

**CLAY COUNTY BOARD OF COMMISSIONERS**

**8:30 A.M., TUESDAY, SEPTEMBER 7, 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 Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved the agenda.

**CITIZENS TO BE HEARD**

There were no citizens who wished to be heard.

**EMPLOYEE RECOGNITION**

Rory Schmitz was recognized for 15 years of service at Clay County.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved payment of bills and vouchers totaling \$1,708,170 from 185 vendors. From that total, 134 warrants issued were under \$2,000 (\$51,941) and the following 51 were over \$2,000:

|                               |           |                                   |          |
|-------------------------------|-----------|-----------------------------------|----------|
| Central Specialties, Inc.     | \$386,818 | Marco Technologies LLC            | \$13,644 |
| Lakes Country Service Co-op   | \$287,287 | City of Barnesville               | \$10,411 |
| Clay County HRA               | \$180,000 | Wired Electric, Inc.              | \$10,302 |
| Hough, Inc.                   | \$100,158 | Magic Fund                        | \$ 9,957 |
| Turner Sand & Gravel, Inc.    | \$ 91,039 | City of Hawley                    | \$ 9,917 |
| R J Zavoral & Sons, Inc.      | \$ 67,276 | CDW Government, Inc               | \$ 9,871 |
| Clay Co Public Health         | \$ 58,892 | Verizon                           | \$ 7,686 |
| Glacier Enterprises           | \$ 52,253 | TrueNorth Steel                   | \$ 6,824 |
| Clay Co Social Services       | \$ 47,830 | Tech Tronix                       | \$ 6,300 |
| Otter Tail Public Health      | \$ 47,781 | Moorhead Public Service           | \$ 6,016 |
| Trinity Services Group, Inc.  | \$ 34,438 | Black Hills Window Cleaning, Inc. | \$ 5,802 |
| Red River Valley Co-op Power  | \$ 31,598 | Moore Engineering, Inc.           | \$ 5,621 |
| Becker Co Public Health       | \$ 31,367 | MN Life                           | \$ 5,502 |
| City of Dilworth              | \$ 23,061 | Powerplan                         | \$ 5,482 |
| Construction Engineers, Inc.  | \$ 17,223 | Express Lane - Hawley             | \$ 5,437 |
| Historical & Cultural Society | \$ 15,881 | ASP of Moorhead, Inc.             | \$ 5,341 |

|                                 |         |                                    |         |
|---------------------------------|---------|------------------------------------|---------|
| City of Hitterdal               | \$4,913 | River Valley Forensic Services, PA | \$2,750 |
| Ramsey Co Med Exam              | \$4,646 | Dakota Plains Mechanical, Inc.     | \$2,719 |
| Wilkin Co Public Health         | \$4,197 | Bytespeed, LLC                     | \$2,698 |
| Nancy Hein-Kolo, PsyD, LP       | \$4,000 | Houston Engineering, Inc           | \$2,661 |
| City of Ulen                    | \$3,899 | Dean's Bulk Service                | \$2,570 |
| Rick Electric Inc               | \$3,500 | Regents of Univ of MN              | \$2,203 |
| Madison National Life           | \$3,350 | City of Sabin                      | \$2,181 |
| Colonial Life                   | \$3,151 | Amazon Capital Services            | \$2,025 |
| Jet-Way Multiple Services, Inc. | \$2,940 | City of Moorhead                   | \$2,000 |
| Menards                         | \$2,809 |                                    |         |

#### **APPROVAL OF MINUTES FROM AUGUST 17, 2021**

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from August 17, 2021.

#### **PUBLIC HEARING – CONDEMNATION ACTION TO DETERMINE DAMAGES RELEVANT TO GOEHRING PROPERTY ALONG CSAH 1**

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

County Engineer David Overbo referred to a resolution that was approved by the Board on April 27, 2021, for condemnation action for Goehring property along CSAH 1. The order was found to be a necessity and the hearing today is to determine costs relevant to the condemnation of property. A Power Point was shared with documentation and photos relating to this project. Rodger Tinjum appraised the land in April 2020. The cropland was appraised at \$5,000 per acre and the residential land at \$20,000 per acre. Nineteen parcels are affected by the project and sixteen have been finalized with purchases totaling \$35,075. Following State requirements, four-foot shoulders are needed for the road improvements. A two-mile stretch of CSAH 1 is being designed for a 20-year lifespan. It will be a 10-ton road with 12-foot drive lanes and 4-foot shoulders.

