

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, May 23, 2006

4:00 p.m.

County Board Room - 3rd Floor - Courthouse

M I N U T E S

The Clay County Board of Commissioners met in regular session on Tuesday, May 23, 2006, with Commissioners Brunsvold, Campbell, McCarthy, and Waller present. Commissioner Evert was absent.

APPROVAL OF AGENDA

On motion by Campbell, seconded by Waller, and unanimously carried, the agenda was approved with the following additions:

- Approval of additions to the list of providers of Home & Community Based Services
- Presentation of document re: Food, beverage, and lodging inspections.

APPROVE RENEWAL OF LIQUOR LICENSES

By consent agenda, the Board approved the renewal of the liquor license for the Galaxie Sports Bar, Barnesville, for the period ending June 30, 2007.

By consent agenda, the Board approved the renewal of the liquor license for the Buffalo River Speedway, for the period ending June 3, 2007.

APPROVE LEASE FOR OFFICE SPACE IN FSCCC FOR  
STATE AUDITOR'S OFFICE

By consent agenda, the Board approved the lease for office space in the Family Service Center for the State Auditor's Office, for 1032 sq.ft. for the period 7/1/06-6/30/11, at \$12.75 sq.ft.

APPROVAL OF HEALTH DEPARTMENT CREDIT CARD CHARGES

By consent agenda, the Board approved Health Department credit card charges in the amount of \$664.54 (Park Plaza Hotel, \$202.04, Conference lodging; Oriental Trading Co., \$16.85, Grant supplies; Frontier Tesoro, \$20.00, gas for rental van; Holiday Station, \$37.71, gas for rental van; Marriott Hotel, \$387.94, Lodging for training).

APPROVAL OF AMENDMENT TO ELECTION EQUIPMENT PLAN

By consent agenda, the Board adopted the following resolution, approving an amendment to the Election Equipment Plan which allows for the purchase of new precinct counters with grant funds totaling \$571,815.81:

RESOLUTION 2006-33

**BE IT HEREBY RESOLVED**, that the Clay County Board of Commissioners hereby approves an amendment to the Clay County Election Equipment Plan, which was adopted by the Clay County Board of Commissioners on January 24, 2006, to allow for submission of a grant application for replacement of old precinct counters.

CITIZENS TO BE HEARD

There were no citizens present who wished to address the Board.

APPROVAL OF ADDITIONS TO THE LIST OF PROVIDERS FOR  
HOME & COMMUNITY BASED SERVICES

On motion by Campbell, seconded by Brunsvold, and unanimously carried, the Board approved the following additions to the list of providers of Home & Community Based Services: Rick's Cycling & Sports Center, Willmar, MN, and Sammons Preston Rolyan, Bolingbrook, Illinois.

YEARLY SUPPLY BID LETTING

County Engineer David Overbo opened and read sealed bids for the yearly supplies for the Highway Department. The bids will be tabulated and an abstract will be prepared for review and award of the bids at the June 6<sup>th</sup> meeting.

**Asphaltic Road Oils** - No bids received.

**Bituminous Mixture** - Bids received from Border States Paving, Northern Improvement, and Aggregate Industries.

**Culverts** - Bid received from Johnston Fargo Culvert Company.

**Gravel** - Bids received from Dunham Gravel, Turner Sand & Gravel, Fitzgerald Construction, Aggregate Industries.

**Equipment Rental** - Turner Sand & Gravel, Dunham Gravel, Sellin Brothers, Master Construction, Larry's Excavating, Ziegler Construction, Strom Construction, Fitzgerald Construction.

AUTHORIZATION FOR QUOTES FOR BITUMINOUS SURFACING OVER  
CULVERT ON CSAH 9 IN DILWORTH

County Engineer David Overbo requested the Board's authorization to seek quotes for bituminous surfacing over a box culvert installed on CSAH 9 in Dilworth. Mr. Overbo estimated a cost of \$10,000 which would be paid from County funds.

On motion by Campbell, seconded by Waller, and unanimously carried, the Board authorized the County Engineer to seek quotes for bituminous surfacing over a box culvert on CSAH 9 in Dilworth.

4-H PROGRAM UPDATE

Several 4-H members were present to inform the Board of new projects they are working on involving technology and robotics. The 2006-2008 goals for Clay County 4-H Youth Development were reviewed.

RECOGNITION FOR STACIE LOEGERING, NUTRITION EDUCATION ASSISTANT

The Board recognized Ms. Stacie Loegering, Nutrition Education Assistant, for having received the Distinguished Education Assistant 4-H Award. This is the third year in a row where someone from Clay County has been honored for distinguished service.

DISCUSSION REGARDING CONCERNS ASSOCIATED WITH JAIL NURSE CONTRACT  
AND PUBLIC HEALTH NURSE SALARIES

County Administrator Vijay Sethi informed the Board that currently the jail nurse coverage is provided via a contract with Family Healthcare. Family Healthcare is experiencing difficulties in finding nurses for this coverage and would like to return this function to the Public Health Department. Mr. Sethi believes the Public Health Department should take over the jail nurse duties, acknowledging that it will take training and orientation for staff.

At the same time, Public Health Administrator Kathy McKay has had difficulty filling three Public Health Nurse vacancies for the department. It appears as though the market salaries for nurses in the Fargo-Moorhead area are higher than what Clay County is offering.

Human Resources Director Dawn Schlosser-Greuel distributed comparisons of salaries for Detox nurses (2-year degree nurses on a higher grid due to difficulty in filling those positions), and the Public Health Nurses (4-year degree). Ms. Schlosser-Greuel informed the Board that advertisement has taken place since February, and job offers have been declined due to salary issues. Ms. Schlosser-Greuel has also reviewed local labor market statistics and learned that there are 34 open positions for degreed nurses in the community. She felt adjustments need to be made in the nurse salaries to attract and retain those positions. Ms. Schlosser-Greuel stated that if a market adjustment is made for the Public Health nurses, it would likely cost the County in the range of \$30,000-\$40,000, even considering that some of their salaries are paid through grants.

Commissioner Waller inquired if there is anything about Public Health that discourages individuals from applying for work. Ms. Schlosser-Greuel stated that the jobs are usually 8:00 to 5:00, and do not include shift work.

Discussion took place regarding a Nurse Practitioner being hired for the jail, as is done in Otter Tail County. A Nurse Practitioner can diagnose and issue prescriptions.

Commissioner Brunsvold commented that he has read the document pertaining to essential local Public Health activities, and this is not one of them. He felt careful consideration should be taken in assuming the jail nurse activities, especially since Public Health is short nurses already. He did not feel the Public Health goals should be secondary. He felt a new wage plan should be developed and in the meantime, a 'temp' should be hired for jail nurse coverage.

Due to the fact that the jail may not have coverage as of the end of the month, Mr. Sethi recommended that at a minimum, the Board agree to relieve Family Healthcare of their contract, and hire a jail nurse on the Detox salary grid.

Commissioner Waller was uncomfortable with another market adjustment, and inquired if there could be another method to attract staff, i.e., by paying off school loans, etc. He requested that Chief Assistant County Attorney Michelle Winkis research this possibility.

Commissioner Campbell noted that because there have been three vacancies in the Public Health department for some time, there are budget dollars that haven't been used. However, the jail nurse issue is a jail problem.

Jail Administrator Julie Savat stated that a 'temp' would have to be hired for jail nurse coverage. Mr. Sethi expressed concern that hiring a temp is an interim solution.

Mr. Sethi suggested that this matter be reviewed by the Personnel Issues Committee.

Commissioner McCarthy requested that the Board be informed of the net impact on the County budget on an annual basis if a market adjustment is made for Public Health nurses. A request was also made that the Board be informed of how the staff shortage is hurting services and if there are some service needs not being met. Mr. Sethi commented that consideration should be given to establishing the jail nurse salary at a higher level.

Commissioner Campbell expressed concern that the work regarding this issue may be moved ahead of the study promised during recent labor negotiations.

This issue will be discussed again at the June 20, 2006 County Board meeting.

#### AUTHORIZATION FOR OUT OF STATE TRAVEL

On motion by Brunsvold, seconded by Campbell, and unanimously carried, the Board authorized out of state travel for two Public Health staff to attend the World Tobacco Conference in Washington, DC, July 12-15, 2006, with expenses paid from grant funds.

#### CIVIL RIGHTS COMPLIANCE PLAN

On motion by Campbell, seconded by Brunsvold, and unanimously carried, the Board adopted the Civil Rights Compliance Plan contingent upon County Attorney's office review, as prepared by Clay County Social Services, and required by Federal Civil Rights law.

#### TH 336/12TH AVENUE SOUTH CORRIDOR STUDY INFORMATION

Planning & Environmental Programs Director Tim Magnusson was present to offer comment on the Executive Summary of the TH336/12TH Avenue South Corridor Study, which has been recommended for Board approval by the Planning Commission. He added that Rick Lane, SRF Consulting, will be present at the June 6<sup>th</sup> County Board meeting to review the Study in further detail. Mr. Magnusson stated that the Planning Commission has recommended making a change to assure that the process is truly collaborative, in that elected officials and staff from Moorhead, Dilworth, Clay County, Moorhead & Glyndon Townships, Moorhead Public Service and MetroCog will get together periodically to share information.

Commissioner Campbell expressed appreciation for that change as he had had a concern that Clay County was giving up its rights to decisions outside the city limits.

Discussion took place regarding the development of an interchange at the extension of 12<sup>th</sup> Avenue and TH 336, and which will come first: the development or the interchange. Commissioner Waller commented that if the interchange is not constructed soon, it will be too late. Commissioner Campbell felt that a project of this size, affecting so many jurisdictions, would likely be eligible for federal dollars.

Commissioner Brunsvold commented that some time ago, there was a suggestion that the area along TH 336 would not be developed until all the property between TH 336 and Moorhead had been developed. Mr. Magnusson stated that if development needs municipal services, then Clay County is not a player, and the City of Moorhead or Dilworth would have to provide them. However, development could be made easier if a developer has the means to help pay for extension of services to that area.

#### FOOD, LODGING, BEVERAGE INSPECTIONS

Commissioner Brunsvold presented a document that he requested to be entered into the County Board record, pertaining to lapses in food, lodging and beverage inspections.

Commissioner Campbell felt that the document should be reviewed by the County Attorney's office prior to distribution to assure the information contained does not create a liability issue for the County Board.

County Administrator Vijay Sethi expressed his belief that there may be personnel data in

the document that would be considered private, and felt the County Attorney's office should review the document before it is made part of the record. Mr. Sethi added that everything he has done over the last few months concerning the lapse in inspections has been done in direct consultation with the County Attorney's office. He stated that it is his intention to put the issue of food, lodging and beverage inspections on the County Board agenda for June 6<sup>th</sup> for an update and discussion.

Chief Assistant County Attorney Michelle Winkis indicated she could review the document for data practices implications and if private data can be easily redacted, she would do so and the remaining part of the document could become part of the County Board record.

On motion by Waller, seconded by Campbell, and unanimously carried, the Board referred the above mentioned document to the County Attorney's office for review prior to it becoming part of the County Board record.

Commissioner Waller was appreciative of the fact that the topic of food, beverage and lodging inspections will be on the County Board agenda for discussion June 6<sup>th</sup>. He was uncomfortable with not yet having heard the whole story regarding the lapse in these inspections.

Ms. Winkis stated that information regarding the program and administration of it will come to the Board, however employee and personnel matters will not.

Commissioner Campbell commented that there can be the appearance of discussion behind the scenes when a commissioner sends a letter regarding a County issue and that letter is copied to all commissioners. He did not want the perception to be out there that the Board is hiding anything.

Commissioner Brunsvold commented that any commissioner has the right to bring up any item. He stated that there have been no discussions that were not appropriate.

Ms. Winkis stated that open meeting laws apply to written communications as well as oral conversations.

The redacted document and response written by County Administrator Vijay Sethi are included with these minutes (See Attachments "A" and "B").

#### COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Campbell commented that the Extension Committee has begun review of the 2007 budget, and they should be informed of the extremely difficult situation the County will be in for 2007.

County Administrator Vijay Sethi informed the Board that the County may be in a position to consolidate some outstanding bonds from Lease Revenue to General Obligation, saving the County approximately \$60,000/year. The County's bond consultant has also offered to develop a capital improvement plan.

#### ADJOURN

The meeting adjourned at 6:00 p.m.

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Mike McCarthy, Chair  
Clay County Board of Commissioners

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Vijay Sethi, County Administrator

Redaction by Michelle Winkis,  
Clay Co. Attorney's office, Attachment "A"  
5/24/06.

**MEMO FOR THE RECORD.**

Redacted information  
private under  
13.43, Subd. 4.

May 23, 2006

To: Vijay Sethi

Re: Food, Beverage and Lodging Inspections.

This is offered for attachment to the minutes of today's county board meeting so that the public record is complete concerning my effort to respond to the deficiencies in Clay and Wilkin County Food, Beverage and Lodging Inspections and the Clay County water-testing lab. You have advised me that you do not intend to answer my questions on these subjects.

In January, the county administrator was advised of the deficiencies in Food, Beverage and Lodging Inspections and provided none of the information to any member of the county board, including the county board chair who also is a member of the Public Health advisory committee.

The closure of the county water lab by the state was brought to the board in early March when it became apparent that it would be announced publicly by the State of Minnesota.

The only records that I have received thus far have provided a record of deficiencies in both the water testing area and Food, Beverage and Lodging Inspections going back for several years. There is no record provided to me to date demonstrating that proper records have ever been kept in the water testing department or that the county has ever been up to date with Food, Beverage and Lodging Inspections.

The only information that I received on these subjects came directly from county employees. Since May 10, 2006 you have directed county employees not to speak to me about these problems.



**BEN BRUNSVOLD**  
Clay County Commissioner  
616 6<sup>th</sup> Street South  
Moorhead, MN 56560  
218 233-8970

**Attachments:**

1. BEB memo dated May 10, 2006
2. VS response dated May 5, 2006
3. BEB letter dated April 27, 2006

Copies: Comrs McCarthy, Campbell, Evert, Waller

May 10, 2006

Vijay Sethi,

I am extremely disappointed and frustrated with your response to my letter dated April 27, 2006. You cannot say that I have been unwilling to work with you over the past five years. I would not have written the letter in the first place if I had not been concerned that egregious misconduct by one of your employees would be explained, excused and covered up. [REDACTED]

Let me remind you that in the not too distant past, Clay County allowed employees to use county vehicles for private business purposes. We provided county vehicles for fishing and hunting trips and other private travel. The county paid employees to move supervisors docks and fish houses. We paid county employees to mow their supervisor's lawn. We paid county employees to decorate the exterior of their supervisor's house at Christmas using a specialized county vehicle to do so. We paid county employees to do carpentry on their supervisor's residence. The county made illegal interest free pay day loans to some of our employees. There has been much more misconduct that was covered up. All of this misconduct was covered up and in each case no discipline was imposed on the official, supervisor or employee. [REDACTED]

My questions must have been pertinent since you state that when my letter was received, the county was already investigating the various items that were listed in the letter. Unfortunately, the "feedback" that you mention in your note was to tell me what disciplinary action the county intends to take and that that you do not intend to answer my questions. You have not told me directly but I understand that your contention is that I am only entitled to the public portion of the file, after you have concluded the investigation and imposed discipline. This is an entirely new proposition.

If commissioners are limited to the "public portion" of an employee's personnel file it would be impossible to determine the extent and adequacy of the underlying investigation. Even assuming that the matter was fully investigated, the "public portion" of the file would not show whether or not the discipline imposed was appropriate.

The Clay County rules about what a commissioner may or may not see in an employee personnel file clearly vary from one case to the next. I have a file drawer full of detailed reports about misconduct of other employees, all provided by you. In the past when you determined that an employee should be fired, you provided the county board volumes of reports describing in detail the misconduct you were complaining about. You also fed the whisper mill and campaign directed against some of our employees.

[REDACTED]

My concern is good order, discipline and consistency. My concern is not whether any particular employee is fired.

As matters of county business in general, these questions have been raised and must be answered:

1. Do we allow exempt employees to accumulate comp time? Do we have any exempt employees earning comp time this year? What is the difference between comp time and flex time? \*\*\*
2. Does the county require employee time records that demonstrate what county business they are actually working on in any given day?
3. What are the rules for loaning employees between county departments? Does the loaned employee have to have his own work done before he can be loaned to another department?
4. Does the county have any legal authority to loan county employees to other units of government? Who pays the salary? Does the loaned employee have to have his own work done before he can be loaned to another unit of government? What discipline is appropriate, if a loaned employee falsely tells his supervisor that his own work is up to date?
5. What does MCIT think about potential county liability given the food and beverage inspection record?
6. What food and beverage inspection records are there for the years before 2002? What was our inspection record in prior years? How far back does one have to go back to find a year in which the food and beverage inspections were completely done?
7. Are county employees required to keep verifiable records that they are using county vehicles and a cell phones only for county business?
8. Can a county employee earn comp time or flex time while working at his residence? What county business is permissible at home? What records are required to support an employee's work at home?
9. Who is responsible to see that the replies to requests for information from news organizations are responsive, accurate and complete?



Ben Brunsvold

\*\*\* What are the flex time rules that you have implemented for the employees in your department? When we rewrote the comp time rules last year, it was my understanding that flex time was earned and taken in the same pay period. I am told that you are allowing exempt employees to accumulate up to 40 hours of flex time. That practice is inconsistent with our decision last year and is inconsistent with the directions given to other department managers. You are reminded that our previous problem with comp time was centered on your exempt employees some of whom had accumulated hundreds of hours of comp time in violation of the previous comp time policy.

Attachments:

1. VS response dated May 5, 2006
2. BEB letter dated April 27, 2006

Copies: Comrs McCarthy, Campbell, Evert, Waller,  
Kathy McKay, Tim Magusson, Dawn SG

COUNTY ADMINISTRATOR

VIJAY SETHI

Office Telephone: (218) 299-5002

Fax: (218) 299-5195



May 5, 2006

Commissioner Ben Brunsvold  
616 6<sup>th</sup> Street South  
Moorhead, MN 56560

Dear Commissioner Brunsvold:

Thank you for your letter dated April 27, 2006 representing your complaint regarding Environmental Services Director, Bruce Jaster. We were in the process of investigating and addressing various items listed in your letter when your letter was received. As you know I shared my feedback on these items with you when we met in my office on Wednesday May 3, 2005. The disposition of this matter will be completed shortly.

Once a final disposition in this matter has been reached, the "public" portion of the related employee information in Mr. Jaster's personnel file will be available upon request.

Sincerely,

A handwritten signature in black ink, appearing to read "Vijay K. Sethi", with a horizontal line extending from the end of the signature.

Vijay Sethi  
County Administrator

CC: County Commissioners  
Director of Planning and Environmental Programs Tim Magnusson  
Human Resources Director Dawn Schlosser Greuel  
Chief Deputy County Attorney Michelle Winkis  
Public Health Administrator Kathy McKay

April 27, 2006

Vijay Sethi,

First we learned about problems with the water lab. Now we are told that we are seriously behind in our food and beverage inspections.



Attached is a copy of the record of inspections going back to 2002. This is from the record:

Clay County

In 2005 there were 29 inspections of 86 establishments to be inspected. Of the 57 that were not inspected in 2005, 37 of them had not been inspected in 2004 either.

In 2004 33 of 86 establishments were inspected and 53 were un-inspected.

In 2003 68 of 86 establishments were inspected and 18 were un-inspected.

In 2002 30 of 86 establishments were inspected and 56 were un-inspected.

67 of the 86 establishments were inspected only twice in 4 years. 14 were inspected only once during the 4 year period.

Wilkin County

In 2005 there were 5 inspections of 33 establishments to be inspected. Of the 28 that were not inspected in 2005, 18 of them had not been inspected in 2004 either. There were two inspections in Jan 05 and 3 on April 12<sup>th</sup> 05. There were no inspections in Wilkin County after April 12, 05.

In 2004 12 of 33 establishments were inspected and 21 were un-inspected.

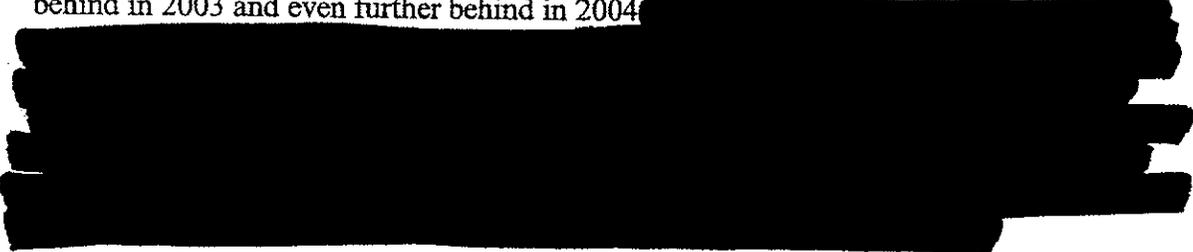
In 2003 27 of 33 establishments were inspected and 6 were un-inspected.

In 2002 19 of 33 establishments were inspected and 14 were un-inspected.

No establishment was inspected more than twice in a 4 year period.

In Wilkin County 4 establishments were inspected only once in 4 years.

The schools are required to be inspected twice a year. This record suggests that a serious problem existed in 2002 and improved but not satisfactory in 2003 and then falling way behind in 2003 and even further behind in 2004.



Food and beverage inspections are a public safety issue. The county has been paid to do all the inspections out of the establishment food and beverage licensing fee.

The time it takes to complete 1000 water tests is less than a total of 200 hours per year. The tests are performed by a public health employee. The corrective action taken to get our water lab re-certified was done by [REDACTED]

[REDACTED] When our lab was decertified those problems were reported again with some new problems that needed to be addressed.

450 county employees are acutely aware that some of our employees get special treatment and benefits. [REDACTED]

1. How does an exempt employee get comp time at all? [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. What does MCIT think about county liability given this inspection record?
6. What inspection records are there for the years before 2002? Have those records been looked at?

7. [REDACTED]
8. [REDACTED]
9. [REDACTED]

[REDACTED]

*MB*

Ben Brunsvold

Copies: Comrs McCarthy, Campbell, Evert, Waller,  
Kathy McKay, Shirley Larson, Tim Magusson, Dawn SG

# 2006 Clay County Licensed Establishments and Past Inspections (last two)

EST. #	EST. NAME	CITY	COUNTY	LIC. 1	LIC. 2	LIC. DATE	HAZARD	INSP 05	INSP 04	INSP 03	INSP 02	INSP 01
23	Miking Manor Nursing Home	Ulen	Clay	Rest		01/01/06	H			05/06/03	07/29/02	
32	Hawley Senior Living	Hawley	Clay	Rest		01/01/06	H			06/19/03	07/16/02	
221	Barnesville High School	Barnesville	Clay	Rest		01/01/06	H	04/04/05	03/02/04			
259	Glyndon-Fellon Public School	Glyndon	Clay	Rest		01/01/06	H	03/18/05		10/29/03		
479	DGF Public School	Dilworth	Clay	Rest		01/01/06	H	03/17/05		10/29/03		
480	Ulen Hitterdal High School	Ulen	Clay	Rest		01/01/06	H	04/05/05	03/18/04			
486	Atkinson Elem. School	Barnesville	Clay	Rest		01/01/06	H	04/04/05	03/02/04			
487	Hawley High School	Hawley	Clay	Rest		01/01/06	H	04/01/05	03/15/04			
488	Hawley Elementary School	Hawley	Clay	Rest		01/01/06	H	04/13/05	03/15/04			
853	Parr's Cafe	Barnesville	Clay	Rest		01/01/06	H	12/07/05	03/25/04			
860	Barnesville Senior Meals	Barnesville	Clay	Rest		01/01/06	H		03/09/04	01/28/03		
862	Fellon Senior Meals	Fellon	Clay	Rest		01/01/06	H			06/13/03	01/01/02	
864	Hawley Senior Meals	Hawley	Clay	Rest		01/01/06	H			05/16/03	07/29/02	
867	Glyndon Senior Meals	Glyndon	Clay	Rest		01/01/06	H		04/05/04	05/29/03		
880	Star Lite Motel	Dilworth	Clay	Lodg		01/01/06	H			04/30/03	06/18/02	
914	Golden Manor of Barnesville	Barnesville	Clay	Egg		01/01/06	H			01/28/03	06/21/02	
924	Galaxie Sports Bar	Barnesville	Clay	Rest		01/01/06	H			05/07/03	09/23/02	
927	Country Acres Park	Moorhead	Clay	MHP		01/01/05	H	06/08/05		06/18/03	10/01/02	
933	Park Lane Mobile Home Park	Moorhead	Clay	MHP		01/01/06	H			05/27/04	10/16/03	
955	Lea Lake Campground	Hawley	Clay	RV		01/01/06	H			08/05/04	05/28/03	
956	KOA Campground	Moorhead	Clay	RV		01/01/06	H	01/18/05			04/24/02	
979	Ulen Cafe	Ulen	Clay	Rest		01/01/05	H	04/19/05		05/16/03		
982	Buffalo River Speedway	Lord Prairie	Clay	Rest		01/01/06	H			05/08/03	09/08/02	
983	Paul's Diner	Hawley	Clay	Rest		01/01/06	H	6/9/05*		10/08/03		
984	Crowbar, Inc	Sabin	Clay	Rest		01/01/06	H			03/05/04	04/29/03	
988	Designs Eagle Gate	Barnesville	Clay	Rest		01/01/06	H			8/7/03*		
990	Fellon Cafe	Fellon	Clay	Rest		01/01/06	H			06/13/03	11/01/02	
994	Hawley Golf & Country Club	Hawley	Clay	Rest		01/01/06	H	08/09/05	06/28/04	09/03/03		
995	Burnies Drive Inn	Ulen	Clay	Rest		01/03/05	H	07/12/05	05/07/04	06/13/03		
999	Interstate Dragways	Hope	Clay	Rest		01/01/06	H			07/23/04	05/31/03	
1002	Hitterdal Senior Meals	Hitterdal	Clay	Rest			H			05/08/04	04/15/03	
1004	Kragness Inn	Moorhead	Clay	Rest		01/01/06	H			04/30/03	07/23/02	
1010	Mainline Bar & Grill	Downer	Clay	Rest		01/01/06	H	02/16/05				
1017	Castle Rock	Hawley	Clay	Rest		01/01/06	H			08/05/03	09/10/02	

EST. #	EST. NAME	CITY	COUNTY	LIC. 1	LIC. 2	LIC. DATE	HAZARD	INSP 05	INSP 04	INSP 03	INSP 02	INSP 01
1022	Wagner Park	Barnesville	Clay	RC		01/01/05	H			05/29/03	08/25/02	
1030	Wahl Drug	Hawley	Clay	Rest		01/01/06	H			05/28/03	07/16/02	
1032	Willow Creek Municipal Golf	Barnesville	Clay	LP	Por	01/01/03	H		09/27/04	05/07/03		
1033	Willie's Bar & Cafe	Dilworth	Clay	Rest	Por	01/01/06	H			07/30/03	05/29/02	
1049	Whistle Stop Cafe	Hawley	Clay	Rest		01/01/06	H		04/05/04	05/28/03		
1215	Speedway of Dilworth	Dilworth	Clay	Rest	Por	01/01/06	H			09/17/03		
1235	Bethlehem Catering	Sabin	Clay	Rest		01/01/06	H			09/25/03		
226	Lee Lake Campground	Hawley	Clay	LP		01/01/03	L			05/28/03		
805	Dilworth Community Center	Dilworth	Clay	Rest		01/01/06	L			05/10/02	07/23/02	
883	Hawley Lanes	Hawley	Clay	Rest	Por	01/01/06	L			09/03/03		11/08/01
923	Youth Alive	Barnesville	Clay	LP		01/01/06	L				09/13/02	
930	Prairie View Mobile Park		Clay	MHP		01/01/06	L	06/08/05		06/20/03		
934	Riverside Trailer Park	Hawley	Clay	MHP		01/01/06			05/17/04	10/08/03		
1000	JC's Cottal	Dilworth	Clay	Rest	Por	01/01/06			09/29/04	01/27/03		
1009	Ritz's Pool Hall	Barnesville	Clay	Por	LP	01/01/06				05/07/03	06/14/02	
1011	Mills Lounge	Dilworth	Clay	LP	Por	01/01/06			03/04/04	01/30/03		
1016	Norfolk Lounge	Dilworth	Clay	LP	Por	01/01/06				04/15/03		
1018	Hilteidal Community Center	Hilteidal	Clay	Rest	Por	01/01/06				06/09/04		
1019	Sabins Getaway	Sabin	Clay	LP	Por	01/01/06				07/17/03		
1040	Cornstock Comm. St. Center	Cornstock	Clay	Rest		01/01/06				07/17/03	08/27/02	
1041	Hawley Community Center	Hawley	Clay	Rest		01/01/06				06/18/03	08/09/02	
850	Barnesville Child Day Care	Barnesville	Clay	Rest		01/01/06	M		03/09/04	01/06/03		
872	Riverside Inn	Hawley	Clay	Rest	Por	01/01/06	M			6/4/03		
876	Barnesville Amoco & Motel	Barnesville	Clay	Lodg		01/01/06	M			05/02/03	06/14/02	
879	Riverside Inn	Hawley	Clay	Lodg		01/01/06	M			04/15/03	07/16/02	
882	Hawley Senior Living	Hawley	Clay	Lodg		01/01/06	M			07/16/02	09/13/01	
918	Golden Manor of Barnesville	Barnesville	Clay	Lodg		01/01/06	M			04/28/03	06/21/02	
919	Northern Assisted Living	Hilteidal	Clay	Lodg		01/01/06	M			05/06/03	07/29/02	
925	Braton Trailer Park	Barnesville	Clay	MHP		01/01/06	M	08/09/05	05/17/04	05/29/03		
926	Glyndon Mobile Home Park	Glyndon	Clay	MHP		01/01/06	M	06/07/05		08/06/03		
929	Dilworth Trailer park	Dilworth	Clay	MHP		01/01/05	M	06/08/05	05/27/04			
932	Larry's Mobile Home Court	Barnesville	Clay	MHP		01/01/06	M	01/05/05		05/29/03		
935	Riverview Acres	Hawley	Clay	MHP		01/01/06	M	06/07/05	05/17/04			
937	Villa Di Sole Mobile Home Pk	Dilworth	Clay	MHP		01/01/06	M	06/08/05	05/27/04			
957	Western MN Steam Threshers	Hawley	Clay	RV		01/01/05	M	08/30/05	08/30/04			
976	Barnesville American Legion	Barnesville	Clay	Rest	Por	01/01/06	M				05/15/02	12/03/01

EST. #	EST. NAME	CITY	COUNTY	LIC. 1	LIC. 2	LIC. DATE	HAZARD	INSP 05	INSP 04	INSP 03	INSP 02	INSP 01
986	Dilworth Dairy Queen	Dilworth	Clay	Rest		01/01/06	M	03/31/05		08/12/03		
998	Hill Lounge	Glyndon	Clay	Rest	Por	01/01/06	M	11/16/05		08/07/03		
1001	Red River Recovery Center	Dilworth	Clay	Rest		01/01/06	M	03/29/05		09/03/03		
1042	Hawley Conoco	Hawley	Clay	Rest		01/01/06	M	03/29/05		09/03/03		
1048	Red River Recovery Center	Dilworth	Clay	Lodg	Rest	01/01/06	M	09/19/05				
1228	Hawley Dairy Queen	Hawley	Clay	Rest		01/01/06	M	03/09/05		08/12/03		

Total of 86 licensed establishments (2006) in Clay County.

Indicates establishments not inspected in 2005

29 establishments inspected in 2005 (33.7%)

43 establishments inspected in 2004 (15%)

## 2006 Wilkin County Licensed Establishments and Past Inspections (last two)

EST. #	EST. NAME	CITY	COUNTY	LIC. 1	LIC. 2	LIC. DATE	HAZARD	INSP 05	INSP 04	INSP 03	INSP 02	INSP 01
12	Breckenridge High School	Breckenridge	Wilkin	Rest		01/01/06	H	04/12/05	03/31/04			
59	Campbell Third School	Campbell	Wilkin	Rest		01/01/06	H			03/20/03	11/22/02	
482	Rohnsay Public School	Rohnsay	Wilkin	Rest		01/01/06	H		08/31/04	03/20/03		
485	St. Mary's School	Breckenridge	Wilkin	Rest		01/01/06	H		08/31/04			
611	Breckenridge Elem. School	Breckenridge	Wilkin	Rest		01/01/06	H	04/12/05	03/31/04			
917	Select Inn	Breckenridge	Wilkin	LF		01/01/06	H			07/29/03	08/04/02	
1201	Select Inn	Breckenridge	Wilkin	Lodg	Pool	01/01/06	H			07/29/03	08/04/02	
1203	Fox Den Bar & Grill	Foxhome	Wilkin	Rest	Pool	01/01/06	H			08/27/03	01/19/02	
1214	Northern Grille	Breckenridge	Wilkin	Rest		01/01/06	H			09/25/03	12/17/02	
1216	Breckenridge Senior Nutrition	Breckenridge	Wilkin	Rest		01/01/06	H			09/10/03	2/11/02	
1219	Wilkin Drink & Eatery	Breckenridge	Wilkin	Rest	Pool	01/01/06	H			04/22/03		
1220	The Pavilion	Breckenridge	Wilkin	Rest	Pool	01/01/06	H			09/10/03		
1227	Goodluck Chinese Restaurant	Breckenridge	Wilkin	Rest		01/01/06	H	04/12/05			12/11/02	
1229	Valley Lakes Boys Home	Breckenridge	Wilkin	Rest		01/01/06	H		09/28/04	04/22/03		
1230	Ranch House Bar & Steakhouse	Campbell	Wilkin	Rest	Pool	01/01/06	H			08/27/03	04/22/02	
1232	Doran Bar	Doran	Wilkin	LF	Pool	01/01/06	H	01/24/05		08/27/03		
1234	Distig 31 Victorias	Wolverton	Wilkin	Rest	Pool	01/01/06	H			09/18/03	10/07/02	
1238	Bois De Sioux Mobile Home Ct	Breckenridge	Wilkin	MHP		01/01/06	H		06/02/04	07/29/03		
1240	Valley Lakes Boys Lodge	Breckenridge	Wilkin	Lodg		01/01/06	H			04/22/03	08/01/02	
1202	Javel N Juice	Breckenridge	Wilkin	Rest		01/01/06			08/19/04			
1217	South Haven Inn	Breckenridge	Wilkin	Lodg		01/01/06				04/22/03	08/14/02	
1217	Wellies Memorial Park	Breckenridge	Wilkin	RC		01/01/04				07/29/03	06/27/02	
1231	Campbell Senior Nutrition	Campbell	Wilkin	Rest		01/01/06				08/27/03	08/14/02	
1236	Sky View Mobile Home Park	Breckenridge	Wilkin	MHP		01/01/06			06/02/04	07/29/03		
1237	Shady Oaks Court	Breckenridge	Wilkin	MHP		01/01/06	L	01/05/05		07/29/03		
1243	Legends Breckenridge Inc	Breckenridge	Wilkin	LF	Bar	01/01/06			11/10/04			
1316	Park Manor Senior Meals	Breckenridge	Wilkin	Rest		01/01/06				04/22/03	08/01/02	
1200	Casey's Bar	Breckenridge	Wilkin	LF	Pool	01/01/06	M			09/10/03	12/17/02	
1210	Grumpy's Bar & Grill	Breckenridge	Wilkin	Rest	Pool	01/01/06	M			09/25/03	08/14/02	
1212	Pizza Hut 2740	Breckenridge	Wilkin	Rest	Pool	01/01/06	M		03/31/04	04/22/03		
1243	KFC Taco Bell	Breckenridge	Wilkin	Rest		01/01/06	M			07/29/03	08/07/02	
1222	Breckenridge Dairy Queen	Breckenridge	Wilkin	Rest		01/01/06	M		08/31/04	09/25/03		
1223	Sundowner Bar	Breckenridge	Wilkin	Rest	Pool	01/01/06	M			09/10/03	12/14/02	

Total of 33 licensed establishments (2006) in Wilkin County.

Grey indicates establishments not inspected in 2005

5 establishments inspected in 2005 (15%)

11 establishments inspected in 2004 (33%)

COUNTY ADMINISTRATOR

VIJAY SETHI

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May 26, 2006

Commissioner Ben Brunsvold  
616 6<sup>th</sup> Street South  
Moorhead, MN 56560

Re: Food, Beverage & Lodging Inspections

Dear Commissioner Brunsvold:

This letter is in response to your memos dated April 27, May 10 and May 23, 2006 regarding Food and Beverage Inspections. I will attempt to address the issues/concerns in three parts:

- 1) Nine specific concerns/questions raised in your April 27 and May 10 memos regarding policy/procedures on various related matters: As I mentioned at the May 23 County Board meeting, I will address these issues at the June 6, 2006 County Board meeting.
- 2) Your personal comments regarding the conduct of a County employee: As directed by the County Board on May 23, Chief Deputy County Attorney Michelle Winkis has redacted these portions from your memos prior to providing them to my office to be included in the official County Board record. A very difficult matter the County management staff must deal with from time to time is to address the County Commissioners' need to know vs. MN Data Practice laws and interpretation and advice provided by the County Attorney's office. Please see the attached memo from Chief Deputy County Attorney dated May 18, 2006 in this regard. I will appreciate further discussion and direction on this topic from the County Board at the June 6<sup>th</sup> meeting.
- 3) Your personal allegations aimed at me regarding my conduct in this matter: In the following paragraph I will try to address those allegations:
  - A. In your May 23 memo you state, *"You have advised me that you do not intend to answer my questions on these subjects."* You also state in your May 10 memo, *"Unfortunately, the "feedback" that you mention in your note was to tell me what disciplinary action the county intends to take and that you do not intend to answer my questions. You have not told me directly but I understand that your contention is that I am only entitled to the public portion of the file, after you have concluded the investigation and imposed discipline. This is an entirely new proposition."*

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**My response:** I do not recall telling you that I will not discuss this matter with you further. On the contrary, I discussed several of the issues raised in your April 27 memo during one of your several visits (May 3) to my office concerning this matter. My comment in my May 5 letter regarding the access to the "public" portion of the related data in the employee's personnel file was based on the County Attorney Office's interpretation of the MN Data Practices Act and advice provided by the County Attorney's office.

- B. In your May 23 memo you state, *"In January, the county administrator was advised of the deficiencies in Food, Beverage and Lodging Inspections and provided none of the information to any member of the county board, including the county board chair who also is a member of the Public Health advisory committee."*

*The closure of the county water lab by the state was brought to the Board in early March when it became apparent that it would be announced publicly by the State of Minnesota."*

**My response:** As each of the two issues came to light, I worked with the Health Department, County Attorney's office, Planning/Environmental Programs, and Human Resources officials to put in place immediate steps to ensure that: a) we got caught up on all food, beverage and lodging inspections as soon as possible; b) deficiencies identified by the State of Minnesota in the Water Testing program were addressed as soon as possible so that Clay County could regain its certification. The Water Lab has since been recertified; c) documentation procedures are implemented to track monthly progress in the timely completion of food, beverage and lodging inspections and water tests; d) appropriate disciplinary action is issued with respect to the county official involved.

On April 25, 2006 I informed the County Commissioners, including Board Chair McCarthy, of the deficiencies in the food, beverage and lodging inspections and steps being taken to remedy the situation.

On March 7, 2006 the County Board was informed of the State of Minnesota's decision to decertify Clay County's water lab and steps being taken to obtain recertification.

The decision to bring these matters to the attention of the County Commissioners was not the fear of information becoming public, as you imply in your May 23 memo (in fact, the State's decision to decertify the Clay County water lab was already public by then), rather to inform the Commissioners of the issues at hand and steps being taken to deal with them.

- C. You state in your May 23, 2006 memo, *"Since May 10, 2006 you have directed county employees not to speak to me about these problems."*

**My response:** This statement is simply not true. In my 20+ years with Clay County I have never asked any County employee to refrain from talking to a commissioner. On the contrary, I have always encouraged open communication among County officials in the interest of creating a better work environment. Employees that you have talked with during your numerous visits to the courthouse regarding this matter have advised me that none of them has declined speaking with you regarding this matter. Perhaps you are referring to the occasion when a Human Resources official informed you that she was advised by the County Attorney's office not to discuss the non-public employee data with you.

- D. You state in your May 10 memo, *"The Clay County rules about what a commissioner may or may not see in an employee personnel file clearly vary from one case to the next. I have a file drawer full of detailed reports about misconduct of other employees, all provided by you. In the past when you determined that an employee should be fired, you provided the county board volumes of reports describing in detail the misconduct you were complaining about. You also fed the whisper mill and campaign directed against some of our employees."*

**My response:** The decision as to County Commissioners' access to an employee personnel file does, indeed, vary from one case to another, as per interpretation by the County Attorney's office. Not knowing the details of the "drawer full of personnel reports about misconduct of other employees" you are making a reference to, I can only surmise that you are referring to the public/non-public personnel data labeled confidential that I have sent to commissioners on occasions, upon our labor attorney's advice, in the event of proposed termination action in order to provide a complete set of employee records for County Board review, prior to reaching a decision. I also disagree with your allegation that I "fed the whisper mill and campaign directed against some of our employees."

- E. You state in your May 10 memo, *"I would not have written the letter in the first place if I had not been concerned that egregious misconduct by one of your employees would be explained, excused and covered up."*

**My response:** There is no effort to cover up the conduct of an employee by myself or any other County personnel. When complaints arise regarding employee performance, the appropriate level of disciplinary action is taken by that employee's supervisor in consultation with the Human Resources department and the County Attorney's office. No two situations are ever alike.

Finally, to summarize my response:

- I recognize the serious ramifications of the lapses in the food, beverage and lodging inspections, and the loss of certification of the water testing lab.
- Corrective actions have been taken to get caught up on food, beverage and lodging inspections as soon as possible.
- Recertification of the water lab has been restored.
- A documentation process has been put in place to monitor the monthly progress in staying caught up with food, beverage and lodging inspections and with water tests.
- Appropriate disciplinary action has been taken for the employee involved.

Sincerely,

  
Vijay K. Sethi  
County Administrator

cc: County Commissioners  
Chief Deputy County Attorney Michelle Winkis

enc.