

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, SEPTEMBER 22, 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 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 Weyland, and unanimously carried, the Board approved the agenda.

APPROVAL OF STATE AUDITOR ENGAGEMENT LETTER

By consent the Board approved the State Auditor Engagement Letter.

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.

APPROVAL OF MINUTES FROM SEPTEMBER 1 AND 8, 2020

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved the minutes from September 1 and 8, 2020.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Haney, seconded by Commissioner Campbell, and unanimously carried, the Board approved payment for bills and vouchers totaling \$510,146. From that total, 81 bills and vouchers were under \$2,000 (\$34,013) and the following 34 were over \$2,000:

Clay Co Public Health	\$117,305	City of Fergus Falls	\$5,000
Otter Tail Public Health	\$92,765	Dakota Plains Mechanical, Inc.	\$4,805
Turner Sand & Gravel, Inc.	\$51,806	Ehlers	\$4,500
Becker County Public Health	\$35,000	Treasurer of Dilworth City	\$3,980
Trinity Services Group, Inc.	\$22,145	Enterprise FM Trust	\$3,708
City of Moorhead	\$18,891	Xcel Energy	\$3,621
Lakeland Mental Health	\$18,740	SeaChange Print Innovations	\$3,531
L & M Road Services, LLC	\$10,513	Juvenile Detention Treatment	\$3,498
Cardmember Service	\$9,663	Madison National Life	\$3,138
Amazon Capital Services	\$9,129	Streicher's	\$2,940
Wilkin Co Public Health	\$8,836	The Hawley Herald, Inc.	\$2,730
H & L Mesabi	\$7,702	NetCenter Technologies	\$2,675
Code 4 Services, Inc	\$7,577	Alternative Corrections, Inc.	\$2,632

Holiday Credit Office	\$2,609	Office of MN IT Services	\$2,412
Lakes Country Service Co-op	\$2,565	MN IT Services	\$2,270
ClearWay Minnesota	\$2,528	Ed's Towing Service, Inc.	\$2,257
Town & Country Oil, Inc.	\$2,432	International Translation	\$2,230

FLU SHOT AWARENESS

The County Commissioners and the Sheriff received their flu shots. Public Health stressed the importance of the influenza vaccine this year.

COVID-19 UPDATE

Public Health Director Kathy McKay and Public Health Nurse Cheryl Sapp presented handouts on COVID-19 statistics. The number of cases in the State of MN continues to rise and is at 90,942. The number of cases in Clay County is at 1,281. The number of deaths in Clay County has stayed at 40 for several weeks. There are currently three hospitalized cases from Clay County. There has been reluctance from some citizens to share information of those who may have been exposed because of the disruption it causes with isolations. Ms. McKay encouraged everyone to work with the contact tracers. Public Health continues to meet with K-12 and higher ed schools weekly. A three-day community testing event will take place next week. They will be able to conduct 600 tests per day. The information and the flyers will be finalized and sent out tomorrow.

Nursing Director Jamie Hennen reiterated that if someone gets tested, they need to stay home until they get their test results to help cut down on exposures in the workplace. During the last two weeks of September a COVID Testing Team (a team of health professionals) will be in the area knocking on doors asking residents if they would like COVID antibody testing done and if they would complete a survey. Their vehicles will be marked accordingly, and they will have proper PPE. It is a safe and effective way of getting antibody testing.

CARES ACT COMMITTEE UPDATE

County Administrator Stephen Larson stated the CARES Act Committee had another very busy week and many items stemming from their meetings were added to the agenda today.

Human Resources Director Darren Brooke provided a handout on the CARES Act dollars spent or projected to be spent. Some funds were shifted following approval of them last week. He provided costs for relocating the Department of Motor Vehicle and the remodeling project at the courthouse for a multi-purpose meeting room.

Mark Sloan stated they plan to start round two for Small Business Grants for rural Clay County as well as the cities of Clay County for businesses with 20 to 50 employees. Small businesses can apply for up to \$10,000. The first round was completed. The qualifying businesses now need to complete an affidavit. The County hopes to have their checks sent out on approximately October 1st. Long-term care facilities, which were all adversely impacted by COVID, will receive paperwork and can apply for up to \$25,000. Notarized affidavits and W9s goes with the paperwork. Commissioner Campbell added that \$250,000 in funds were held in reserve and can be added later where needed.