Karl Goering owns two parcels that are part of the Broadmoor Subdivision. They are described as Parcels 8 and 9 and have 1.74 acres and 1.81 acres. He also owns Parcel 10 with 28 acres. The County needs a 12-foot strip from Parcel 10 and five-foot strips from Parcels 8 and 9 with appraisals of \$915, \$360, and \$360. Commissioner Campbell asked to have the entire appraisal included in the meeting record.

Mr. Goehring stated he disagrees with the appraisal from Tinjum and would like a second appraisal done but the other local appraisers do not want to go against Tinjum. He noted there were no comparisons done with the appraisal, but if he was ready to sell the two smaller lots today, he could get \$75,000 for them. He is not averse to the project but noted the hay on that land is worth more over five years than the offer. He has plans to plat the 28 acres of ag land in the future and believes he could sell the lots for \$35,000/acre. He mentioned other residential development in the area including lots in Rainbow Ridge Subdivision that were selling for \$35,000/acre a year ago. Commissioner Mongeau asked about the assessed value for the percentages of the property the County needs. Commissioner Campbell asked to have additional time to review the information presented and get assessed value information from the Assessor. Mr. Overbo will also check with Tinjum to see if the highest and best use of the land was used for the appraisals.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board recessed the hearing until 9:00 a.m. on Tuesday, September 21, 2021, to have additional time to review the information.

**PRESENTATION - DOWNTOWN MOORHEAD INC**

Derek LaPoint, President and CEO of Downtown Moorhead Inc. (DMI), and Lisa Borgen, DMI Board Chair presented to the Board on the organization. Ms. Borgen relayed some history on how this nonprofit organization started with a group of downtown Moorhead businessowners who were interested in advancing business in downtown. After a couple years, they hired Derek LaPoint and partnered with the City of Moorhead to provide economic development services for all of Moorhead. They also partner with the FM Chamber, the FM Economic Development Corp., and West Central Initiative. Ms. Borgen noted there is an opportunity for Clay County to also obtain economic development assistance from Derek. He understands the MN laws and legislation that can help MN businesses.

Mr. LaPoint stated he has been with DMI for four years. They have had a large presence in the community and have established many relationships including the MN Department of Employment and Economic Development. Mr. LaPoint noted the majority of the business side of the community has not understood what Moorhead has to offer. DMI has been a part of nearly \$200 million of redevelopment and investment within Moorhead. DMI believes they are well positioned to help with business growth in Clay County as well. Mr. LaPoint commented on working with Barnesville and Dilworth on policy development, providing resources, promoting programs, and ultimately creating tax value. He added that the rest of the County needs to capitalize on its potential growth and showcase their assets. When the CARES funding came in there were lots of conversations about what should occur with the money, and he helped ensure that it was not limited to the city limits. DMI has an opportunity to expand but needs more investments to make that happen. The County was asked to consider an investment of \$25,000 per year, for the next three-years, starting in 2022. Commissioner Campbell stated that Derek did a lot to help the County with the Small Business Relief Plan Program and distribution of CARES dollars. DMI reports regularly with accountability for all investments with them.

**COVID-19 UPDATE**

Public Health staff Kathy McKay, Jamie Hennen, and Becky Schmidt were present with a weekly COVID-19 update. Active cases in Clay County fluctuated slightly with 168 on 8/23 and 165 on 9/6. Active cases throughout the state have gone from 11,111 on 8/23 to 13,829 on 9/3. Cass County and North Dakota both show increases. The age group chart shows an increase of cases in the younger age groups. Sanford Health (22 hospitals) data from 8/31 showed 136 hospitalized, 37 in ICU, and 19 on ventilators. Seven of those hospitalized were vaccinated, two in ICU were vaccinated and one out of 19 on a ventilator was vaccinated.

Commissioner Gross left at this time (9:45 a.m.).

Clay County Public Health administered 71 doses last week. Statewide data shows that 70.8% of people have had at least one vaccine and 66.5 have completed the vaccine series. Booster doses are available for those who are severely immuno-compromised. Medical providers determine if someone qualifies for a booster. Ms. McKay stated the more infections, the more possibility of variants. The current strains include Delta and SARS CoV-2.

**REQUEST TO HIRE .6 FTE FAMILY HOME VISITING NURSE AND 1.0 FTE CASE MANAGEMENT NURSE**

On January 28, 2020, the Board approved filling a .6 FTE family home visiting position and a .6 FTE case management nurse. These positions were not filled. The savings on these budgeted positions for 2021 total \$65,147. The positions are budgeted for 2022. The family home visiting nurse position is partially supported by 3rd party reimbursement, state funds and federal funds as well as the county tax levy. The case management nurse position is supported by health plan contracts and local collaborative time study reimbursement.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved advertising for two Public Health Nurse positions (.6 and 1.0 FTE) with backfill if needed.

**REQUEST TO FILL A VACATED 1.0 FTE PUBLIC HEALTH NURSE POSITION IN ADULT HEALTH PROGRAM AREA**

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved filling a vacancy for a Public Health Nurse in the Adult Health Program Area with backfill if needed.

**REQUEST FOR STAFFING CHANGES IN DETOX**

Troy Amundsen, Detox Director, and Ms. McKay presented some requests for staffing changes in the Detox Unit. The Board previously approved a .6 FTE LPN position which could not be filled. They have another .6 FTE position open at this time. With the savings of both .6 positions, they requested increasing the two positions to 1.0 FTE for the remainder of this year. They are also in the budget at 1.0 FTE in the 2022 budget. There are also requesting two Detox Technicians that are currently at .6 FTE and .8 FTE to be increased to 1.0 FTE positions. These are also budgeted in 2022 at 1.0 FTE. They would reduce the budgeted technician time to cover some of the costs with the change and have additional savings from the first request to cover the remainder of the costs. The Document Specialist in Public Health is a support position for Detox and will be utilized for electronic health records training for all staff and other support needs in Detox. This position is budgeted at .6 and would be increased to 1.0 FTE for the remainder of 2021. This position is also budgeted for 1.0 FTE for 2022. Savings for the changes in all positions would be \$24,240. When Detox is short-staffed, they end up paying a lot of overtime. These changes have all been reviewed by the Personnel Issues Committee.

Commissioner Mongeau stated the most important part of the changes is better utilization of the staff for better coverage. It is a challenging area but a needed asset. She commended the staff and the stability they have established in the department.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved the staffing changes in the Detox Unit as presented.

**PRESENTATION AND REQUEST FOR FUNDING FOR METRO-WIDE HOUSING NEEDS ANALYSIS**

Cindy Grey, MetroCOG Executive Director, stated she was contacted by the City of Fargo to execute a Metro-Wide Housing Analysis. The first step is to establish a base foundation of data for Fargo-Moorhead and Cass-Clay Counties. Their funding strategy is to proportionately divide the costs between the communities. The project is not eligible for federal grants. Clay County is being asked to contribute \$5,500. Commissioner Campbell stated this new request will be taken into consideration this month as part of the overall budget process.

**“IGNITE FMWF” CHAMBER PROGRAM OVERVIEW & REQUEST FOR FINANCIAL SUPPORT**

Shannon Full, President and CEO of FMWF Chamber, and Mason Rademacher, Vice-President of Workforce and Talent, presented to the Board with their “Ignite FMWF” Chamber Program. The Chamber started an education

committee to combat the challenges of workforce. They announced their new “Ignite FMWF” program and described it as a community-driven, comprehensive, streamlined, and systematic approach to address the regional workforce needs. The system’s capabilities and features were shared with the Board. It is for employers, job seekers, students, and parents. A job seeker or student can establish a profile, build a resume, and obtain career suggestions based on preferences and skills. They can also take courses and get local labor stats. The Moorhead Career Academy is very excited about their integration with the program. Entire CNA studies are available on the program. The program can also align what students are learning with the needs of industries. Platforms like this one are being used in different regions and states. Investments are needed for the costs of the technology and implementation. Clay County was asked to consider investing \$50,000 annually to “Ignite FMWF.” This request will be taken into consideration as the budget process for 2022 wraps up.

#### **UNITED WAY CAMPAIGN COMMITTEE INTRODUCTIONS AND CAMPAIGN EFFORTS**

Rita Rueckert introduced the United Way Campaign Committee and touched up the local efforts being implemented for United Way. The members are James O’Donnell, Kirstin Wegenast, LaRae Goeden, and Tracy Bedford. They asked for the Commissioners to support the campaign and emphasize its importance to the community. There are individual donation sheets, a school supply drive, book/media sales, \$1 jeans day stickers, and a Gobble It Up Lunch event at Hornbacher’s. The community goal this year is to raise \$5.8 million. The Board thanked the Committee for all their hard work to make this campaign a success.

#### **BUDGET UPDATE**

County Administrator Stephen Larson and Auditor–Treasurer Lori J. Johnson provided an update of the County budget for 2022. They have met with each department on their individual budgets that are now being compiled. The sales tax continues to come in strong. The wind tax dollars, an audit reimbursement, and an MCIT dividend will also help offset payments. The revenues and expenditures for 2021 are currently at 58% with no concerns at this time. There is no firm dollar amount for 2022 County insurance costs. The three new requests today were not included in the budget data. Internal service funds, a 2% Cost of Living Adjustment, and new construction all factor into the budget. The proposed total levy for 2022 is \$43,467,688. County Program Aid provides for \$3,935,730 of the total, bringing the spread levy, with 1.28% for new construction, to \$39,141.242. This total represents a 5.41% increase over 2021. Commissioner Campbell stated that this is a good start, but he would like them to come back with a lower percentage at the next Board meeting.

#### **MEDIATION SETTLEMENT AGREEMENT: STATE OF MN VS. NELSON AUTO CENTER**

Mr. Larson and Attorney Melton referred to the case that the State of MN brought forward against Nelson Auto Center of Fergus Falls under the Minnesota False Claims Act. The plaintiff provided information that the business overcharged law enforcement agencies for over 3,000 transactions of police vehicles. This included 24 Clay County vehicles. A settlement agreement has been reached that would repay the County \$158.06 per transaction, totaling \$3,793.44. The County has been asked to indicate in writing whether they consent or object to the agreement. Would cost more to carry it forward.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board consented to the terms of the settlement agreement in the case State of MN vs Nelson Auto Center with the settlement as presented.

### **UPDATE ON HEALTH INSURANCE REQUEST FOR PROPOSAL (RFP)**

HR Director Darren Brooke and Benefits Coordinator Anna Moore reported from the Insurance Committee meeting last week. Lakes County Service Co-op (LCSC) completed an RFP for their health insurance administrator beginning in 2022. The County was notified in March of this year that LCSC's health insurance carrier would change to Medica in 2022. If the County stays with LCSC it would also require a change to Medica in 2022. An RFP was also conducted by the County's benefit consultant, Steve Smith, from NIS. Responses came in from BCBS of MN, Public Employees Insurance Program (PEIP), PreferredOne, and Sourcewell. Those results were presented to the Insurance Committee on August 31. The County received competitive proposals with rate savings from LCSC and BCBS of MN. The Insurance Committee members will talk with their prospective departments and unions and will meet again on September 14.

### **TAX ABATEMENT FOR BRYAN & THERESA BRUNETTE DUE TO CLERICAL ERROR**

Mr. Larson referred back to Citizens to be Heard at the August 24<sup>th</sup> meeting when Bryan Brunette came before the Board expressing concern with a discrepancy on the assessed acreage on his property. The Board requested that staff investigate the concern and remedy the discrepancy. Research did show that the legal description for the property and the assessed tax statement were different. The metes and bounds description of the warranty deed accounts for 1.844 acres. Mr. Brunette has been taxed on 2.41 acres and is subject to tax reimbursement per the Clay County Tax Abatement Policy. That policy states that reimbursement may be considered for the current year and two prior years for documented cases of clerical errors. The abatement totals \$170.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the \$170 tax abatement for Bryan and Theresa Brunette.

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

- Commissioner Kahly attended meetings for Lakes and Prairies Community Action Partnership; Insurance Committee; FM-WF Chamber Ignite; Moorhead City Planning; Trauma Training in Hawley; Clay County Joint Powers Committee; Clay County Collaborative; and attended a Homelessness Roundtable and County picnic.
- Commissioner Ebinger attended meetings for FM Diversion Authority Finance Committee; FM Diversion Authority Board; FM-WF Chamber Ignite; Tour and History of Red River Regional Dispatch Center; FM Diversion Authority Board Retreat; and County picnic.
- Commissioner Campbell attended meetings for FM Diversion Executive Board; Prairie Lakes Municipal Solid Waste Committee; Solid Waste Advisory Committee; Tour and History of Red River Regional Dispatch Center; Insurance Committee; FM Diversion Authority Board Retreat; Building Committee; MCCJPA; Clay County Joint Powers; and County picnic.
- Commissioner Mongeau attended a Moorhead Clay County Joint Powers Authority meeting.
- County Administrator Larson attended meetings for County Management; Law Enforcement Legislation; Bryan Brunette issue; Facility Maintenance issues; Red River Regional Dispatch Center tour; Sheriff's Office; Ehlers Re: bond sales; Insurance Committee; Public Health; Resource Recovery Facility; Dan Mahli; Webinar from Homeland Security; Building Committee; Insurance needs; Clay County Joint Powers; MCCJPA; Budget Presentations; and County picnic.

**CLOSED SESSION FOR ONGOING CONTRACT NEGOTIATIONS – ATTORNEY / CLIENT PRIVILEGE**

On motion by Commissioner Mongeau , seconded by Commissioner Ebinger, and unanimously carried, the Board closed the public meeting for a closed session at 12:22 p.m.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board reopened the public meeting at 12:38 p.m.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agreement for the County Attorneys’ Union Contract for 2021-22.

The meeting was adjourned at 12:39 p.m.

---

Chair Kevin Campbell  
County Board of Commissioners

---

Stephen Larson, County Administrator