

**CLAY COUNTY BOARD OF COMMISSIONERS**  
**8:30 A.M., TUESDAY, FEBRUARY 2, 2021**  
Community Room, 3<sup>rd</sup> Floor, Courthouse  
**MINUTES**

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Kevin Campbell, Jenny Mongeau, Frank Gross, Jenna Kahly, and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, and Sr. Administrative Asst. Colleen Eck.

**CALL TO ORDER**

Chair Campbell called the meeting to order at 8:30 a.m.

**APPROVAL OF AGENDA**

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda with one addition: Request approval to distribute \$1,243,647.00 to businesses that qualify for Clay County Business Relief Program: County Administrator Stephen Larson.

**REAPPOINT CLARICE SCHMIDT TO ADDITIONAL THREE-YEAR TERM TO REPRESENT CLAY COUNTY ON MN RED RIVER VALLEY DEVELOPMENT ASSO. BOARD**

By consent, the Board reappointed Clarice Schmidt to an additional three-year term to represent Clay County on the Mn Red River Valley Development Asso. Board.

**CITIZENS TO BE HEARD**

During this pandemic, citizens continue to have the opportunity to share feedback at Board meetings via website link. Sarah Peterson from Glyndon submitted a letter to the Commissioners regarding their high special assessments in Glyndon and noted that the City and their attorney are trying to take possession of the property due to unpaid taxes. County Administrator added the Peterson's assessment and taxes have been addressed with phone calls over several months to several departments. When the property was purchased six years ago the buyers were aware of the assessments. The Commissioners agreed that the issues are between the property owners and the City of Glyndon, not the County.

**EMPLOYEE RECOGNITIONS**

The following employees were recognized: Anna Baquera, 20 years, Social Services; and Stephen Larson, 25 years, County Administrator. The Commissioners expressed their appreciation to the County Administrator for his work as Administrator, especially during the pandemic.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved payment of bills and vouchers totaling \$471,606 from 122 vendors. From that total, 84 warrants issued were under \$2,000 (\$46,120) and the following 38 were over \$2,000:

Lake Agassiz Regional Library	\$75,404	Polk-Norman-Mahnomen CHB	\$19,867
Otter Tail Co. Public Health	\$50,746	High Point Networks, LLC	\$19,665
Moorhead Public Service	\$37,551	West Central Initiative	\$18,000
Becker Co. Public Health	\$32,440	CC Historical & Cultural Society	\$15,881

Clay Co. Public Health	\$14,810	Enterprise FM Trust	\$3,323
MetroCOG	\$14,730	Madison National Life	\$3,280
Lakes & Prairies CAP, Inc.	\$12,238	City of Hitterdal	\$2,938
City of Felton	\$11,088	Colonial Life	\$2,902
City of Hawley	\$10,895	Association of MN Counties	\$2,900
JT Lawn Service	\$8,053	Stellar Services, LLC	\$2,640
Express Lane - Hawley	\$6,096	Headwaters Reg. Development	\$2,500
MN Life	\$5,808	River Valley Forensic Services, PA	\$2,500
Wenck Associates, Inc.	\$5,702	McKesson Medical Surgical	\$2,368
Wilkin Co. Public Health	\$5,237	BDT Mechanical, LLC	\$2,348
Central Specialties, Inc.	\$5,092	Code 4 Services, Inc.	\$2,302
Sanford Health	\$4,851	Culinex, Inc.	\$2,300
Randall's Excavating, Inc.	\$4,676	Johnson Controls, Inc.	\$2,255
South East Education Co-op	\$4,500	Jet-Way Multiple Services, Inc.	\$2,010
City of Ulen	\$3,594	Clay County Recorder	\$2,000

### **APPROVAL OF MINUTES FROM JANUARY 19, 2021**

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the minutes from January 19, 2021.

### **COVID-19 UPDATE**

Public Health Director Kathy McKay provided handouts with the current COVID-19 cases in Clay County: 6,667 cumulative cases; 84 total deaths; two new reported cases (since last report); 275 have been hospitalized; and a 14-day case rate per 10,000 people of 36.94. Currently, Clay County's cases are low with just 99 cases. Throughout the State there are 462,528 cumulative cases; 727 newly reported cases; 6,202 total deaths; and two newly reported deaths. A total of 24,352 have required hospitalization; and 5,045 have required ICU.

In Clay County, 5,565 individuals have received one vaccine dose; and 1,272 have completed the series. The vaccine doses have been given within three days after they've been received. There is approximately 50% immunity after one dose and over 90% after the second dose. Throughout the State, 441,922 (8%) have received one dose and 116,248 (2.1%) have completed the series. Clay County Public Health is working with the two clinics in Moorhead.

Nursing Director Jamie Hennen stated they received 1,000 doses last week which were all administered. The doses come thru the Healthcare Coalition as there is not a hospital in Clay County. Another 1,000 doses of vaccine will be coming this week, 500 first doses and 500 second doses. There is a large Phase 1A population in the County. Educators in E-12 and childcare providers are priority as doses become available and there are random drawings to use up doses. Commissioner Mongeau asked if higher ed professors can be added to the list.

The two big vaccine sites in Minnesota are in Minneapolis and Duluth. There are another nine pilot sites with the nearest in Fergus Falls. The pharmacies are handling vaccines for the long-term care facilities. Clay County continues to push to receive more vaccines.

Ms. McKay noted that double masking has been in the news; however, the CDC and MDH are still recommending one two-layer mask covering for the nose and mouth. The valve and vent masks and face shields are not recommended, and double masking isn't needed by the general public. N95 and surgical

masks are still intended for healthcare workers. Gator masks are okay if they have two layers. No masks should be used on children under two years of age.

**UPDATE ON CLAY COUNTY BUSINESS RELIEF PROGRAM and REQUEST APPROVAL TO DISTRIBUTE \$1,243,647 TO BUSINESSES WHICH QUALIFIED FOR THE CLAY COUNTY BUSINESS RELIEF PROGRAM**

County Administrator Stephen Larson went over the process for distributing funds that were handed down to the Counties for businesses that lost revenues due to the Governor’s Executive Order 20-99. Seventy-eight businesses qualify for funds. The amount they receive are based on the comparison of their revenues in November and December 2020 to their revenues in November and December 2019.

**CATEGORY ONE**

Number of Businesses:	Lost revenue up to:	Will receive:
Six (6)	\$3,500	\$500 - \$2,252
Thirteen (13)	\$10,000	\$3,250
Seven (7)	\$15,000	\$10,000
Fourteen (14)	\$25,000	\$12,500
Ten (10)	\$50,000	\$15,000
Eleven (11)	\$100,000	\$28,000

**CATEGORY TWO**

Number of Businesses:	Will receive funding:
Nine (9)	between \$2,500 - \$25,000

The second category was established for businesses that were new to Clay County. Because of their status, they did not have the necessary tax documents to apply for other state grants, including the most recent round of grants but were directly impacted by EO 20-99. The total amount to be distributed to 78 businesses is \$1,243,646.85. Clay County received \$1,274,738.00 with administrative fees. The businesses will need to sign honesty affidavits and provide W9s. The checks should go out in a week or two. The Commissioners urged the community to continue patronizing the local businesses.

**ANNUAL DEPARTMENT UPDATES – LAW ENFORCEMENT**

Sheriff Mark Empting greeted the Board and provided the 2020 highlights from the Sheriff’s Department. The department dealt with the challenges of COVID 19 and some civil unrest following the death of George Floyd. The department is a part of several task forces. After the pandemic hit at the end of March, they addressed issues and made some adjustments for safety and for the patrols. They no longer transport animals in the patrol vehicles and have handled situations over the phone when possible. They do not assist with medical calls for flu/COVID unless there is cardiac arrest. In 2020, the department investigated five homicides, one in Hawley, one in Barnesville, and three in Moorhead. One of the cases led to an in-depth search of the landfill. There were five serious assaults and attempted murders including shootings and stabbings. There were 23 narcotic investigations with seven that led to the federal level. In 2020, permits to carry and permits to purchase were up, transports were slower than usual, there were fewer miles, fewer summons, and fewer subpoenas issued. The vehicle pursuits were up and stop sticks were deployed 20 times. Canines were used in 42 instances. The body-worn camera program was initiated. Service calls averaged 46 daily over 2020. The Sheriff commented that he is appreciative of the support he gets from the Commissioners.

Correctional Facility Supervisor Julie Savat stated they have had full COVID precautions in place since they moved into the new correctional facility. They have utilized all their space for quarantine and have not experienced an outbreak. They contracted with Trinity last year and all the cooking is now done onsite. Their Red River Project has been very successful with two full-time staff for counselling and programming. They work closely with the RAP Officer. The Correctional Facility housed 2,069 inmates in 2020 with a daily average of 82.6. Boarding contracts were put on hold with COVID but can hopefully start up this year to help with the budget. Their jail ministry program, Hearts of Clay, has volunteers who have continued to mentor inmates thru a kiosk system during COVID.

Commissioner Mongeau referred back to when the County wanted mental health services in the new Correctional Facility. She recently received a letter from an incarcerated individual stating that Clay County is on top for mental health support in the correctional system. Commissioner Campbell added that at AMC functions, Clay County is held in high regard throughout the state for mental health support. Commissioner Ebinger stated the new Correctional Facility planning started with great leadership and now Julie and her staff make it work. He added he is very proud of the Clay County programs that make a difference in people's lives.

Emergency Management (EM) Director Gabe Tweten stated that Minnesota requires every County to have an EM Director along with completion of a certification process. Homeland Security and Emergency Management oversees his position, and his salary is partially paid for by a matching grant that is offered thru the Department of Public Safety. Two of the main requirements for receiving any FEMA emergency funding are having the County Multi-Hazard Mitigation Plan and the County Emergency Operation Plan up-to-date. During a time of disaster Mr. Tweten would be tasked with briefing the County Board, County Administrator, and County Sheriff on any disasters or potential disasters. If appropriate, he would proceed with a disaster declaration. He works with local Fire, EMS, and Law Enforcement agencies in helping them with training, grant needs/grant opportunities, and equipment needs. He serves on the NW Regional Radio Communications Board and manages the County Emergency Management System.

In 2020, a revision of the County's Multi-Hazard Mitigation Plan was completed. He provided support to the Public Health Department with the COVID-19 pandemic. He was able to acquire personal protective equipment (PPE) from different resources for distribution to the County's First Responders. The Sheriff's Office was also able to help the rural vulnerable population with issues related to the pandemic. Clay County's Emergency Operations Center (EOC) was activated in 2020 after the George Floyd event. A County-wide fire exercise was performed in Dilworth. Mr. Tweten manages the County drone program. He works with Volunteer Organizations Active During Disasters (VOADD) and with FM Area Emergency Managers. The managers completed a transition from Code Red to Cass Clay Alert. Commissioner Mongeau thanked him for his presence on the CARES Act Committee.

#### **ANNUAL DEPARTMENT UPDATE – INFORMATION SERVICES**

Information Services Director Mark Sloan provided his annual update to the County Board. He went over the services that his department provides including Geographical Information Services, addressing, online services, meeting support and broadcasting, and management of the County website. His office is currently operating with three full-time staff. Depending on their projects and needs they may also have one to two variable hour staff. Since the COVID pandemic hit the area the County website has been receiving 77,000 to 80,000 visits a month. Prior to the pandemic, there were 44,000 visits monthly. The COVID-19 information on the website is constantly being updated. The department manages the software to maintain the tax parcel data which was moved to a new platform for a better-quality product. Their role in the Emergency

Operations Center (EOC), when activated, is very important and is staffed 24 hours a day. They oversee, add, and replace all the County's intersection signs and blue house number signs, working with the Highway Department. They are working with the County Facilities' Director on an FMS which is online mapping for buildings. The Maintenance Department will use it to track some of the work on their mobile phones such as changing air filter. Another project that recently started is re-monumenting all the section corners throughout the County. They have provided lots of graphic art and signage over the past year and helped with many aspects of the new community room where the Board currently meets. The department has recently relocated to the Government Center. Commissioner Mongeau thanked Mr. Sloan for all his work and hours on the CARES Act Committee.

#### **RECOMMENDATION TO APPOINT TIM BRENDEMUEHL TO THREE-YEAR TERM ON BOARD OF ADJUSTMENT**

Planning Director Matt Jacobson stated that three excellent applications were received and reviewed for filling a vacancy on the Board of Adjustment. Greg Anderson recently termed-out on both the Planning Commission and Board of Adjustment and was thanked for all the years he completed on those boards. The Board recommended Tim Brendemuhl who previously served nine years on the Planning Commission.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved Tim Brendemuhl to serve his first three-year term on the Board of Adjustment.

#### **REQUEST FOR APPROVAL OF THE 2020 PAY EQUITY REPORT AS WRITTEN**

HR Director Darren Brooke noted that MN State Statute requires Counties to submit a pay equity report every three years. He noted that he utilizes the point system for all the County positions and enters it into a State website system. The County uses the same grid system and scoring system that started with the first market study in 2009. A second market study was performed again in 2019. The pay equity report is a public report that is posted for 90 days. The underpayment ratio in the report needs to be above 80 to be in compliance and Clay County's ratio is 98.4. The projected pay report is shown with a graph and Clay County is well in line with its projections. The County has 128 job classes that are all assigned on a point system that is used for the market studies. HR has to submit how many females and males are in each of the job classes. He noted that the percent below predicted pay – 58.5% and 59.4 - are very statistically close. The same point system is used for both females and males. The differences in pay are mainly due to longevity due to the step process.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the 2020 pay equity report as written.

#### **REQUEST TO WAIVE PENALTIES AND INTEREST ON LATE PAYMENT OF TAXES ON OVERLAND PROPERTY**

Chief Deputy Treasurer Michelle Rohrich represented Anne Simon who submitted a letter requesting the Board waive penalties and interest on the late payment of property taxes for her father, Mardi Overland. Her father passed away and she is taking over guardianship. Commissioner Mongeau stated this clearly falls within the parameters set by the Board.

On motion by Gross, seconded by Ebinger, and unanimously carried, the Board approved waiving the penalties and interest totaling \$207.96 on late payment of Overland property taxes.

#### **REQUEST TO WAIVE PENALTIES AND INTEREST ON LATE PAYMENT OF TAXES ON BLAIR PROPERTY**

Ms. Rohrich was also present for Tanya Blair who attended virtually representing her brother Craig Blair. Chair Campbell noted that they also have copies of the letter written by Tanya Blair with the medical issues her brother has suffered. This request is certainly within the criteria needed for the Board to consider waiving penalties and interest on late payment of taxes.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board waived \$691.39 in penalties and interest on five properties owned by Craig Blair due to medical circumstances.

**REQUEST TO APPROVE RESOLUTION 2021-13 TO ADOPT AND IMPLEMENT THE WILD RICE / MARSH RIVER 1W1P**

SWCD District Manager Kevin Kassenborg provided Resolution 2021-13 to adopt and implement the Wild Rice / Marsh River 1W1P.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board executed the following resolution:

**Resolution 2021-13  
Resolution to Adopt and Implement  
the Wild Rice – Marsh River Watershed  
Comprehensive Watershed Management Plan**

**WHEREAS, the Clay County Board of Commissioners has been notified by the Minnesota Board of Water and Soil Resources that the Wild Rice – Marsh River Watershed Comprehensive Watershed Management Plan has been approved according to Minnesota Statutes §103B.101, Subdivision 14 and 103B.801 and Board Resolution #18-14.**

**NOW THEREFORE, BE IT RESOLVED, the Clay County Board of Commissioners hereby adopts and will begin implementation of the approved Wild Rice – Marsh River Watershed Comprehensive Watershed Management Plan for the area of the county identified within the Plan.**

**REQUEST APPROVAL OF SPONSORING AGENCY RESOLUTION 2021-14 FOR LRIP GRANT**

County Engineer David Overbo stated there has been a lot of interest in local road improvement grants from the rural cities. This resolution is for the County to sponsor a LRIP grant for the City of Glyndon.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board executed the following resolution:

**Resolution 2021-14  
RESOLUTION OF SUPPORT FROM SPONSORING AGENCY**

**WHEREAS: Local Road Improvement Program (LRIP) funds are available for local agency projects meeting Routes of Regional Significance or Rural Road Safety criteria; and**

**WHEREAS: Non-state aid cities and townships must have a county sponsor to apply for LRIP funding; and**

**WHEREAS: City of Glyndon has requested that Clay County sponsor its application for the Construction of approximately 1,600 lineal feet of 12<sup>th</sup> Street SE; and**

**WHEREAS: City of Glyndon understands that it will be responsible for all costs not covered by LRIP funding including engineering, materials testing, any potential right of way costs and any construction costs over the funding cap; and**

**WHEREAS:** The City of Glyndon will maintain the road for the lifetime of improvements.

**NOW, THEREFORE, BE IT RESOLVED:** that the County of Clay hereby sponsors the application for LRIP funding for the Construction of approximately 1,600 lineal feet of 12<sup>th</sup> Street SE. Sponsorship includes the responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

### **REQUEST APPROVAL TO PURCHASE STOP SIGNS AND YIELD SIGNS**

In 2020, the Highway Department worked to straighten all the signs in the County. If a sign could not be straightened it was replaced. Assistant County Engineer Justin Sorum stated the Highway Department has a program called Simple Sign that is used to identify when signs need replacing. In 2006, they started replacing stop signs and yield signs that were out of warranty at 13 years. They replaced 500 stop signs and 200 yield signs in just over one-quarter of the County. They can check the reflectivity or do a night survey to see when signs need to be replaced. Paint ball splotches also show up at night. Some of their signs go to a recycling center in Fergus Falls, and some go into local metal recycling. Commissioner Campbell confirmed that this purchase was included in the Highway budget and shouldn't need further approval.

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

*Many of the following committee reports are from virtual meetings.*

- Commissioner Ebinger attended meetings for FM Diversion Public Outreach; FM Diversion Authority; Intergovernmental Retreat; and State Training for Board of Appeal and Equalization.
- Commissioner Kahly attended a virtual townhall with local legislators; Intergovernmental Retreat; attended Drug Court Graduation; and an Early Childhood Initiative meeting.
- Commissioner Gross attended meetings for Personnel Issues Committee; Planning Commission; One Watershed One Plan; and Drug Court Graduation. He virtually attended Dr. Zimmerman's presentation and the Intergovernmental Retreat.
- Commissioner Mongeau attended meetings for Planning Commission; Prairie Lakes Municipal Solid Waste Authority; Lands Committee; Solid Waste Advisory Committee; Moorhead Clay County Joint Powers Authority; Lakes and Prairies Community Action; CARES Act Committee; Public Township; Clay County Comp Study Plan; Moorhead Comp Study Plan; met with the State Auditor; and attended the Intergovernmental Retreat.
- Commissioner Campbell attended meetings for Personal Issues Committee; Prairie Lakes Municipal Solid Waste Authority; FM Diversion Public Outreach; Solid Waste Advisory Committee; Moorhead Clay County Joint Powers Authority; FM Diversion Authority Board; Intergovernmental Retreat; CARES Act Committee; and County Comprehensive Plan Study Committee.
- Administrator Larson attended meetings for Personal Issues Committee; County Management; Building Maintenance; Business Relief Committee; HR Issues; Court Officials; Solid Waste Advisory Committee; Moorhead Clay County Joint Powers Authority; Social Services Director; and Clay County Comp Study Plan. He toured the new Government Center and attended the Intergovernmental Retreat. He noted that Representative Marquart has a House bill submitted for an addition \$3 million for Emergency Managers. He announced there is a virtual AMC Legislative Conference on February 18.

### **CLOSED SESSION – ATTORNEY-CLIENT PRIVILEGED PURSUANT TO MINN. STAT. 13D.05 SUBD. 3(B)**

County Administrator Stephen Larson, County Attorney Brian Melton, and Attorney Jason Hively, MCIT were present.



On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board closed the public meeting and went into a closed session at 10:58 a.m.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board reopened the public meeting at 11:20 a.m.

The meeting was adjourned at 11:20 a.m.

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Kevin Campbell, Chair  
County Board of Commissioners

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Stephen Larson, County Administrator