	\$123,863	T.F. Powers Construction Co.	\$17,984
Moorhead Public Service	\$ 76,346	C & S Lund Trucking	\$16,800
FM Asphalt LLC	\$ 72,000	Rick Electric, Inc	\$12,486
Turner Sand & Gravel, Inc.	\$ 69,159	NACO	\$12,129
W Central Regional Juvenile Center	\$ 67,713	Red River Glazing, Inc.	\$10,000
Department Of Corrections	\$ 34,908	2 Rivers Construction	\$ 9,975
VEBA Select Account	\$ 26,890	BDT Mechanical, LLC	\$ 8,888

Tech Tronix	\$8,100	Xcel Energy	\$5,037
Trinity Services Group, Inc.	\$7,855	NetCenter Technologies	\$4,912
Otter Tail Co Public Health	\$7,833	Dakota Plains Mechanical, Inc.	\$4,252
Northern Improvement Co	\$7,820	LELS	\$4,216
Sanford Health	\$7,606	SeaChange Print Innovations	\$3,630
Verizon	\$6,949	Nd State Tax Commissioner	\$3,164
Deputy Registrar #15	\$6,882	Wex Bank (fleet)	\$2,768
Prairie Lakes Youth Programs	\$5,400	Trane U.S., Inc.	\$2,500
Jet-Way Multiple Services, Inc.	\$5,380	Enterprise FM Trust	\$2,133
Ziegler, Inc.	\$5,043	Stantec Consulting Services, Inc.	\$2,102

### **APPROVAL OF MINUTES FROM AUGUST 9, 2022**

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from August 9, 2022.

### **PRESENTATION OF COMMUNITY CENTER / LIBRARY PROJECT**

Moorhead Mayor Shelly Carlson joined James Hand and Lisa Borgen, Co-chairs of YES56560 Task Force for a Moorhead Regional Library and Community Center. They provided a power point with the library services; task force members; feasibility assessment; community center spaces; project timeline; site selection; and all the extras including a coffee bar and indoor playground. The Moorhead Center Mall area met all the criteria for the best site to build. JLG has provided renderings for the vision of the project. A local option sales tax for the project will be on the ballot for public voting on November 8th, 2022. The increase in sales tax is estimated to cost the average Moorhead resident about \$2 per month. The estimated construction and financing are \$31.59 million. The project has also qualified for some grant funds. The message today was to spread the word, donate, and support the project. The website is YES56560.com.

The commissioners provided support for the project. They verified the need for such a regional library and regional center with all the planned spaces for individuals and families in the area to utilize.

### **REQUEST FOR APPROVAL OF CHANGE ORDER #7 FOR RESOURCE RECOVERY FACILITY CONSTRUCTION PROJECT**

County Administration Stephen Larson presented Change Order #7 for the Resource Recovery Facility Construction Project. The change order includes miscellaneous AV and electrical revisions; additional electrical; site signage; high speed door transformers; addition of variable-frequency drive and ventings for storm lift station; chain link fence for Grid 7 retaining walls; changing stoops to full frost depth for strip footings. The increase to the Guaranteed Maximum Price (GMP) is \$147,860 and a seven-day extension to the timeline. The new GMP with this change order is \$19,139,345.49, approximately \$800,000 over the original GMP. Discussions on these items have been vetted through the construction committee. The overage will come from the premium dollars on the bond with the County's high rating. Part of the issue with the cost has been the unprecedented weather and unexpected expenses from post-pandemic cost issues. They are still hoping to still complete the project before the end of the year.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Construction Engineers' Change Order #7 with an increase of \$147,860 to the Guaranteed Maximum Price for the Resource Recovery Facility.

**PUBLIC HEARING – PETITION FOR TEXT AMENDMENT TO DEVELOPMENT CODE; CONSIDERATION TO ADOPT ORDINANCE 2022-3 FOR SWIMMING POOLS IN SHORELAND DISTRICTS**

**On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board opened the public hearing.**

Planning Director Matt Jacobson stated that the Planning Commission heard a petition from Rick Larson / R&G Development for a text amendment to the Clay County Development Code. The public meeting was held on July 19<sup>th</sup>. The petition is to allow swimming pools as permitted uses in the shoreland districts of the County. There were no public comments for or against the proposal. The Planning Commission unanimously recommended approval of text amendment with updated safety measures. The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions. Mr. Jacobson also spoke to DNR, and they had no concerns regarding this text amendment. Ordinance 2022-3 was drafted by the Planning Director for the proposed text amendment.

The Standards for Safety Measures in the Development Code were updated as follows:

All swimming pools shall be required to be fenced or have an alternative safety measure in place to restrict access to swimming areas. If fencing is used, it shall completely surround the swimming pool and shall be a minimum of four feet in height. Additional fencing shall not be required for above ground pools, provided access to all swimming areas is restricted by deck railings. Alternative safety measures include locking covers, power covers, vegetation that prevents access, or any other design feature that restricts access to swimming areas from other properties. There are no federal or state laws that require complete enclosure of a private swimming pool with a fence.

The applicant was not present and there were no citizens who wished to speak to this public hearing.

**On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board closed the public hearing.**

**On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board adopted Ordinance 2022-3 for a text amendment to the County Development Code to allow swimming pools as permitted uses in the shoreland districts.**

**PUBLIC HEALTH BUDGET**

Public Health Director Kathy McKay and Financial Director Carmen Barth were present for the Public Health budget. Ms. McKay noted that they do have a complex budget, partially due to the areas that must be reported to the State of MN and for all their grants. She elaborated on their programs: Assure Adequate Infrastructure; Prevent Infectious Disease; Disaster Preparedness Response; Environmental Health Hazards; Healthy Communications and Behaviors; and Quality and Accessibility of Health Services. She noted there is some COVID 19 funding carried over from last year.

New requests for 2023 include three Public Health Nurses, one .8 Case Aide, and one RN for Detox. They currently have 12 FT nurses with heavy caseloads. Ms. McKay noted that it has been difficult to recruit RNs. New nurses bring in some additional revenue. Some of their nurses go into nursing homes and provide some of the patient care. Not all counties provide all the case management services that Clay County provides. Clay

County is also competing with the ND health systems being a border county. Commissioner Campbell asked Ms. McKay to provide a list to them with a list of their unfilled positions.

The next review sheets covered revenues and expenses for 2020 through the proposed 2023 calendar year. The Public Health budget for 2023 is \$1,514,242; Environmental Health budget is \$30,324 and the Barnesville Ambulance request is for \$30,000, up from \$13,000 this year. The grand total is \$1,574,566 and includes \$128,338 in new requests.

#### **OVERVIEW FROM PUBLIC HEALTH ON CHILD AND TEEN CHECK-UPS OUTREACH PROGRAM**

Kelsie Tucholke introduced herself as the area Program Manager for Child and Teen Check-Ups Outreach Program. The program is for free preventive medical care for individuals who are under 21 and on Medical Assistance. They provide help to clients in accessing these services. The program was impacted by pandemic in 2021 and the rates went down some. The program is evaluated by the participation rate, and Clay County is now number eight in the State of MN out of 100 counties and tribes. A big need in the area is for dental services, and that issue is being addressed.

#### **OVERVIEW OF REGIONAL DENTAL INNOVATIONS PROJECT**

Jane Neubauer works for Partnership4Health and is the Regional Dental Coordinator. She has been working to address the dental needs and resources in the community since 2020. They are expanding access to care with a new clinic that will be established in Detroit Lakes, in Becker County, and expanding services at Appletree Dental in Hawley. A new dental clinic was also added in Fergus Falls. They work closely with Public Health for dental access needs. Appletree Dental in Hawley currently has 1,400 patients on their waiting list. M-State provides some preventative services through their dental students. There are also eight outreach dental clinics with providers. Ulen was added to the list this year. Currently, 34% of low-income residents in Clay County are accessing dental and the goal is to reach 55%. They are presenting to all the regional County Boards to access some of the ARPA funds for infrastructure for their program. Chair Mongeau noted they have an ARPA Committee in Clay County to address requests. A written request was left for the Board.

#### **FINANCIAL REQUEST FROM FMWF CHAMBER OF COMMERCE**

President/CEO Shannon Full and two other FMWF Chamber of Commerce staff presented with a preliminary financial request for 2023. Ms. Full stated the two main items that the chamber is looking for partnerships with are public policy and talent and workforce. She noted the importance of public and private partnerships. The chamber represents nearly 2,000 businesses in the region. For the past couple years, the chamber has worked to balance the ND/MN sides of the region.

Jenna Mueller, Director of Foundation, addressed workforce and talent. She touched upon the Ignite FMWF platform and the asset that the Moorhead Career Academy has brought to the region. Ignite FMWF is used for accessing training and retaining the population. The program is used to connect businesses and make sure the businesses are visible. It is also there for nonprofits and there is a focus on the new American population, veterans, and dislocated workers, to develop current and future talent. There are many videos on Ignite to view careers and then access training opportunities for those careers. The program is used by students, existing job seekers, and those looking to move up the ladder. They also feature an emphasis on community welcome and acclimation to a community.

Katherine Grindberg, Executive Vice President, thanked the Board for partnering with the chamber. She noted that one large area they advocate for is leadership. She commented that DEED Commissioner Grove

visited Moorhead last year and that led to Fargo Moorhead now being included in the job report state-wide. She touched upon the funding and video for the Dilworth Fire Station. They arranged for a business roundtable in Dilworth and plan to coordinate roundtables with other cities as well. Last year also marked the first Annual Moorhead Area Day at the Capitol for leaders and businesses. The Public Policy Committee topics for 2023 include childcare, regional branding, workforce policies, and infrastructure. Besides the financial request from the chamber for 2023, they also want to see commissioners involved with a business liaison to serve on the public policy committee; be involved in Moorhead Area Day at the Capitol in 2023; and engage in business roundtables throughout the communities.

The Commissioners thanked the chamber for FMWF Ignite, Moorhead Area Day at the Capitol, and for their advocacy for this area. Chair Mongeau commented that the Board will be weighing the chamber's funding request along with the rest of their budget for 2023.

### **LEGISLATIVE UPDATE**

Senator Kent Eken stated this may be his last time addressing the board in this capacity as he steps down from his role as State Senator in January. He commented that he has been fortunate to represent this area of MN where regardless of political party, people have worked together. He noted disappointment with the last legislative session where politics came into play and not all the money was appropriated. He also touched upon some of the significant accomplishments with unemployment insurance, law enforcement reform, clearer responsibilities for broadband, flood mitigation, and funding for Dilworth fire station.

Rep. Paul Marquart spoke on the current economy, inflated costs, and workforce shortages. He noted disappointment in not completing the budget in their legislative session and leaving a surplus on the table. He noted that childcare providers and residents who work out-of-state still need to be addressed. He was pleased with the opening of the Moorhead Career Academy and the FM Area Diversion Project. He stated it has been an honor to serve for 22 years. He commended Clay County for serving the public well with strong leadership. He has enjoyed his role in serving the community and will also be retiring in January.

Rep. Heather Keeler stated the historical leadership will change as Senator Eken and Rep. Marquart step down from office. She commented on the growth in Clay County and the challenges that go with being a border county. She touched upon higher education, careers, labor industries, the FM diversion project, struggles with daycare providers, and broadband impact. She noted she is most proud coming from a family of veterans and acknowledged the Fisher House Program that provides veterans and families a home away from home, similar to a Ronald McDonald House.

Commissioner Campbell referred to the Resource Recovery Facility and how the project costs exploded during the amount of time it took to get approval for funding. He would also like to see hybrid options for this Board. Currently, the Commissioners are only allowed to remote into meetings for medical reasons, and only twice per year. There was mention of the Board inviting the local Representatives and Senator in again after the election in November.

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

- Commissioner Kahly reported on meetings for Adult Mental Health Local Advisory Council; FMWF Chamber; Historical and Cultural Society; Suicide and Substance Abuse Coalition; Early Childhood Initiative; and meetings with residents.

- Commissioner Gross reported on a meeting with Klein McCarthy for the Crisis and Substance Abuse Facility Planning. He also met with the Planning Director and a resident.
- Commissioner Campbell reported on meetings for FM Diversion Executive Planning; Joint Dispatch with MN Members; and Resource Recovery Center Construction Update.
- Commissioner Ebinger reported on meetings for Beyond the Yellow Ribbon; Election Canvassing; Greater FM EDC Executive Committee; FMWF Chamber staff; Suicide and Substance Abuse Coalition; and Dispatch Committee.
- Commissioner Mongeau reported on meetings for Board of Adjustment; Planning Commission; Substance Abuse Crisis Facility Planning; Rep Fischbach in town; toured Juvenile Center; MetroCOG Policy Board; Lakeland Mental Health; Resource Recovery Facility update; met with County Administrator on RFQs; and Personnel Issues Committee.
- Mr. Larson attended meetings for Personnel Issues Committee; Planning and Zoning Issues; Public Health budget premeeting; design meeting with Scott Fettig; Public Health Issues with Kathy McKay; Dispatch Committee; MCCJPA prep meeting; RFQs with Joe Olson; Resource Recovery Facility update; and conducted a department head evaluation.

The meeting was adjourned at 11:48 a.m.

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Jenny Mongeau, Chair  
County Board of Commissioners

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Stephen Larson, County Administrator