APPROVAL PROCESS FOR CARES FUNDING FOR CITIES AND TOWNSHIPS WITH UNDER 200 PEOPLE

Mr. Larson stated there are 13 townships and four cities that qualify for having under 200 people and were not eligible to receive direct CARES Act Fund distributions from the State. Clay County was provided

additional funds of \$86,161 that, if requested, can be distributed per the State reimbursement formula. Rather than bringing each request to the Board, the Coronavirus Committee would like to approve the allocations at their committee meetings. The County Board would sign off on the funding as a part of the Bills and Vouchers at each board meeting. Populations were taken from 2018. The funds can also be transferred to their schools, ambulance or fire department.

	Total Population	Breakdown of \$86,161 Small Cities Allotment
Barnesville Township	156	\$3,900
Comstock City	92	\$6,931
Felton City	173	\$13,034
Felton Township	81	\$2,025
Flowing Township	70	\$1,750
Georgetown City	82	\$6,178
Georgetown Township	149	\$3,725
Goose Prairie City	169	\$4,225
Hagen Township	147	\$3,675
Hitterdal City	199	\$14,993
Holy Cross Township	131	\$3,275
Keene Township	149	\$3,725
Moorhead Township	158	\$3,950
Morken Township	155	\$3,875
Skree Township	159	\$3,975
Ulen Township	168	\$4,200
Viding Township	109	\$2,725
TOTAL		\$86,161

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board approved allowing the Coronavirus Committee the ability to approve City and Township CARES Act Funding requests, without bringing each request before the full Board.

CONSIDER ACTION ON MOTOR VEHICLE NEGOTIATIONS BASED ON INFORMATION BROUGHT FORWARD

Mr. Larson stated that on September 1st, the Board permitted the County Administrator to enter into lease negotiations for space that would be utilized for the Department of Motor Vehicle (DMV). The current DMV waiting room is only 720 square feet and social distancing is not possible. Citizens are waiting outside or in their vehicles which will be more challenging in the winter months. Their wait times can be up to one to two hours. The Moorhead Center Mall (MCM) has more than enough space for lease to accommodate their needs. A portion of the space (8800 sq. ft), that Furniture for Less formerly occupied, would allow for 30 to 40 residents to wait and be distanced appropriately. There are additional common areas in the mall as well. A pager system may be added. The County inquired about a one-year lease. Management indicated that MCM policy is for a three-year minimum. The County has the option of an additional two years. The set-up cost is estimated at \$216,000. The department will increase from 9 kiosks to 11 kiosks with an entry kiosk for assuring that each citizen has the proper paperwork before they wait for a kiosk to open. The County already has fiber technology running to the mall and the building is open at 7:30 a.m. The total cost with the three-year lease is \$568,300. DMV will be closed on November 12th and 13th while the State changes over their software technology which would be suitable days to make the move to the new location.

Commissioner Mongeau stated the change is warranted because the current set-up isn't working and the expanded area of the MCM would fit their needs for safety and distancing indoors. COVID-19 has changed the way they do business. Commissioner Campbell noted the move could also be beneficial for the mall and the other businesses there with more foot traffic. The lease will give the County time to do more long-term planning for its needs as the court system expands. The State Drivers Licensing and Testing will stay at the current location for now. Commissioner Campbell noted this request is based on needs due to the epidemic and qualifies for COVID relief dollars.

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board gave preliminary approval to move forward with a contract, with appropriate legal review, for a three-year lease (and option for an additional two years) for 8800 sq. ft of space for the DMV to relocate to the Moorhead Center Mall. The cost of the project with set-up, technology, and a three-year lease is \$568,300. The funds will come from the County Infrastructure category.

CONSIDER ACTION ON CONTRACT AND GUARANTEED MAXIMUM PRICE ON COURTHOUSE MULTI-PURPOSE COMMUNITY MEETING ROOM

Mr. Larson stated on September 1st the Board approved a request to move forward on a plan for a Courthouse Multi-Purpose Community Meeting Room. Due to the time sensitivity, an Opinion of Cost Letter was provided by Construction Engineers for Board consideration with the understanding that a contract and guaranteed maximum price would be brought forward at a later date. The estimate was \$267,000. An additional \$12,900 was added due to infrastructure costs. The contract, that has been reviewed by legal counsel, is for \$279,900. A 10% contingency was included. The deadline for the project is December 1, 2020.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board approved the contract with Construction Engineers with a Guaranteed Maximum Price of \$279,900 for the completion of the Courthouse Multi-Purpose Community Meeting Room. The funds will come from the County Infrastructure category.

PUBLIC HEARING - INPUT ON BODY WORN CAMERAS FOR SHERIFF'S OFFICE

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

Sheriff Empting and Lt. Josh Schroeder were present to take comments and answer any questions on body worn cameras for the Sheriff's Office. State statute requires they conduct a public hearing to address this item. The information has been on the County website. Two emails were received. The first one offered full support of the cameras and the second one stated it was a positive move for the department. They had expected to have a camera available today, but it has not arrived from the vendor at this time.

County resident Tom Pashke commented that the cameras are really needed, and they should buy the best.

Commissioner Campbell stated he supports the cameras 100%. Commissioner Mongeau added they are a good accountability tool for the department and the public. There is good community support for them.

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

Sheriff Empting will work with the County Auditor on the funding mechanism for them. He would like to have them by the beginning of 2021.

On motion by Commissioner Campbell, seconded by Commissioner Weyland, and unanimously carried, the Board approved the Sheriff's request to move forward with purchasing body worn cameras for up to \$50,000.

REQUEST APPROVAL TO ADVERTISE FOR BIDS FOR THREE-YEAR SNOW REMOVAL CONTRACT

Maintenance Supervisor Joe Olson requested permission to advertise for bids for a three-year snow removal contract for the Clay County Campus and DMV. The request is to advertise bids on September 22; publish ads from September 28 - October 18; open bids at 9:00 a.m. on October 20; and award a contract on October 27. The bid packets will have details on the equipment and labor.

On motion by Commissioner Weyland, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the schedule for advertising for bids for a three-year snow removal contract.

BUDGET UPDATE AND APPROVAL OF RESOLUTION 2020-28 FOR PRELIMINARY LEVY

Mr. Larson and Auditor – Treasurer Lori J. Johnson were present with the budget update and resolution for the preliminary levy for 2021. Mr. Larson stated the Board will need to set the maximum levy amount for 2021 at this time. After the preliminary levy is set, the 2021 budget can only be lowered between now and December. The Truth in Taxation meeting will be at 6:00 p.m. on December 8. The Board meeting will be just prior to that meeting on December 8. The Certified levy is at \$37,210,718.

Commissioner Mongeau commented that she appreciates the fact that this will be one of the hardest years for the budget. Some areas of requests have to be approved but may need to be lowered by December. Commissioner Campbell agreed. He noted that the County's internal focus since mid-March is how we conduct business as a County. They need to keep this levy as low as possible because folks have been hit hard by the pandemic. He supported the preliminary levy for now but will not support it as is in December.

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board approved the preliminary levy for 2021 with the following resolution:

RESOLUTION 2020-28

WHEREAS, The Minnesota Department of Revenue has established guidelines for county government to follow in order to meet the "Truth in Taxation" requirements for taxes payable in 2021, and

WHEREAS, these guidelines state that counties must certify a proposed levy by September 30, and

WHEREAS, this certified levy must be after the deduction of County Aid,

THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners hereby sets the proposed levy for taxes to be collected in 2021 as follows:

	Preliminary Levy	County Program Aid	Certified Levy
Revenue Fund	24,365,352	2,373,594	21,991,758
Road and Bridge Fund	4,148,231	384,988	3,763,243
Building Improvements	50,000	4,640	45,360
Library	308,075	28,592	279,483
Social Services	11,713,953	1,087,147	10,626,806
Debt Retirement	0	0	0
Debt Retirement - RB	176,501	0	176,501
Debt Retirement - Courthouse	327,567	0	327,567
Debt Retirement –County Project	0	0	0
Total	<u>\$41,089,679</u>	<u>\$3,878,961</u>	<u>\$37,210,718</u>

BE IT FURTHER RESOLVED that this is a proposed levy only and is subject to change.

BE IT FURTHER RESOLVED that the Clay County Board of Commissioners confirms the date of their public budget meeting to be Tuesday, December 1, 2020, at 6:00 p.m., in the Clay County Courthouse, Moorhead, Minnesota.

ADDITION: CARES ACT MONEY

Ms. Johnson asked the Board to consider approval of a resolution allowing her to apply for \$24,000 in additional funds made available by the State to defray the costs to combat COVID-19 in the election process and to execute any grant agreements required to access those funds from this date until the general election on November 3, 2020.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved the following resolution:

**CLAY COUNTY BOARD OF COMMISSIONERS
Resolution 2020-29**

- WHEREAS, the COVID-19 Pandemic requires additional efforts to make the election process safe, sanitary and effective; and
- WHEREAS, the Office of the Minnesota Secretary of State is currently soliciting grant applications from counties for grants pursuant to Laws 2020, Chapter 77, section 4 and the federal CARES Act; and
- WHEREAS, grants will be provided to each county pursuant to a formula set forth in Section H of the grant application provided by the Office of the Secretary of State; and
- WHEREAS, the funds provided by the Office of the Secretary of State are provided for the purpose of the uses set forth in the federal CARES Act and as further restricted by Laws 2020, chapter 77, section 4, subdivision 4; and
- WHEREAS, those purposes are primarily for the protection of persons involved with the election process including voters, as well as certain other purchases set forth in law; and
- WHEREAS, the county will work with the municipalities within the county to determine a fair, equitable, and mutually agreeable allocation of the funds within the County and between municipalities, and if an agreement cannot be reached, the funds will be distributed pursuant to the OSS identified default allocation as determined by the Secretary and provided in Section G of the grant application; and
- WHEREAS, the grant application is to be completed by the staff of the auditor and other staff responsible for the administration of elections in this county; and

WHEREAS, the grant application must be completed, certified by a county official, typically the chief county election official, returned to the Office of the Secretary of State and a grant agreement executed prior to the receipt of the funds to which the county is entitled pursuant to Section H of the grant application; and

WHEREAS, Laws 2020, Chapter 77, section 4 requires a 20% match for the grant, with a 25% match for electronic roster purchases; and

WHEREAS, the grant agreement will reflect the grant application for each county; and

WHEREAS, additional assistance may be forthcoming later in this election cycle from state and federal funds, particularly those funds appropriated for these purposes by the Legislature; and

WHEREAS, there are continuing needs throughout the election cycle for both COVID-19 and election security efforts and concomitant costs; and

WHEREAS, time is of the essence;

THEREFORE, BE IT RESOLVED that the grant application in the form presented to this board and to be submitted to the Office of the Secretary of State is hereby approved; and

BE IT FURTHER RESOLVED that the Board directs the spending of existing county funds in an amount equivalent to the required match indicated in the application on the purposes for which the grant is received.

BE IT FURTHER RESOLVED that the chief elections officer of the County and staff are directed to submit this approved grant application at the earliest opportunity; and

BE IT FURTHER RESOLVED, that when the grant agreement is provided to the chief elections officer of the county, that person is delegated the authority to execute that agreement and return it to the Office of the Secretary of State without further approval by this Board; and

BE IT FINALLY RESOLVED, that the chief elections officer of the county is hereby authorized to apply for any additional funds made available by the state for the defrayment of costs of efforts to combat COVID-19 in the election process and for the enhancement of election security, and to execute any grant agreements required to access those funds from this date until the general election on November 3, 2020.

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; Solid Waste / Landfill Issues; and FM Diversion Executive Committee.
- Commissioner Mongeau attended meetings for CARES Act Committee; Clay County Planning Commission; Buffalo-Red River Watershed - One Watershed One Plan; AMC Natural Resources and Policy Committee; Out of Home Placement; and MetroCOG Policy Committee. She also had several discussions with staff and public re: social distancing and masking.
- Commissioner Haney attended meetings for City Planning Commission; Lake Agassiz Regional Library Board; and Early Childhood Initiative.
- Commissioner Weyland attended meetings for Solid Waste/Landfill Issues; Economic Development Commission; and MN Rural Counties.
- Commissioner Gross attended meetings for Out of Home Placement; Historical and Cultural Society; Buffalo-Red River Watershed Board; and AMC Committees.
- Administrator Larson attended meetings for CARES Act Committee; Solid Waste/Landfill Issues; Out of Home Placement; Detox; Coronavirus; Courthouse remodel project; DMV relocation; Open Enrollment; Management; Human Resources and FSC discussions; County Administrators; and Absentee balloting drop box.

The meeting adjourned at 10:10 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator