

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, FEBRUARY 9, 2021
Community Room, 3rd 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.

FILL TWO FT VACANCIES AT WEST CENTRAL REGIONAL JUVENILE CENTER, ONE IN SECURE PROGRAM AND ONE IN NON-SECURE PROGRAM, AND BACKFILL POSITIONS AS NEEDED

By consent, the Board approved filling two full-time vacancies at West Central Regional Juvenile Center, one in Secure Program and one in Non-Secure Program, with backfill of positions as needed.

ACCEPT 2021 GRANT FUNDS FROM WEST CENTRAL INITIATIVE FOR CLAY COUNTY EARLY CHILDHOOD INITIATIVE

By consent, the Board accepted 2021 Grant Funds from West Central Initiative for Clay County Early Childhood Initiative.

IMPLEMENT AGREEMENT FOR BUFFALO-RED RIVER WATERSHED COMPREHENSIVE WATERSHED MANAGEMENT PLAN

By consent, the Board approved implementing the agreement for the Buffalo-Red River Watershed Comprehensive Watershed Management Plan.

APPROVAL OF SIGN QUOTES FOR PURCHASE OF STOP SIGNS AND YIELD SIGNS

By consent, the Board approved the quotes for stop signs and yield signs.

Chair Campbell noted that this item was placed on consent to get approval of the quotes for stop signs and yield signs. The item was brought forth at the last meeting, but the request was unclear.

CITIZENS TO BE HEARD

During this pandemic, citizens continue to have the opportunity to share feedback at Board meetings via website link. There were no citizens requesting to be heard.

APPROVAL OF MINUTES FROM JANUARY 26, 2021

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the minutes from January 26, 2021.

COVID-19 UPDATE

Public Health Director Kathy McKay provided handouts with the current COVID-19 cases in Clay County: 6701 cumulative cases; 83 total deaths; 69 active cases; 280 cumulative hospitalizations; 74 cumulative ICU admissions; and a 14-day case rate per 10,000 of 32.17. Clay County cases have declined. Throughout the State there are 468,682 cumulative cases; 6,302 cumulative deaths; 8,090 active cases; 24,780 cumulative hospitalizations; and 5,105 cumulative ICU admissions. The highest age ranges for active cases in Clay County are 15-19, followed by 20-24. Deaths were reduced from 84 to 83 as one death had been reported from the wrong County. The Moorhead saliva testing site is still in operation and the hours and days posted on the website. There are no out-of-pocket costs, but insurances can be billed.

Nursing Director Jamie Hennen informed the Board that 6,580 (10.5%) Clay County residents have received one vaccine dose; and 1,705 (2.7%) have completed the series. Throughout the State, 556,482 (10.1%) have received one dose and 158,763 (2.9%) have completed the series. The County received 1,000 doses last week and expect to get 400 first doses and 200 second doses this week. The Clay County information line is 218-299-7024 and residents can also go to the County website and register for an E-newsletter. The target to gain herd immunity is 70-75%. Commissioner Mongeau commented that MN Rural Counties met yesterday and there was some frustration over the rural counties getting less vaccines because they don't have the pharmacies. Commissioner Campbell stated it is encouraging to see the number of active cases going down.

UPDATE ON CLAY COUNTY BUSINESS RELIEF PROGRAM

County Administrator Stephen Larson recapped that last week the Board approved the distribution of roughly \$1.24 million for 78 businesses in Clay County. Those businesses were notified the same day of their funding allotment as well as the documentation that needed to be completed. They are hoping to get all documentation completed by the end of the week. Commissioner Mongeau asked if the checks could go out as soon as possible to the businesses that have completed the documentation.

APPROVE A SIX-MONTH REIMBURSEMENT EQUIVALENT OF 2020 LICENSING FEES FOR FB&L BUSINESSES DUE TO COVID-19 PANDEMIC

Mr. Larson reviewed the Board's approval of a 6-month reimbursement of 2020 license fee equivalent for Food, Beverage, and Lodging businesses. Six rural venues that the County licenses for liquor were also included. A total of 292 businesses will receive reimbursement totaling \$76,575.25 to come from the general reserve funds.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved the FB&L COVID Relief payment totaling \$76,575.25.

SECOND REQUEST FROM TAYLOR RADKE TO WAIVE PENALTIES AND INTEREST FOR LATE PAYMENT OF PROPERTY TAXES

Deputy Treasurer Michelle Rohrich and Taylor Radke were in attendance. In November 2020, the Board issued a 30-day extension for Mr. Radke to pay his property taxes on four rented properties. He was able to pay the taxes on two of the properties within the deadline. Two other payments were made after the deadline and the owner incurred penalties and interest totaling \$403.78. At this time, he is requesting the Board waive those fees. There has been an eviction moratorium in affect, and his tenants have had difficulties making their rent payments due to COVID-19 issues. Since his last attendance at County Board

he has also passed on information to his tenants regarding assistance from Lakes and Prairies Community Action Partnership.

On motion by Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved waiving penalties and interest for Taylor Radke totaling \$403.78.

ANNUAL DEPARTMENT UPDATE – SOIL AND WATER CONSERVATION DISTRICT

Manager Kevin Kassenborg provided a power point with some of the history of the Soil and Water Conservation District for the new Commissioners. The district was started 75 years ago with the primary goal being drainage. Several before and after pictures showed problem areas with water erosion and bank erosion and then the improvements after various methods of stabilization were completed.

Many programs and partnerships have been added to the district over the years. Handouts were provided listing all the district’s programs in 2020. Some of the newer programs were highlighted: Crestwood Pollinator Habitat Project; Feedlot Officer Program; Walk-in Access Program; 1W1P; Aquatic Invasive Species; and the Buffer Strip Program.

APPROVAL OF SPONSORING AGENCY RESOLUTION 2021-15 FOR LRIP GRANT

County Engineer David Overbo and Assistant Engineer Justin Sorum reported on the Highway Department items.

The first item is a resolution of support for a Barnesville local road improvement program.

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

**RESOLUTION 2021-15
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 Barnesville has requested that Clay County sponsor its application for the Construction of approximately 5,200 lineal feet of 13th Street NE&SE; and

WHEREAS: City of Barnesville 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 Barnesville 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 5,200 lineal feet of 13th Street NE&SE. Sponsorship includes the responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

OPEN BIDS FOR BRIDGE REPLACEMENT ON COUNTY ROAD 68

Bids were received and opened for the Bridge Replacement/ Road Realignment project on CR-68, Southeast of Sabin. The Engineers’ estimate is \$700,359.50. The following electronic bids were recorded:

Contractor	Complete Bid	Bid Bond 5%	Total Base Bid
Garrett Hanson Contracting	X	X	\$681,350.50
Korby Contracting Co., Inc.	X	X	\$734,344.00
M&K Bridge Construction	X	X	\$780,879.00
Redstone Construction Co.	X	X	\$786,908.40
Robert R. Schroeder Construction	X	X	\$809,837.40
Swingen Specialties	X	X	\$846,157.00
Duininck Brothers	X	X	\$1,294,124.15

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board accepted the low bid from Garrett Hanson Contracting for \$681,350.50, contingent on the engineers' review for errors and/or emissions.

OPEN BIDS FOR MILL & OVERLAY ON CSAH 2

This project will continue from where the project ended last year. The Engineers' estimate is \$1,503,400.23. There were four electronic bids and one paper bid recorded:

Contractor	Complete Bid	Bid Bond 5%	Total Base Bid
Knife River Materials	X	X	\$1,226,907.25
Mark Sand & Gravel	X	X	\$1,228,811.25
R.J. Zavoral & Sons	X	X	\$1,281,842.84
Central Specialties	X	X	\$1,312,699.04
Border States Paving	X	X	\$1,395,205.50

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board accepted the low bid from Knife River Materials for \$1,226,907.25, contingent on the engineers' review for errors or emissions.

OPEN BIDS FOR MILL & OVERLAY ON CSAH 6

This project for a mill and overlay on CSAH 6 is just east of State Hwy 34 to the east county line. The Engineers' estimate is \$506,483.10. There were four electronic bids and one paper bid recorded:

Contractor	Complete Bid	Bid Bond 5%	Total Base Bid
Central Specialties	X	X	\$410,209.00
Mark Sand & Gravel	X	X	\$467,132.45
Knife River	X	X	\$472,289.01
RJ Zavoral	X	X	\$512,524.06
Border States	X	X	\$616,087.26
Northern Improvement	X	X	\$581,577.10

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board accepted the low bid from Central Specialties for \$410,209.00, contingent on the engineers' review for errors or emissions.

OPEN BIDS FOR MILL & OVERLAY ON CSAH 23

Bids were received for the three-mile Mill and Overlay Project on CSAH 23. The project extends from TH 10 to the County landfill in Hawley Township. State-aid gas dollars will be used toward the project. The Engineers' estimate is \$813,523.00 and there is one addendum in the bid. There were four electronic bids and two paper bids recorded:

Contractor	Addendum Acknowledged	Complete Bid	Bid Bond 5%	Total Base Bid
RJ Zavoral & Sons	X	X	X	\$728,305.60
Knife River Materials	X	X	X	\$733,474.56
Mark Sand & Gravel	X	X	X	\$755,482.36
Central Specialties	X	X	X	\$763,550.71
Border States	X	X	X	\$862,830.93
Northern Improvement	X	X	X	\$880,134.13

Commissioner Mongeau commented that although their policy is typically to accept the low bid, she does have a problem awarding a bid to a company that did not complete work on another project last year. Mr. Overbo reviewed the unforeseen issues with the uncompleted project last fall. It was a full depth reclamation project in which they grinded up the entire asphalt and gravel base that was on the roadway. Then they started to treat it with a chemical stabilizer before paving new asphalt on top of it. As they were treating it, they found that the soil underneath, that was mainly black dirt, was wet and saturated and did not stand up to the equipment. Parts of it were falling apart. They first dug a trench down the middle, then tried digging out French drains and filling them with rock to wick out the water. They ended up removing the poor material and hauling in gravel for a mile of roadway. Although it was a nice fall, after the contractor moved his asphalt plant out of the area, the risk to come back was greater than they were able to fulfill. Tankers of hot oil pose challenges when it is late October and early November.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and carried with two nay votes by Commissioners Mongeau and Kahly, the Board accepted the low bid with a 3 to 2 vote to accept the low bid mi for \$728,305.60, contingent on the engineers' bid review for errors or emissions.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

Many of the following committee reports are from virtual meetings.

- Commissioner Mongeau attended meetings for Hawley Township Board; MetroCOG Executive Board; Wild Rice Watershed 1W1P; Cass Clay Food Commission; MN Rural Counties; Blazing Trails Food Ordinances; Moorhead City Council; and Buffalo Red River Watershed.
- Commissioner Ebinger attended a Criminal Justice Advisory Board meeting.
- Commissioner Kahly attended meetings for Collaborative Mental Health Work Group; Children's Mental Health Local Advisory Committee; Clay County Collaborative; Joint Powers; and Cass Clay Food Commission.

- Commissioner Gross attended meetings for Highway Tracking; Personnel Issues Committee; Criminal Justice Advisory Board; 1W1P; Building Committee; MN Rural Counties Caucus; and Dilworth City Council. He recommended that the distribution of gravel tax dollars should be discussed at a future meeting.
- Commissioner Campbell attended meetings for Highway Tracking; Personnel Issues Committee; Joint Powers; CAPLLP; Building Committee; and FM Diversion Leadership.
- Administrator Larson attended meetings for Highway Tracking; Personnel Issues Committee; Management; Joint Powers; Juvenile Center; County Issues; and Building Committee. He met with the Facilities Director and HR Director; Court Administrator and spent time at the Government Center where construction work continues.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved payment of bills and vouchers totaling \$813,653 from 148 vendors. From that total, 118 warrants issued were under \$2,000 (\$46,228) and the following 30 were over \$2,000:

City of Moorhead	\$380,519	Johnson Hydraulic Service, Inc.	\$4,836
SHI International Corp.	\$157,993	Becker Co. Public Health	\$4,795
MN Management & Budget	\$30,000	Fargo Freightliner	\$4,454
MEnD Correctional Care, LLC	\$25,194	Keller Diesel Service	\$4,133
PLMSWA	\$23,552	Olson/Robert J	\$3,531
Clay Co. Public Health	\$23,038	Tyler Technologies, Inc.	\$3,480
High Point Networks, LLC	\$19,326	Pomp's Tire Service, Inc.	\$3,361
Otter Tail Co. Public Health	\$12,375	Houston Engineering, Inc.	\$3,239
Streamworks	\$10,950	Wilkin Co. Public Health	\$3,200
Nitzkowski, Inc.	\$6,240	Connect Interiors LLC	\$3,084
Network Center, Inc.	\$5,573	Baumler/James & Deborah	\$3,050
MN Counties Inter. Trust	\$5,425	Rick Electric, Inc.	\$2,981
Pemberton Law, P.L.L.P.	\$5,134	JT Lawn Service	\$2,923
Moorhead Public Service	\$5,132	Bison Plains Lodge	\$2,583
FirstLink	\$5,000	Powerplan	\$2,327

CLOSED SESSION – DISCUSS UNION CONTRACT NEGOTIATIONS

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board closed the public meeting and went into a closed session at 10:11 a.m.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board reopened the public meeting at 10:48 a.m.

The meeting was adjourned at 10:49 a.m.

Kevin Campbell, Chair, County Board of Commissioners

Stephen Larson, County Administrator