

CLAY COUNTY BOARD OF COMMISSIONERS
1:30 P.M., TUESDAY, SEPTEMBER 27, 2022
Rooms A/B, 3rd 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, County Attorney Brian Melton, 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 Campbell, and unanimously carried, the Board approved the agenda.

CITIZENS TO BE HEARD

There were no citizens to be heard.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$671,332 from 105 vendors. From that total, 83 warrants issued were under \$2,000 (\$31,169) and the following 22 were over \$2,000:

Wilkins Industries, Inc.	\$208,647	Sellin Bros, Inc.	\$7,400
Turner Sand & Gravel, Inc.	\$ 80,118	High Point Networks, LLC	\$5,600
Advanced Correctional Healthcare	\$ 78,452	MN Dept. of Transportation	\$5,419
W Central Regional Juvenile Center	\$ 68,087	Northstar Safety, Inc.	\$4,430
City of Felton	\$ 35,104	Prosweep, Inc.	\$3,263
MN Counties Computer Co-op	\$ 28,399	Jones Law Office	\$3,190
City of Fargo	\$ 27,783	Copy Kat Printing, Inc.	\$3,038
Prairie Lakes Municipal Solid Waste	\$ 24,124	Trane US, Inc.	\$2,797
City of Georgetown	\$ 17,864	TrueNorth Steel	\$2,675
Innovative Office Solutions, LLC	\$ 15,164	Best Buy Business Advantage Acct	\$2,600
Clay Co Public Health	\$ 13,911	BIR Performance Driving School, LLC	\$2,100

APPROVAL OF MINUTES FROM SEPTEMBER 13, 2022

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved the minutes from September 13, 2022.

REQUEST TO ADOPT RESOLUTION 2022-27 TO SUPPORT OPERATION GREEN LIGHT FOR VETERANS

Veterans Service Officer Curt Cannon brought forth a resolution for the County to support Operation Green Light. The County buildings would be lighted green from November 7 – 13 for support of our veterans.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board adopted Resolution 2022-27 in support of Operation Green Light for Veterans.

RESOLUTION 2022-27
Supporting Operation Green Light for Veterans

WHEREAS, the residents of Clay County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Clay County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, the Clay County appreciates the sacrifices of our United State Military Personnel and believes specific recognition should be granted; therefore be it

RESOLVED, with designation as a Green Light for Veterans County, Clay County hereby declares from October through Veterans Day, November 11th, 2022, a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; therefore, be it further

RESOLVED, that in observance of Operation Green Light, Clay County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.

REQUEST TO FILL VACANCY FOR OFFICE SUPPORT SPECIALIST IN SOCIAL SERVICES

Social Services Director Rhonda Porter requested filling a vacancy for an Office Support Specialist. The position receives Federal Financial Participation of 50% reimbursement.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved filling a vacancy for an Office Support Specialist in Social Services with backfill if needed.

APPROVAL OF FUNDING FROM THE CAPITAL IMPROVEMENT BOND FOR COMSTOCK SHOP MITIGATION PROCESS

Facilities Director Joe Olson and Highway Engineer Justin Sorum addressed the Board. During the site work process at the Comstock shop, excavators found diesel under the ground. Braun Intertec was then hired for consulting services to assist the County in working with MPCA for the required testing at the site. A vapor barrier system was installed to mitigate the diesel and to allow construction to keep going. Most of the work is completed, but more testing will be done this winter. The building committee met and recommended the cost, estimated at \$60,000 come from the Capital Improvement Fund.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved utilizing Capital Improvement Bond funds for the Comstock Shop mitigation.

REVIEW AND APPROVAL OF FIVE-YEAR PLAN WITH AMENDED 2023 CONSTRUCTION PLAN

Mr. Sorum provided handouts. He updated the prices to the five-year construction plan that was presented in April 19, 2022. The Highway Committee advised him to update the five-year plan with engineer’s estimates and add a ten percent contingency as well. He agreed with the contingency. If a project goes perfectly, a contractor is able to earn incentives up to five percent over the total for a project. He referred to the proposed 2023 amended construction schedule with project one (paving on CSAH 1) highlighted because that project may not be closed until spring. Projects two through six were also listed. The three bridge replacements were removed from 2023 because there was not a bonding bill. The CSAH 3 project, from American Crystal Sugar north to Wall Street, was slid from 2023 because it is tied to the City of Moorhead, and they did not get their funding for the project. Two other projects, on CSAH 34 (east side of Ulen to County line) and Co. Rd 75 (going to Northern Improvement’s mine), were also moved to other years but remain on the five-year plan. The plan is flexible and could still be readjusted if prices come down. The remaining projects are TH 75 to E city limits of Comstock (paid by the Diversion Authority); 80th Street to TH 9; TH 10 to CSAH 19 intersection; CSAH 26 to 80 Avenue N; and CSAH 19 to CR 27.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the amended Five-Year Construction Plan as presented.

PUBLIC HEARING TO ENACT ORDINANCE 2022-4 AMENDING CLAY COUNTY FOOD PROTECTION ORDINANCE

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

Public Health Director Kathy McKay and Environmental Health Specialist Kent Severson addressed the board with Ordinance 2022-4. This ordinance contains the regulations for food establishments and references the updated State food code. It would replace Ordinance 2011-3. The ordinance has been reviewed by the County Attorney’s office. They do not anticipate that existing restaurants will see any changes stemming from the language in this ordinance.

There was no one else who wished to be heard.

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

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board enacted Ordinance 2022-4 amending the Clay County Food Protection Ordinance.

DISCUSSION AND APPROVAL TO ENTER INTO CONTRACT NEGOTIATIONS FOR CONSTRUCTION MANAGEMENT SERVICES FOR SUBSTANCE USE CRISIS FACILITY

County Administrator Stephen Larson, Substance Abuse Crisis Facility Director Troy Amundsen, Public Health Director Kathy McKay were present for the discussion on contracting with a construction company for a Substance Use Crisis Facility.

Mr. Larson reviewed that an interview committee recently interviewed the three top companies for Construction Manager at Risk (CMAR) services. Each of the 10 members of the committee provided a score following the interview process. Mr. Larson met with the Facilities Director and Auditor-Treasurer to interpret

the results and tally the scores. Feedback was also obtained from Architect Scott Fettig. Each agency provided their fee schedule slightly different. Gehrtz Construction had a total score of 920; Construction Engineers had 908; and McGough Construction had 850. The deviations from average were also calculated and reviewed. A fee schedule comparison sheet was also presented and reviewed. The tallied results were based on a 14-month construction process. Gehrtz Construction costs totaled \$1,021,000; Construction Engineers submitted costs of \$1,240,000; and McGough was at \$1,166,700. The fees made up 20% of the total score points. Gehrtz Construction received three first place votes and two ties with Construction Engineers. Construction Engineers received five first place votes.

The Board discussed and considered the scores, costs, and the importance of self-performance. Construction Engineers was also given credit for seamless work on a number of big County projects.

Commissioner Campbell motioned to enter into contract negotiations with Construction Engineers for CMAR services for the Substance Use Crisis Facility. Motion failed for lack of a second.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and carried with one opposing vote from Commissioner Campbell, the Board approved entering into contract negotiations with Gehrtz Construction for CMAR services for the Substance Use Crisis Facility.

REQUEST APPROVAL OF ARCHITECTURAL SERVICES ADDENDUM FOR SUBSTANCE ABUSE CRISIS FACILITY

Mr. Larson stated that the Substance Abuse Crisis Facility received funding from the State of Minnesota. Since that time, he has met with Mr. Amundsen and Ms. McKay, and they have had discussions about sustainability and energy efficiencies due to receiving State grant dollars. Initially the State indicated that Clay County would not need to follow B-3 requirements. Subsequently, the design did not include B-3 efficiencies. The State has since reversed the need for the B-3 requirements. This led to additional research and conversations with the State to establish the scope and cost of incorporating those changes into the project. Today, the request is for additional pre-design work needed by Klein McCarthy to determine which requirements would be needed.

Klein McCarthy Architect Scott Fettig, Ryan Weber, and Dan Katzenberger joined the meeting virtually. Mr. Fettig stated when they originally went through the process with Mn RECS (Real Estate Construction Services), they indicated that B3 was not needed but predesign was needed. He has since found out that regardless of it being a State or County entity, both are needed. They may not need to implement all the aspect of B3 but as much as possible. Mr. Katzenberger stated he is a mechanical engineer and B3 administrator and lead certified consultant. He noted that B3 is an entire building rating system. It includes energy efficiencies, indoor air quality, materials in the building, site guidelines, water infiltration systems, impervious services, native grass vs. maintained grass, etc. He has been through this process many times and would help manage the process for this project.

Chair Mongeau noted it is frustrating to find out later in the planning process about a huge cost attached to the grant funding they received. She hopes there will be additional grant funds to pay for it. Mr. Fettig informed the Board that they can look at geothermal, solar panels, and wind energy with the CMAR as part of the B3 benching. There may be a way to get energy credit tapping into another system.

Mr. Larson referred to the two addendums that the Board will need to act on. The cost, calculated at \$250,000 would not include any B3 costs for the recommendations going forward. That full cost is unknown at this time. The Guaranteed Maximum Price (GMP) allows for a five percent design contingency.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Architectural Services Addendum for the Substance Abuse Crisis Facility.

REQUEST TO SUPPORT RED RIVER COMMUNICATIONS RECONNECT GRANT APPLICATION FOR FEDERAL BROADBAND FUNDING

Representatives from Red River Communications did not show for this item.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the removal of Agenda Item 10.

REQUEST 3500 EMBEDDED HEALTH DEDUCTIBLE INCREASE

HR Coordinator Anna Moore stated the Insurance Committee recently met and supported the \$250 increase to the \$3,500 Health Plan beginning January 1, 2023. They would keep the fourth quarter carry-over and the embedded deductible. The following changes are requested:

- Current deductible: \$3,500/\$7,000 will index to \$3,750/\$7,500.
- Current In network OOP: \$3,500/\$7,000 will index to \$3,750/\$7,500.
- Current OON OOP: \$3,625/\$7,250. This will index after information comes from BCBS underwriters.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the recommendations to index \$3,500/\$7,000 to \$3,750/\$7,500.

REQUEST TO SET PRELIMINARY LEVY PER STATUTE WITH ADOPTION OF RESOLUTION 2022-28

County Administrator Stephen Larson addressed the Board along with the County Auditor to set a preliminary levy with adoption of Resolution 2022-28. He provided some background information starting with the budget process that started in May when the department heads started meeting with the Administrator and Auditor and then came before the Board over the following couple months. After the preliminary budget is set, it cannot go up, but it can be reduced before final approval in December. Citizens have the opportunity to participate in the Truth in Taxation meeting planned for 6:00 p.m., Tuesday, December 13, 2022. The resolution, Summary of 2023 Tax Levy By Funds, and spreadsheet with new requests were reviewed. Fund balances of \$1,350,000 were applied to buy down the levy. The anticipated COLA for 2023 was listed as 4%. The proposed Spread Levy was increased by 5.19%, and new construction lowered it \$1.20%, down to \$3.99%.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board executed Resolution 2022-28 to set the preliminary levy for 2023.

RESOLUTION 2022-28

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 2023 and

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

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 2023 as follows:

	<u>Preliminary Levy</u>	<u>County Program Aid</u>	<u>Certified Levy</u>
Revenue Fund	27,144,605	2,517,234	24,627,371
Road & Bridge Fund	4,424,518	410,304	4,014,214
Building Improvements	50,000	4,637	45,363
Library	318,265	29,514	288,751
Social Services	12,201,700	1,131,516	11,070,184

Debt Retirement	0	0	0
Debt Retirement – RB	0	0	0
Debt Retirement - Ct	0	0	0
Debt Retirement-Co Proj.	<u>493,395</u>	<u>0</u>	<u>493,395</u>
Total	<u>\$44,632,483</u>	<u>\$4,093,205</u>	<u>\$40,539,278</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 13, 2022, at 6:00 p.m. in the Clay County Courthouse, Moorhead, MN.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Ebinger reported on meetings for FM Diversion Authority Finance Committee; Lake Agassiz Regional Library Board; FM Diversion Authority Board; and met with a group regarding the Lotus Project.
- Commissioner Campbell reported on Highway Tracking; Building Improvement Committee; Moorhead Clay County Joint Powers Authority; FM Diversion Authority Board; Insurance Committee; and Interviews for a Communications Coordinator.
- Commissioner Gross reported on a Building Improvement Committee meeting.
- Commissioner Kahly reported on meetings for Adult Mental Health Local Advisory Committee; Historical and Cultural Society of Clay County; Lakes and Prairies Local Advisory Committee; Community Opioid Response; Moorhead Business Association; met with Governor Walz; and attended a Cultural Diversion Resources Event.
- Commissioner Mongeau reported on meetings for Clay County Planning Commission; Moorhead Clay County Joint Powers Authority; Lakeland Mental Health Board; and interviews for a Communications Coordinator.
- Mr. Larson attended meetings for Moorhead Clay County Joint Powers Authority; Insurance Committee; MFDA Finance; Substance Use Facility Planning; Discussions with Juvenile Center; Union Negotiations; Opioid Settlement Discussion; B3 Issues; Building Committee; Auditor re: Levy; Commissioners Kahly and Ebinger; Insurance Committee; conducted a department head evaluation; and interviews for a Communications Coordinator.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board shifted the December 6th Board Meeting up one week to November 29th due to the AMC Annual Conference the first week of December; and shifted the December 13th Board Meeting from 8:30 a.m. to 5:00 p.m., with Truth in Taxation at 6:00 p.m.

The meeting was adjourned at 10:56 a.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator