

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 A.M., TUESDAY, FEBRUARY 23, 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.

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 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 \$490,030 from 142 vendors. From that total, 79 warrants issued were under \$2,000 (\$39,169) and the following 63 were over \$2,000:

Treas of Dilworth City	\$ 29,407	Treas of Skree Twsp	\$ 8,771
Nelson Auto Center	\$ 27,929	Treas of Spring Prairie Twsp	\$ 8,771
Clay Co. Public Health	\$ 23,583	Treas of Tansem Twsp	\$ 8,771
Red River Basin Commission	\$ 22,911	Treas of Hawley Twsp	\$ 8,771
KnowBe4, Inc.	\$ 13,740	Treas of Highland Grove Twsp.	\$ 8,771
Burnn Boiler & Mech. Inc.	\$ 13,000	Treas of Humboldt Twsp	\$ 8,771
Treas of Hawley City	\$ 11,776	Treas of Keene Twsp	\$ 8,771
Treas of Barnesville City	\$ 11,099	Chuck Anderson Custom Farms	\$ 8,000
Cardmember Service	\$ 10,278	Sanford Health	\$ 7,582
T.F. Powers Construction Co.	\$ 9,680	Department of Corrections	\$ 7,130
Treas of Eglon Twsp	\$ 8,771	Chiller Systems, Inc.	\$ 7,071
Treas of Elkton Twsp	\$ 8,771	Treas of Glyndon City	\$ 6,640
Treas of Flowing Twsp	\$ 8,771	Rick Electric, Inc.	\$ 6,624
Treas of Glyndon Twsp	\$ 8,771	JT Lawn Service	\$ 6,033
Treas of Goose Prairie Twsp.	\$ 8,771	Otter Tail Public Health	\$ 5,417
Treas of Hagen Twsp	\$ 8,771	BDT Mechanical, LLC	\$ 4,828
Treas of Parke Twsp	\$ 8,771	Enterprise FM Trust	\$ 4,231
Treas of Riverton Twsp	\$ 8,771	Franklin Industries Co.	\$ 4,208

Treas of Ulen City	\$ 4,131	Treas of Kurtz Twsp	\$ 2,924
Bytespeed, LLC	\$ 3,934	Treas of Moland Twp	\$ 2,924
Nancy Hein-Kolo, PsyD, LP	\$ 3,375	Treas of Moorhead Twsp	\$ 2,924
Xcel Energy	\$ 3,212	Treas of Morken Twsp	\$ 2,924
Treas of Sabin City	\$ 3,184	Treas of Oakport Twsp	\$ 2,924
Reliance Telephone	\$ 3,107	Treas of Ulen Twsp	\$ 2,924
Treas of Alliance Twsp	\$ 2,924	Treas of Viding Twsp	\$ 2,924
Treas of Barnesville Twsp	\$ 2,924	Frazee Vergas Public Schools	\$ 2,561
Treas of Cromwell Twsp	\$ 2,924	Amazon Capital Services	\$ 2,473
Treas of Elmwood Twsp	\$ 2,924	Rob Bentz Lock & Key, LLC	\$ 2,165
Treas of Felton Twsp	\$ 2,924	Dakota Plains Mechanical, Inc.	\$ 2,076
Treas of Georgetown Twsp	\$ 2,924	Bluestone Safety Products, Inc.	\$ 2,048
Treas of Holy Cross Twsp	\$ 2,924	DVS Renewal	\$ 2,007
Treas of Kragnes Twsp	\$ 2,924		

APPROVAL OF MINUTES FROM FEBRUARY 9, 2021

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from February 9, 2021.

COVID-19 UPDATE

Public Health Director Kathy McKay and Nursing Director Jamie Hennen approached the Board and provided handouts with current COVID-19 information. As of Feb 20, Clay County had 6807 cumulative cases; 84 total deaths; 51 active cases; 283 cumulative hospitalizations; 76 cumulative ICU admissions; and 14-day case rate per 10,000 of 14.33. Active cases and the 14-day case rate are remaining low. Ages 40-49 is the highest category for active cases. The Moorhead testing site is still in operation. Approximately 1,600 are tested there weekly with recent low positivity rates reported. Commissioner Mongeau stated it is a \$300 test. McKay noted there is no out-of-pocket cost to individuals, but insurance companies are billed for the tests. Throughout Minnesota, there are 479,591 cumulative cases; 6,433 cumulative deaths; 6,847 active cases; 25,478 cumulative hospitalizations; and 5,264 cumulative ICU admissions.

Nursing Director Jamie Hennen stated that 7,940 (12.5%) of Clay County residents have received one vaccine dose and 3,829 (6%) have completed the series. Throughout the State, 759,747 (13.4%) of residents have received one dose and 356,911 (6.4%) have completed the series. MN residents may register online to be notified if there is vaccine available in their area. Clay County administered 200 first doses and 900 second doses of vaccine this week.

More individuals have reported side effects with their second dose. They may have fever, chills, body aches, or headaches, but most side effects only last 24 hours. Tylenol or Ibuprofen were recommended, and Public Health does not want people to shy away from the vaccine because of it. Convalescent plasma is not needed locally at this time.

RECOMMENDATION FOR CONTRACTOR INTERVIEWS FOR RESOURCE RECOVERY CAMPUS

Solid Waste Manager Kirk Rosenberger received eight responses to the Requests for Qualifications (RFQs) for a contractor for the Resource Recovery Campus construction program. After reviewing and rating the RFQs, based on a scoring sheet, staff is recommending interviewing four of the companies on March 3, 2021.

The recommended companies are Construction Engineers, McGough, Comstock, and Donlar. The interview panel will consist of Commissioners Mongeau and Campbell, Stephen Larson, and three Solid Waste Advisory Committee members.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved interviewing four firms on March 3, 2021 for Construction Manager at Risk (CMR) for the Resource Recovery Campus: Construction Engineers, McGough, Comstock Construction, and Donlar Construction.

REQUEST TO MOVE FORWARD WITH FIT-UP PROJECT FOR COURT ADMINISTRATION AND PROBATION DEPARTMENTS

Facilities Director Joe Olson, County Attorney Brian Melton; and Probation Supervisor Janelle Cheney were present with a request to move forward with a fit-up project for Court Administration and Probation in the courthouse. Handouts were provided with the proposed modifications in the courthouse. The Building Committee has discussed this project. This will be the first phase. County offices on the second floor of the courthouse will be vacated by the end of March. As part of the Justice Center Master Plan, Court Administration will then be moved to the second floor and County Probation would move into the first floor of the courthouse where Court Administration is currently located. Attorney Melton added that adequate spacing has been very important for conducting trials and jury trials. Jury selection has been a big issue.

Ms. Cheney stated that MN Dept of Corrections (DOC) oversees Probation and the County is responsible for it financially. Currently, the space they contract at the Family Service Center does not have a sterile interview room or a bathroom within their area for drug screening tests. The felony office would also like to be on campus at some point and would lease the space from the County to do so. They are currently in another lease. The flow at the courthouse would all be through a secure area. Sheriff Emptying supports the plan. The agents are set up with laptops and cell phones and just need space to conduct business. The plan is to use six to eight of the extra workstations from the Government Center.

Commissioner Mongeau clarified that this community meeting space will continue to be used as the Commissioners' Board Room. The former board room is intended to become a third floor courtroom for juvenile and traffic matters in which less security is needed.

Mr. Olson stated the construction quotes received were from TF Powers Construction for \$106,400 and Construction Engineers for \$122,000. Electrical and networking will be additional. They will also get a building permit and have a \$7,000 contingency fund for the project that is scheduled to start in mid-May. The funding source would be the Building Improvement Fund (Fund 19).

Chair Campbell stated that this is part of the capital improvement project that was presented by Mr. Olson.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the request to move forward with the fit-up project for Court Administration and Probation with the following quotes: TF Powers Construction \$106,400; Rick's Electric \$10,300; and Network Center \$3,956; and miscellaneous costs as noted. The total project cost is estimated to be \$128,635. A total of \$102,635 would come from Building Improvement Funds. The funds will be eligible for reimbursement from the capital improvement bonds should the Board take that step.

PROPOSED EXPENDITURE OF SUPERVISION FEE REVENUE FOR RENOVATIONS

Ms. Cheney requested approval to utilize the expenditure of \$26,000 from her supervisor fees toward courthouse renovations for the efficient use of the proposed secure testing area for clients in the courthouse.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved the expenditure of \$26,000 from supervision fees to offset renovation costs in the courthouse allocated for the Clay County Contract Probation Office.

MN BROADBAND SPEED TESTING INITIATIVE AND OVERVIEW OF MN RURAL BROADBAND COALITION

Nathan Zacharias, Zacharias Government Relations, joined virtually to present information on Broadband Speed Testing Initiative. Commissioners Mongeau and Gross both serve on the rural broadband committee. The COVID-19 pandemic has further highlighted the importance of access to broadband for every Minnesotan now that we are being asked to work, learn, and/or receive care from home. The speed testing is used to identify served and unserved areas. More testing is needed to assure an accurate map of Clay County. The maps will be brought to the legislative session to help explain the need for appropriations. The link for testing (mnruralbroadbandcoalition.com) will be added to the County website.

REQUEST FOR APPROVAL OF RESOLUTION 2021-16 TO REIMBURSE CITIES FOR WORK ON CITY STREETS

Highway Engineer David Overbo and Assistant Engineer Justin Sorum were present with three action items. The first request is to provide funds to the non-state aid cities for work done on their streets as well as funds to the City of Moorhead for city expenditures on the county roads within the city.

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

RESOLUTION 2021-16

IT IS HEREBY RESOLVED, by the Clay County Board of Commissioners that the Clay County Auditor-Treasurer shall reimburse the municipality of the City of Moorhead, a city of the second class in the State of Minnesota, for all monies expended by that government body for the establishing, locating, constructing, improving and maintaining of any County Highway or County State Aid Highway including those within the corporate limits of the City of Moorhead, Clay County, Minnesota. However, the monies expended directly by Clay County for the establishing, location, construction or improvement or maintenance of any County Highway or County State Aid Highway within the corporate limits of the City of Moorhead during the year 2020 shall be deducted prior to the reimbursement of any monies to the City of Moorhead as set forth above.

FURTHER, IT IS HEREBY RESOLVED that the City of Moorhead shall certify to the County Highway Engineer the location and the purpose for which said monies were expended and that the said monies were expended during the 2020 annual year. Monies shall not exceed \$378,389.77 and unexpended monies shall be encumbered.

FURTHER, IT IS HEREBY RESOLVED, that the following Cities be reimbursed for money spent on City Streets for 2020 in the following amount:

City of Barnesville	\$11,098.78
City of Comstock	500.08
City of Dilworth	29,407.42
City of Felton	685.24

City of Georgetown	380.25
City of Glyndon	6,639.74
City of Hawley	11,775.97
City of Hitterdal	666.61
City of Sabin	3,183.57
City of Ulen	4,130.69
TOTAL	\$68,468.35

REQUEST FOR APPROVAL OF ASSEMBLY MODIFICATIONS FOR FOUR WALK-N-ROLL PACKERS

The next request was for approval for quick-attach retrofit kits to be used on the walk'n'roll packers for the four new motor graders that were approved on January 19th, 2021. The total cost is \$11,825. The assemblies would be purchased from Lycox Enterprises, where the walk'n'roll packers were purchased, and funds would come from the Internal Service Fund.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the request to purchase assembly modifications for four walk'n'roll packers for a total of \$11,825.

REQUEST FOR APPROVAL OF SPONSORING AGENCY RESOLUTION 2021-17 FOR LRIP GRANT

The Highway Engineers received a sponsor request from Spring Prairie Township for an LRIP grant, requiring the County to pass a resolution in support of their project. The project is the reconstruction and asphalt paving of three miles of 70th Avenue North. The County would serve as the fiscal agent to the project and see the project through to its completion with compliance of all applicable laws, rules, and regulations. There would be no impact to the County budget.

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

RESOLUTION 2021-17

RESOLUTION OF SUPPORT FROM SPONSORING AGENCY

WHEREAS: Local Road Improvement Program (LRIP) funds are available for local agency project 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: Spring Prairie Township has requested that Clay County sponsor its application for Construction of approximately three miles of 70th Ave North; and

WHEREAS: Spring Prairie Township 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: Spring Prairie Township will maintain the road for the lifetime of improvements.

NOW, THEREFORE, BE IT RESOLVED; that the County of Clay hereby agrees to act as sponsoring agency for the application for LRIP funding for the Construction of approximately three miles of 70th Avenue North. Sponsorship includes the responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules, and regulations.

REQUEST TO HIRE FT POSITION TO BACKFILL FOR DEPLOYMENT

Sheriff Empting and Lt Joshua Schroeder provided information to the Board on their request to backfill a position for a deputy's deployment. The deployment will consist of nine months and 40 days starting on March 7. Commissioner Campbell stated this was discussed at the Personnel Issues Committee. Following the deployment this position would need to be addressed in the 2022 budget.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the request to hire a full-time deputy position to backfill for deployment.

REQUEST TO FILL UPCOMING VACANCY FOR CORRECTIONAL FACILITY ADMINISTRATOR

Sheriff Empting requested approval to fill the Administrator position for the Correctional Facility. The current Administrator, Julie Savat, will be retiring after 30 years at Clay County. The request is to allow for an overlap for training. The hope is to fill the position internally.

The Commissioners concurred with Commissioner Ebinger that Ms. Savat has been a phenomenal employee. She had an instrumental part in developing the new programming at the Correctional Facility.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the request to fill an upcoming vacancy for a Correctional Facility Administrator and to backfill positions as needed.

ANNUAL DEPARTMENT UPDATE

Social Services Director Rhonda Porter introduced three of her supervisors from three divisions of Social Services. In total, Social Services currently has 129 full-time and two variable hour employees. The department consists of nine divisions and nine supervisors. They are spread out throughout the Family Service Center. In addition to the staff, they have over 50 contracts with Community Service Providers. Much of their work is mandated and governed by federal and state rules. They receive federal funds, state funds, tax revenues, and earned revenues. There has been a lot of County support for out-of-home placements.

Kirstin Wegenast, Supervisor of the Behavioral Health & Adult Protection Division, provided background information on the programs in her division. They have a screening team that makes decisions on civil commitments. The number of commitments has stayed basically the same over the last couple years. They monitor individuals in Sex Offender Programs and Mentally Ill and Dangerous Programs at state facilities. Virtual case management has been utilized over the past year. There are many committees and partnerships involved with Adult Mental Health. There are many challenges with a shortage of state-operated beds, community providers, budget cuts, and the complexity of needs.

Jessica Mickelson, Supervisor of Licensing & Disability Services Division, referred to several pages in the handouts and touched upon the disability services in Clay County. They currently have 29 pending applications for disability. The time varies greatly on the application process and can take a couple months. Many applicants start the process but never complete it. Their child-care licensing has seen a decrease. The unit has many committees and their own set of challenges for licensing services. In response to some questions, the Board was informed that more foster-parents are out in the workforce and they have a need for daycare for their foster children. There is some reimbursement for daycare expenses, but not enough to cover the expenses. The unit has had to make some policy changes in the past year due to COVID.

Supervisor Hollie Wanner provided data from Home & Community Based Services. They have 12 Case Managers and 2 Case Aides who provide services to people of all ages and their families. They serve people who have a disability and are eligible for a Medicaid waiver or Rule 185 (Developmental Disability Case Management). The waivers are for people with brain injuries; chronically ill and medically fragile requiring hospital level care; disabilities requiring nursing home level care; and developmental disabilities requiring the level of an intermediate care facility. Under Rule 185 they have 150 consumers and fewer consumers in five other areas including respite care. They have many community partners including nursing homes, hospitals, and schools. They manage high caseloads, have a shortage of direct care staff, and increased paperwork. Their upcoming initiative is the Waiver Reimagine Initiative to simplify waiver services, reshape the program, transition to an individual budgeting model, and align with a person's needs instead of their diagnosis.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

Many of the following committee reports are from virtual meetings.

- Commissioner Gross attended meetings for Personnel Issues Committee; AMC Legislative Update; AMC General Government; and Lakeland Mental Health Annual Board.
- Commissioner Mongeau presented a session at AMC County Government 101. She attended meetings for AMC Legislative Update; AMC Policy Committee; Lakeland Mental Health Annual Board; Extension Committee; and Cass Clay Food Partners Steering Committee.
- Commissioner Ebinger attended meetings for Greater FM EDC Executive; AMC County Government 101; Clay County Substance Abuse Committee; AMC Legislative Conference; and AMC Public Safety Subcommittee.
- Commissioner Kahly attended meetings for AMC County Government 101; Historical and Cultural Society of Clay County; AMC Legislative Conference; AMC Health and Human Services Policy Committee; MetroCOG; Early Childhood Initiative; and Lakeland Mental Health Center. She was contacted by leaders for New Americans regarding COVID Relief.
- Commissioner Campbell attended meetings for Personnel Issues Committee and AMC Policy Committee.
- Administrator Larson attended meetings for Personnel Issues Committee; Mn Counties Insurance Trust; County Management; AMC Legislative Update; Solid Waste Issues; Construction Manager at Risk Scoring; Department Head Evaluations; and attended a meeting with Derek LaPointe and Darren Brooke. He spent some time at the new Government Center preparing for the move. He was able to view some body cam footage at the Sheriff's Office's. He reported the Business Relief checks went out last Wednesday. He sent the letter from the Board to the Governor and legislators regarding the Paycheck Protection Program (PPP) and received some responses.
- Attorney Melton reported that the City of Hawley's contract with the Attorney's Office is up at the end of February and they chose to contract with Moorhead's Attorney services, along with the other cities in the County. He also provided examples of how medical expenses could add up quickly for the County for individuals who are incarcerated.

CLOSED SESSION - DISCUSSION REGARDING LAND DEVELOPMENT CONTRACT

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board closed the public meeting for a closed session at 11:20 a.m.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board reopened the public meeting following the closed session at 11:57 a.m.

The meeting was adjourned at 11:58 a.m.

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator