

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, SEPTEMBER 8, 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 (arrived at 9:00 a.m.); and Grant Weyland (via speakerphone). 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 Campbell, and unanimously carried, the Board approved the agenda.

REQUEST FOR TWO CITY OF MOORHEAD TAX ABATEMENTS

By consent the Board approved two requests for tax abatements in the City of Moorhead.

CITIZENS TO BE HEARD

During this pandemic, citizens continue to have the opportunity to share feedback at Board meetings via website link. Mr. Larson did not receive any requests for this meeting.

Duane Erickson approached the Board. He farms by Ulen. He asked if the Oakport dike is the final phase for removing that area from the 100-year floodplain. Commissioner Campbell stated the work is complete, but he is not sure if that area of Oakport Township has been certified yet. He should check with the City of Moorhead or the Watershed District. In response to another question, he was told the Oakport dike will not protect Moorhead. He asked the Commissioners to keep the Buffalo-Red River Watershed Board fair and balanced and don't just appoint folks who support the diversion. He stated he felt bad when one BRRWB manager was removed but he knows the Commissioners had their reasons. He added that the people who benefit from the diversion should be the ones paying for it. Commissioner Campbell stated the diversion has a lot to do with the overall economics of this region. Commissioner Gross stated they are looking for a BRRWD manager who supports the Clay County Commissioners' vision for the diversion.

APPROVAL OF MINUTES

On motion by Commissioner Haney, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from August 25, 2020.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved payment of 79 bills and vouchers totaling \$724,753. From that total, 51 bills and vouchers were under \$2,000 (\$16,823) and the following 28 were over \$2,000:

Lakes Country Service Co-op	\$271,992	Clay Co. Public Health	\$80,981
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Turner Sand & Gravel Inc.	\$51,267	Polk-Norman-Mahnomen CHB	\$7,171
Otter Tail Co. Public Health	\$47,500	CAMS-Care, LLC	\$7,000
MENd Correctional Care, LLC	\$33,890	Nitzkowski, Inc.	\$6,885
Becker Co. Public Health	\$32,555	Tech Tronix	\$6,300
R J Zavoral & Sons, Inc.	\$27,289	River Valley Forensic Services, PA	\$4,500
Prairie Lakes Solid Waste Authority	\$25,840	Moorhead Public Service	\$4,271
Pro Landscapers, LLC	\$18,675	Negen's Investigative Services, LLC	\$3,664
Burns McDonnell	\$13,167	Ramsey County Med Examiner	\$3,242
Dacotah Paper	\$11,450	H & H Transport, LLC	\$2,725
Streicher's	\$11,393	Amazon Capital Services	\$2,408
Fevig Oil Co	\$10,440	Northstar Safety, Inc.	\$2,342
Wilkin Co. Public Health	\$9,440	Sanford Health	\$2,261
Verizon	\$7,206	Clay County Sheriff	\$2,078

COVID-19 UPDATE

Public Health Director Kathy McKay and Nursing Director Jamie Hennen were present with MN COVID-19 case information as of September 7. The current number of cases in Clay County is at 1,011 but no increase in deaths in many weeks. The 14-day case rate per 10,000 is at 7.8. If the case rate is below 10 the schools have the ability to have in-school classes. The number of cases no longer needing to be isolated is at 795. In the State of MN there have been 81,225 positive cases, with 638 newly reported cases. The number of completed tests report on 9/6 is 15,147. There are some reporting delays and as information comes in the stats get updated. They are trying to obtain the number of folks hospitalized at Sanford and Essentia who are from Clay County. There have been 6,397,350 confirmed positive cases, 192,070 deaths, and 3,432,825 cases no longer needing isolation in the US. Globally, the positive cases are at 27,200,943, total deaths 889,842, and 18,160,102 cases no longer needing isolation.

Ms. Hennen provided highlights from the past week. The focus from the MN Department of Health last week was the holiday weekend coming up. They stressed masking and social distancing. The guideline is to limit having 10 people indoors and 25 people outdoor for private homes. They continue to work with the higher ed facilities who are doing a great job locally. There have been some cases in higher ed with some impact on our work force as well.

CARES ACT COMMITTEE UPDATE

County Administrator Stephen Larson and Human Resources Director Darren Brooke were present to update the Board from the last two CARES Act Committee meetings. Nine townships have not certified to receive their CARES funds. The townships' deadline to certify is September 15th. The Business Relief Program application process closed last night. Mr. Brooke provided handouts with the current totals:

Corporations	\$400,000
Limited Liability Co.	\$240,000
Non-profits 501c19	\$ 40,000
Non-profits 501c3	\$150,000
Partnerships	\$ 10,000
Sole Proprietors	\$129,000
TOTAL	\$969,000 (maximum pay-out allowed in each category)

From 137 applications that were submitted, 102 were approved, 12 were denied, and 23 more are still under review. The numbers for the 23 that are still in review were included in the total of \$969,000. The plan to review the remaining applications today and meet with their partners in the Cities of Moorhead, Barnesville,

Hawley, and Dilworth. They should have a final tally by Friday and will move forward from there. The total of \$969,000 is based on the maximum payout in each category.

(Commissioner Mongeau arrived at this time.)

CARES FUNDING DISTRIBUTION TO CLAY SOIL AND WATER CONSERVATION DISTRICT (SWCD)

County Administrator Stephen Larson reported that Clay SWCD did not receive funding from the State. At this time, they are requesting CARES Act funds to cover a laptop computer they purchased for \$1,325.50 for staff to attend virtual meetings and work remotely when needed. The request has gone through the CARES Act Committee.

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved a funding distribution for SWCD to cover a laptop computer (\$1,325.50).

DISCUSSION AND CONSIDERATION OF APPOINTMENT OF BUFFALO-RED RIVER WATERSHED DISTRICT MANAGER

Commissioner Mongeau commented she appreciated the fact that four very active individuals from the community interviewed for the BRRWD manager position last week. She noted the BRRWD would be well served by anyone of those applicants. She added that this Board differs in areas and sometimes those differences of opinion are what makes a Board better.

Commissioner Mongeau made a motion to appoint Gerald Buttenhoff to the BRRWD Board. The motion was seconded by Commissioner Gross, but motion failed with two ayes and three nays.

Commissioner Mongeau asked what the plan is for the BRRWD, noting all the changes in their staff and in their Board. She added that Boards need to fill the seats to move forward and she has found the last five candidates. Commissioner Gross agreed. Duane Erickson added that there seems to be a slant on this and Commissioner Mongeau did a good job bringing this forward. Mr. Larson stated the County has met the statute obligation with a 30-day notice and advertisement of the open position, but the County is not required to pick someone who the Board does not choose.

PROPOSAL FOR STORAGE FACILITY FOR PUBLIC HEALTH COVID RELATED SUPPLIES AND EQUIPMENT

Emergency Management Director Gabe Tweten requested approval of a 32' x 40' storage facility with four bays for Public Health COVID related supplies and equipment. Public Health will be tasked with administering the vaccine throughout the County when it becomes available. It would be reasonable to have a Foltz Building in place by December 1. The estimate for the building and concrete is \$45,000 and groundwork and electrical would be an additional \$10,000. The entire building may not be heated but they could insulate and heat one of the bays for \$10,000. The vaccine will be refrigerated. The CARES Act Committee addressed this item extensively. The funds would come from the CARES Act funding for Public Health.

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved moving forward with a 32' x 40' storage facility for COVID-related supplies and equipment, up to \$70,000.

REQUEST FOR APPROVAL OF TAX FORFEITURE LIST

Deputy Auditor Nanci Krenelka provided a list of the property that has forfeited to the State of MN for non-payment of taxes. There will be a publication for these properties to be sold at auction on December 15, 2020 at 10:00 am. The previous owners have the right to repurchase them up to the sale day or until the City has the right to take the property.

- #58.107.0650; Lots 11-12 Blk 5 Bruns 1st Add, Moorhead
- #51.500.0020; Lot 2 Blk 3, Original Comstock
- #51.500.0030; Lot 3 Blk 3, Original Comstock
- #58.251.0040; Lots 8-9 Blk 1 Freemans 1st Add, Moorhead
- #58.575.1570; Lot 6 Blk 65, Original Moorhead
- #60.075.0030; Lot 3 Blk 1 Asleson’s 3rd Add, Moorhead
- #58.014.0430; Lot 18 Blk 5 Angela’s 1st Add, Moorhead
- #58.055.0220; Lots 19-20 Blk 5, Bergquist’s 1st Add, Moorhead
- #52.025.0260; Lots 7-9 Blk 4 Beans 1st Add, Dilworth

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board approved the tax forfeiture list.

REQUEST FOR APPROVAL TO OPEN THE COURTHOUSE FOR CITIZENS WHO WISH TO PARTICIPATE IN ABSENTEE VOTING (WITHOUT APPOINTMENTS)

Auditor - Treasurer Lori J. Johnson stated that Absentee Voting is scheduled to begin on September 18th and run through November 2nd. Currently, access to the courthouse is limited to appointments only. Due to the volume of citizens who participate in absentee voting, the request is for the courthouse to be opened to those entering for voting purposes. Absentee Voting will also occur on Saturday, October 31st, from 10am to 3pm. In the courthouse basement there will be tables set up to allow for six-foot distancing. They will also have a new drop box for ballots.

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved opening the courthouse during regular courthouse hours for citizens – without appointments – who wish to participate in absentee voting from September 18 through November 2 and on Saturday, October 31st, from 10 a.m. to 3 p.m.

UPDATE ON BUFFALO RIVER FLOOD INSURANCE STUDY AND REQUEST FOR CONTRACT AMENDMENT

Planning Director Matt Jacobson & Greg Thielman with Houston Engineering were present to update the Board on the Buffalo River flood insurance study and request for a contract amendment. Mr. Thielman pointed out on a map the area covered by the study. The floodplain on the FEMA maps was really wide and was not accurate. There was another contract amendment done for the update in 2018. In 2019, the mapping reviewers had them do some additional work. At this time, they believe all the comments have been addressed and their extensive reviews are completed. The property owners have been paying for flood insurance during this process over the past three years and the end product will remove them from the floodplain. Clay County and the Buffalo-Red River Watershed District have cost-shared the project. Mr. Jacobson offered to draft a letter to the watershed district for this additional cost share item.

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board supported going forward with the request for a contract amendment to complete the study and approve \$37,000, pending BRRWD approval to pay half the expense.

REQUEST FOR EXTENSION OF MAKE MOORHEAD HOME TWO-YEAR PROPERTY TAX REBATE FOR NEWLY CONSTRUCTED HOMES

Govt Affairs Director for the City of Moorhead Lisa Bode informed the Board that the current two-year tax rebate program expires at the end of 2020. She asked the Board to continue their support of the program for the next two years. The City of Moorhead passed a resolution for the extension and the schoolboard will address it at a meeting tonight. The program is for new single-family homes. The Cities of Hawley, Barnesville, and Glyndon have the same option to pass a resolution for the tax rebate for their cities. Commissioner Campbell noted the Board's support of the program would be county-wide.

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved moving forward with advertising for a public hearing for the tax rebate program for October 6, 2020.

REAPPOINTMENT OF COUNTY ASSESSOR NANCY GUNDERSON TO NEW FOUR-YEAR TERM OF OFFICE

County Administrator Stephen Larson stated the Assessor Nancy Gunderson's four-year term is set to expire at the end of 2020.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board reappointed Nancy Gunderson as Clay County Assessor for four more years with adoption of the following resolution:

RESOLUTION 2020-26

BE IT HEREBY RESOLVED that the Clay County Board of Commissioners hereby reappoints Ms. Nancy Gunderson as Clay County Assessor for a four-year period, January 1, 2021 through December 31, 2024.

APPROVAL OF PROPOSAL TO COMPLETE EAW FOR MINING IN THE FELTON COUNTY PIT

County Engineer David Overbo and Assistant Engineer Justin Sorum stated they are working on an Environmental Assessment Worksheet (EAW) to expand the County gravel pit at Felton. The EAW is required because the location is adjacent to a designated critical habitat area for federal and state endangered species. The zoning is Resource Protection – Biological District. The pit is surrounded by the Bicentennial Prairie. They reached out to a couple firms and recommend going with a proposal from Moore Engineering to assist in the completion of the EAW process. The expansion would allow them to continue to mine within the pit to the south property line. This would follow the Felton Prairie Stewardship Plan. The estimate for the EAW is \$39,450. The County engineers will continue to work with the Planning & Zoning Director throughout the project. The expansion should allow mining for the next 10 years. Gravel for four to five townships comes out of this pit. The EAW is a determination to see if more environmental work is needed because of the zoning and DNR's habitat. Funds for the project would come from Highway's 2020 budget. A map was provided for visualization of the area.

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved the request for an Environmental Assessment Worksheet with an estimate of \$39,450 for expansion of the Felton County gravel pit.

APPROVAL OF BRIDGE MAINTENANCE QUOTES FOR WALL STREET BRIDGE

Mr. Overbo recommended approval of quotes for maintenance work on the Wall Street bridge that will extend the life of the bridge deck and make it skid resistant. The scope of work is to grind or plane the deck, apply a sealant and then re-stripe the deck. The costs will be shared 50-50 with the City of Fargo. The City of Fargo has approved cooperation on it. A couple quotes were obtained.

On motion by Commissioner Haney, seconded by Commissioner Campbell, and unanimously carried, the Board approved moving forward with the Wall Street bridge deck quotes: Diamond Surfacing: \$53,565.00; and North Star Safety (for striping): \$17,668.20. Clay County and City of Fargo will cost share the project.

Continued: DISCUSSION AND CONSIDERATION OF APPOINTMENT OF BUFFALO-RED RIVER WATERSHED DISTRICT MANAGER

Commissioner Mongeau asked to return to Agenda Item 2 for consideration of appointment of the other three applicants for the Buffalo-Red River Watershed District Manager position.

Commissioner Mongeau made a motion to appoint Joel Hildebrandt as a BRRWD Manager. Motion failed for lack of a second.

Commissioner Mongeau made a motion to appoint Jerry Janssen as a BRRWD Manager. Motion failed for lack of a second.

Commissioner Mongeau made a motion to appoint Mike Bутtenhoff as a BRRWD Manager. Motion failed for lack of a second.

REQUEST FROM COUNTY RESIDENT JOEL WALSVIK TO BE HEARD ON MATTER WITH SHERIFF

Joel Walsvik addressed the Board with his issues stemming from a phone conversation with Sheriff Empting. He indicated that he felt that Sheriff Empting was disrespectful to him during the phone conversation, when responding to his questions about a ticket Mr. Walsvik received in Glyndon in July 2019. The ticket has not been addressed in the court process. Mr. Walsvik requested an apology from Sheriff Empting. Mr. Walsvik also expressed concern with law enforcement and the court system. Mr. Walsvik was encouraged to address those concerns during his upcoming hearings, as the board does not have oversight of those concerns.

REQUEST FOR APPROVAL TO APPLY AND SIGN CONTRACT IF AWARDED A GRANT THROUGH THE OFFICE OF JUSTICE PROGRAMS

Juvenile Center Superintendent James O'Donnell provided documents for a grant through the Office of Justice Programs for the purchase of 70 Chromebook laptops.

On motion by Commissioner Haney, seconded by Commissioner Campbell, and unanimously carried, the Board approved application and signage of a grant application for 70 Chromebook laptops for the Juvenile Center.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

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

- Commissioner Campbell attended meetings for CARES Act Committee; Highway Tracking; Prairie Lakes Insurance Issues; Clay County Joint Powers Committee and Joint Facilities Committee.
- Commissioner Mongeau attended meetings for CARES Act Committee; MetroCOG Executive; and Cass Clay Food Partners.
- Commissioner Gross attended a Highway Tracking meeting and interviews for an Assistant Planner.
- Commissioner Haney attended meetings for Insurance Committee; City of Moorhead Planning Commission; Joint Powers Committee; and Joint Facilities Committee.
- Administrator Larson attended meetings for Highway; Construction Engineers on Community Meeting Space; Joint Powers Committee; Joint Facilities Committee; Coronavirus for Business Relief; and Management. A letter will be sent to St Paul encouraging approval of a bonding bill.

The meeting adjourned at 10:23 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator